



City of Richmond

Report to Committee

To: Community Safety Committee **Date:** August 28, 2017
From: Cecilia Achiam, MCIP, BCSLA **File:** 09-5125-00/Vol 01
General Manager, Community Safety (16.07)
Re: **Emergency Management Organization Establishment Bylaw No. 9232**

Staff Recommendation

That Emergency Management Organization Establishment Bylaw No. 9232 be introduced and given first, second and third reading.

Cecilia Achiam MCIP, BCSLA
General Manager, Community Safety
(604-276-4122)

Att. 1

REPORT CONCURRENCE	
ROUTED TO:	CONCURRENCE
Finance Division	<input checked="" type="checkbox"/>
Law	<input checked="" type="checkbox"/>
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS:
APPROVED BY CAO 	

Staff Report

Origin

This report presents an updated Emergency Management Organization Establishment Bylaw No. 9232 to replace the existing Emergency Management Organization Establishment Bylaw No. 7898. The proposed bylaw reduces the number of committee layers found in the current bylaw, establishes an effective emergency management organization for the City of Richmond and creates flexibility for the City to respond to emergencies where the expenditure of funds is required.

This report supports Council's Term "Goal 1: Safe Community":

Maintain emphasis on community safety to ensure Richmond continues to be a safe community.

Analysis

Emergency Management Organization

Section 6 (3) of the Emergency Program Act (the "Act") states:

"A local authority that is a municipal council or the board of a regional district must establish and maintain an emergency management organization to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disasters..."

The current Emergency Management Organization Bylaw 7898 has been in effect since 2005 and established an emergency management organization comprised of five layers of committees or groups. This multi layering of the emergency management organization is unnecessarily complex and not reflective of current best practice or requirements.

The proposed Emergency Management Organization Bylaw 9232 will be comprised of an Emergency Operations Committee and an Emergency Planning Committee.

The proposed bylaw more clearly articulates the responsibilities of the Emergency Planning Committee, chaired by the Chief Administrative Officer, or in his absence the Deputy Chief Administrative Officer or their designates, to meet the requirements of the legislation. This includes:

- Requiring an Emergency Plan,
- Annually reviewing and updating the Emergency Plan,
- Regulating the practices and procedures of the Emergency Management Organization,
- Providing training and exercises,
- Arranging meetings with the Emergency Operations Committee,
- Annually submitting a budget,
- Subject to Council's approval, negotiating agreements for mutual aid and resources for disasters, and other similar duties.

The Emergency Planning Committee will be composed of a diverse group of staff with key outside agencies such as the Richmond School District, British Columbia Ambulance Service, Vancouver Coastal Health and other agencies each bringing their perspective to the planning function.

The proposed bylaw identifies Emergency Operations Committee members, chaired by the Chief Administrative Officer (CAO). Member composition, in the proposed bylaw, is similar to that in the current bylaw but updated to reflect organizational changes. In the CAO's absence the Deputy Chief Administrative Officer, or their designate, is responsible for implementing the Emergency Plan and coordinating and directing the City's operations in response to an emergency or disaster.

Declaration of State of Local Emergency

The Act provides that a local authority may declare a state of local emergency through bylaw or resolution. In the event that it is not possible to assemble a quorum of Council on a timely basis, and provided the Mayor has made best efforts to obtain the consent of the other members of Council, the Mayor may make an order for the declaration.

A declaration of a state of local emergency enables local authorities to exercise emergency powers to prevent, respond to or alleviate the effects of an emergency or disaster. These include the use of private property, requiring people to assist, the control or prohibition of travel, evacuation, construction of works or demolition of property and the setting of prices or rationing of supplies. The delegation of use of these extraordinary emergency powers would need to occur at the time of or just after the declaration of a state of local emergency and this remains unchanged from the current bylaw. The local authority remains responsible for the use of the emergency powers by any person or agency authorized to act on its behalf in accordance with the Act.

Expenditure of Funds for an Emergency

Unlike other expenditures, the *Community Charter* provides that emergency expenditures may be made even if not contemplated in the then current financial plan.

