



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



February 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, 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 45 submissions from the following local organizations:<sup>1</sup>

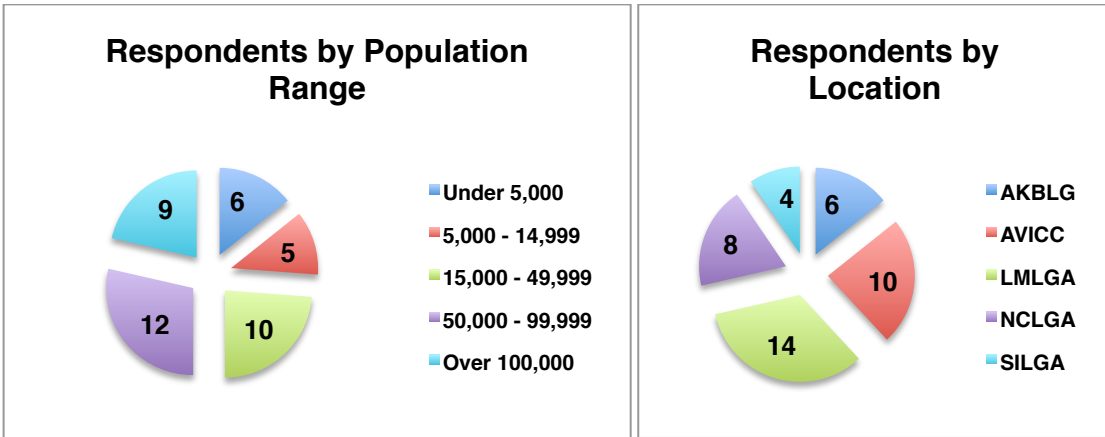
- Local governments (42)<sup>2</sup>
- Regional emergency management partnerships (2)
- Regional coalition (1)
- Local government organization (1)

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

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<sup>1</sup> All local government submissions were forwarded to UBCM by EMBC, and are listed in Appendix A. This report was updated on July 23, 2020 to include consideration of a late submission from the City of Pitt Meadows, as well as a submission from the City of Vernon received prior to the deadline but not immediately forwarded to UBCM.

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



## 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 changes 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.<sup>3</sup>

**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

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

emergency management expertise.

### **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 implement changes and 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 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).

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 Pitt Meadows	LMLGA	15,000 - 49,999
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 Vernon	SILGA	15,000 - 49,999
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