

# Impact of Emergency Management Legislation on Regional Districts

UBCM Electoral Area Directors Forum

January 30, 2024



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# Agenda

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- EDMA timeline
- What's in effect?
- Phased implementation
- Requirements for regional districts
  - EPA planning requirements
  - EDMA risk assessment and planning requirements
  - Regulations concerning regional district planning
  - Response and recovery
- Emergency management organizations
- Penalties
- Regulations
- Indigenous engagement requirements and funding
- Questions and next steps



# EDMA timeline



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# What's in effect

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- Definition of emergency
- Increased length of SOPE/SOLE
- Ability to declare a recovery period
- General, response and recovery powers
- Requirements for post-emergency reporting
- Requirements for local authorities to begin work to reach agreement with Indigenous governing bodies on areas for consultation and cooperation during the response and recovery phases
- Ability to create or join a multijurisdictional emergency management organization (MJEMO)



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# Phased implementation – in effect through regulations

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- Planning requirements for regulated entities:
  - Lead ministers
  - Local authorities
  - Public sector agencies
  - Critical infrastructure
- Updated compensation and disaster financial assistance framework
- Potential frameworks for compliance and enforcement (e.g., additional rules for recovery of costs, administrative monetary penalties)



# Phased implementation – new and updated regulations over time

<b>Subject Area</b>	<b>Purpose</b>
<b>Volunteer</b>	Ensures continuity in liability protection for volunteers along with other practices for authorizing deployments. *Deposited November 15 <sup>th</sup> – in effect now.
<b>General</b>	Addresses miscellaneous technical matters.
<b>Ministries</b>	Completes framework for provincial government planning, including making hazard assignments to lead ministers.
<b>Local authorities</b>	Completes framework for local authority planning, including establishing a limited scope for regional district risk assessment and planning requirements. May add to the framework for multijurisdictional emergency management organizations.
<b>Critical infrastructure (CI)</b>	Completes framework for CI planning and establishes which CI owners are subject to EDMA planning requirements.
<b>Compliance and enforcement</b>	Completes framework for compliance and enforcement. May add to rules for recovery of costs and/or build out a framework for administrative monetary penalties.
<b>Compensation and financial assistance</b>	Modernizes the post-emergency compensation and financial assistance (DFA) schemes.

# Existing requirements from the *Emergency Program Act*

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- Local authority emergency plans required under section 6(2) of the *Emergency Program Act* and section 2 of the Local Authority Emergency Management Regulation
- EPA s. 6(2): three-phase plans
- LAEMR s. 2(1): plans must reflect
  - the potential emergencies and disasters that could affect any part of the jurisdictional area of the local authority; and,
  - the local authority's assessment of the relative risk of occurrence and the potential impact on people and property of these emergencies and disasters.



# Existing requirements from the *Emergency Program Act*

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- LAEMR s. 2(3): local authorities must:
  - conduct periodic reviews and updates of emergency plans
  - establish exercises and training programs for response staff
  - identify procedures for obtaining emergency resources
  - establish procedures for implementing emergency plans
  - establish procedures for notifying people who may be affected by an impending emergency or disaster
  - coordinate the provision of food, clothing, shelter, transportation, and medical services
  - establish the priorities for restoring essential services provided by the local authority
  - recommend to service providers the priorities for restoring essential services not provided by the local authority





# Risk Assessments

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## **Risk assessments must assess:**

- likelihood of a hazard leading to an emergency
- potential scope and scale of an emergency
- potential consequences for persons or property or for objects or sites of heritage value

## **And must be based on:**

- studies and surveys
- Indigenous and local knowledge, if available
- potential impacts from expected climate change or extreme weather events

**Brought into effect by  
regulation**



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# Emergency Management Plans

## Emergency management plans must include:

- all four phases of emergency management
- the roles, powers, and duties of key persons
- requirements for emergency resources
- procedures for engaging emergency systems
- plans for training and exercise programs
- how cultural safety will be promoted
- how to mitigate the disproportionate effects of emergencies
- plans for evacuating and caring for persons and animals
- descriptions of areas where consultation and cooperation with Indigenous governing bodies is required

## Plans must be based on:

- all available risk assessments
- results of consultation and cooperation with Indigenous governing bodies
- results of consultation with neighbouring local authorities

**Brought into effect  
by regulation**



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# Commitment regarding regional district planning