The current bylaw provides the following spending delegation to:

- a) up to and including \$250,000 at the discretion of the Chief Administrative Officer; and
- b) \$250,001 and above, at the discretion of the Chief Administrative Officer in consultation with any two General Managers of the City

The proposed spending delegation recognizes that the potential exists for significant response costs in addressing an emergency or disaster and provides flexibility. For example, in the City of Calgary during their 2013 flood, the expenditures in the first 24 hours were \$1M. This level of expenditure is typical for a major emergency.

The proposed bylaw provides that the Mayor or Council must have declared a state of local emergency for the following delegations to authorize expenditures in order of availability:

- a) Up to and including \$1,000,000:
 - i. The Chief Administrative Officer, General Manager, Finance and One Additional General Manager; then
 - ii. The Chief Administrative Officer, General Manager, Finance and General Manager, Community Safety; then
 - iii. The Deputy Chief Administrative Officer and One of the General Managers; then
 - iv. General Manager, Finance and any one General Manager; then
 - v. A minimum of any 2 General Managers.
- b) In excess of \$1,000,001:
 - i. The Chief Administrative Officer and the Deputy Chief Administrative Officer; then
 - ii. The designate of the Chief Administrative Officer and the designate of the Deputy Chief Administrative Officer; then
 - iii. The Chief Administrative Officer or his or her designate and any General Manager or their designates; then
 - iv. The Deputy Chief Administrative Officer or his or her designate together with any General Manager or their designates.

However, the respective department will be fully responsible for the amounts incurred, including controls and details. The bylaw provides there is a requirement for a full review and disclosure to Council after the cancellation of the declaration of the state of emergency. The General Manager, Finance, and Corporate Services will provide information on the expenditures incurred by each respective department. Reimbursement may be sought from the Province and other entities for funds expended.

If there is no declared emergency, but simply a large scale event, the Officer and General Manager Bylaw No. 8215 delegates spending authority to staff which could be used to address lesser emergent situations, but such spending would need to be within the current financial plan.

The Procurement Policy provides for emergency purchases that cannot be accommodated within the Financial Plan under the authority of the appropriate General Manager, with a requirement to later report the purchases to Council and the subsequent amendment of the Financial Plan to include the expenditure and funding source. The proposed bylaw delegates a higher spending authority than the amounts cited in the Officer and General Manager Bylaw No. 8215 for emergency expenditures only, however the requirements to subsequently report the purchases to Council and amend the Financial Plan to include the corresponding expenditures and funding sources remain.

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Financial Impact

None.

Conclusion

The proposed bylaw streamlines the emergency management organization into an emergency planning committee responsible for policy, guidance, and direction for planning and an emergency operations committee responsible for emergency response. This restructuring will provide effective governance for emergency planning and response.



Norman Kotze
A/ Manager, Emergency Programs
(604-244-1211)

NK:nk
Att. 1: Emergency Management Organization Bylaw No. 9232



**Emergency Management Organization
Establishment Bylaw No. 9232**

The Council of the City of Richmond enacts as follows:

PART ONE: EMERGENCY MANAGEMENT ORGANIZATION

1.1 Establishment

1.1.1 For the purposes of the **Act**, an Emergency Management Organization for the **City** is hereby established and shall comprise of:

- (a) the Emergency Planning Committee; and
- (b) the Emergency Operations Committee.

PART TWO: EMERGENCY PLANNING COMMITTEE

2.1 Duties and Responsibilities

2.1.1 The Emergency Planning Committee is responsible for providing policy guidance and direction on **emergency** and **disaster** management matters for the **City**, including:

- (a) preparing the **emergency plan**;
- (b) periodically reviewing and updating the **emergency plan**;
- (c) making and amending rules for regulating the practices and procedures of the Emergency Management Organization;
- (d) providing training and conducting exercises for potential **emergencies** or **disasters**;
- (e) arranging periodic meetings with the Emergency Operations Committee;
- (f) annually submitting to **Council** a budget for the maintenance of the Emergency Management Organization;
- (g) subject to **Council** approval, negotiating agreements:
 - (i) with other municipalities or governments for the purpose of mutual aid; and
 - (ii) with non-government organizations for resources and services that may be needed during an **emergency** or **disaster**; and
- (h) such other similar matters as directed or recommended from time-to-time by the Chair of the Emergency Planning Committee.

