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**REPORT TO ELECTORAL AREA SERVICES COMMITTEE
MEETING OF WEDNESDAY, MARCH 4, 2009**

**SUBJECT AMENDMENT TO THE JUAN DE FUCA ELECTORAL AREA EMERGENCY
SERVICES COMMITTEE BYLAW**

PURPOSE

To replace Juan de Fuca Electoral Area (JdF EA) Emergency Program Administration Bylaw, (Bylaw 3108), with proposed Bylaw 3444, for the purposes of consistency with the Capital Regional District (CRD) Emergency Management Bylaw, No. 1, 2007 (Bylaw 3447) and the Salt Spring Island and Southern Gulf Islands Electoral Area Emergency Program bylaws.

BACKGROUND

A full description of the background for this bylaw was presented by staff at the February 3, 2009 Electoral Area Services committee. The committee requested staff to take the bylaw back to the volunteers in the commission one more time, to address any outstanding concerns they may have.

Staff met with members of the Juan de Fuca Emergency Program executive on February 4. As a group we went through each clause of the bylaw to ensure both the needs of the program, and the needs of the CRD were met. At that meeting, consensus on the final version of the bylaw was reached. Only one change has occurred to the bylaw as presented in February to this committee. The change was to reflect what was felt to be a redundancy in language, as the idea was more clearly defined in both the corporate bylaw, Bylaw 3447, and in the newly revised contract for the local area coordinator. There is no impact on the program with the removal of clause.

The clause removed was:

4(b) In the event of an emergency, the Electoral Area Coordinator shall act under the direction of the Emergency Manager and the Electoral Area Emergency Operations Committee.

The concern raised was that the statement provided for two separate entities for the coordinator to answer to. This issue is more clearly defined in the corporate bylaw, Bylaw 3447 under Section 2.9.

2.9 The local deputy appointed under Section 2.6(b) shall report to the Emergency Manager.

The chair of the commission has indicated to staff that a high level of confidence has been achieved from the side of the volunteers now, and that they are happy with the level of staff engagement to ensure their needs are being met.

ALTERNATIVES

1. To endorse the repeal of Bylaw 3108 and replacement with Bylaw 3444.
2. To request further study of the bylaw by staff.

FINANCIAL IMPLICATIONS

The new local service bylaw requires administrative changes only; there will be no impact on proposed budget.

LEGAL IMPLICATIONS

The bylaw was prepared by the Regional District Solicitor in consultation with staff, to ensure that the provisions of the *Emergency Program Act* were met.

Key legal changes to the bylaw include:

- Ensuring that the authority for Declaring a State of Local Emergency clearly resides with the Board as the Local Authority;
- Creating an Emergency Management Organization for the Regional District;
- Establishing the powers and function of the Emergency Manager.

EMERGENCY MANAGEMENT IMPLICATIONS

The proposed bylaw will result in changes to the emergency management structure and operations within the JdF EA. Key emergency management changes include the following:

- Establishes reporting relationships between the Local Emergency Services commissions, Local Operations committee, the Emergency Manager, Local Area coordinators, Local Community coordinators within the Regional District Emergency Management Organization;
- Clarifies the role of the Local Emergency Services commissions to prepare Local Area and Local Community plans;
- Establishes an emergency response structure within the Emergency Management Organization;
- Removes the Executive committees from the JdF EA Emergency Services Commission administrative structure;
- Recognizes the position of Local Community Coordinator within each EA emergency management structure and defines the roles and responsibilities of this position.

SUMMARY/CONCLUSIONS


Staff was directed to meet with the commission and engage the volunteers to ensure full participation on the direction of the program. Two meetings were held in February, both with very positive results, and staff is confident that the best interests of the program are being met.

RECOMMENDATION

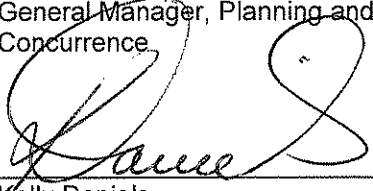
That Electoral Area Services Committee recommend to the Board that Bylaw 3444 "Juan de Fuca Emergency Program Administration Bylaw, 2009" be introduced and read a first time, read a second time, read a third time and adopted.



