

NO: R028

COUNCIL DATE: February 1, 2016

REGULAR COUNCIL

TO: **Mayor & Council**

DATE: **February 1, 2016**

FROM: **Fire Chief**

FILE: **7130-50**

SUBJECT: ***Prepared and Resilient, A discussion paper on the legislative framework for Emergency Management in British Columbia***

RECOMMENDATION

The Fire Department recommends that Council:

1. Receive this report as information; and
2. Direct staff to submit a report to the Province that will generally support the proposed changes to the Emergency Program Act before the deadline of February 19, 2016.

PURPOSE

The purpose of this report is to:

- provide Council with an overview of the Emergency Program Act review process;
- highlight proposed challenges, and
- outline the implications that proposed changes might have on the City of Surrey's Emergency Program.

BACKGROUND

The *Emergency Program Act* sets out roles and responsibilities for local and provincial governments in emergency and disaster preparation, response and recovery. It also sets out local and provincial authority to declare a state of emergency and use emergency powers to protect health and safety and limit property damage. It was introduced in 1993 and has never been subject to a full review. Evolution of best practices due to research and experience has led other Canadian jurisdictions to modernize their laws. The *Prepared and Resilient* paper is intended to be a key component of engagement in the discussion of this review. The discussion paper has been shaped by findings from Renteria's report recommendations from 2014 earthquake preparedness (see Appendix "I"). Stakeholder input submissions are due February 19, 2016 and will be posted on the Emergency Management BC (EMBC) website. The Premier has directed Minister Yamamoto to lead a review of the Emergency Program Act to ensure it is up to date and effective.

SUMMARY

Specific challenges presented in this consultation are as follows:

A. Modernizing fundamental concepts and structure of the Act:

1. Phases of emergency management (prevention, preparedness, response and recovery);
2. Definition of emergency and disaster; and
3. Definition of local authority.

B. Clarifying roles and responsibilities:

4. Emergency Management BC;
5. Provincial emergency planning, response and recovery responsibilities;
6. Ministerial authority to direct emergency planning; and
7. Provincial authority for private sector and non-government agencies.

C. Supporting emergency response and recovery:

8. Shared responsibilities for emergency response;
9. State of Emergency;
10. Evacuation orders; and
11. Employment protection.

For a summary of these key points see Appendix "II".

DISCUSSION

Modernizing fundamental concepts and structure of the Act:

- these changes are straightforward and allow the language in the legislation to reflect the training and best practices currently employed by the City of Surrey.

Clarifying roles and responsibilities:

- intended to give the Minister the ability to set 'minimum standards' for emergency planning
- the Minister would have the authority to require that we make changes to our own plan in situation where a cooperative approach has not been productive to address a specific issue with the plan

Supporting emergency response and recovery:

- access to information that private organizations may not be eager to share (i.e. infrastructure or asset details, etc.)
- facilitate process for acquiring provincial resources
- increased authority as an emergency power
- increased effectiveness of evacuation efforts

Overall, these revisions, if adopted, would formalize many traditionally interpreted and understood aspects of emergency management. The proposed changes facilitate a better understanding of what the Province and local authorities can do to work together to prepare for emergencies and disasters.

The provision that the Province could cause us to revise our plan may be of concern. There are security and operational concerns relating to the requirement for private industry to disclose asset and infrastructure details. While increased local authority will allow for more effective responses to emergencies and disasters, responsibility and liability will also increase.

CONCLUSION

In summary, the Fire Department recommends that Council direct staff to submit a report to the Province that will generally support the proposed changes to the Emergency Program Act before the deadline of February 19, 2016.

This report will be posted on the EMBC website as part of discussion and review process. The Minister of State for Emergency Preparedness will provide a report back to Cabinet Committee by March 31, 2016.

