



Corporate Service

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July 23, 2019
File No: 0110-01

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District of Lake Country
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City of West Kelowna
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Via Email: paul.gipps@westkelownacity.ca

Dear Administrators:

Re: Central Okanagan Emergency Management Program Amendments

As you will recall, the proposed amendments to the Central Okanagan Emergency Management Program were presented to the RDCO CAO Committee on June 19, 2019 and received unanimous support.

The Regional Board at its meeting of July 18, 2019 considered the amendments and gave reading consideration to the following Bylaws:

- Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019; and
- Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019

As a municipal partner, you are required to bring this matter forward to your respective Councils for consideration and provide "consent" to the adoption of Bylaw No. 1443 in accordance with Section 346 of the *Local Government Act* (example below).

THAT the City of hereby consents to the Regional District adopting the Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019.

In addition, in order to legitimize the adoption of Bylaw No. 1444, pursuant to the *Emergency Program Act*, all municipal participants must adopt a Council resolution worded as follows:

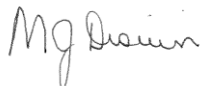
“Whereas council wishes to establish an emergency management organization, as required by the Emergency Program Act and to provide a framework for the municipality to develop its own operational emergency response protocols, Council hereby resolves that:

- 1. Pursuant to the Emergency Program Act (British Columbia), the emergency management organization established by under Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 is hereby established as the emergency management organization for the whole of the municipality and.*
- 2. All of council’s duties and powers under the Emergency Program Act (British Columbia) are hereby delegated to that emergency management organization, except for the power to make a declaration of a state of local emergency under that Act.”*

The Regional District requests the attached bylaws (staff report attached as well) be placed on a future Council agenda; staff would be pleased to attend the meeting to address any questions Council may have. Once the resolutions have been adopted please forward the consent to my attention.

Should have you have any questions please do not hesitate to contact Brian Reardon, CAO or the undersigned.

Yours truly,



Mary Jane Drouin
Manager – Corporate

Encls: RDCO Staff Reports; and
Regional District of Central Okanagan Emergency Preparedness Service Establishment
Amendment Bylaw No. 1443, 2019
Regional District of Central Okanagan Emergency Management Program Bylaw No.
1444, 2019



Governance & Services Committee

TO: Governance and Services Committee

FROM: Brian Reardon, CAO

DATE: July 2, 2019

SUBJECT: Proposed Amendments to the Preparation for Emergencies Bylaw No. 489, 1991

Purpose: To amend the Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991.

Executive Summary:

As part of the systematic review of all documents associated with service establishment bylaws, staff is pleased to present proposed amendments to the Preparation for Emergencies Bylaw No. 489, 1991. This bylaw authorizes the Regional District of Central Okanagan (RDCO) to provide a service for the preparation for emergencies. This bylaw has its origins going back 27+ years.

Proposed amendments being brought forward for the Committee's consideration include adding a description of the service, updating the participating areas to reflect municipal incorporations and renaming the electoral areas', expressly refer to additional cost recovery methods, and to rename the bylaw using current legislative terminology. These proposed amendments were presented to the RDCO CAO Committee on June 19, 2019 and received unanimous support.

Should the Committee support the proposed amendments, a motion supporting staff's recommendation below would be in order. In terms of process, all amendments to service establishment bylaws must receive approval from the Inspector of Municipalities in Victoria before the Board is able to give final consideration and approval to this bylaw. We will also be seeking consent from the Electoral Areas and Municipalities to approve this amendment bylaw.

RECOMMENDATION:

THAT the Governance and Services Committee recommend the Board approve First, Second and Third Readings to Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019 and seek 'consent' from the service participants in accordance with Sections 346 and 347 of the *Local Government Act*.

Respectfully Submitted:

Brian Reardon, CAO

Background:

In the fall of 1991 the Regional Board gave initial readings to Bylaw No. 489 being a bylaw to establish and operate an extended service for the preparation for emergencies. This service establishment bylaw was subsequently approved by the Inspector of Municipalities and referred back to the Regional Board in January, 1992 at which point it was approved. The participants in the service included the District of Peachland and Electoral Areas “A”, “G”, “H” and “I”.

