



REPORT

To: Chair and Directors

Date: February 27, 2020

From: Trish Morgan, General Manager of Community Services

Subject: Overview of Local Government Feedback to EMBC's Discussion Paper: Modernizing BC's Emergency Management Legislation

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board receive the report "Overview of Local Government Feedback to EMBC's Discussion Paper: Modernizing BC's Emergency Management Legislation" for information.

BACKGROUND/RATIONALE:

Emergency Management B.C. (EMBC) is in the process of modernizing the *Emergency Program Act* (EPA) to support more effective management of emergencies in B.C. by incorporating international best practices. On October 28, 2019, EMBC released a discussion paper explaining the need for new legislation and outlining the proposed policy direction for modernized emergency management legislation. The Province sought comment and feedback from emergency management partners and the public up until the end of January 2020. The Regional District submitted feedback to the Province on January 24, 2020.

The Union of BC Municipalities (UBCM) has released an overview of the feedback provided by local governments and is recommending to EMBC the following key points:

- That EMBC develop an ongoing sustainable funding framework for local governments to address emergency management responsibilities;
- That EMBC confirm adequate provincial support services for local governments, to address emergency management capacity issues;
- That EMBC provide local governments with clarity around key terms and policy shifts contained its discussion paper; and,
- That EMBC continue to consult local governments, including UBCM's Flood and Wildfire Advisory Committee, to address local government concerns (including technical issues and changes to draft legislation).

The above noted key points generally match the feedback that the Regional Board provided in their letter to EMBC on January 24, 2020.

ALTERNATIVE OPTIONS:

1. That the Regional Board receive the report "Overview of Local Government Feedback to EMBC's Discussion Paper: Modernizing BC's Emergency Management Legislation" for discussion.
2. That the Regional Board provide further direction.

Staff Initials:

Dept. Head: 

CAO: 

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STRATEGIC PLAN RELEVANCE:

- Responsive Service Delivery
 - Enhance Emergency Planning and Response Capacity
- Advocacy
 - Emergency Response Capacity for Local Governments

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

None at this time.

OTHER CONSIDERATION(S):

In October 2018, B.C. became the first Canadian province to adopt the Sendai Framework. One of its key tenets is an “all of society” approach to emergency management to help build resilience at the individual and community levels. In May 2019, B.C. adopted an Interim Disaster Recovery Framework to provide a governance and operational structure for recovery, prior to development of the new legislation. According to EMBC, the proposals outlined in the discussion paper will provide the legislative framework to build on these measures.

According to EMBC, the new Act will: reflect the lessons learned from the unprecedented flood and wildfire seasons in 2017 and 2018; address all four pillars of emergency management (mitigation, preparedness, response and recovery); and place more emphasis on up-front disaster risk reduction in order to prevent events from happening, and to lessen the impact when they do occur.

Attachments:

1. Report: “Overview of Local Government Feedback to EMBC’s Discussion Paper: Modernizing BC’s Emergency Management Legislation.”
2. January 24, 2020 letter to Emergency Management BC RE: Emergency Program Act Modernization.



UBCM Overview of Local Government Feedback to the EMBC Discussion Paper: Modernizing BC's Emergency Management Legislation



February 2020

March 12, 2020

1. Introduction

The Union of British Columbia Municipalities (UBCM) represents 100% of local governments in British Columbia (BC), as well as eight First Nations members, and has advocated for policies and programs that support its membership's needs since 1905. Over the past nine months, UBCM's Flood and Wildfire Advisory Committee has been meeting with Emergency Management BC (EMBC) as the Province reviews BC's emergency management legislation, and more specifically the *Emergency Program Act* (EPA).

The provincial government released a discussion paper, *Modernizing BC's Emergency Management Legislation*, on October 28, 2019, giving stakeholders until January 31, 2020 to submit input. As part of the review process, UBCM has agreed to provide an overview of local government feedback to the discussion paper, broadly outlining key themes and providing recommendations.

