

CITY OF NANAIMO

BYLAW NO 7202

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

WHEREAS the City of Nanaimo Council is required to prepare a local emergency plan respecting preparation for, response to, and recovery from emergencies and disaster,

AND WHEREAS the City of Nanaimo considers it necessary to establish a comprehensive management program to prepare for, respond to and recover from emergencies and disasters,

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

1. Title

This Bylaw shall be known and cited as the "NANAIMO EMERGENCY PROGRAM BYLAW 2014 No. 7202".

2. Interpretation

2.1. In this bylaw, "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.

2.3. In this bylaw, the following words have the following meanings:

(a) "City" means the City of Nanaimo;

(b) "Council" means the municipal council of the City;

(c) "Mayor" means that person elected by the City electors to the office of Mayor, and includes the person designated as acting mayor at the relevant time when the person elected to the office of mayor is absent or is otherwise unable to act or when the office of mayor is vacant;

(d) "City Manager" means the person appointed by the City as its senior administrative officer;

- (e) "Director Social and Protective Services" means the person appointed by the City as its senior manager responsible for the overall management and support of the City's emergency program;
- (f) "Fire Chief" means the person appointed by the City as its department head responsible for strategic planning and facilitation of the Fire Department;
- (g) "Emergency Program Manager" means the person appointed by the City as being responsible for the overall management and implementation of the City's daily operations in relation to its emergency program;
- (h) "Nanaimo Emergency Organization" means the Local Authority, the Emergency Planning Committee, the Emergency Program Manager and any other persons appointed and functional groups established which are charged with emergency preparedness, response and recovery measures.

3. Emergency Organization

3.1. In accordance with the provisions of the Act, the Nanaimo Emergency Organization, comprising:

- (a) The Local Authority;
- (b) An Emergency Planning Committee; and,
- (c) An Emergency Program Manager,

is hereby established.

3.2. The Nanaimo Emergency Organization will report the annual status of the City's emergency program to the Minister responsible for the Act.

4. The Local Authority

4.1 The Local Authority is at all times responsible for the general direction and control of the City's response to an emergency or disaster, and in particular to:

- (a) Declare a state of local emergency;
- (b) Implement the City's emergency program and plans when of the opinion that an emergency exists in the City's jurisdiction;
- (c) Authorize the use of the emergency powers available under the Act, as required, and to monitor the use of such powers;
- (d) Establish any emergency policy and legislation necessary to facilitate the response to an emergency or disaster; and,
- (e) Prepare an emergency program and plans respecting preparation for, response to, and recovery from an emergency or disaster.

- 4.2. Notwithstanding the provisions of subsection 4.1, the Mayor may carry out the Responsibilities specified in clauses 4.1(a) and (b) where, because of the circumstances of an emergency or disaster, it is not possible to assemble a quorum of Council, and provided the Mayor has used best efforts to obtain the consent of the other members of the Council to the declaration of a state of local emergency and, as soon as practicable after making the declaration convenes a meeting of the Local Authority to assist in directing the response to the emergency or disaster.
- 4.3. The Local Authority will appoint an Emergency Program Manager to facilitate emergency preparedness, response and recovery measures.
- 4.4. The Local Authority will ensure that sufficient budget and staff are provided to maintain an essential level of emergency program preparedness.

5. Emergency Planning Committee

- 5.1. The Emergency Planning Committee is hereby continued and is accountable to the Local Authority.
- 5.2. The Emergency Planning Committee must be comprised of, at a minimum:
 - (a) Emergency Program Manager;
 - (b) Director, Social and Protective Services;
 - (c) RCMP detachment representative; and,
 - (d) Fire Chief
- 5.3. The Emergency Planning Committee may, without limitation, also include:
 - (a) Heads of selected functional City departments or their designates as determined by the Local Authority; and,
 - (b) such other members that the Local Authority may determine.
- 5.4. The Emergency Planning Committee must:
 - (a) provide strategic direction and oversight to the Emergency Program Manager;
 - (b) approve and present to the Local Authority emergency plans and procedures developed by any Sub-committees established as needed.
- 5.5. The Emergency Planning Committee may strike such sub-committees and work groups as it deems necessary.
- 5.6. Subject to the approval of the Local Authority, the Emergency Planning Committee may:
 - (a) Make and amend its terms of reference, policies and procedures;
 - (b) Enter into agreements with other regional districts or municipalities for the purpose of emergency assistance or the formulation of coordinated emergency preparedness, response or recovery; and,

- (c) Enter into agreements with individuals, bodies, corporations or other nongovernment agencies for the provision of goods or services to the City for the purposes of responding to an emergency or disaster.