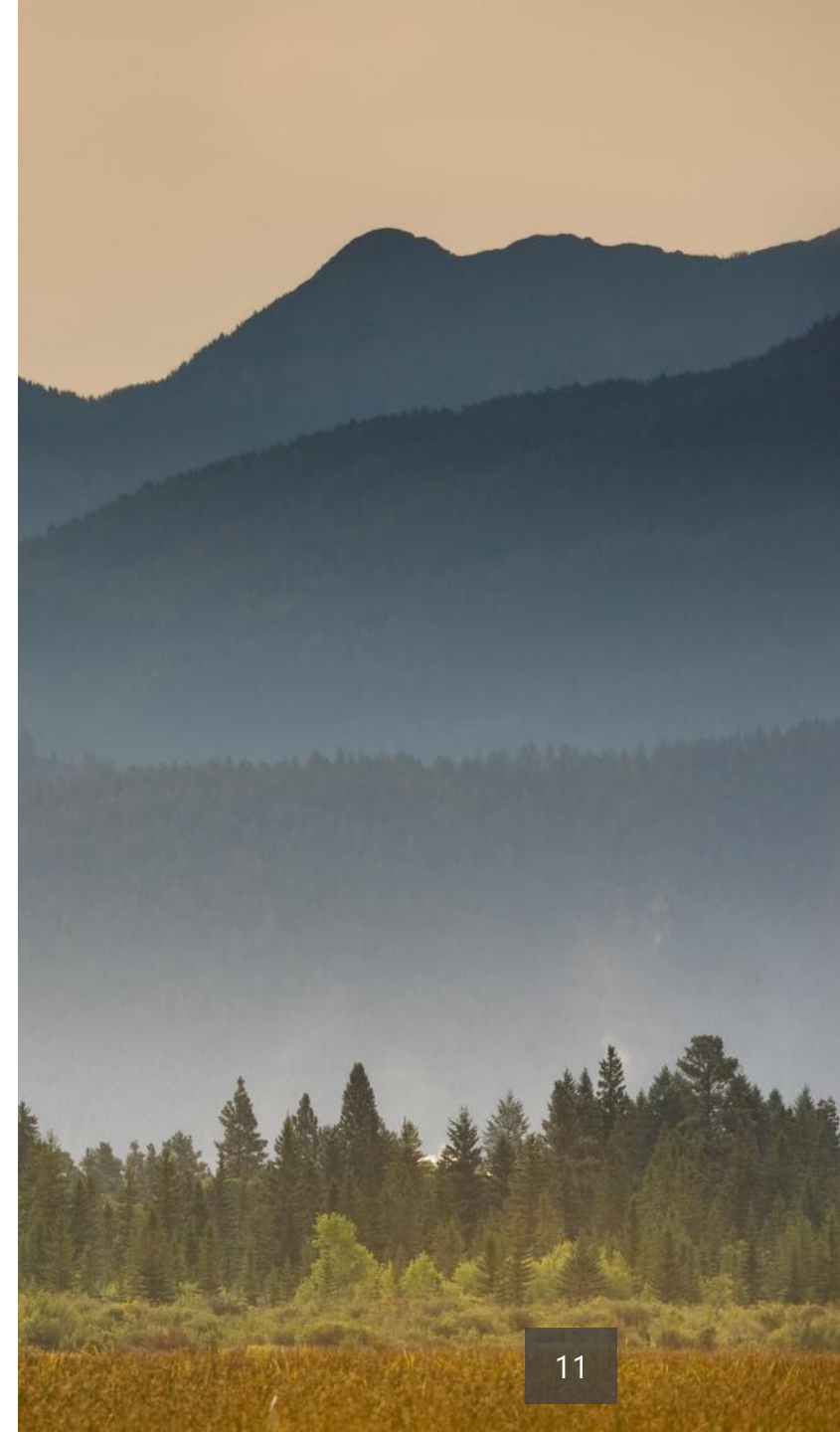
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- Local authority regulation discussion paper, page 12:

*The Province intends to make regulations that will limit the minimum required scope of regional district plans to geographic areas where plans can have the greatest impact.*