A lot has happened with the service in following 27+ years. In 1993, a year after the creation of the service, the Board approved an Emergency Program Bylaw No. 576 that set out the parameters on how the program would operate. In July, 1994 the Board approved Amendment Bylaw No. 589 which added the City of Kelowna as a new participant to the service and converted a sub-regional service into a fully regional service. In 1995, a year after the City of Kelowna joined the service the Board approved an updated Emergency Program Bylaw (Bylaw No. 635).

Service Establishment Bylaw No. 489, 1991 has been amended twice since its adoption. The first amendment, Bylaw No. 506, 1992, added a reference to the applicable section of the then Municipal Act that establishes a service. Then in July 1994, Bylaw No. 589 added the City of Kelowna as a participant in the service and provided changes to the cost allocation formula. .

With respect to the service establishment bylaw, staff is recommending changes that include:

Proposed Amendments	Reasoning:
Add a Description of the Service	Pursuant to Section 339(1) (a) of the <i>Local Government Act</i> an establishing bylaw must describe the service. Bylaw No. 489, 1991, as amended, currently has no description.
Updating the Participating Areas in the Service	Since the adoption of Bylaw 489 in 1991 the District of Lake Country and the City of West Kelowna have incorporated. Also, the names of the two Electoral Areas have been changed.
Include Additional Cost Recovery Methods	In addition to the current method of recovering costs through property value taxes, it is deemed prudent to also recover costs by way of agreement, enterprise, gift, grant or otherwise in accordance with the <i>Local Government Act</i> .
Rename the Bylaw using Current Legislative Terminology	The current bylaw name implies the scope of the service is for the “ <i>preparation for emergencies</i> ”. In fact the Provincial legislation regulating this type of service includes preparation for, response to, and recovery from emergencies.

These proposed amendments were presented to the RDCO CAO Committee on June 19th, 2019 and received unanimous support.

Financial Considerations:

Recognizing that the service has evolved significantly over time, one of the guiding principles in redrafting this bylaw was to reflect our current practice that has made our Emergency Management Program one of the best in the Province. To that end, the provisions contained in the “Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019” will not increase costs associated with this service. To the contrary, by adding the authority to generate other revenue streams we hope we will be able to offset program costs in the future.

Organizational Issues: None.

External Implications:

Updating this service establishment bylaw will clarify the current scope of the program, reflect current participants in the service and bring our current procedures into compliance with all legislative requirements. This will be appreciated by all of our municipal partners and Westbank First Nation. WFN is a valued partner in the service and participates through a service agreement with the RDCO.

All of our municipal partners will be required to bring this matter forward to their respective Council for consideration and provide “consent” to the adoption of Bylaw No. 1443, 2019 in accordance with Section 346 of the *Local Government Act*.

Additionally, both Electoral Area Directors will be asked to provide their “consent” to the adoption of Bylaw No. 1443, 2019 in accordance with Section 347 of the *Local Government Act*.

Alternative Recommendation:

Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991 is more than 27 years old, does not meet current legislative requirements, and limits our ability to provide this service in an effective manner. The proposed amendments to this service establishment bylaw reflect our current practice which has been in place for more than two decades. The recommendation in this report aims to align the bylaw provisions with our current practice and meet current legislative requirements.

As such, staff has no alternative recommendation at this time.

Attachment(s): Bylaw No. 489, 1991
Bylaw No. 506, 1992
Bylaw No. 589, 1994
Draft Bylaw No. 1443, 2019



Governance & Services Committee

TO: Governance and Services Committee

FROM: Brian Reardon
Chief Administrative Officer

DATE: July 5, 2019

SUBJECT: Proposed Update to Emergency Program Bylaw No. 635, 1995

Purpose: To replace and rescind Regional District of Central Okanagan Emergency Program Bylaw No. 635, 1995.

Executive Summary:

As part of the systematic review of all documents associated with service establishment bylaws, staff is pleased to present a complete rewrite of the Emergency Program Bylaw No. 635, 1995. This bylaw establishes the operational parameters under which the Regional District of Central Okanagan (RDCO) provides a regional emergency management program.

The program has evolved significantly in the past 24+ years. Upon review, it became apparent that a complete rewrite and rescindment of the current bylaw would be necessary in order to meet current provincial regulations and match our current operating guidelines.

