

THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1616

A BYLAW TO ESTABLISH AN EMERGENCY PROGRAM WITHIN THE CITY OF
ENDERBY

WHEREAS the City of Enderby is required to prepare a local emergency plan respecting preparation for, response to, and recovery from emergencies and disaster pursuant to Section 6(2) of the *Emergency Program Act*;

AND WHEREAS the Council for the City of Enderby 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 pursuant to Section 6(3) of the *Emergency Program Act*;

AND WHEREAS if an emergency within the meaning of the *Emergency Program Act* or another form of emergency arises in a municipality, the Council for the City of Enderby has emergency powers pursuant to Section 20 of the *Community Charter*;

NOW THEREFORE, the Council for the City of Enderby in open meeting assembled enacts as follows:

1. CITATION

1.1. This Bylaw shall be cited as the City of Enderby Emergency Program Bylaw No. 1616, 2016.

2. INTERPRETATION

2.1. "Act" means the Emergency Program Act.

2.2. Unless otherwise specifically stated, the words used in this bylaw shall have the same meaning as words have in the Act:

- a) "Council" means the municipal council of the City of Enderby.
- b) "Mayor" means that person elected by the City of Enderby, and includes the person designated as acting mayor at the relevant time when the Mayor is absent or otherwise unable to act, or when the office of the Mayor is vacant.
- c) "declaration of a state of local emergency" means a declaration of Council or the Mayor that an emergency exists or is imminent.
- d) "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.
- e) "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 or to limit damage to property.
- f) "City of Enderby Emergency Management Organization" means the

Emergency Program Executive Committee, Emergency Program Management Committee, Emergency Coordinator and such other persons appointed and functional groups established, which collectively are charged with emergency preparedness, response and recovery measures.

3. EMERGENCY PROGRAM

3.1. In accordance with the provisions of the Act, the City of Enderby Emergency Management Organization composed of:

- a) Council;
- b) an Executive Committee;
- c) an Emergency Program Coordinator; and
- d) an Emergency Program Management Committee

is hereby established.

4. COUNCIL

4.1. Council is at all times responsible for the general direction and control of the response of the City of Enderby's emergency response, and in particular to:

- a) declare, by bylaw or resolution, a State of Local Emergency;
- b) appoint the Emergency Program Executive Committee;
- c) adopt an emergency plan;
- d) delegate powers available under the Emergency Program Act and to monitor the use of such powers;
- e) establish any emergency policies, resolutions, or bylaws necessary to facilitate the response to an emergency or disaster;
- f) ensure that sufficient budget and staff are provided to maintain an essential level of emergency program preparedness;
- g) enter into agreements with other local authorities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness, response or recovery; and

4.2. The Mayor may carry out the responsibilities specified in clauses (a) and (d) of section 4.1 when, due to the circumstances of an emergency or disaster, it is not possible to assemble a quorum of Council, provided that:

- a) the Mayor has made every effort to obtain the consent of the other members of Council; and
- b) as soon as practicable after making an order declaring an emergency, a meeting of Council is convened to assist in directing the response to the emergency.

5. EMERGENCY PROGRAM EXECUTIVE COMMITTEE

5.1. The Emergency Program Executive Committee (the Executive Committee) is appointed by and accountable to Council.

5.2. The Executive Committee is composed of:

- a) the Mayor;

- b) one or more Councillors; and
- c) the Chief Administrative Officer.

5.3. The Executive Committee must:

- a) provide strategic direction to the Emergency Program Management Committee;
- b) review the annual strategic plan;
- c) review emergency plans respecting preparation for, response to, and recovery from an emergency or disaster as developed by the Emergency Program Management Committee;
- d) make recommendation to Council for the adoption of a budget for the Emergency Program or an emergency plan; and
- e) make agreements for the provision of goods or services.

6. EMERGENCY PROGRAM COORDINATOR

6.1. The Emergency Program Coordinator (the Coordinator) is appointed by and accountable to the Chief Administrative Officer.

