

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4890

A Bylaw to continue the Oak Bay Emergency Planning Program

The Municipal Council of The Corporation of the District of Oak Bay, in an open meeting assembled, enacts as follows:

1. In this Bylaw,

“Chief Administrative Officer” means the chief administrative officer for the Corporation within the meaning of Section 147 of the *Community Charter*;

“*Community Charter*” means the *Community Charter* of the Province of British Columbia, S.B.C. 2003, c. 26, as amended from time to time;

“Corporation” means The Corporation of the District of Oak Bay;

“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;

“Emergency” means a present or imminent event or circumstance that:

- (i) Is caused by accident, fire, explosion, technical failure or 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;

“*Emergency Program Act*” means the *Emergency Program Act* of the Province of British Columbia, R.S.B.C. 1996, c. 111, as amended from time to time;

“emergency plan” and “emergency planning” encompass the development of strategies, procedures and guidelines for emergency and disaster preparedness, response and recovery;

“*Local Authority Emergency Management Regulation*” means the *Local Authority Emergency Management Regulation*, B.C. Reg. 380/95, as amended from time to time;

“Municipal Council” means the Municipal Council of the Corporation.

2. The Oak Bay emergency planning program is hereby continued within the framework of this Bylaw.
3. An emergency management organization to provide strategic oversight on the development and implementation of emergency plans and other preparedness, response and recovery measures shall be constituted as follows:
  - a) an Emergency Management Planning Committee, which will meet no less than twice per year, responsible for strategic direction and general oversight of the emergency planning function, consisting of the following members or their designate:
    - i. Chief Administrative Officer;
    - ii. Fire Chief;
    - iii. Chief Constable;
    - iv. Director of Corporate Services;
    - v. Director of Parks, Recreation and Culture;
    - vi. Director of Strategic Initiatives;
    - vii. Director of Engineering Services;
    - viii. Emergency Program Coordinator and Deputy Emergency Program Coordinator (Chair & Co-Chair);
    - ix. Such other members that may be appointed or invited as required by the Committee members.
  - b) The Municipal Council may appoint one of its members as a liaison to the Emergency Management Planning Committee.
4. During an emergency or disaster:
  - a) The Emergency Operations Centre Director will coordinate and direct the overall operations undertaken by the municipality respecting preparation for, response to, and recovery from the emergency or disaster; and,
  - b) there shall be a Policy Group consisting of Mayor and Council to support the Emergency Operations Centre during an emergency or disaster as outlined in the Municipal Emergency Response and Recovery Plan.
5. Both the Emergency Management Planning Committee and/or the Emergency Program Coordinator/Deputy Emergency Program Coordinator may establish task-specific or function-specific subcommittees as required.
6. The Oak Bay Emergency Program is a division of the Oak Bay Fire Department
7. The Fire Chief will appoint an Emergency Program Coordinator and Deputy Emergency Program Coordinator to facilitate emergency preparedness, response, and recovery measures. These designated positions shall report to the Fire Chief.

8. The Emergency Program Coordinator and/or Deputy Emergency Program Coordinator are responsible for:
  - a) preparing agendas, providing advice, and making recommendations and reports to the Emergency Management Planning Committee;
  - b) ensuring that programs and practices are in place as required by the *Emergency Program Act*;
  - c) preparing the annual operating budget for the emergency planning function for review by the Chief Administrative Officer and the Municipal Council;
  - d) liaising and negotiating agreements with organizations outside of the Corporation for purposes related to the emergency planning function, for review by the Emergency Planning Policy Committee;
  - e) seeking sources of funding and preparing grant applications in connection with special projects related to the emergency planning function; and
  - f) providing updates and reports to the Emergency Management Planning Committee on emergency program activities.
9. The Emergency Management Planning Committee is delegated the authority, on behalf of the Corporation, to approve and execute agreements as contemplated by Sections 3(a) and 3(b) of the *Local Authority Emergency Management Regulation*.
10. The Chief Administrative Officer, Fire Chief, Chief Constable, Emergency Program Coordinator/Deputy Emergency Program Coordinator may:
  - a) implement any local emergency plan for the Corporation whether or not a state of local emergency has been declared;
  - b) activate an Emergency Operations Centre;
11. For the purposes of Section 10, the Chief Administrative Officer or, should an Emergency Operations Centre be activated, the Emergency Operations Centre Direct may:
  - a) exercise all of the powers that are exercisable by the Municipal Council under Section 13 of the *Emergency Program Act*, consequent to a declared state of local emergency.
12. The Council, by bylaw or resolution, or the Mayor by order, may declare a state of local emergency when the extraordinary power or authority enabled by the *Emergency Program Act* is required to effectively deal with an emergency or disaster in any part of the municipal jurisdiction.
  - a) upon declaration of a state of local emergency being made, Council or the Mayor must:
    - i. forward a copy of the declaration to the Minister, Emergency Management and Climate Readiness, and

- ii. cause the details of the declaration to be published by a means of communication that the Council or Mayor considers most likely to make the contents of the declaration known to the majority of the population of the affected area.
  - b) the Council or Mayor must, when of the opinion that an emergency no longer exists to which a declaration of a state of local emergency was made:
    - i. cancel the declaration of a state of local emergency by:
      - a. by bylaw or resolution, if cancellation is effected by Council, or
      - b. by order, if the cancellation is effected by the Mayor, and
    - c) promptly notify the Minister of the cancellation of the declaration of a state of local emergency.
13. For the purposes of Section 173 of the *Community Charter*, the emergency expenditure procedure shall be as set out in the Emergency Expenditure Policy adopted by resolution of the Municipal Council dated October 25, 1999.
14. In this Bylaw,
- a) a delegation of authority does not preclude the resumption of that authority by the Municipal Council or by the person delegating the authority, as the case may be; and
  - b) a reference to an officer, manager or employee of the Corporation means a person holding such a position having been appointed by or under the authority of either the Municipal Council, the Chief Administrative Officer or the Oak Bay Police Board, as the case may be.
15. Emergency Program Bylaw, 2009 is repealed
16. This Bylaw comes into force on adoption.

This Bylaw may be cited as the *Emergency Program Bylaw No. 4890, 2024*

READ A FIRST TIME the	9 <sup>th</sup> day of December , 2024
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READ A SECOND TIME the	9 <sup>th</sup> day of December , 2024
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READ A THIRD TIME the	9 <sup>th</sup> day of December , 2024
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ADOPTED the	13 <sup>th</sup> day of January , 2025
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Kevin Murdoch, Mayor

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Dianna Plouffe, Corporate Officer

Sealed with the Seal of The Corporation  
of the District of Oak Bay