Based on feedback received from local governments and related organizations and regional partnerships, UBCM recommends the following to EMBC:

- That EMBC develop an ongoing sustainable funding framework for local governments to address emergency management responsibilities;
- That EMBC confirm adequate provincial support services for local governments, to address emergency management capacity issues;
- That EMBC provide local governments with clarity around key terms and policy shifts contained in its discussion paper; and,
- That EMBC continue to consult local governments, including UBCM's Flood and Wildfire Advisory Committee, to address local government concerns (including technical issues and changes to draft legislation).

2. UBCM Statement of Support

UBCM wishes to express its support for the Province's commitment towards the Sendai Framework on Disaster Risk Reduction, including the 'all of society' approach. It is also acknowledged that, under the Sendai Framework, the state is primarily responsible to prevent and reduce disaster risk. This responsibility includes the "empowerment of local authorities and communities through resources, incentives and decision-making responsibilities as appropriate." The provincial government has previously recognized the need to support local government capacity building. UBCM feels this issue requires additional and immediate attention, to move beyond recognition towards providing certainty.

It is also acknowledged that EMBC is currently engaging with Indigenous representatives, in a similar manner as the process involving UBCM's Flood and Wildfire Advisory Committee. UBCM would be supportive towards an opportunity for its Flood and Wildfire Advisory Committee to meet and discuss Indigenous concerns as part of the EPA modernization process.

3. Local Government Feedback to the 2016 EPA Review

As part of this review process, EMBC will consider all proposed changes and input from its 2016 review. Following up on EMBC's discussion paper, *Prepared and Resilient: A Discussion Paper on the Legislative Framework for Emergency Management in British Columbia*, UBCM provided a thorough summary of local government feedback. Key themes/recommendations included:

- The need for further consultation in the process to renew the *Emergency Program Act* (including the ability to see draft legislation);
- Local authority difficulty in assuming greater responsibility, in some cases even if corresponding funding were to be provided; and,
- A desire to maintain the current level of local government authority (legislative or otherwise), and caution regarding proposals that infringe on that authority.

4. Respondents

As part of this broad review, UBCM has considered 43 submissions from the following local organizations:¹

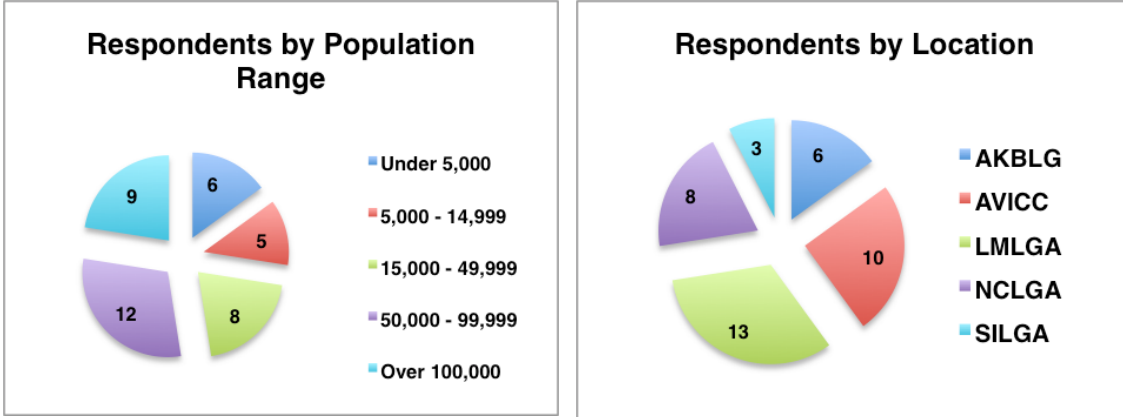
- Local governments (40)²
- Regional emergency management partnerships (2)
- Regional coalition (1)
- Local government organization (1)

With regards to local government respondents, feedback was reasonably well distributed across population ranges and regions:

¹ All local government submissions were provided to UBCM by EMBC, and are listed in Appendix A.

