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~~APRIL 5/07~~ ~~May 22/07~~ ~~2007~~

CAPITAL REGIONAL DISTRICT

BYLAW NO. ~~3447~~

\*\*\*\*\*

A BYLAW TO ESTABLISH THE OPERATION AND ADMINISTRATION OF THE  
CAPITAL REGIONAL DISTRICT EMERGENCY PROGRAM SERVICE

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WHEREAS the Board of the Capital Regional District has adopted bylaws to establish a service of emergency programs under the *Emergency Program Act* for Salt Spring Island, Southern Gulf Islands and Juan de Fuca Electoral Area, under Bylaws Nos. 2737, 2953 and 3108 (the "Plan Area");

AND WHEREAS the Board of the Capital Regional District wishes to provide a comprehensive emergency management program to prepare for, respond to and recover from emergencies and disasters;

NOW THEREFORE the Board of the Capital Regional District in open meeting assembled enacts as follows:

**1.0 Interpretation and Definitions**

1.1 This Bylaw shall be construed in accordance with the *Emergency Program Act*, R.S.B.C. 1996, c. 111 and all regulations made thereunder.

1.2 In this Bylaw:

- (a) "Act" means the *Emergency Program Act* and any act of similar effect that replaces it;
- (b) "Board" means the Board of Directors of the Capital Regional District;
- (c) "Board Chairperson" means that member of the Capital Regional District Board elected Chair from time to time under the *Local Government Act* and includes the Vice Chair;
- (d) "Committee Chairperson" means the director appointed to the Emergency Planning Standing Committee, or their alternate;

- (e) "**Declaration of a state of local emergency**" means a declaration under the *Emergency Program Act* that an emergency exists or is imminent in the Capital Regional District;
- (f) "**Disaster**" means a calamity that:
  - (i) is caused by accident, fire, explosion or technical failure or by the forces of nature; and
  - (ii) has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property.
- (g) "**Electoral Areas**" means all of the lands within the Electoral Areas of Salt Spring Island, Southern Gulf Islands and Juan de Fuca;
- (h) "**Emergency**" means a present or imminent event that:
  - (i) is caused by accident, fire, explosion or technical failure or by the forces of nature; and
  - (ii) requires prompt coordination of action or special regulation of persons or property, to protect the health, safety or welfare of people to limit damage to property;

~~(i) "**Emergency Coordinating Committee**" means the committee established under section 2.1 to provide advice to the Emergency Management Committee;~~

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~~(j)(i) "**Emergency Management Committee**" means the committee established under section 2.3-1 of this Bylaw to oversee and manage implementation of emergency preparedness, response and recovery measures;~~

~~(k)(j) "**Emergency Manager**" means the person appointed by the Board having responsibility for emergency management within the Plan Area;~~

~~(k) "**Local Emergency Coordinating Committee**" means the committee established under section 2.4 to provide advice to the Emergency Management Committee;~~

(l) "**Local Emergency Management Commission**" means an emergency management commission established by the Board for an electoral area;

| (m) "**Local Emergency Operations Committee**" means a committee established under section ~~2.5-6~~ of this Bylaw established to implement emergency response measures within an electoral area or part of an electoral area in the event of an emergency or disaster;

| (n) "**Plan Area**" means those lands that lie within the Electoral Areas.

## 2.0 Administration

2.1 An Emergency Management Committee is established as the emergency management organization for the Electoral Areas and consists of the following persons:

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- (a) the Chief Administrative Officer or alternate person designated by the Chief Administrative Officer
- (b) the Emergency Manager or alternate appointed under section 2.7 of this Bylaw;
- (c) heads of selected Capital Regional District departments or their alternates as appointed by the Board; and
- (d) other members that the Board may from time to time determine necessary or advisable.

2.2 The Emergency Management Committee is authorized to prepare and present to the Board, for review and approval, plans respecting the preparation for, response to and recovery from emergencies and disasters, which include:

- (a) a periodic review and updating of plans and procedures for that review;
- (b) a program of emergency response exercise;
- (c) a training program;
- (d) procedures by which physical and financial emergency resources or assistance may be obtained;
- (e) procedures by which emergency plans are to be implemented;
- (f) warning procedures to those persons who may be harmed or suffer loss in an emergency or disaster;
- (g) procedures to coordinate the provision of food, clothing, shelter, transportation and medical assistance or service to victims of emergencies and disasters, whether that provision is made from within or outside of the Capital Regional District; and
- (h) procedures to establish the priorities for restoring essential services

provided by the Capital Regional District, or recommend priorities to other service providers, that are interrupted during an emergency or disaster.