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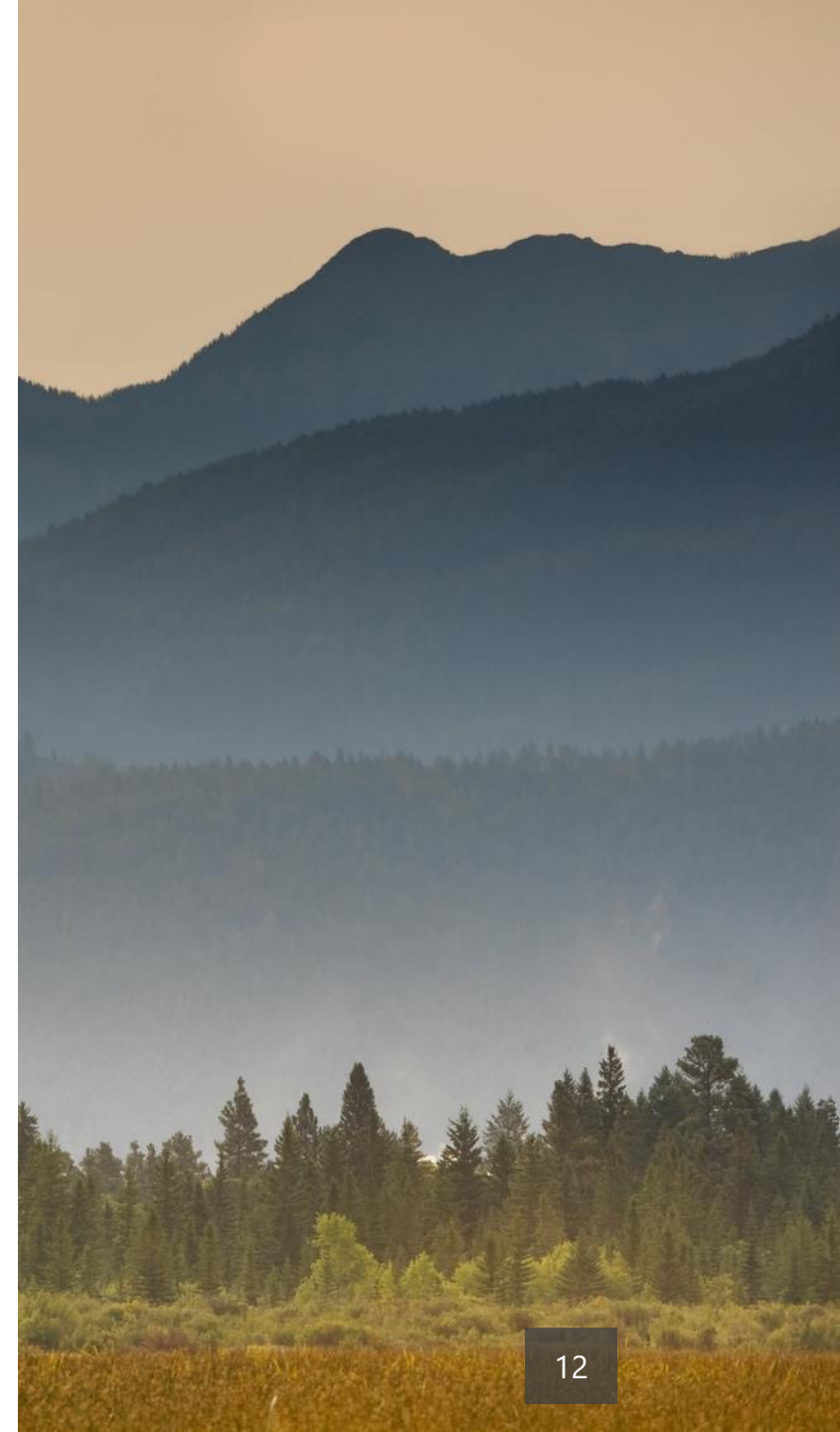
# Response and recovery

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- EDMA s. 18:
  - a regional district **may** exercise powers and **must** perform duties under the Act within the boundaries of any electoral areas within the regional district
  - for certainty, a regional district **may** exercise powers and **must** perform duties under the Act in relation to any Crown land within the boundaries of those areas