² Includes one joint submission from the Village of Harrison Hot Springs and District of Kent.

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5. Sendai Framework for Disaster Risk Reduction

Although there were a number of drivers behind the 2019/20 review, one of the key developments was British Columbia’s adoption of the Sendai Framework for Disaster Risk Reduction. The adoption of this voluntary agreement in October 2018 signalled a new provincial approach, seeking to reduce disaster risk across all sectors. It calls for an ‘all of society’ approach in sharing responsibility for disaster risk reduction.

As the provincial government uses the Sendai Framework as a guide to strengthen all four pillars of emergency management, there is an understanding that this will entail significant contributions from all emergency management partners, including local governments.

Although the next section will outline several overarching concerns expressed by respondents, it is important to note that local governments showed broad acceptance and support for the implementation of the Sendai Framework.

6. Overarching Considerations

Over 60 recommendations, almost half of which are considered ‘key policy shifts’ by EMBC, are proposed in the provincial discussion paper. The proposals represent significant policy shifts that, among other things, assign new responsibilities to emergency management partners. Through analysis of local feedback, this section will outline several overarching considerations for EMBC to analyze as it continues its review.

Funding

The most prevalent concern throughout the local government feedback pertains to a lack of adequate funding to undertake new responsibilities proposed by EMBC. Although the discussion paper acknowledges that all four pillars of emergency management must be supported through funding, it does not outline any specific mechanisms. In light of the proposed transfer of numerous large-scale responsibilities to local authorities, funding became the most cited concern among local submissions.

Many felt that long-term sustainable funding was a necessity in order to assume new responsibilities (e.g. development of mitigation plans) and meet new standards (e.g. ‘build back better’) proposed by EMBC. Some felt new funding mechanisms should be flexible and adaptable to the size and capacity of all local governments, with consideration towards smaller local governments. Others were reluctant to support proposals with cost implications for local governments.

Numerous respondents also refused to support proposed funding contingent on local governments completing specified duties. For example, the proposal requiring post-disaster needs assessments and post-disaster recovery plans, as a condition of receiving recovery funding, was not well received. It was largely viewed as a punitive measure that would hinder recovery at a time when financial assistance is most needed.³

Local Government Capacity

Another primary concern is the provincial government’s ability and intent to support local governments in building capacity and obtaining expertise needed to implement proposed policy shifts. For the proposed framework to function as intended, local governments will require greater capacity to undertake new plans, required consultations and other work to address all four pillars of emergency management. As some have pointed out, smaller local governments may be most at need, although given the volume and magnitude of proposed changes all local governments will require some level of capacity building.

Although many respondents called for additional capacity building, some felt there was a limit, and cautioned that the Province should properly balance new obligations with available resources. Respondents cited a number of areas where greater capacity was needed, including planning and assessments; policy and bylaw development; engineering and operations; consultation; and general emergency management expertise.

³ Through discussions with the Province it was understood that the intention of this proposal is not be punitive.

Provincial Support

To address local concerns, many respondents called for provincial support (financial and non-monetary considerations). When combining new local government responsibilities with the provincial government's objectives, it is clear that local governments will need considerable support to manage proposed duties.

The nature of this support has not yet been determined. Suggestions include best practices guidelines and toolkits; templates; standardized training and workshops; data sharing; and additional EMBC staff support. There was particular concern for smaller local governments being able to absorb new costs and duties.

Clarity

Likely due to the number of complex and impactful policy shifts proposed in the discussion paper, there were numerous requests for clarity around terms/wording and proposals. Examples include but are not limited to requesting clarity regarding:

- Responsibilities during an emergency, especially where provincial and local responsibilities overlap;
- Whether the Disaster Financial Assistance (DFA) program will be amended to accommodate 'building back better';
- Rules and requirements for consultation and/or collaboration;
- Penalties for those who are unable or unwilling to fulfill proposed responsibilities;
- The development and implementation of hazard mitigation plans;
- Which body will conduct recovery plan audits (e.g. AGLG, EMBC, other), and the auditing process in general;
- Deliverables;

Respondents have also asked for clarification around various words/terms.