It should be noted that the Central Okanagan Regional Emergency Management Program is touted as one of the best in the Province. This is in large part due to lessons learned in the 2003 Kelowna Fire Storm, the 2017 & '18 flood seasons and the expertise of our Emergency Program Coordinators over the years. The new Emergency Management Program Bylaw was developed in collaboration with our Emergency Program Coordinator, Travis Whiting, with the assistance of our solicitors and presented to the RDCO CAO Committee on June 19, 2019 which received unanimous support.

Should the Committee support the proposed amendments, a motion supporting staff's recommendation below would be in order. In addition, the wording of the Council Resolution mentioned under External Implications of this report will be forwarded to all municipal partners.

RECOMMENDATION:

THAT the Governance and Services Committee recommend the Regional Board approve First, Second, and Third Readings and Adoption of the Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019.

Respectfully Submitted:

Brian Reardon, CAO

Background:

Four months after the City of Kelowna became a participant in the extended service for the preparation for emergencies the Regional Board adopted RDCO Emergency Program Bylaw No. 576, 1993 being a bylaw that established the operational parameters under which the Regional District of Central Okanagan provides a regional emergency management program in accordance with the powers conferred to it in Provincial Regulation #445/92.

Bylaw No. 576 was subsequently repealed when, in the spring of 1995, the Regional Board gave initial readings and adopted Bylaw No. 635 which added the newly incorporated District of Lake Country as a participant. Bylaw No. 635 has remained unchanged to this day.

A lot has happened with the service in the 24+ following years. Amongst them are the lessons learned during the 2003 Kelowna Fire Storm and the 2017/18 Flood Seasons. Despite the best of intentions, the paperwork related to this service never kept up with the evolution of the program and the changes that had to be made to keep the program running. It was out of necessity that new operating guidelines were introduced and with time have become established practice over the years.

Upon review, it became apparent that a complete rewrite and rescindment of the current bylaw would be necessary in order to meet current provincial regulations and reflect our current operating guidelines. In 2017, just weeks before record setting flooding occurred in the Okanagan Valley, a complete review of Bylaw No. 635 was identified as a top priority.

It should be noted that the Central Okanagan Regional Emergency Management Program is touted as one of the best in the Province. This is in large part due to lessons learned in the 2003 Kelowna Fire Storm, the 2017 & '18 flood seasons and the expertise of our Emergency Program Coordinators.

The new Emergency Management Program Bylaw was developed in collaboration with our Emergency Program Coordinator, Travis Whiting and led by the RDCO Chief Administrative Officer, with assistance from our solicitors at Young Anderson. Our systematic approach included this new draft bylaw being presented to the RDCO CAO Committee on June 19th, 2019 which received unanimous support.

Guiding Principles:

The guiding principles used to develop Emergency Management Program Bylaw No. 1444 are:

- Must meet all requirements of the Provincial Emergency Program Act,
- Must meet all requirements of the BC Emergency Program Management Regulation,
- Must conform to the B.C. Emergency Management System (BCEMS),
- Must reflect current RDCO EOC operating guidelines and established practices,
- Must be structured as a regional program with a clear reporting structure,
- New bylaw to be written to replicate the systems and structure used in 2018. Any deviations from that are identified, explained and agreed to prior to moving forward,
- New bylaw to be written with the appropriate delegated authority to the Emergency Management Organization and the Regional District CAO.

Emergency Management Program Bylaw No. 1444, 2019 is based on the principles noted above. At its core it has the Board, an Emergency Management Organization, an Emergency

Program Coordinator, and an Emergency Operations Centre Director as the four entities and persons that form the Regional District's Emergency Management Program. The roles, responsibilities, and authority of each person and entity are described in the bylaw.

The draft Emergency Management Program Bylaw No. 1444, 2019 envisions the Regional Board delegating its full authority to the Emergency Management Organization comprised of the CAO's from each member municipality plus the Emergency Program Coordinator. It is also based on the continuation of a Service Agreement with the City of Kelowna for the provision of an Emergency Program Coordinator and the Emergency Operations Centre itself.

The Emergency Management Organization is responsible for developing and implanting the Emergency Management Program, including emergency plans and other preparedness, response and recovery measures for emergencies and disasters. This is further explained in Section 4.3 of Bylaw No. 1444.

The Emergency Program Coordinator is appointed by the Regional District CAO, reports to the Regional District CAO, and is responsible for providing leadership and administration services to the Emergency Management Program. This is further explained in Section 5.3 of Bylaw No. 1444.