2.3 Subject to the approval of the Board, the Emergency Management Committee:

- (a) may make and amend its terms of reference, policies and procedures;
- (b) negotiate agreements with other governments, regional districts, municipalities, First Nations or other public authorities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness, response or recovery;
- (c) negotiate agreements with individuals, bodies, corporations or other non-government agencies for the provision of goods or services;  
—report to Board; and
- (d) \_\_\_\_\_
- (e) request and receive input and advice from Local Emergency Management Commissions, the ~~Local~~ Emergency Coordinating Committee and other persons or public authorities.

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2.4.4 ~~An~~ ~~Local~~ Emergency Coordinating Committee is established and consists of the following persons:

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- (a) the Emergency Manager;
- (b) heads of selected Capital Regional District departments as appointed by the Board; and
- (c) representatives of public authorities and public utilities as appointed by the Chief Administrative Officer .

2.5 The ~~Local~~ Emergency Coordinating Committee's ~~role~~ is authorized to review emergency plans and provide advice regarding the content of emergency plans and to provide advice to the Emergency Management Committee, ~~an~~ a Local Emergency Operations Committee or other persons as necessary in the event of an emergency.

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~~2.2~~

~~2.3 An Emergency Management Committee is established as the emergency management organization for the Electoral Areas and consists of the following persons:~~

- ~~(a) the Chief Administrative Officer or alternate person designated by the Chief Administrative Officer~~
- ~~(b) the Emergency Manager or alternate appointed under section 2.7 of this Bylaw;~~
- ~~(c) heads of selected Capital Regional District departments or their alternates as appointed by the Board; and~~
- ~~(d) other members that the Board may from time to time determine necessary or advisable.~~

~~2.4 The Emergency Management Committee is authorized to prepare and present to the Board, for review and approval, plans respecting the preparation for, response to and recovery from emergencies and disasters, which include:~~

- ~~(a) a periodic review and updating of plans and procedures for that review;~~
- ~~(b) a program of emergency response exercise;~~
- ~~(c) a training program;~~
- ~~(d) procedures by which physical and financial emergency resources or assistance may be obtained;~~
- ~~(e) procedures by which emergency plans are to be implemented;~~
- ~~(f) warning procedures to those persons who may be harmed or suffer loss in an emergency or disaster;~~
- ~~(g) procedures to coordinate the provision of food, clothing, shelter, transportation and medical assistance or service to victims of emergencies and disasters, whether that provision is made from within or outside of the Capital Regional District; and~~
- ~~(h) procedures to establish the priorities for restoring essential services provided by the Capital Regional District, or recommend priorities to other service~~

~~providers, that are interrupted during an emergency or disaster.~~

~~2.5 Subject to the approval of the Board, the Emergency Management Committee:~~

- ~~(a) may make and amend its terms of reference, policies and procedures;~~
- ~~(b) negotiate agreements with other governments, regional districts, municipalities, First Nations or other public authorities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness, response or recovery;~~
- ~~(c) negotiate agreements with individuals, bodies, corporations or other non-government agencies for the provision of goods or services;~~
- ~~(d) report to Board; and~~

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~~(c) request and receive input and advice from Local Emergency Management Commissions, the Local Emergency Coordinating Committee and other persons or public authorities.~~

2.42.6 Local Emergency Operations Committee

A Local Emergency Operations Committee is established for each electoral area to implement emergency response and selected recovery measures in the event of an emergency or disaster and consists of the following persons:

- (a) the Emergency Manager or his or her alternate;
- (b) members of the Local Emergency Management Commission for that electoral area;
- (c) a person appointed by the Board as the local deputy to the Emergency Manager;
- (d) persons appointed by the Board on the recommendation of the Local Emergency Management Commission as representatives of persons or organizations involved in emergency management response to a maximum number established by the Board;
- (e) persons appointed by the Chief Administrative Officer as representatives of public authorities, and other persons or organizations that are able to assist with implementation of emergency response and selected recovery measures;
- (f) members of Regional District staff appointed by the Chief Administrative Officer.

2.52.7 An Emergency Manager and an alternate shall be appointed by the Board to facilitate emergency preparedness, response and recovery measures.