Additional Consultation / Review

The provincial government has indicated that it will seek to introduce new emergency management legislation during the fall 2020 legislative session. Given the potential impacts on local governments, several respondents indicated a desire to view draft legislation and provide additional feedback in advance of a new act being tabled. Others requested a legal review and/or a committee be established for the purpose of reviewing legislation.

In 2016, many respondents provided a similar perspective, leading to a UBCM

recommendation requesting additional consultation and the ability to view draft legislation.

7. Recommendations

UBCM appreciates EMBC's consideration of this submission, which offers an overview of key themes emerging from local government feedback to the discussion paper, *Modernizing BC's Emergency Management Legislation*. UBCM would also like to thank members of the Flood and Wildfire Advisory Committee for their contributions to the review process.

Based on local feedback, UBCM submits the following recommendations for consideration by the provincial government in advance of tabling new emergency management legislation:

- That EMBC develop an ongoing sustainable funding framework for local governments to address emergency management responsibilities;
- That EMBC confirm adequate provincial support services for local governments, to address emergency management capacity issues;
- That EMBC provide local governments with clarity around key terms and policy shifts contained its discussion paper; and,
- That EMBC continue to consult local governments, including UBCM's Flood and Wildfire Advisory Committee, to address local government concerns (including technical issues and changes to draft legislation).

Addressing these issues, in part through engagement with local governments, will help further the development of a new emergency management framework that includes realistic and achievable expectations.

Appendix A: Local Respondents to EMBC's Discussion Paper

Local Government, Related Organization or Partnership	Region	Population Range
Bulkley-Nechako RD	NCLGA	15,000 - 49,999
Capital RD	AVICC	Over 100,000
Cariboo RD	NCLGA	50,000 - 99,999
Central Kootenay RD	AKBLG	50,000 - 99,999
City of Burnaby	LMLGA	Over 100,000
City of Chilliwack	LMLGA	50,000 - 99,999
City of Coquitlam	LMLGA	Over 100,000
City of Cranbrook	AKBLG	15,000 - 49,999
City of Delta	LMLGA	Over 100,000
City of Enderby	SILGA	Under 5,000
City of Grand Forks	AKBLG	Under 5,000
City of Langley	LMLGA	15,000 - 49,999
City of Nanaimo	AVICC	50,000 - 99,999
City of Nelson	AKBLG	5,000 - 14,999
City of Port Coquitlam	LMLGA	50,000 - 99,999
City of Surrey	LMLGA	Over 100,000
City of Vancouver	LMLGA	Over 100,000
City of Victoria	AVICC	50,000 - 99,999
Columbia-Shuswap RD	SILGA	50,000 - 99,999
Comox Valley RD	AVICC	50,000 - 99,999
Cowichan Valley RD	AVICC	50,000 - 99,999
District of Chetwynd	NCLGA	Under 5,000
District of Kent	LMLGA	5,000 - 14,999
District of Kitimat	NCLGA	5,000 - 14,999
District of Squamish	LMLGA	15,000 - 49,999
District of Tofino	AVICC	Under 5,000
East Kootenay RD	AKBLG	50,000 - 99,999
Fraser Valley RD	LMLGA	Over 100,000
Fraser-Fort George RD	NCLGA	Over 100,000
Integrated Partnership for Regional EM (Metro Region)	N/A	N/A
Kootenay-Boundary RD	AKBLG	15,000 - 49,999
Municipal Insurance Association of BC	N/A	N/A
Nanaimo RD	AVICC	Over 100,000
North Coast RD	NCLGA	5,000 - 14,999
North Okanagan RD	SILGA	50,000 - 99,999
Northern Rockies Regional Municipality	NCLGA	Under 5,000
Peace River RD	NCLGA	50,000 - 99,999
qathet RD	AVICC	15,000 - 49,999
Regional EM Partnership (Capital Region)	N/A	N/A
Resort Municipality of Whistler	LMLGA	5,000 - 14,999
Resource Municipalities Coalition (Northern BC)	N/A	N/A
Strathcona RD	AVICC	15,000 - 49,999
Township of Esquimalt	AVICC	15,000 - 49,999
Village of Harrison Hot Springs	LMLGA	Under 5,000



