

NO. 17-135

**EMERGENCY PROGRAM BYLAW**

**A BYLAW OF THE CITY OF VICTORIA**

The purpose of this bylaw is to:

- (a) establish a comprehensive management program to prepare for, respond to and recover from emergencies and disasters;
- (b) allow the City to prepare a local emergency plan respecting preparation for, response to, and recovery from emergencies and disasters; and
- (c) provide for continuity of government and the preservation of life and property through a coordinated response by elected officials, municipal departments, volunteer services and outside agencies in the event of an emergency or disaster.

Under its statutory powers, including section 6 of the *Emergency Program Act* and sections 20 and 154 of the *Community Charter*, the Council of the City of Victoria enacts the following provisions:

**PART 1 – CITATION**

**Title**

- 1** This Bylaw may be cited as the "EMERGENCY PROGRAM BYLAW (2017)".

**PART 2 – INTERPRETATION**

**Definitions and Interpretation**

- 2**
- (1) In this Bylaw, "Act" means the Emergency Program Act.
  - (2) Unless otherwise specifically stated, the words used shall have the same meaning as words have in the Act.
  - (3) Unless the context requires otherwise:
    - (a) "City Manager" means that person appointed by the City of Victoria and includes the person designated as acting City Manager at the relevant time when the "City Manager" is absent, or otherwise unable to act or when the position of City Manager is vacant;
    - (b) "Council" means the municipal council of the City of Victoria;
    - (c) "declaration of a state of local emergency" means a declaration of the Council or the Mayor that an emergency exists or is imminent in the City of Victoria;
    - (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 or circumstance that:
  - (i) is caused by accident, fire, explosion, 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 a person or to limit damage to property;
- (f) "emergency management" means an organized strategy and program consisting of prevention, preparedness, response and recovery;
- (g) "Fire Chief" means that person appointed by the City of Victoria and includes the person designated as acting Fire Chief at the relevant time when the "Fire Chief" is absent, or otherwise unable to act or when the position of Fire Chief is vacant; and
- (h) "Mayor" means that person elected by the City of Victoria 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.

### **PART 3 – EMERGENCY STAFF AND ORGANIZATIONS**

#### **Emergency Program Coordinator**

- 3**
  - (1) The Fire Chief is delegated by Council authority to appoint an Emergency Program Coordinator and designate that person's reporting structure.
  - (2) The Emergency Program Coordinator:
    - (a) is delegated by Council authority to negotiate and execute agreements with other municipalities or governments relating to emergency planning and for the purpose of mutual aid or for the formation of joint organizations;
    - (b) may negotiate with individuals, corporations or agencies other than government for the employment of their members within the Victoria Emergency Program according to their qualifications;
    - (c) under direction of the Fire Chief, is responsible for day to day emergency management and the Victoria Emergency Program, including coordination of staff emergency management, encouragement of public emergency management and coordination with external organizations in emergency management;

- (d) is responsible for maintaining up to date information regarding potential hazards, risks, vulnerabilities and their impact on the City;
- (e) is responsible for coordinating the equipping and training of the City's volunteer services;
- (f) is responsible for conducting studies and exercises to ensure the Victoria Emergency Program is effective and in a state of readiness; and
- (g) is responsible for acting as the point of contact with Emergency Management BC (EMBC).

#### **Emergency Planning Committee**

- 4**
- (1) The purpose of the Emergency Planning Committee is to provide departmental expertise and input into emergency planning activities for the City of Victoria.
  - (2) The Emergency Planning Committee is accountable to Council.
  - (3) The Emergency Planning Committee consists of the following members or their designate:
    - (a) the Emergency Program Coordinator who will act as a Chairperson; and
    - (b) at least one representative from each City department, appointed by his or her director.

#### **Powers of Emergency Planning Committee**

- 5**
- The Emergency Planning Committee may:
- (a) recommend changes to the Victoria Emergency Plan for Council's approval;
  - (b) advise the Fire Chief of any budgetary requirements for the Victoria Emergency Plan;
  - (c) make and amend rules for regulating its own practices and procedures; and
  - (d) recommend training and exercise procedures for the respective City departments.