2.62.8 The Emergency Manager or his or her alternate shall be the Chair of the Emergency Operations Committees.

2.72.9 The local deputy appointed under section 2.6(c) shall report to the Emergency Manager.

**3.0 Powers and Functions of the Emergency Manager**

3.1 The Emergency Manager or alternate is authorized to:

- (a) organize and act as the coordinator of the Emergency Coordinating Committee;
- (b) advise the Emergency Coordinating Committee on all matters relating to the Plan;
- (c) publish and maintain the Plan and to coordinate the development and involvement of emergency response organizations in the Plan;
- (d) establish and maintain in accordance with the Plan, an organization capable of implementing the Plan;
- (e) perform such activities as are required to assist the Provincial Emergency Program in the areas of training, research and analysis in relation to emergency and disaster activities where this is not inconsistent with Board bylaws or policy;
- (f) perform such other duties as may be assigned by the Board;
- (g) make recommendations to the Board for grants-in-aid to any emergency response organizations requiring assistance; and
- (h) is authorized to use any land or equipment or chattels belonging to the Board to further the Plan.

3.2 The Board may appoint an officer or employee as an alternate to the Emergency Manager. An alternate appointed under this section may exercise all the powers of the Emergency Manager under this Bylaw if the Emergency Manager is absent from the CRD or unable to act.

3.3 If as a result of an emergency, the Board is unable to meet to appoint an alternate under section 3.2, the alternate may be appointed by the Board Chairperson.

#### **4.0 Powers, Duties and Responsibilities of the Capital Regional District**

4.1 The Board may by resolution, or the Board Chairperson may by order, declare a state of local emergency for all or part of the Plan Area in accordance with section 12 of the Act where:

- (a) the Board or the Board Chairperson considers that an emergency exists or

is imminent in the Plan Area; and

| ~~(b)~~ if the declaration is made by the Board Chairperson, he or she has complied with section 12(3) of the Act by using best efforts to obtain the consent of other members of the Regional Board.

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4.2(b) The Board, the Board Chairperson, the Chief Administrative Officer or the Emergency Manager may, whether or not a state of local emergency has been declared, cause the Plan to be implemented where the Board, the Board Chairperson, ~~or~~ the Chief Administrative Officer, or the Emergency Manager is of the opinion that an emergency exists or appears imminent or a disaster has occurred or threatens in the Plan Area.

4.34.2 Upon a declaration of a state of local emergency being made, the Board or the Board Chairperson must, in accordance with sections 12(3) and (4) of the Act:

- (a) convene a meeting of the Board to assist in directing the response to the emergency;
- (b) forward a copy of the declaration to the Minister; and
- (c) cause the details of the declaration to be published by a means of communication that the Board or Board Chairperson considers most likely to make the contents of the declaration known to the majority of the population of the affected area.

4.44.3 The Board delegates to the Board Chairperson the power and duty and function of the Board as a local authority under section 13(1) of the Act and, in the absence or incapacity of the Board Chairperson (or Vice Chair), to the Emergency Management Committee Chair.

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4.54.4 Under the Act in the case of a declaration of local emergency in respect of all or any part of the Plan Area, the Board Chairperson, the Vice Chair, the Chief Administrative Officer or the Emergency Manager may by order do one or more of the following:

- (a) implement any part or parts of the Emergency Plan;
- (b) acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
- (c) authorize or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate the effects of an emergency or disaster;

(d) control or prohibit travel to or from any part of the Plan Area;

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(d)

(e) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in the Plan Area;

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(e)(f) cause the evacuation of persons and the removal of livestock, animals and personal property from any part of the Plan Area that is or may be affected by an emergency or disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;

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(f)(g) authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program or if otherwise considered to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;

(g)(h) cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;

(h)(i) construct works considered to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster;

(i)(j) procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment within any part of the Capital Regional District Electoral Areas for the duration of the local state of emergency.

4.64.5 In accordance with section 14 of the Act, the Board or Board Chairperson must, when of the opinion that an emergency no longer exists in the Plan Area to which a declaration of local state of emergency was made:

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- (a) cancel the declaration of a state of local emergency in relation to that part:
  - (i) by bylaw or resolution, if cancellation is effected by the Board; or
  - (ii) by order, if the cancellation is effected by the Board Chairperson; and

(b) promptly notify the Minister responsible for the Act of the cancellation of the declaration of a state of local emergency.

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~~(b)~~

**5.0 Conflict**

5.1 In the case of a conflict between the Act and this Bylaw, the Act prevails.

**6.0 Liability**

6.1 The liability of persons acting under the authority of the Act pursuant to this Bylaw is governed by section 18 of the Act.

**7.0 Repeal**

7.1 "Capital Regional District Emergency Programs Regulatory Bylaw No. 953, 1995" is hereby repealed.

**8.0 Citation**

8.1 This Bylaw may be cited as "Capital Regional District Emergency Management Bylaw No. ~~1XXXXX~~, 2007".

INTRODUCED AND READ THREE TIMES THIS                      day of                      2007.

ADOPTED THIS    day of                      2007.

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Corporate Secretary