January 24, 2020

Emergency Management BC
Attn: Citizen Engagement
PO BOX 9484 Stn Prov Govt
Victoria, B.C. V8W 9W6

EmergencyProgramAct@gov.bc.ca

RE: *Emergency Program Act Modernization*

To Whom It May Concern,

The Peace River Regional District (PRRD) respectfully submits the following feedback in response to the Discussion Paper: British Columbia – Modernizing BC’s Emergency Management Legislation.

The discussion paper outlines a number of principles and strategies, however, the PRRD has concerns regarding staffing capacity, costs and expertise required to fully implement some of the changes suggested.

1) Funding to conduct mitigation works

As noted in the discussion paper, the current legislation focuses largely on response and recovery. It is proposed that the modernized legislation take a four pillars approach to emergency management which will include mitigation and preparedness and will “[specify] the obligations of emergency management partners in each area.”

While the PRRD supports the idea of a taking a balanced approach to the four pillars, the PRRD is concerned with the cost to construct structural mitigation works and whether there will be long term and reliable provincial funding opportunities for these projects as well as long term funding for maintenance (e.g., flood mitigation works). Further, in the absence of provincial funding, will regional districts be required to create service areas and a service function to requisition for the construction and maintenance of structural mitigation works and if these service areas will be required to be established through an elector approval process? If service areas are required to be established by elector approval, what will be the result if the electorate does not approve them (i.e., they are unwilling to pay for the project and maintenance)? Will local governments be held liable for failing to prevent an emergency or disaster?

Recommendations:

- 1) That if the Province of BC increases the obligations of local governments to conduct structural mitigation works, that the Province create a trust that would ensure long-term sustainable funding support for local governments for the construction and long-term maintenance of structural mitigation projects.

diverse. vast. abundant.

PLEASE REPLY TO:

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 9505 100 St, Fort St. John, BC V1J 4N4 Tel: (250) 785-8084 Fax: (250) 785-3135 Email: prrd.fsj@prrd.bc.ca

March 12, 2020

- 2) That if the Province of BC requires local governments to contribute funding for the construction and maintenance of structural mitigation works, that consideration be given to whether an elector approval process would be required to establish service areas.

2) Definition of “Emergency”

The discussion paper proposes that the definition of an “emergency” be expanded to include damage to “Indigenous cultural sites or the environment” or “Any other situation prescribed by the Lieutenant Governor in Council.”

Proposed additions in red:

- (a) Is caused by accident, fire, explosion, technical failure or a force of nature; and
- (b) Requires prompt coordination of action or special regulation of persons or property to protect the health safety or well-being of a person or community or to limit the damage to property, **significant Indigenous cultural sites or the environment; or**
- (c) **Any other situation prescribed by the Lieutenant Governor in Council.**

The PRRD is concerned with the expectations of the Province with respect to the role local governments will play in protecting significant Indigenous cultural sites or the environment. Further, will the Lieutenant Governor be able to order a local government to respond to an emergency that is not outlined in the current definition, such as one that has impacts on human health (such as foreign animal disease or pandemic) or economic crises? Many local governments in BC, particularly in the north, are limited in staffing capacity and do not have the knowledge or expertise in these areas to support emergencies of this type.

Recommendations:

- 1) That the Province of BC provide further information on what they propose the role of local government be in relation to protecting significant Indigenous cultural sites or the environment.
- 2) That the Province of BC provide further information on whether the Lieutenant Governor could order a local government to take action in relation to an emergency that is outside the scope described by the definition under the current and proposed Act.

3) Local Authority

The discussion paper proposes that the Minister would be able to prescribe by regulation new “local authorities” for the purposes of undertaking some or all emergency management functions.