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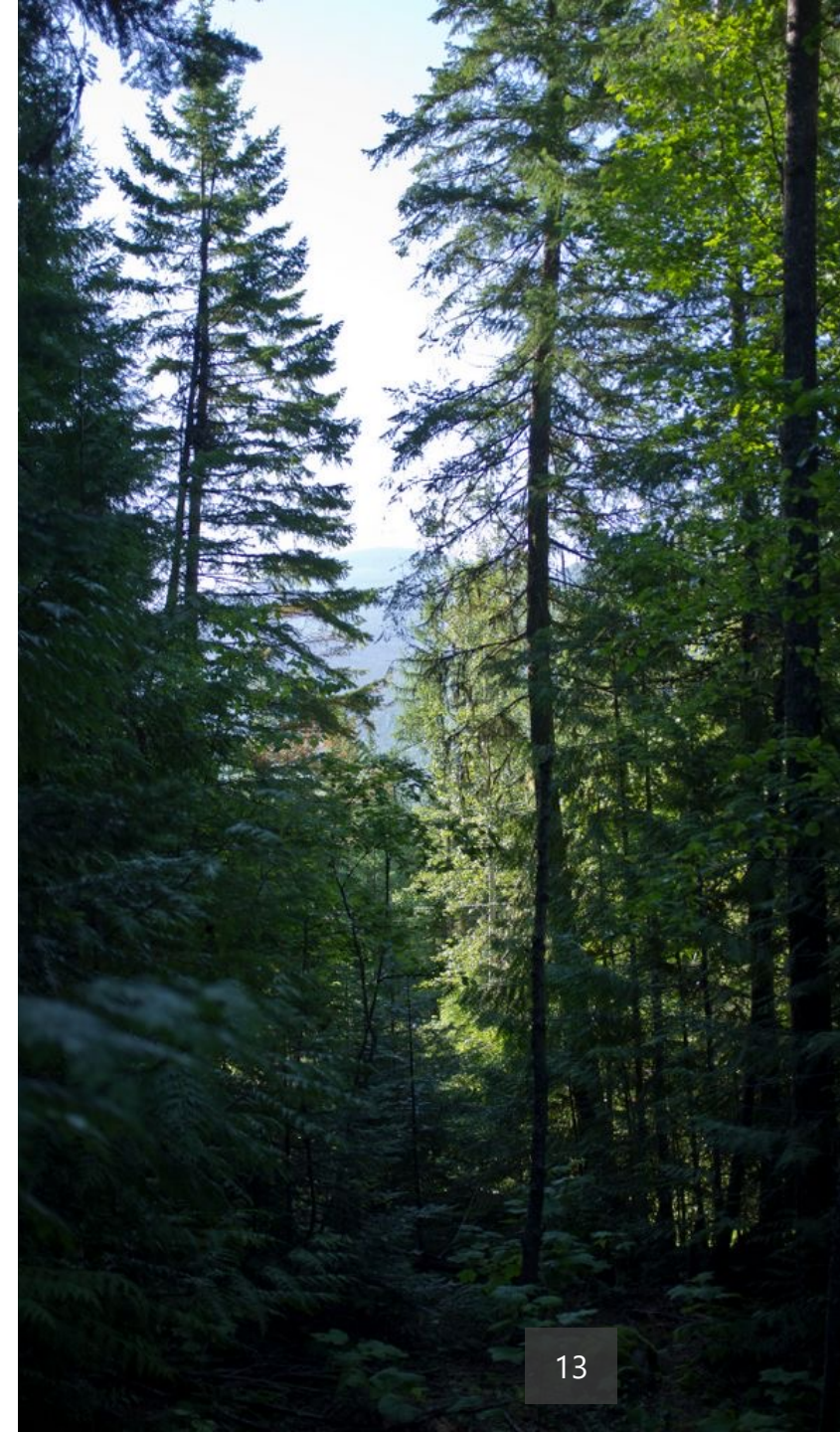
# Emergency management organizations

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- **Default:** all local authorities must have an emergency management organization.
- **If desired:** in addition to, or instead of, having a local emergency management organization, a local authority can participate in a multijurisdictional emergency management organization (MJEMO).
- **MJEMOs:**
  - Framework for formalizing collaborative partnerships between local authorities
  - May include two or more local authorities, Indigenous governing bodies, and/or the Province
  - Allows for legislative and operational requirements to be met in collaboration
  - Optional participation



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# Penalties

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- EPA maximums (\$10,000 monetary, 1 year imprisonment) for offences updated to be consistent with more recent legislation
- EDMA maximums (\$100,000 for individuals; 1 year imprisonment) are comparable to other provincial statutes (e.g., *Forest Act*, *Insurance Premium Tax Act*, *Logging Tax Act*, *Mines Act*, *Mortgage Brokers Act*, etc.)
- Maximum penalty amounts do not mean the Province routinely pursues maximum penalties
- Penalties can only apply when an offence is committed (e.g., violating local authority or provincial orders)