The Emergency Operations Centre (EOC) Director is designated using criteria approved by the Emergency Management Organization and will depend on the location(s) of the emergency, the Director's proximity to the EOC and the nature of the emergency. The default EOC Director at this time is the Regional District CAO. The EOC Director is accountable to the Emergency Management Organization. Emergency Response Authority is further explained in Section 6 of Bylaw No. 1444.

The Regional Board and Municipal Councils retain the exclusive authority to declare a State of Local Emergency, which is something that cannot be delegated.

Financial Considerations:

The adoption of the Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 reflects current operational requirements and in of itself will not result in any increase in costs.

The other financial consideration associated in the adoption of this bylaw can be found in Section 7 of Bylaw No. 1444 which includes provisions that regulate maximum spending limits for the Regional District CAO when responding to Electoral Area Emergencies and Disasters. Municipalities establish maximum spending limits for their CAO's through a separate municipal bylaw.

Organizational Issues:

The adoption of Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 will create a true regional emergency management program that is rooted under the authority of the Regional District, is written with shared decision making and collaboration in mind and maintains the grit and essence of the best Emergency Management Program in the province.

External Implications:

In order to legitimize the adoption of this Emergency Program Bylaw all municipal participants in the RDCO Emergency Preparedness Service must adopt a Council resolution worded as follows:

“Whereas council wishes to establish an emergency management organization, as required by the Emergency Program Act and to provide a framework for the municipality to develop its own operational emergency response protocols, Council hereby resolves that:

- 1. Pursuant to the Emergency Program Act (British Columbia), the emergency management organization established by under Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019 is hereby established as the emergency management organization for the whole of the municipality and.*
- 2. All of council’s duties and powers under the Emergency Program Act (British Columbia) are hereby delegated to that emergency management organization, except for the power to make a declaration of a state of local emergency under that Act.”*

The wording of the resolution was provided by our solicitors at Young Anderson and has been reviewed and approved by myself and our Emergency Program Coordinator. It provides the necessary linkages to the Regional District Emergency Management Program and formalizes council’s delegation of duties and powers, except for the power to make a declaration of a state of local emergency under the Emergency Program Act.

Alternative Recommendation:

Regional District of Central Okanagan Emergency Program Bylaw No. 635, 1995 is more than 24 years old, does not reflect our current practice, and limits our ability to provide this service in an effective manner. The recommendation in this report aims to align the new bylaw provisions with our established practices and meet current legislative requirements.

As such staff has no alternative recommendation at this time.

Attachment(s): Bylaw No. 576, 1993
Bylaw No. 635, 1995
Draft Bylaw No. 1444, 2019

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 1443

Being a bylaw to amend the Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991.

WHEREAS a regional district may, under section 332(1) [*General authority for services*] of the *Local Government Act* operate any service that the board considers necessary or desirable for all or part of the regional district subject to certain limitations and conditions;

AND WHEREAS under section 338(1) [*Establishing bylaws required for most services*] of the *Local Government Act*, in order to operate a service the board of a regional district must first adopt an establishing bylaw for the service;

AND WHEREAS the Regional District of Central Okanagan is a local authority under the *Emergency Program Act*;

AND WHEREAS the Regional Board has established a service for the preparation for emergencies, through the adoption of the Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991;

AND WHEREAS the Regional Board wishes to amend Bylaw No. 489, 1991, to modernize the description of the service, update the participating areas to reflect municipal incorporations and expressly refer to additional cost recovery methods under the *Local Government Act*;

AND WHEREAS consent from the participating Municipalities and Electoral Areas has been obtained pursuant to Sections 346 and 347, respectively, of the *Local Government Act*.

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

1. That the Regional District of Central Okanagan Preparation for Emergencies Bylaw No. 489, 1991, as amended be further amended by deleting Sections 1, 2, 3, 4, and 5 in their entirety and replacing them with the following:

“Service Description

1. The service of regional emergency management, planning and coordination, including:
 - a. developing or assisting in the development of strategies, plans and programs for:
 - i. the prevention of,
 - ii. preparation for,
 - iii. response to, and
 - iv. recovery from

regional emergencies, which, for the purposes of this bylaw, means an emergency or disaster that affects or threatens more than one of

the participating areas or that activates the Regional Emergency Operations Centre by the Emergency Program Coordinator and/or the Emergency Operations Centre Director ;

- b. supporting and coordinating or assisting in supporting and coordinating:
 - i. the management and implementation of the plans, strategies and programs referred to in subsection 1(a) of this bylaw, and
 - ii. the preparation for, response to and recovery from regional emergencies;
- c. establishing, operating and maintaining or assisting in the establishment, operation and maintenance of regional emergency facilities; and
- d. preparing for, responding to and recovering from or assisting in the preparation for, response to and recovery from emergencies that affect or may affect the delivery of services provided by the participating areas;

is hereby established.