### **PART 3 – VICTORIA EMERGENCY PLAN**

#### **Emergency Plan**

- 6**
- (1) The Emergency Planning Committee must prepare an Emergency Plan for the City of Victoria for the approval of Council.



- (2) The Emergency Plan prepared pursuant to section 6(1) must:
  - (a) provide the general direction and framework covering prevention, preparedness, response and recovery programs within which municipal officials and staff can formulate roles and responsibilities to deal with major emergencies and disasters; and
  - (b) wherever possible, be integrated into and coordinated with emergency plans of surrounding municipalities and any similar plans or programs prepared by the provincial and federal governments.
- (3) The Emergency Plan must be reviewed at least once every year by the Emergency Planning Committee.
- (4) Council delegates to the Emergency Program Coordinator authority to approve minor amendments to the Emergency Plan, including names, addresses and telephone numbers.

#### **Reporting**

- 7 (1) The Emergency Planning Committee must submit a report to Council on progress and issues related to the Victoria Emergency Program and Emergency Plan at least once each year.
- (2) The report submitted pursuant to section 7(1) shall contain a summary of emergency management training, exercises, and projects conducted throughout the last year as well as lessons learned and any recommendations for improvement.

#### **Expenditures**

- 8 The Emergency Planning Committee must submit estimates of expenditures for the cost of maintenance and operation of the Victoria Emergency Program for each year to the Fire Chief, which will be included in the Victoria Fire Department budget request for Council's consideration during the annual financial planning process.

### **PART 4 – EMERGENCY POWERS**

#### **Who Declares State of Local Emergency**

- 9 The Council or the Mayor, when satisfied that an emergency exists or is imminent in the City, may declare that a state of local emergency exists.

#### **City Manager Powers for Emergencies & Disasters**

- 10 The City Manager has the authority, whether or not there has been a declaration of a state of local emergency, to cause the Victoria Emergency Plan to be implemented if, in the opinion of the City Manager, an emergency exists or appears imminent or a disaster has occurred or threatens in:

- (a) all or any part of the City, or
- (b) any other municipality or electoral area if the local authority having responsibility for that other jurisdictional area has requested assistance.

### **Emergency Response Spending**

- 11** (1) The City Manager is designated as the Emergency Operations Centre (EOC) Director.
- (2) The EOC Director is authorized to expend City of Victoria funds which are not included in the financial plan of the City, but are required for the preservation of life, health and the protection of property during an emergency or disaster.
- (3) City staff with roles in the EOC possess the same level of spending authority as outlined in the City's Purchasing Policy.
- (4) As soon as is reasonably possible, the City Manager must report to Council at a regular meeting any expenditures made in accordance with subsection (2) that are not recoverable through Provincial sources, and submit a corresponding financial plan amendment request for the expenditure and funding source. Council will, as soon as is reasonably possible, amend the financial plan to include the expenditure and funding source for the expenditure.

## **PART 5 – GENERAL PROVISIONS**

### **Liability**

- 12** No person, including, without limitation, the Mayor, members of Council, members of the Emergency Planning Committee, employees of the Corporation of the City of Victoria, its police or fire departments, a volunteer and any other person appointed, authorized or required to carry out measures relating to an emergency or disaster, is liable for any loss, cost, expense, damage or injury to persons or property that results 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 Act, 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, under this Bylaw or the Act were 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.

### **Repeal**

- 13** Bylaw No. 04-23, the Emergency Program Bylaw (2004), is repealed.

### **Commencement**

**14** This bylaw comes into force upon adoption.

READ A FIRST TIME the **23<sup>rd</sup>** day of **November** 2017.

READ A SECOND TIME the **23<sup>rd</sup>** day of **November** 2017.

READ A THIRD TIME the **23<sup>rd</sup>** day of **November** 2017.

ADOPTED on the **14<sup>th</sup>** day of **December** 2017.

**"CHRIS COATES"**  
CITY CLERK

**"LISA HELPS"**  
MAYOR