# What we've heard (so far)

## **Regional district considerations**

- Regional districts are distinct from municipalities
- Large land bases
- Lower population density, populations distributed widely
- Revenue-raising, resourcing challenges
- Need time to implement



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# What we've heard (so far)

## **Risk assessments and emergency management plans**

- Focus on outcomes to be achieved
- Clarity on requirements
- Access to data and information sharing
- Usability and adaptability
- Capacity constraints



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# What we've heard (so far)

## **Scope of risk assessments and emergency management plans for regional districts**

- Geographic and population considerations, examples:
  - population density
  - cultural sites / infrastructure outside of populated areas
- Crown lands



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# Indigenous engagement requirements (IER)

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## All-of-Society Approach

## Recognition of rights & authority

## Indigenous governing body

“an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the *Constitution Act*”

*Declaration on the Rights of Indigenous Peoples Act*



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# Consultation, cooperation and coordination

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## Local authorities must consult and cooperate with IGBs when:

**prior to taking specific land-based response and recovery actions**

*In effect when:  
Local authority reaches agreement with IGBs for the purposes of consultation and cooperation during the response and recovery phases.*

**developing risk assessments and emergency management plans**

*Brought into force by regulation*



# Effective now vs. future plans

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- In effect now:
  - Consultation and cooperation in the response and recovery phases
  - Requirement to make 'reasonable efforts' to determine who to consult within their jurisdictions for the purpose of response and recovery actions.
  - 'Engage and coordinate' during response phase when determined "not practicable" to consult and cooperate with IGBs
- In effect with regulations:
  - Requirements to engage, consult, and cooperate on risk assessments and emergency plans with Indigenous Governing Bodies, including incorporation of Indigenous knowledge and cultural safety