While the PRRD supports the idea of collaboration and coordination between regional districts, municipalities and First Nations, the PRRD is concerned whether the Province will consider creating local authorities that include unincorporated communities with no defined boundaries, governance structure or funding mechanisms.

Recommendations:

- 1) That the Province of BC clearly define the criteria and process under which they will consider creating a new local authorities.
- 2) That unincorporated communities with no defined boundaries, governance structure or funding mechanisms not be considered by the Province when prescribing new local authorities.

4) Definition of Recovery

The discussion paper proposes “to give local authorities and ministries the tools and powers required to build back stronger, faster and inclusively.” The PRRD supports this concept and recommends that the Province amend the Disaster Financial Assistance (DFA) legislation to allow for this. Currently the requirements under DFA do not allow recipients to build to a higher standard or make modifications to what was pre-existing prior to an emergency event, even if it contributed to impacts associated with the event. In order to mitigate future events, recipients of DFA needs to have the flexibility to be able to make changes to alterations to their homes, businesses, and infrastructure so that they are prepared to withstand future events.

Recommendation:

- 1) That the Province of BC amend the Disaster Financial Assistance regulation to provide greater flexibility to recipients so that they can build back stronger and faster.

5) Changes to States of Local Emergencies

The PRRD supports the concept proposed in the discussion paper whereby the duration of states of local emergencies (SOLE's) would increase from 7 days to 14 days and provincial state of emergencies from 14 days to 28 days. Additionally, introducing a provision that would allow local authorities to utilize one or more of the extraordinary powers when transitioning to recovery and without the use of a SOLE, would reduce the administrative burden associated with response and recovery.

6) Provincial Ministries, Crown Corporations & Agencies

The discussion paper proposes that the “Provincial government must lead by example to adopt a four-pillar approach to emergency management...” While it is encouraging that it is proposed that provincial ministries, Crown Corporations and agencies will be required to develop and maintain business continuity and emergency management plans, these plans need to clearly outline and define roles and responsibilities as well as how they will work with local governments as partners in emergency management – not download responsibilities to local governments. Provincial experts play an important role in emergency management and response in particular and as such it is important that they are trained in the BC Emergency Management System and are able to fully support and lead emergency response efforts.

Further, provincial ministries, Crown Corporations and agencies need to be responsible for emergencies that occur on Crown land and/or affect provincially owned infrastructure and further be responsible for assessing the associated risks and impacts and conducting mitigation works on Crown land. While local governments are responsible for ensuring that our citizens

are cared for during an emergency, local governments should not be responsible for coordinating a response on Crown land or in relation to Crown assets.

Recommendations:

- 1) That the Province of BC clearly define the roles and responsibilities of all provincial ministries, Crown Corporations and agencies with respect to their roles and responsibilities in all four pillars of emergency management including how they will work as partners with local governments.
- 2) That the Province of BC ensure that staff working for provincial ministries, Crown Corporations and agencies be trained and exercised in the BC Emergency Management System.
- 3) That the Province of BC be responsible for responding to emergencies that occur on Crown land and/or affect provincially owned infrastructure and further be responsible for assessing the associated risks and impacts and conducting mitigation works on Crown land.

7) Quality Assurance & Standardized Programs & Plans

The discussion paper proposes to provide EMBC with the ability to audit emergency management plans and the results would be made public. As voiced by many other local governments, the PRRD is concerned how this information may be used if made public and whether it could open a local government to possible liability and litigation following an emergency response.

Further in the discussion paper it is proposed that emergency program and plan content requirements be prescribed through regulation. Given the uniqueness of each local government and First Nation in BC, the PRRD is concerned that a regulated “one-size fits all” approach would not provide the flexibility needed to approach emergency programming and planning in such a way as to recognize the diversity that exists throughout BC.