6.2. The Coordinator is responsible for:

- a) providing leadership and administration for the Emergency Program;
- b) leading and chairing the Emergency Program Management Committee;
- c) developing a strategic plan, action plans and budget;
- d) maintaining all emergency plans and documentation;
- e) providing status reports on the level of preparedness;
- f) coordinating a training and exercise program;
- g) coordinating with other local authorities, non-governmental organizations, the private sector, and volunteers;
- h) establishing and maintaining an Emergency Operations Centre;
- i) establishing and coordinating Emergency Social Services; and
- j) reporting the annual status of the emergency program to Emergency Management BC.

7. EMERGENCY PROGRAM MANAGEMENT COMMITTEE

7.1. The Emergency Program Management Committee (the Management Committee) is accountable to the Executive Committee and reports to the Chief Administrative Officer.

7.2. The Management Committee is composed of:

- a) the Coordinator, who shall serve as chair of the Management Committee; and
- b) representatives of agencies having direct operational responsibilities during a major emergency, including representatives of police, fire, administration,

public works, Emergency Social Services (ESS), communications, search and rescue, health services, and ambulance.

7.3. The responsibilities of the Management Committee include:

- a) developing and implementing the emergency program and plans;
- b) assessing hazards, risks and vulnerabilities;
- c) developing the annual strategic plan including recommending emergency program priorities, specifying procedures for implementation, and making recommendations with respect to budget and resource requirements, for presentation to the Executive Committee;
- d) maintaining a staffing and support plan for the Emergency Operations Centre;
- e) maintaining an implementation plan for Emergency Social Services; and
- f) maintaining a training and exercise program.

8. EMERGENCY RESPONSE

8.1. The Emergency Management Program will conform to the British Columbia Emergency Management System.

8.2. The Chief Administrative Officer is designated as the Emergency Operations Centre Director and may appoint deputies and management functions as appropriate.

8.3. The Emergency Operations Centre Director is authorized to expend municipal funds which are not included in the financial plan of the municipality that are required for the preservation of life, health and the protection of property during an emergency or disaster in accordance with the emergency expenditure provisions of the City of Enderby Purchasing Policy.

8.4. Council delegates to the Emergency Operations Centre Director the ability to exercise, in relation to the jurisdictional area affected by a declaration of a state of local emergency, those powers enumerated in subsections 10(1) (d) to (l) of the Act, provided the use of such powers is reported as soon as reasonably practicable to the Executive Committee in the event of a short-term emergency or disaster, or otherwise at regular intervals that the Executive Committee feels appropriate in the event of a prolonged emergency or disaster.

8.5. Section 8.4 of this bylaw shall apply to other forms of emergency as described in Section 20(b) of the *Community Charter*.

9. LIABILITY

9.1. As enabled by the Act, no person including, without limitation, Council, the Mayor, members of the City of Enderby Emergency Management Organization, employees of the City of Enderby, a volunteer, or 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 resulting from:

- a) the person, acting in good faith, doing or omitting to do any act that the person is appointed, authorized or required to do under this bylaw, 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, 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.

10. RECOVERY OF COSTS

10.1 If an emergency or a disaster is threatened or caused in whole or in part by the acts or omissions of a person and expenditures are made by the City of Enderby to prevent, respond to, or alleviate the effects of that emergency or disaster, the person must, on the request of the City of Enderby, pay to the City of Enderby the lesser of:

- a) that portion of the expenditures that is equal to that portion of the liability for the occurrence of the emergency or disaster that is attributable to the person; or
- b) the amount demanded by the City of Enderby.

10.2 Nothing in subsection 10.1 of this bylaw relieves a person from any other liability.

11. SEVERABILITY

11.1 If any clause or portion of this bylaw is declared or held invalid for any reason, the invalidity does not affect the validity of the remainder of that clause or this bylaw, and the terms and provisions of this bylaw continue to be in force and in effect and are to be construed as if the bylaw had been executed without the invalid portion.

12. REPEAL AND EFFECTIVE DATE

12.1 Effective January 1, 2017, Intermunicipal Emergency Operations Service Bylaw No. 1462 and all amendments thereto are hereby repealed.

12.2 This bylaw comes into force and effect on January 1, 2017.

READ a FIRST time this 3rd day of October, 2016.

READ a SECOND time this 3rd day of October, 2016.

READ a THIRD time this 3rd day of October, 2016.

ADOPTED this 17th day of October, 2016.

MAYOR

CHIEF ADMINISTRATIVE OFFICER