

REGIONAL DISTRICT of OKANAGAN-SIMILKAMEEN

BYLAW NO. 2901, 2020

A bylaw of the Regional District of Okanagan Similkameen to regulate the administration and operation of the Regional Emergency Management Program

WHEREAS the Local Government Act enables regional districts to establish and operate services for the benefit of service area residents; and,

WHEREAS the Regional District of Okanagan-Similkameen has, by Emergency Planning Program Services Bylaw 2375, 2006 established a regional service for Emergency Management Planning and Preparedness; and,

WHEREAS pursuant to the Emergency Program Act of British Columbia each local government in the Regional District is at all times responsible for the direction and control of the local authority's emergency response; and,

WHEREAS each local government must establish and maintain an emergency management organization to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disasters within their geographic boundaries; and,

WHEREAS the Regional District wishes to provide a comprehensive management structure for the regional program to prepare for, respond to and recover from emergencies and disasters; and,

WHEREAS section 6 (3.1) of the Emergency Program Act provides that a Board may appoint a coordinator for the emergency management organization.

NOW THEREFORE, the Board of Directors of the Regional District of Okanagan-Similkameen in open meeting assembled enacts as follows:

Section 1 - Citation

1.1 This Bylaw shall be cited as the "**Regional Emergency Management Program Regulatory Bylaw**".

Section 2 - Definitions

2.1 In this bylaw, including in the recitals hereto, unless the context otherwise requires, the following bolded terms have the following respective meanings:

- (a) "**Act**" means the Emergency Program Act (1996), RSBC Chapter 111 and all regulations made thereunder.

- (b) "**Board**" means the Board of Directors of the Regional District of Okanagan Similkameen.
- (c) "**Chair**" means that person elected annually by the Board as Chair, in accordance with S. 215 (1) of the Local Government Act.
- (d) "**Council**" means the council of a member municipality.
- (e) "**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;
- (f) "**Emergency**" means a present or imminent situation or condition 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 or to limit widespread damage to property;
- (g) "**Emergency Coordinator**" means the coordinator for the Regional Emergency Management Organization appointed by and responsible to the CAO;
- (h) "**Emergency Management Organization**" means the Emergency Management Committee and the Emergency Management Team established in this bylaw to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disasters for the Regional Emergency Management Program in accordance with S. 6.(3) of the Act.
- (i) "**Emergency Planning Team**" means those positions appointed under this bylaw who are responsible for the implementation of the Regional Emergency Response and Recovery Plan.
- (j) "**Regional District ERRP**" means the Emergency Response and Recovery Plan containing objectives, responsibilities and strategies that shall be used to prepare, respond to and recover from regional emergencies or disasters in the Regional District of Okanagan-Similkameen.
- (k) "**Member Municipality**" means Osoyoos, Oliver, Penticton, Summerland, Keremeos and Princeton.
- (l) "**Regional District**" means the Regional District of Okanagan Similkameen
- (m) "**Regional District CAO**" means the person appointed by the Board as the Chief Administrative Officer for the Regional District and who is hereby delegated the responsibility for coordinating emergency management in the Regional District.

- (n) "SoLE" means the declaration of a state of local emergency by the Board or a Council, the Chair or Mayor, that an emergency exists or is imminent in the Regional District or a member municipality.

Section 3 - Interpretation

3.1 In this bylaw:

- (a) wherever the singular or the masculine is used in this bylaw, the same shall be deemed to include the plural or the feminine or the body politic or corporate where the context or the bylaw requires; and
- (b) any reference in this bylaw to a statute, regulation, ministerial order or other bylaw, means such statute, regulation, ministerial order or other bylaw as updated, amended, revised or replaced, unless otherwise specifically noted.

3.2 This bylaw does not contemplate or extend in its purpose, to any of the following:

- (a) the protection of any person from economic loss;
- (b) a guarantee or warranty by the RDOS or any of its agents, as to the service level expectations of the Emergency Management Organization under this bylaw, or any other applicable codes, enactments, agreements or standards; or
- (c) providing to any person a warranty with respect to the functions of the Emergency Management Organization or with respect to the certainty of timely responses. The list of functions does not, of itself, mean that each Fire Department provides such services or will, in relation to any particular Incident, be able to deliver such services.

Section 4 – Emergency Management Committee

4.1 There is established a Regional Emergency Management Committee, the membership of which shall consist of all members of the Board and be chaired by the Chair of the Protective Services Committee, who shall be appointed annually by resolution of the Board that shall provide policy direction and assist in ensuring that all aspects of the Regional Emergency Management Program are adequately addressed.

4.2 Subject to the direction of the Board, the Emergency Management Committee shall be responsible for the oversight of any emergency measures or emergency activities or works in furtherance of the British Columbia Emergency Program Act or this bylaw. To that end, the Committee shall have delegated to it the duties and resources of the Board except the powers to declare a State of Local Emergency, borrow money, to pass a bylaw or enter into any contracts; provided however, such delegation of duties and powers of the Board is expressly limited to only those powers of the Board necessary to carry out its rights, responsibilities, or duties under the Act.

Section 5 – Regional Emergency Planning Team

5.1 There is established an Emergency Planning Team, chaired by the Regional District CAO, that shall report to the Emergency Management Committee. The Team shall consist of the Chief Administrative Officers for the jurisdictions listed in bylaw No. 2375, 2006 being

- i) the Regional District
- ii) the District of Summerland
- iii) the City of Penticton
- iv) the Town of Oliver
- v) the Town of Osoyoos
- vi) the Village of Keremeos
- vii) the Town of Princeton

5.2 Subject to the direction of the Emergency Management Committee (the “Committee”), the Emergency Planning Team shall be responsible for:

- a. the formation, ongoing review and evaluation of the Regional District ERRP;
- b. the integration of Regional District, Member Municipality, other agency and volunteer emergency services required for the preparedness, response and recovery of a regional emergency or disaster;
- c. ensuring that the regional emergency operations centre is organized and prepared to respond to regional events;
- d. to work closely with and support Member Municipalities implementing the municipal emergency plan or declaring a state of local emergency;
- e. the submission to the Committee of annual estimates of expenditures for the maintenance and operation of the Emergency Organization;
- f. the submission to the Committee, at least once per year, of a progress report of activities;
- f. the training of individuals in emergency preparedness and the implementation of the Regional ERRP; and
- g. the exercising of the Regional ERRP.

Section 6 – Liability

6.1 As enabled by the Act, no person, including without limitation, the Board, the Chair, members of the Emergency Planning Committee, employees of the Regional District, a volunteer and any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to persons or property that result from:

- (a) The person in good faith doing or omitting to do any act that the person is appointed, authorized or required to do under this Bylaw or the regulations, unless, in doing or omitting to do the act, the person was grossly negligent; or
- (b) Any acts done or omitted to be done by one or more of the persons who were, under this Bylaw or the regulations, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring those persons to do the acts, the person was not acting in good faith.

Section 7 - Severability

7.1 If a portion of this bylaw is held invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed to have been adopted without the portion so severed.

Section 8 - Coming into Force

8.1 This bylaw shall come into full force and effect upon final passage thereof.

Section 9 - Repeal of Bylaws

9.1 Upon this bylaw coming into force, the following bylaws, including all amendments thereto, are hereby repealed:

- (a) Bylaw 2423/07 Emergency Planning Program Regulatory Bylaw

READ A FIRST, SECOND, AND THIRD TIME this 4th day of June, 2020

ADOPTED BY AT LEAST 2/3 OF THE VOTES this 4th day of June, 2020


Chair


Corporate Officer