Recommendations:

- 1) That the Province of BC develop a “best practices guide” for local authority emergency management plans and programs to assist local governments and First Nations; and further, that there is recognition from the Province that every local government and First Nation is unique which may be reflected in their plans and approach to emergency response and recovery.
- 2) That the Province of BC provide funding support to local governments to revise and update emergency management plans to meet best practices set forth by the Province.
- 3) That should the Province of BC wish to audit local government emergency management plans, that they do not make the results public and instead work as partners with the local government to make changes to their plans.

8) Responsibilities of Provincial Ministries, Crown Corporations & Agencies

The PRRD supports the proposal that provincial ministries, Crown corporations and agencies be required to develop emergency plans and participate in the development of plans where they are not the lead.

The PRRD further supports establishing a provincial obligation to provide hazard data and coordinate with local authorities and First Nations, however, is concerned with whether there will be support provided to interpret and analyze this data. Most local governments do not have the capacity or in-house expertise to be able to utilize data that may be provided regarding hazards, risks and potential impacts in their regions. Support from provincial experts will be required in order to fully understand and address hazards through planning and mitigation and preparations for response and recovery.

Recommendation:

- 1) That the Province of BC provide support (funding and expertise) and guidance to local governments and First Nations to assist in understanding and interpreting hazard and risk data in order to develop plans to address impacts and vulnerabilities within our regions.

9) Building & Development

The discussion paper proposes that local authorities and the Province (through subdivision approval) give greater consideration for current and future risk for new development approvals in hazardous areas. It is important for the Province to understand that while development approval may be provided once a property is subdivided, there may be tens of years between the time that a subdivision is approved and an owner builds on the property. And while it is the responsibility of the property owner to educate themselves of any notices or covenants on title, many are often not aware of covenants requiring to address known hazards.

Additionally, many regional districts in BC do not require building permits in portions of their electoral areas and therefore may only become aware of new construction when a property owner is seeking a civic address. In these cases property owners are able to build however they like and wherever they like without regard for mitigating known hazards on their properties. Building permits are a tool for local governments to require property owners to not only follow the BC Building Code, but to also build in such a way as to reduce their risk from a known hazard. Due to the lack of building inspection in many rural areas, regional districts often don't become aware of issues such as building too close to water bodies, or in or near steep slopes, etc. until there is an emergency and properties have become impacted and require assistance.

Recommendation:

- 1) That the Province of BC provide support (funding and expertise) and guidance to local governments and First Nations to assist in understanding and interpreting hazard and risk data in order to develop plans to address impacts and vulnerabilities within our regions.

10) Collaborative Planning & Partnerships

The discussion paper proposes that local governments be required to consult with First Nations on their emergency plans. While the PRRD supports the idea of working with our First Nations neighbors whenever possible and where there is capacity to do so, there is concern over

prescribing through legislation or regulation the standard to which consultation must take place. Many small local governments and First Nations do not currently have the human resource capacity that may be required to conduct consultation or engagement.

Recommendations:

- 1) That the Province of BC create “best practice” guidelines for reciprocal consultation between local governments and First Nations, rather than regulating consultation requirements.
- 2) That the Province of BC provide sustainable funding for both local governments and First Nations to increase capacity to conduct consultation and engagement.

11) Critical Infrastructure Operators

The discussion paper proposes that critical infrastructure (CI) operators be required to develop specific emergency management plans and to be inclusive of hazards created by CI. While this is a first step, it is also important for CI operators to educate the public and local authorities on the hazards that may be created through their infrastructure. Local authorities do not have the expertise to educate those that may be impacted as a result of a CI failure.

For instance, BC Hydro has constructed hydroelectric dams across BC and while they currently have emergency plans in place to respond to a failure, they do not educate the residents and businesses located within their inundation zones on the hazard and risks. Local governments do not have dam engineers that can speak to the possible causes of a dam failure, what might happen, the rate of release, etc. This information is best communicated by BC Hydro engineers to those who could be impacted. This approach is taken throughout northern BC with respect to oil and gas operators who are required by legislation to meet with anyone who could be potentially impacted by a failure in their infrastructure.