Participating Areas

- 2. The participating areas for the service consist of all of Central Okanagan East Electoral Area (electoral area "I"), Central Okanagan West Electoral Area (electoral area "J"), the District of Peachland, the City of Kelowna, the District of Lake Country and the City of West Kelowna.

Service Area

- 3. The service area for the service is all of the area within the boundaries of the participating areas.

Cost Recovery

- 4. The costs of the service shall be recovered by:
 - a. property value taxes imposed in accordance with *Part 11 – Regional Districts: Financial Management, Division 3 [Requisition and Tax Collection]* of the *Local Government Act*;
 - b. revenues raised by other means authorized under the *Local Government Act* or another Act; and
 - c. revenues received by way of agreement, enterprise, gift, grant or otherwise.

Cost Apportionment

- 5. The costs of the service, after deducting the revenues (if any) raised or received under subsections 4(b) and (c) above, shall be apportioned among the participating areas on the basis of converted value of land and improvements in those areas pursuant to Section 380(2) *[Apportionment of costs]* of the *Local Government Act*.”
- 2. This bylaw may be cited for all purposes as the ‘Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019’.

READ A FIRST TIME THIS DAY OF , 2019

READ A SECOND TIME THIS DAY OF , 2019

READ A THIRD TIME THIS DAY OF , 2019

APPROVED BY INSPECTOR THIS DAY OF , 2019

ADOPTED THIS DAY OF , 2019

CHAIRPERSON

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1443 cited as the “Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019” as read a third time by the Regional Board on the ____ day of ____ 2019.

Dated at Kelowna, B.C. this ____ day of ____ 2019

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1443 cited as the “Regional District of Central Okanagan Emergency Preparedness Service Establishment Amendment Bylaw No. 1443, 2019” as adopted by the Regional Board on the ____ day of ____ 2019.

Dated at Kelowna, B.C. this ____ day of ____ 2019

DIRECTOR OF CORPORATE SERVICES

REGIONAL DISTRICT OF CENTRAL OKANAGAN
EMERGENCY MANAGEMENT PROGRAM BYLAW NO. 1444, 2019

Being a bylaw to update, modernize and replace the current Regional District of Central Okanagan Emergency Program Bylaw No. 635, 1995

WHEREAS:

- A.** The Regional District of Central Okanagan has, by Preparation for Emergencies Service Establishing Bylaw No. 489, 1991, and amendments made thereto, established the service for the preparation for emergencies;
- B.** The Board wishes to provide a comprehensive regional emergency management program by a coordinated response of the Board, its member municipal councils and Westbank First Nation Council, and their respective officers and employees, volunteer service groups and external agencies, that will respond to natural and man-made emergencies and disasters with the goal of preserving life, property, the local economy and the environment in a comprehensive approach using prevention, preparedness, response and recovery, all in a manner that will ensure the continuity of government;
- C.** The Board has, through Emergency Program Bylaw No. 635, 1995, established a regional emergency management program in accordance with the *Emergency Program Act*, AND
- D.** The Board wishes to update and modernize the provisions of its Emergency Program Bylaw, to amend the Committee structure, to clarify the reporting structure, and to delegate Board authority to the EOC Director in order to effectively execute the RDCO Emergency Management Program.

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

1. Interpretation

- 1.1. In this bylaw, "Act" means the *Emergency Program Act*.
- 1.2. Unless otherwise specifically stated, the words used in this bylaw shall have the same meaning as words have in the *Act*.
 - a) "Board" means the board of the Regional District,
 - b) "CAO" means the Chief Administrative Officer, Administrator or City Manager of the applicable organization.
 - c) "Chair" means that person elected by the Board as chair.
 - d) "Region" means all of the area within the boundaries of the Regional District.
 - e) "Regional District" means the Regional District of Central Okanagan.