Len Garis
Fire Chief

cc. City Manager

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Attachments: Appendix "I" – British Columbia Earthquake Preparedness Consultation Report
 Appendix "II" – Key Points Summary (Proposals)

British Columbia Earthquake Preparedness Consultation Report

PREPARED FOR THE ATTORNEY GENERAL AND MINISTER OF JUSTICE
HENRY RENTERIA | DECEMBER 2014

LIST of RECOMMENDATIONS:

RECOMMENDATION #1: LEADERSHIP, AUTHORITY AND RESPONSIBILITY

The provincial government must provide EMBC with additional resources and the authority required to effectively deliver emergency management leadership to provincial crown agencies and local authorities. Further, EMBC must be positioned within government in such a fashion that its authority is greatly enhanced.

RECOMMENDATION #2: FUNDING AND ACCOUNTABILITY

The provincial and federal governments must implement a funding program to support local authority preparedness efforts, and leverage emergency management funding to:

- Increase emphasis on planning and mitigation; and
- Increase local authority accountability.

RECOMMENDATION #3: INTERGOVERNMENTAL AND INTER-AGENCY COORDINATION

Federal, provincial, and local authorities, as well as other entities, such as those in the private sector, must ensure that they have the integrated plans and capacities in place to deal with a catastrophic event.

RECOMMENDATION #4: PUBLIC EDUCATION, AWARENESS AND ENGAGEMENT

EMBC, together with significant agencies at all levels of government and private sector partners, must launch a long-term and coordinated earthquake preparedness public education and awareness campaign. New funding and staff will be required.

RECOMMENDATION #5: PRIVATE SECTOR AND NON-GOVERNMENTAL ORGANIZATIONS

The Province must prepare and resource a strategy for further engagement of the private sector in emergency management planning, including mandated requirements for private sector entities.

RECOMMENDATION #6: TRAINING AND EXERCISING

The provincial government must resource EMBC with additional staff and funding to develop and implement comprehensive training and exercise strategies with partners.

RECOMMENDATION #7: PROVINCEWIDE RISK ANALYSIS

In the long-term, EMBC and its partners must develop a strategy for enhanced hazard risk and vulnerability analysis and for increasing the availability of emergency management risk data for use by local authorities, the private sector, First Nations and the public.

RECOMMENDATION #8: EMERGENCY MANAGEMENT CAPABILITY PRIORITIES

Federal, provincial, and local governments must invest in emergency management capability enhancements in such areas as alerting, logistics, urban search and rescue, rapid damage assessment, and 911.

Key Points Summary (Proposals):

1. Rename Act to *Emergency Management Act*; restructure Act to reflect modern emergency management phases (prevention/mitigation, preparedness, response, recovery); remove references to the term ‘program’; redefine the term ‘plan’ to reflect the 4 phases
2. Remove list of potential causes in definition of ‘emergency’ to clarify that emergencies include disasters; include definition of damage to environment in ‘emergency’
3. Include Treaty First Nations in definition of ‘Local Authority’
4. Remove references to ‘Provincial Emergency Program’ and establish ‘Emergency Management BC’ in legislation; clarify EMBC director’s responsibilities
5. Clarification of Ministerial responsibility under the Act for preparing provincial emergency plans; specific amendments to support these changes
6. Provide authority for Minister responsible for the Act to order local authorities to make reviewed and recommended changes to their local emergency plan
7. Require private sector and non-government owners of critical infrastructure assets (definition required) to undertake business continuity planning, and require them to provide information about their assets or plans to protect those assets for the purpose of emergency management
8. Formalize the responsibilities of local authorities to assess threats and implement emergency plans; clarify the Minister’s role in providing provincial resources for local authorities and the responsibility of EMBC in monitoring, communicating and advising local authorities
9. Provide criteria or guidance for local authorities or provincial government in declaration of a state of emergency and making of orders during a declared emergency to facilitate response and recovery; addition of emergency powers to collect, use or disclose information; ability to fast track accreditation of personnel providing assistance from other Canadian jurisdictions; provision of authority to vary licence, permits or other authorizations as an emergency power
10. Provision of authority for police to apprehend persons refusing to comply with an evacuation order, including right of entry, period of apprehension long enough to remove persons to safety, and authority to recover costs related to enforcement of evacuation orders
11. Extend same protections against loss of employment provided persons on jury duty to those ordered to provide assistance under a state of emergency, potentially extended to cover travel time to and from an emergency or time extended beyond an emergency if assistance is still required