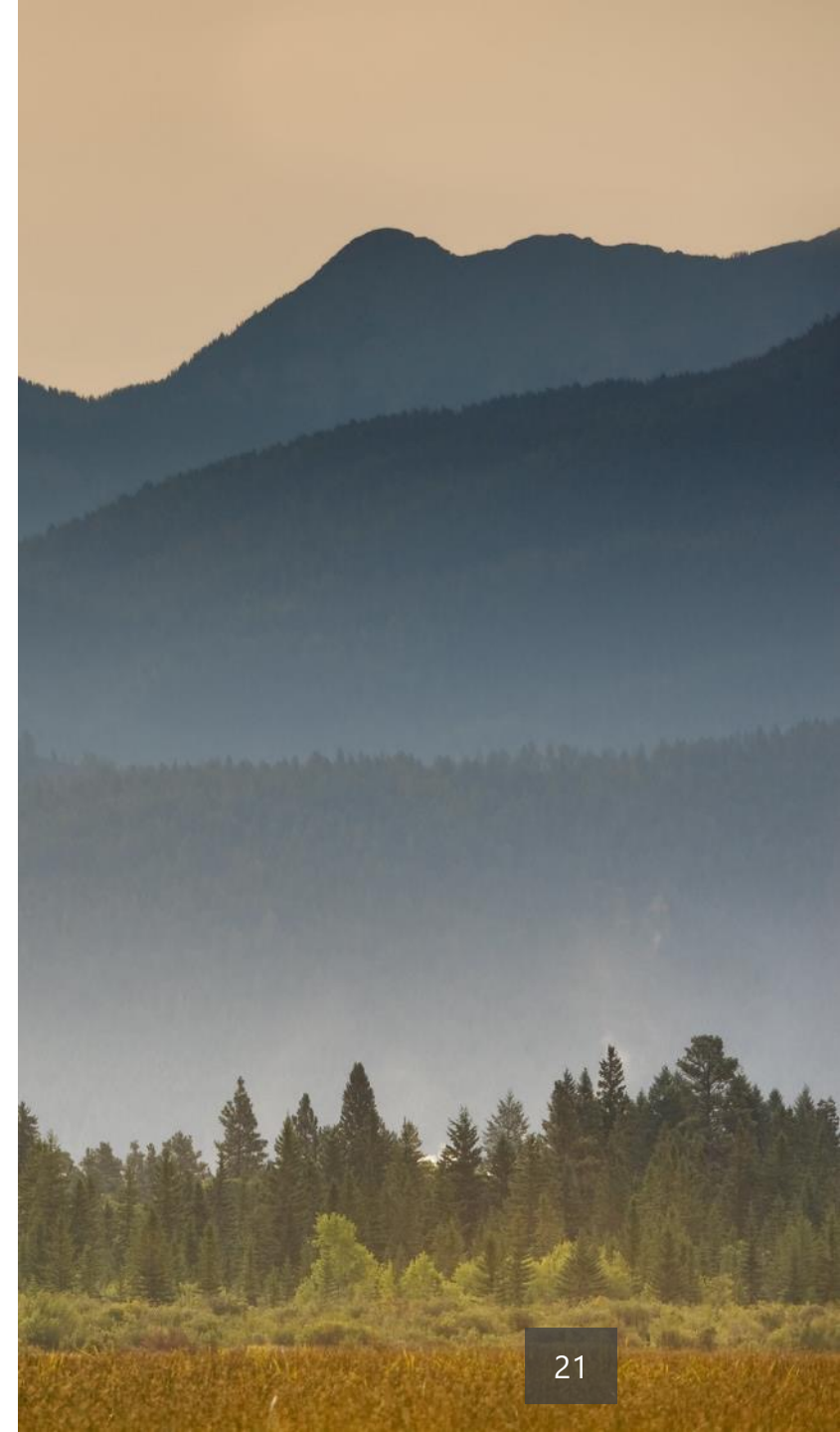
# Indigenous Knowledge

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- Based on millennia of accumulated experiences and can provide expertise and insight into how we reduce disaster risk and manage emergencies now
- Once regulations are in force, municipalities and regional districts must incorporate **available** Indigenous knowledge into risk assessments and emergency management plans.

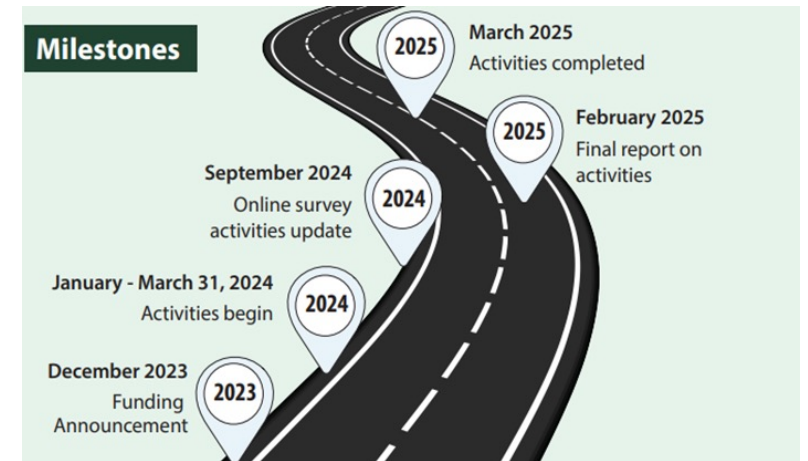


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# IER funding program (IERFP)

- Local Authorities and First Nations have received funding letters.
- **Contribution Agreements** must be signed and returned by March 31, 2024, and funds must be spent by March 31, 2025.
- Recipients will choose one or more **Eligible Activities**, can pool funds and share reporting.
- Eligible Activities are outlined in the [Program Guide](#) and include (but not limited to):
  - Activities related to EDMA consultation and cooperation;
  - Activities that support local emergency management reconciliation efforts



Funding is for activities that aid in the design, development, delivery and management of emergency management services and programming, and promote, encourage, and support relationship building and consultation and cooperation in emergency management. Activities are described in the program guide under the following categories:

- ✓ Consultation and Cooperation
- ✓ Relationship Building
- ✓ Planning
- ✓ Reconciliation and Capacity Building
- ✓ Reaching Agreement to Support Engagement



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# Questions and next steps

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- For queries on the Indigenous Engagement Requirements contact: [EMCR.IndigenousPeoplesPolicy@gov.bc.ca](mailto:EMCR.IndigenousPeoplesPolicy@gov.bc.ca)
  - For queries on the IER Funding Program contact: [EMCR.IERFunding@gov.bc.ca](mailto:EMCR.IERFunding@gov.bc.ca)
  - For general questions or follow-up, please contact: [modernizeEM@gov.bc.ca](mailto:modernizeEM@gov.bc.ca)
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- Broad public engagement closes Jan 31, 2024
  - *What We Heard* reports targeting spring 2024
  - Regulation timing to be determined



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