- f) “Declaration of a State of Local Emergency” means a declaration, pursuant to Section 12(1) of the *Act* by the Chair, or by a municipal council or Mayor, or by a Band Council or Chief as the case may be, that an emergency exists or is imminent.
- g) “Disaster” has the same meaning as under the Act, being “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.
- h) “Emergency” has the same meaning as under the Act, being “a present or imminent event or circumstance that:
 - i. is caused by accident, fire, explosion or technical failure or the forces of nature, and
 - ii. requires prompt coordination of action or special regulation of persons or property, to protect health, safety or welfare of a person or to limit damage to property”.
- i) “Emergency Program Coordinator” means the person appointed by the Regional District CAO as coordinator for the Emergency Management Organization pursuant to section 6(3.1) of the *Act*.
- j) “Emergency Management Organization” means the organization of that name established under this bylaw.
- k) “Emergency Management Program” means the organization, plan and procedures established from time to time for overall coordination of emergency planning, preparedness, response and recovery actions within the Region.
- l) “EOC” means the Emergency Operations Centre as defined in the Emergency Management Program, or such other facility as may be designated from time to time as the EOC.
- m) “EOC Director” means the person with overall responsibility and authority for coordinating the site support response and recovery in the Regional District EOC.

2. Emergency Program

- 2.1. The following entities and persons are part of the Regional District’s Emergency Management Program:
 - a) the Board,
 - b) an Emergency Management Organization,
 - c) an Emergency Program Coordinator, and
 - d) an Emergency Operations Centre Director.

3. The Board

- 3.1. In accordance with the section 6(1) of the Act, the Board is at all times responsible for the direction and control of the response of the Board to an emergency or disaster, and in particular:

- a) in accordance with the Act, the Board may declare a State of Local Emergency in an electoral area;
 - b) the Board may delegate its powers and duties under the Act, as required, and to monitor the use of such powers; and
 - c) to prepare, or cause to be prepared an emergency plan respecting preparation for, response to, and recovery from an emergency or disaster.
- 3.2. Notwithstanding the provisions of subsection 3.1, in accordance with the Act the Chair may carry out the responsibilities specified in clause (a), provided the Chair has used best efforts to obtain the consent of the other members of the Board.

4. Emergency Management Organization

- 4.1. The Board hereby delegates its responsibilities and powers under the Act, except for the power to make a Declaration of a State of Local Emergency, to the Emergency Management Organization.
- 4.2. An Emergency Management Organization consisting of the following persons is hereby established pursuant to section 6(3) of the Act:
- a) the CAO for each of the following:
 - i. the City of Kelowna,
 - ii. the City of West Kelowna,
 - iii. the District of Peachland,
 - iv. the District of Lake Country,
 - v. the Regional District, and
 - b) the Emergency Program Coordinator.

The Emergency Management Organization is accountable to the Board and shall have as its Chair, the CAO from the Regional District.

- 4.3. The Emergency Management Organization shall be responsible for the following:
- a) developing and implementing the Emergency Management Program, including emergency plans and other preparedness, response and recovery measures for emergencies and disasters,
 - b) providing strategic direction and oversight to the Emergency Program Coordinator,
 - c) recommending the appointment of the Emergency Program Coordinator;
 - d) providing oversight of the Emergency Management Program;
 - e) producing an Emergency Plan Manual based on the principles of the British Columbia Emergency Management System, which manual shall provide a general framework that covers preparedness, response, and recovery plans within which the Emergency Management Organization can formulate roles and responsibilities to deal with emergencies and disasters (for clarity, minor amendments, such as names, addresses and telephone numbers in the Emergency Plan Manual may be approved by the Emergency Program Coordinator),.

- f) completing the annual Emergency Management Program budget and work plan then forwarding it to the Regional District Chief Financial Officer,
- g) approving emergency plans and procedures developed by the Emergency Program Coordinator,
- h) establishing such sub-committees and working groups as it deems necessary to carry out its duties and obligations.