Travis Whiting
Manager, Protective Services



Robert Lapham, MCIP
General Manager, Planning and Protective Services
Concurrence



Kelly Daniels
Chief Administrative Officer
Concurrence

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 3444**

**A BYLAW TO MANAGE, OPERATE AND ADMINISTER THE JUAN DE FUCA ELECTORAL
AREA EMERGENCY PROGRAM**

WHEREAS the Board of the Capital Regional District has adopted Bylaw No. 2109, cited as "Juan de Fuca Emergency Program Act Extended Service Bylaw No. 1, 1993", which established an extended service for emergency programs under the *Emergency Program Act*;

AND WHEREAS the Board of the Capital Regional District has, by Order in Council, dated January 13, 1993, been given power to provide emergency programs as an extended service under the *Emergency Program Act*;

AND WHEREAS it is deemed desirable and expedient to continue the local management and operations organization and to provide administrative guidelines for the operation of the extended service;

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

1. Definitions

- a) "**Act**" means the *Emergency Program Act*, RSBC 1996, c. 111 as amended;
- b) "**Alternate Director**" means the person appointed under the *Local Government Act* to act as the alternate to the Director;
- c) "**Board**" means the Board of Directors of the Capital Regional District;
- d) "**Commission**" means the Juan de Fuca Electoral Area Emergency Management Commission established under this Bylaw;
- e) "**Community(s)**" means a sub-electoral area emergency planning zone, which may include a local fire service area, individual island, or neighbourhood, as determined by the Commission;
- f) "**Community Coordinator(s)**" means the person appointed by the Commission for a community within the Electoral Area who is responsible for the development and execution of the Community plan;
- g) "**Community Plan(s)**" means the Electoral Area emergency plans developed for each individual community;
- h) "**Director**" means the Director of the Board representing the Electoral Area;
- i) "**Disaster**" means disaster as defined in the *Act*;
- j) "**Electoral Area**" means the Electoral Area of Juan de Fuca;

- k) **“Electoral Area Coordinator”** means the person appointed by the Board as the local deputy to the Emergency Manager to coordinate emergency planning and response in the Electoral Area;
- l) **“Electoral Area Emergency Operations Committee”** means a committee which may consist of representatives of Emergency Response Agencies and trained volunteers or CRD staff assembled in the Electoral Area Emergency Operations Centre to provide site level support to local responders during an emergency;
- m) **“Electoral Area Plan”** means the Emergency Plan for the Electoral Area;
- n) **“Emergency”** means emergency as defined in the *Act*;
- o) **“Emergency Management Bylaw”** means the Capital Regional District Emergency Management Bylaw No. 3447, 2007;
- p) **“Emergency Manager”** means the Emergency Manager for the Capital Regional District appointed under the Emergency Management Bylaw;
- q) **“Emergency Response Agencies”** means those departments or public services within the Electoral Area which have a functional responsibility to respond in the event of a disaster or emergency in the Electoral Area;
- r) **“Plan Area”** means those lands that lie within the Electoral Area;
- s) **“Regional District”** means the Capital Regional District.

2. Service

- a) The Juan de Fuca Electoral Area Emergency Executive Committee is continued as the Commission for the Electoral Area.
- b) The Commission shall function, as part of the emergency management organization of the Electoral Area as contemplated by Section 6(3) of the *“Local Authority Emergency Management Regulation”*, in accordance with the Emergency Management Bylaw.
- c) The Commission is authorized to prepare Community Plans to be incorporated into the Electoral Area Plan respecting preparation for, response to, and recovery from emergencies and disasters, and to provide advice, information and recommendations to the Emergency Coordinating Committee of the Regional District.
- d) Prior to a declaration of a state of local emergency, an Electoral Area Plan may be put into operation by the Emergency Manager, or in the absence of him or her, the Electoral Area Coordinator, or in the absence of him or her, by a Community Coordinator.
- e) A Community Plan may be put into operation by a person referred to in Section 2(d).
- f) A person who puts an emergency plan into operation must, as soon as reasonably practical, contact the Emergency Manager to provide details of the emergency.

