

## **VILLAGE OF PORT CLEMENTS**

### **BYLAW NO: 408, 2013**

#### **A Bylaw to replace Bylaw #303, 2000 in regards to an Emergency Management Commission**

WHEREAS section 143 of the Community Charter empowers the Council to establish a commission to operate services of the local government;

AND WHEREAS the Council for the Village of Port Clements is mandated to establish and maintain an emergency plan for the Village of Port Clements;

AND WHEREAS the Council for the Village of Port Clements wishes to authorize a Commission to undertake the management of emergency preparedness for the municipality;

NOW THEREFORE the Council for the Village of Port Clements in open meeting assembled enacts as follows:

#### **SECTION 1 - DEFINITIONS:**

1. Council means the Village of Port Clements Council
2. Declaration of a state of local emergency means a declaration of Council or the Mayor that an emergency exists or is imminent in the municipality.
3. Disaster means a calamity that:
  - 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.
4. Emergency means a present or imminent event that:
  - a. Is caused by accident, fire, explosion or technical failure or by 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 people or to limit damage to property.
5. Village of Port Clements Emergency Coordinator means the person appointed by the Council as head of the Village of Port Clements Emergency Management Commission.
6. Municipality means all the area within the boundaries of the Village of Port Clements
7. The Village of Port Clements Emergency Management Commission means the Emergency Coordinator and such other persons appointed, and functional groups established, and which are

charged with Emergency Preparedness, response and recovery measures.

8. Commission member means someone who has been appointed to the commission by the Emergency Coordinator and has voting privileges on the Commission.

## SECTION 2 - ADMINISTRATION:

1. The Commission shall be composed of a minimum of 5 members and a maximum of 10 members who shall be appointed by the Emergency Coordinator. At least one member of the Commission shall be from Council and one member shall be a Village of Port Clements staff member. Members from unincorporated areas such as Tlell are eligible to be members on the Commission.
2. Council hereby delegates the authority to appoint members to the Commission to the Emergency Coordinator. The Emergency Coordinator should consider membership from the Fire Department, Ambulance, Seniors Group, School and general public.
3. If, without good reason, any member of the Commission is absent from three (3) consecutive regular meetings the Emergency Coordinator may, upon a recommendation of the Commission, remove the member from the Commission.
4. The Emergency Coordinator may remove any member of the Commission for malfeasance or any breach of legal trust.
5. Annually, during the month of January, the Commission shall hold a meeting at which a Chair shall be selected from the appointed members as well as any other officers required to conduct their business.
6. Regular meetings of the Commission shall be held quarterly, at a time set by resolution of the Commission.
7. Regular meeting procedures shall be conducted in accordance with the Village of Port Clements Procedures Bylaw No. 336, 2004.
8. Proceedings of the meetings shall be recorded and a copy of the Minutes forwarded to Council for their information.
9. Subject to the approval of Council, the Commission may:
  - a. Make and amend its policies and procedures;
  - b. Enter into agreements with Regional Districts or other municipal bodies for the purpose of emergency assistance or

- formulation of coordinated emergency preparedness, response and recover, and;
- c. Enter into agreements with individuals, bodies, corporations or other non-government agencies, for the provision of goods or services.

### SECTION 3 – DUTIES AND RESPONSIBILITIES OF THE COMMISSION

1. The Commission shall prepare and present to the Council for annual review and approval:
  - a. A list of hazards to which the municipality is subject and which also indicates the relative risk of such occurrence;
  - b. Plans respecting the preparation for, response to, and recovery from emergencies and disasters, which include;
    - i. A periodic review of plans and procedures
    - ii. A program of exercises and training
    - iii. Procedures by which physical and financial emergency resources or assistance may be obtained
    - iv. Procedures by which emergency plans are to be implemented
    - v. Warning and communication procedures for the public
    - vi. Procedures to establish the priorities for restoring essential services provided by the municipality, or recommend priorities to other service providers, that are interrupted during an emergency or disaster

### SECTION 4 – POWERS OF COUNCIL

1. Council, Mayor or the Emergency Coordinator, whether or not a state of local emergency has been declared, can cause the emergency plan to be implemented.
2. 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 Section 12 of the Emergency Programs Act is required to effectively deal with an emergency or disaster in any part of the municipality.
3. Upon a declaration of a state of local emergency being made, Council, or its designate, shall send a copy of the declaration to Emergency Management BC and ensure that the details of the declaration are made known to the majority of the population of the affected area.
4. Council, Mayor or the Commission may do any or all of the acts enumerated in the Emergency Programs Act that are considered necessary and implement procedures considered necessary to prevent, respond to, or alleviate the effects of an emergency or disaster.

5. The Council or Mayor must, when of the opinion that an emergency no longer exists in the municipality to which a declaration of a state of local emergency was made, cancel the declaration of a state of local emergency and promptly notify Emergency Management BC of the cancellation.

## SECTION 5 – LIABILITY

As stated in the Emergency Programs Act, no person, including without limitation, the Council, the Mayor, members of the Emergency Management Commission, employees of the Village of Port Clements, volunteers, and any other person appointed, authorized, or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damage 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 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 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.

Bylaw 303, 2000 is hereby rescinded.


This Bylaw may be cited as the “Village of Port Clements Emergency Management Commission Bylaw #408, 2013”.

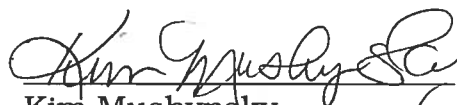
Read a first time, this 21<sup>st</sup> day of November, 2013.

Read a second time, this 2<sup>nd</sup> day of December, 2013.

Read a third time, this 2<sup>nd</sup> day of December, 2013.

Reconsidered and finally adopted this 16<sup>th</sup> day of December, 2013.

  
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Wally Cheer,  
Mayor

  
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Kim Mushynsky,  
Chief Administrative Officer

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Certified to be a true copy of Bylaw 408 Emergency Management Commission