2.2 Composition of Emergency Planning Committee

2.2.1 The Emergency Planning Committee shall consist of the following persons or their designates:

- (a) **General Manager, Community Safety;**
- (b) **Fire Chief;**
- (c) **Police Chief;**
- (d) **Senior Manager, Community Safety Policy and Programs;**
- (e) **Manager, Emergency Programs;**
- (f) **Risk Manager;** and
- (g) **Manager, Purchasing.**

2.2.2 The **Chief Administrative Officer**, or his or her designate, shall be the Chair of the Emergency Planning Committee.

2.2.3 In addition to the members of the Emergency Planning Committee appointed by section 2.2.1 of this bylaw, the following organizations may be invited by the Chair to nominate representatives to serve as members of the Emergency Planning Committee:

- (a) Richmond School District No. 38;
- (b) British Columbia Ambulance Service;
- (c) Vancouver Coastal Health Authority; and
- (d) such other organizations as recommended by the Chair of the Emergency Planning Committee.

PART THREE: EMERGENCY OPERATIONS COMMITTEE

3.1 Duties and Responsibilities

3.1.1 The Emergency Operations Committee is responsible for implementing the **emergency plan** during an **emergency** or **disaster** that affects the **City**.

3.1.2 Whether or not a **declaration of a state of local emergency** has been made, the Emergency Operations Committee may implement all or parts of the **emergency plan** and assume the duties and responsibilities of coordinating and directing the **City's** operations in response to an **emergency** or **disaster** that affects the **City**.

3.2 Composition of Emergency Operations Committee

3.2.1 The Emergency Operations Committee shall consist of the following persons or their designates:

- (a) **Chief Administrative Officer;**

- (b) **Deputy Chief Administrative Officer;**
- (c) **all General Managers;**
- (d) **Fire Chief;**
- (e) **Police Chief;**
- (f) **City Solicitor;**
- (g) **Corporate Officer;**
- (h) **Medical Health Officer;**
- (i) **Senior Manager, Corporate Communications; and**
- (j) **Manager, Emergency Programs.**

3.2.2 The **Chief Administrative Officer** shall be the Chair of the Emergency Operations Committee. In the absence of the **Chief Administrative Officer**, the **Deputy Chief Administrative Officer** shall be the Chair of the Emergency Operations Committee.

3.2.3 Notwithstanding the composition of the Emergency Operations Committee in section 3.2.1, the Chair may determine the required composition for each response to an **emergency** or **disaster**, depending on the nature and extent of the **emergency** or **disaster**.

3.3 Expenditures During a Declaration of State of Local Emergency

3.3.1 During the period of a **declaration of state of local emergency**, the following members of the Emergency Operations Committee are delegated the following spending authority in respect to response to the **emergency** or **disaster**:

- (a) the following groups of persons, or their respective designates, have the authority to authorise spending on behalf of the City up to and including \$1,000,000, in order of availability:
 - (i) the **Chief Administrative Officer, General Manager, Finance** and **One Additional General Manager**; then
 - (ii) the **Chief Administrative Officer, General Manager, Finance** and **General Manager, Community Safety**; then
 - (iii) the **Deputy Chief Administrative Officer**, and **One General Manager**; then
 - (iv) the **General Manager, Finance** and **One General Manager**; then
 - (v) the **General Manager, Engineering and Public Works**; then
 - (vi) a minimum of any two **General Managers**.
- (b) the following groups of persons, or their respective designates, have the authority to authorise spending on behalf of the City in excess of \$1,000,001, in order of availability:
 - (i) the **Chief Administrative Officer** together with the **Deputy Chief Administrative Officer**; then

- (ii) the **Chief Administrative Officer** or his or her designate together with the designate of the **Deputy Chief Administrative Officer**; then
 - (iii) the **Chief Administrative Officer** or his or her designate, together with any **General Manager** or their designates; then
 - (iv) the **Deputy Chief Administrative Officer**, or his or her designate, together with any **General Manager** or their designates.
- 3.3.2 The authorities set-out in section 3.3.1 of this bylaw include the authority for the delegated persons to award bids and execute agreements and legal instruments in respect to the authorized spending.
- 3.3.3 As soon as practicable after the cancellation of a **declaration of a state of local emergency**, the **General Manager, Finance and Corporate Services**, shall report to **Council** in respect to any expenditures made during the **declaration of state of local emergency** that is not included in the **City's** financial plan.