6. Emergency Program Manager

- 6.1. The Emergency Program Manager reports to the Director, Social and Protective Services.
- 6.2. The Emergency Program Manager is responsible for:
 - (a) Providing leadership and administration for the daily emergency program office and activities;
 - (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 related to the roles and functions of City staff designated to operate in the Emergency Coordination Centre;
 - (e) Providing an annual status report to the Emergency Planning Committee and the Local Authority on the City's level of preparedness to respond to an emergency or disaster;
 - (f) Coordinate public awareness and the Emergency Coordination Centre staff training and exercise program;
 - (g) Maintaining a staffing and support plan for the Emergency Coordination Centre;
 - (h) Liaising with other governments, non-government agencies, First Nations and the private sector;
 - (i) Establishing and maintaining the Emergency Coordination Centre and all required equipment;
 - (j) During an emergency or disaster, operating as the liaison officer in the Emergency Coordination Centre; and,
 - (k) Establishing, coordinating and supporting volunteer programs.

7. Emergency Response

- 7.1. The Nanaimo Emergency Program will use the "B.C. Emergency Response Management System" (BCERMS).
- 7.2. An Emergency Coordination Centre shall be established and maintained for the purposes of directing and coordinating emergency operations and recovery measures, as follows:
 - (a) The primary Emergency Coordination Centre will be located at 666 Fitzwilliam Street, Station # 1;
 - (b) A secondary Emergency Coordination Centre will be located at Public Works, 2020 Labieux Road;
 - (c) A tertiary Emergency Coordination Centre will be in the Service and Resource Centre (SARC) Room 411 Dunsmuir;

- (d) The Director Social and Protective Services shall act as Director of the Emergency Coordination Centre.
- (e) Where conflicts arise during activation of the Emergency Coordination Centre, the Emergency Coordination Centre Director shall have final authority;
- (f) All departments and agencies involved in emergency operations or recovery planning shall, at the discretion of the Emergency Coordination Centre Director, assign an appropriate representative to the Emergency Coordination Centre;
- (g) The Emergency Coordination Centre Director is authorized to expend funds which are not included in the City's financial plan which are required for the preservation of life, health and the protection of property during an emergency or disaster, on the following basis:
 - (i) up to and including *[\$250, 000]*, at the discretion of the Emergency Coordination Centre Director; and
 - (ii) *[\$250,001}* and above, at the discretion of the Local Authority
 - (iii) Any expenditures made in accordance with clause 7.2.f) must, as soon as practicable, be presented to the Council in a report under the signature of the Mayor and, as soon as practicable thereafter, the Council shall amend the City's financial plan to include the expenditure and a funding source for the expenditure.

7.3. The Local Authority may, during or within 60 days after the declaration of a state of local emergency, by bylaw ratified by the minister responsible for the administration of the *Community Charter*, but without obtaining the approval of the electors or the assent of the electors, borrow any money necessary to pay expenses caused by the disaster or emergency.

8. Recovery of Costs

8.1. 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 municipality to prevent, respond to or alleviate the effects of the emergency or disaster, the person must, on the request of the municipality, pay the portion of the expenditures that is equal to the portion of the liability for the occurrence of the emergency or disaster that is attributable to the person.

8.2. Nothing in subsection (1) relieves a person from any other liability.

9. Liability

9.1. No person, including, without limitation, the Council, the Mayor, members of the Nanaimo Emergency Organization, City employees, 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 the Act or 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 the Act or 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. Repeal

- 10.1. "NANAIMO EMERGENCY PROGRAM BYLAW 1993 NO. 4711" and any amendments thereto is hereby repealed.

PASSED FIRST READING 2014-OCT-27
PASSED SECOND READING 2014-OCT-27
PASSED THIRD READING 2014-OCT-27
ADOPTED 2014-NOV-24

J. R. RUTTAN

MAYOR

C. JACKSON

CORPORATE OFFICER