5. Emergency Program Coordinator

- 5.1. The Board hereby delegates to the Regional District CAO the responsibility and power to appoint the Emergency Program Coordinator.
- 5.2. The Emergency Program Coordinator is accountable to the Regional District CAO.
- 5.3. The Emergency Program Coordinator is responsible for:
 - a) providing leadership and administration for the emergency management program,
 - b) coordinating and/or supervising any sub-committees or work groups,
 - c) developing a Strategic Plan, action plans and budget,
 - d) maintaining all emergency plans and documentation,
 - e) providing an annual status report on the level of preparedness,
 - f) coordinating a training and exercise program,
 - g) coordinating with other governments, non-government agencies, First Nations and private sector organizations,
 - h) establishing and maintaining an EOC, and
 - i) establishing, coordinating and supporting volunteer programs.
- 5.4. The Emergency Program Coordinator will produce an annual program budget and work plan and submit it to the Regional District CAO prior to January 1st.
- 5.5. The Emergency Program Coordinator may establish committees and working groups as considered necessary to assist with carrying out the Emergency Coordinator's duties and obligations.

6. Emergency Response Authority

- 6.1. The Emergency Management Program will conform to the "*B.C. Emergency Management System*" (BCEMS).
- 6.2. The Emergency Management Organization will determine the criteria and implement a policy & procedure that designates who the EOC Director is under various conditions and stages of EOC activation.
- 6.3. The EOC Director is accountable to the Emergency Management Organization.

- 6.4. Pursuant to Section 8 of the *Act*, the EOC Director may, whether or not a Declaration of a State of Local Emergency has been made, implement all or portions of the Emergency Management Program, if, in the opinion of the EOC Director, there is an emergency disaster within the Region.
- 6.5. Pursuant to Section 12 of the *Act*, upon issuance of a Declaration of a State of Local Emergency, the EOC Director will implement the applicable portions of the Emergency Management Program.
- 6.6. For clarity, in the case of an emergency or disaster, the jurisdiction or jurisdictions in which the emergency or disaster occurs, shall have the primary responsibility for response to the emergency or disaster, including all associated costs, including the recovery of such costs from the Provincial and/or Federal emergency funding resources.
- 6.7. The Regional District and the Westbank First Nation have entered into an agreement, and may enter into further agreements in the future, establishing and setting out the relationship between the Regional District and the Westbank First Nation in respect of equitable distribution of costs pertaining to the subject matter of this bylaw, and including the role of the CAO from the Westbank First Nation, the role of the Westbank First Nation in the Emergency Management Organization and the roles of the Westbank First Nation, CAO of the Westbank First Nation, Emergency Management Organization, Emergency Program Coordinator and EOC Director in relation to emergencies and disasters affecting the jurisdiction of the Westbank First Nation.

7. Emergency Expenditures for Electoral Area Emergencies and Disasters

- 7.1. Pursuant to *Section 401 [Limit on Expenditures]* of the *Local Government Act*, the Regional District CAO is authorized to make expenditures on behalf of the Regional District which are not included in the financial plan of the Regional District, where such expenditures are required for the preservation of life, health and the protection of property during an emergency or disaster in the electoral areas, on the following basis:
 - a) Up to and including two hundred and fifty thousand dollars (\$250,000), after consultation with the Chair; and
 - b) All amounts exceeding two hundred and fifty thousand dollars (\$250,000), with the prior written approval of the Chair.

Any expenditure made under this section must be presented to the Board in a report under the signature of the Chair.

8. Liability

- 8.1. In accordance with the *Act*, no person, including, without limitation, the Board, its municipal Councils, their respective officers and employees, the Chair, members of Regional District of Central Okanagan Emergency Management Organization, 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, 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.

9. Repeal

9.1. Regional District of Central Okanagan Emergency Program Bylaw No. 635, 1995 as adopted by the Regional Board on the 8th day of May 1995 is hereby repealed.

10. Citation

10.1. This bylaw may be cited for all purposes as the “Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019.

READ A FIRST TIME THIS DAY OF 2019

READ A SECOND TIME THIS DAY OF 2019

READ A THIRD TIME THIS DAY OF 2019

ADOPTED THIS DAY OF 2019

CHAIRPERSON

DIRECTOR OF CORPORATE SERVICES

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 1444 cited as the “Regional District of Central Okanagan Emergency Management Program Bylaw No. 1444, 2019” as read a third time and adopted by the Regional Board on the day of 2019.

Dated at Kelowna, B.C. this
day of 2019

DIRECTOR OF CORPORATE SERVICES