3. Management and Organization Guidelines

- a) In carrying out its authority under this Bylaw the Commission shall:
 - i. prepare an Electoral Area Plan and, as required, Community plans that are compatible with the Electoral Area Plan;
 - ii. require periodic review and updating of the Electoral Area Plan and Community plans and establish a procedure for their review and revision;
 - iii. establish and maintain for all emergency response staff, volunteers, and Electoral Area Emergency Operations Committee members to whom responsibilities are assigned in the Area Plan: (i) a program of emergency response exercises; (ii) a training program; and (iii) a current communications plan;
 - iv. identify procedures by which emergency resources may be obtained from sources within or outside of the Electoral Area;
 - v. establish procedures by which the Electoral Area Plan, in whole or in part, is to be implemented;
 - vi. establish procedures to prepare for, respond to, and recover from emergencies in the Electoral Area or a part of it;
 - vii. identify local priorities for the restoration of essential services that may be interrupted during an emergency or disaster;
- b) The Commission consists of the Electoral Area Director or the Alternate Director, and a maximum of 13 members to be appointed by the Board, no more than two of which shall be representative of each Community.
- c) The Commission shall hold a minimum of five regular meetings per year, one of which is to be held in May for purposes of budget planning and annual review and updating of the Plan.
- d) The Commission shall annually elect a chairperson and vice-chair at the September meeting. A quorum of the Commission is a majority of its members.
- e) If a Commission member fails to attend three (3) regular meetings in any one year, the Board may, in consultation with the commission, terminate service in office.
- f) The term of office for members shall be for a two (2) year period, commencing January 1st following each such appointment.
- g) No Commission member may serve more than three (3) consecutive terms except with approval of the Regional Director.
- h) Rules and procedures, which govern the Board, shall apply to the Commission.

4. Electoral Area Coordinator and Community Coordinators

- a) As part of the planning process, the Electoral Area Coordinator, under the direction of the Commission, has authority to:
 - i. coordinate and advise upon the Electoral Area Emergency Plan created by the Commission and the Emergency Response Agencies;
 - ii. coordinate with Community Coordinators in order to develop and maintain Community plans for each community;
 - iii. advise and assist the Commission on all matters pertaining to the Electoral Area Plan and Community plans;
 - iv. prepare and present the consolidated Electoral Area Plan to the Commission, organize the plan for its submission to the Emergency Management Committee of the Regional District for approval; circulate and maintain the approved Plan, and implement the procedures established by the Commission for an annual review and updating of the Plan;
 - v. coordinate training programs and exercises, and regular public information forums;
 - vi. make recommendations regarding the effectiveness of the emergency program to the Commission;
 - vii. develop plans using an all-hazards approach for emergency activities not normally handled by existing services;
 - viii. coordinate with regional counterparts;
 - ix. perform such other duties as may be additionally assigned in writing by the Commission or the Board.
- b) In the event the Electoral Area Plan is activated, the Electoral Area Coordinator shall, as the Deputy Emergency Manager, function to coordinate the support of emergency response agencies operating within the Plan Area and shall not participate operationally as a member of an emergency response agency for the duration of the period that the plan is activated, unless authorized by the Emergency Manager.
- c) The Commission is authorized to appoint a Community Coordinator in each community.
- d) The Community Coordinator may exercise authority of the Electoral Area Coordinator for the Community Plan if the Electoral Area Coordinator is incapacitated or not present and cannot be reached.
- e) A Community Coordinator shall coordinate local activities and provide support to the Electoral Area Coordinator.

5. Budget

- a) In May of each year, the Commission shall consider the program needs and priorities

identified by the review and updating of the Electoral Area Plan, and shall prepare an annual draft budget in consultation with the Emergency Manager for review by the Director and subsequent submission to the Board for approval.

- b) No expenditures other than those contained in the budgets approved by the Board shall be made by the Commission.
- c) Any facilities or capital equipment acquired by the Commission are the property of the Regional District.

6. Emergency Program Act

- a) In an emergency, the emergency response and recovery shall be carried out under the *Emergency Program Act*, and insofar as applicable, the Capital Regional District Emergency Management Bylaw No. 3447, 2007.

7. Bylaw 3108, "Juan de Fuca Emergency Program Administration Bylaw, 2003" is repealed upon adoption of this bylaw.

8. Citation

- a) This Bylaw may be cited as "Juan de Fuca Emergency Program Administration Bylaw, 2009."

READ A FIRST TIME THIS	day of	2009
READ A SECOND TIME THIS	day of	2009
READ A THIRD TIME THIS	day of	2009
ADOPTED THIS	day of	2009

Chair

Secretary