Recommendation:

- 1) That the Province of BC require critical infrastructure operators, including Crown corporations, to educate the public on the hazards, risks and impacts that could occur should there be an infrastructure failure.

12) Volunteers & Non-Governmental

The discussion paper proposes providing more support to volunteers through creating more equitable treatment between those ordered to provide support in an emergency and those who willingly do so. Since 2016 the Province has experienced a number of emergencies that have required, not only long-term deployment of volunteers, but also a greater number of volunteers. Many have volunteered to assist with response and recovery efforts and have done so without pay and have put their jobs in jeopardy to assist others.

While the PRRD supports the concept of providing volunteers with “time limited employment protection,” the Province should also consider criteria paying those who volunteer during an emergency. Standards and criteria would have to be developed to determine when, how and who should be paid for their time similar to volunteer fire fighters who are deployed by the Office of the Fire Commissioner.

Further, the Province should also consider de-categorizing public safety lifeline volunteers. For instance, there is no reason why a search and rescue volunteer, if trained, could not assist with ESS or rapid damage assessment. Under the current system there is no liability or WCB protection for search and rescue (SAR) volunteers to assist with these response tasks as part of their SAR organizations.

Recommendations:

- 1) That the Province of BC develop a system and criteria to pay volunteers who have been deployed for long-term durations similar to volunteer fire fighters.
- 2) That the Province of BC consider providing greater flexibility with respect to Work Safe BC and liability coverage so that public safety lifeline volunteers, particularly search and rescue volunteers, can assist with a greater variety of tasks during a response.

13) Financial Considerations

The discussion paper notes that the “Province continues to work to improve its policies, procedures and administrative processes to ensure Local Authorities “are reimbursed for response and recovery costs.” While the PRRD supports this concept, the Province should also examine the expense authorization process that is utilized during response and recovery. Many local governments have voiced frustration with the process that requires emergency operations centres to receive pre-approval for expenses associated with response and recovery costs. Often approvals are delayed because they require multiple levels of approval from EMBC and can slow the ability of incident command and the EOC to respond.

Recommendation:

- 1) That the Province of BC examine the “expense authorization form” system utilized during emergency response and recovery to approve expenses, with particular attention being targeted at finding ways to speed up approval processes in order to keep pace with the emergency.

14) Compliance & Enforcement

The current legislation (and presumably the proposed legislation) provides local authorities with the ability to initiate an evacuation when there is an imminent risk to public safety. Although adults currently have the option to decide whether to stay and defend their properties while under evacuation order, once they leave the order area, they are not allowed to re-enter without authorization. The challenge that is faced by many local governments is that there is limited enforcement of evacuation order areas by the RCMP and there is no penalty for those who violate evacuation orders and lead others into evacuated areas.

Recommendation:

- 1) That the Province of BC include in the modernized *Emergency Program Act* legislation, provisions to enforce evacuation orders and apply penalties for those who chose to willingly violate them.

15) Phased Approach to Implementation & Sustainable Funding

Given the number of proposals that the Province is currently considering, including in the new legislation, it will take time and resources for local governments and First Nations to fully implement changes in their emergency programs and plans. Therefore if any changes are brought forward it would be important to do so in a phased approach over a number of years and with funding support to help increase long-term human resource capacity. **Many local** governments and First Nations communities do not have the staffing capacity or the funding to increase staffing to fully implement the changes recommended in the discussion paper - a guarantee of long-term sustainable funding will be crucial to implementing changes.

Recommendations:

- 1) That the Province of BC implement any changes to the Act utilizing a phased approach in order to provide local governments and First Nations time to make suitable changes and increase capacity.
- 2) That the Province of BC guarantee the provision of long-term sustainable funding to local governments and First Nations to increase human resource capacity to address any changes brought forward through legislation.

Should you have any questions regarding our feedback please feel free to contact Trish Morgan, General Manager of Community Services, at 250 784-3200 or trish.morgan@prrd.bc.ca.

Yours truly



Brad Sperling, Chair

March 12, 2020