PART FOUR: INTERPRETATION

4.1 In this bylaw, unless the context requires otherwise:

ACT	means the <i>Emergency Program Act</i> , RSBC 1996, c 111, as amended or replaced from time to time;
COMMUNITY CHARTER	means the <i>Community Charter</i> , SBC 2003, c 26 and all amendments thereto;
CHIEF ADMINISTRATIVE OFFICER	means the person appointed by Council to the position of Chief Administrative Officer pursuant to section 147 of the Community Charter and includes his or her designate;
CITY	means the City of Richmond;
CITY SOLICITOR	means the person appointed as the head of the City's Law Department and includes his or her designate;
CORPORATE OFFICER	means the person appointed by Council and assigned responsibility for corporate administration of the City under section 148 of the Community Charter and includes his or her designate;
COUNCIL	means the Council of the City ;
DECLARATION OF STATE OF LOCAL EMERGENCY	means a declaration by the Council or the Mayor of the City under section 12(1) of the Act ;
DEPUTY CHIEF ADMINISTRATIVE OFFICER	means the person appointed to be the City's Deputy Chief Administrative Officer and includes his or her designate;

DISASTER	means a calamity that: <ul style="list-style-type: none">(a) is caused by accident, fire, explosion or technical failure or by the forces of nature; and(b) 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: <ul style="list-style-type: none">(a) is caused by accident, fire, explosion, technical failure or the forces of nature; and(b) 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 PLAN	means the local emergency plan, prepared under section 6(2) of the Act , for the City ;
FIRE CHIEF	means the head of the City's Fire - Rescue Department and includes his or her designate;
GENERAL MANAGERS	means the persons appointed to be City's General Managers and includes their designates;
GENERAL MANAGER, FINANCE AND CORPORATE SERVICES	means the person appointed to be the City's General Manager, Finance and Corporate Services and includes his or her designate;
GENERAL MANAGER, COMMUNITY SAFETY	means the person appointed to be the City's General Manager, Community Safety and includes his or her designate;
GENERAL MANAGER, ENGINEERING AND PUBLIC WORKS	means the person appointed to be the City's General Manager, Engineering and Public Works and includes his or her designate;
MANAGER, COMMUNITY SAFETY POLICY AND PROGRAMS	means the City's Manager, Community Safety Policy and Programs and includes his or her designate;
MANAGER, EMERGENCY PROGRAMS	means the City's Manager Emergency Programs and includes his or her designate;

- MANAGER, PURCHASING** means the **City's** Purchasing Manager and includes or his or her designate;
- MEDICAL HEALTH OFFICER** means the Medical Health Officer appointed under the *Public Health Act*, SBC 2008, c. 28 to act within the **City** and includes his or her designate;
- POLICE CHIEF** means the person appointed to be the Officer in Charge of the Police with responsibility for jurisdiction of Richmond or his or her designate;
- RISK MANAGER** means the **City's** Risk Manager and includes his or her designate; and
- SENIOR MANAGER CORPORATE COMMUNICATIONS** means the **City's** Senior Manager, Corporate Communications and includes his or her designate.

PART FIVE: PREVIOUS BYLAW REPEAL

5.1 Emergency Management Organization Establishment Bylaw No. 7898 is hereby repealed.

PART SIX: SEVERABILITY AND CITATION

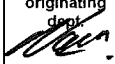

- 6.1 If any part, section, sub-section, clause, or sub-clause of this bylaw is, for any reason, held to be invalid by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.
- 6.2 This bylaw is cited as "**Emergency Management Organization Establishment Bylaw No. 9232**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED

	CITY OF RICHMOND
	APPROVED for content by originating dept. 
	APPROVED for legality by Solicitor 

MAYOR

CORPORATE OFFICER