

Future ready: emergency response and recovery

AKBLG

April 22, 2022

Alison Espetveidt

Housekeeping

LIDSTONE & COMPANY

[ABOUT US](#) [PEOPLE](#) [PUBLICATIONS](#) [OPPORTUNITIES](#) [CONTACT US](#)



Land Use Planning and Development,
Real Estate, Expropriation, Governance
and Enforcement

Email: espetveidt@lidstone.ca

Direct: 403-265-9700

Phone: 604-899-2269

Toll Free: 1-877-339-2199

[Download vCard](#)

Alison Espetveidt

Alison is a municipal lawyer licenced in Alberta and British Columbia. She advises and advocates for clients on a wide range of municipal law issues, including land use planning and development, real estate, expropriation, governance and enforcement. Alison's interest in municipal issues began when she worked in the aldermanic office at the City of Calgary.

She has appeared as an advocate before many different bodies in Alberta. She has experience with administrative tribunals such as subdivision and development appeal boards, assessment review boards, the Land Compensation Board, the Alberta Utilities Commission and the Environmental

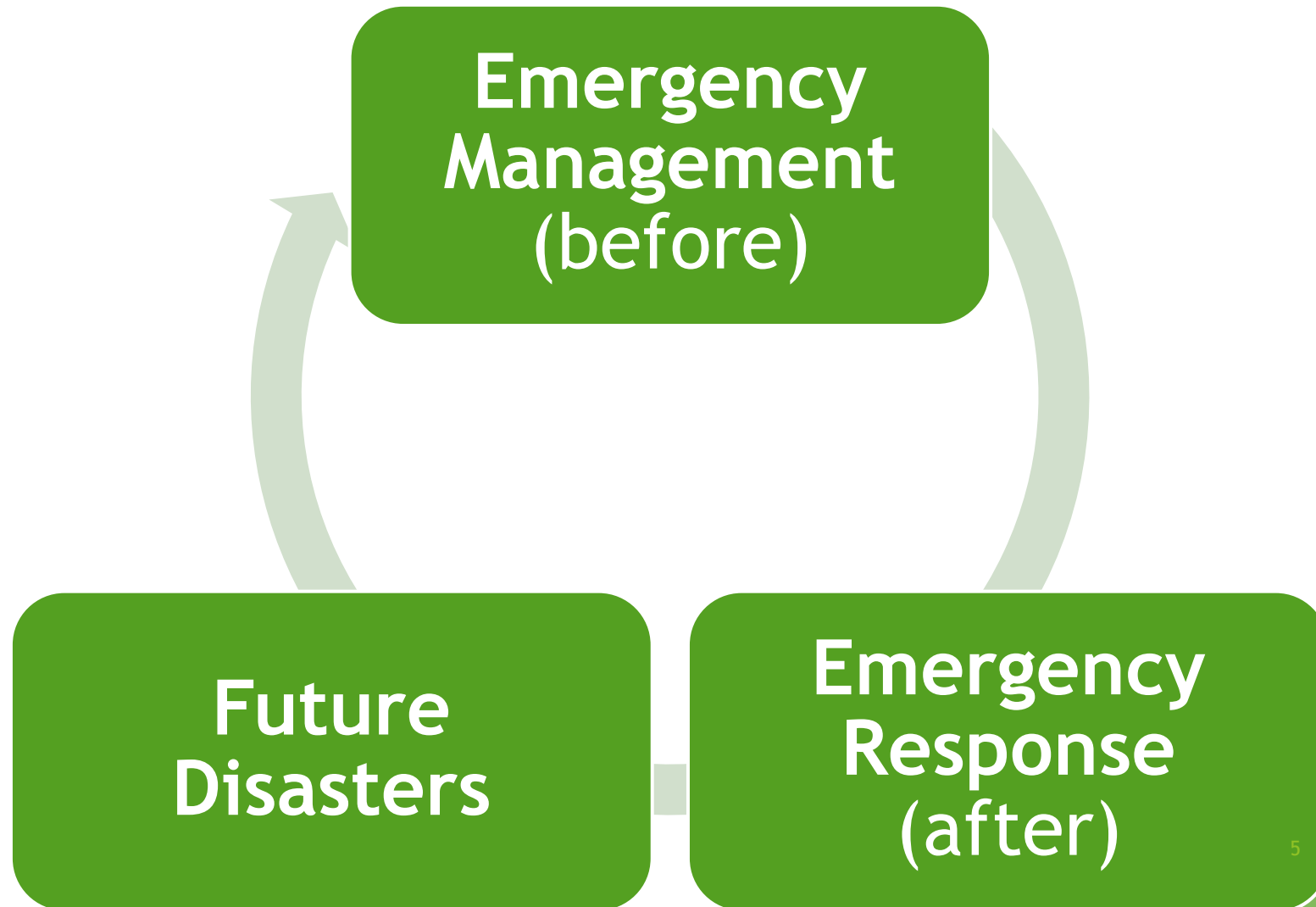
Experience

- ▶ Flooding in Southern Alberta in 2013
- ▶ Slave Lake Wildfire
- ▶ Fort McMurray Flooding and Fires
- ▶ Industrial incidents
- ▶ Covid-19 Pandemic

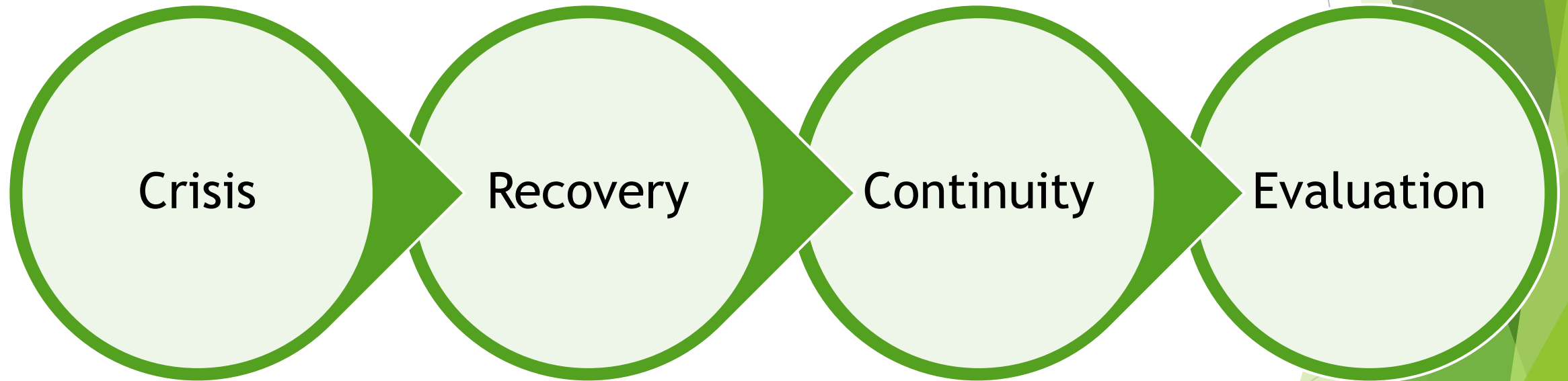
Overview - Importance



Overview - What are we talking about?



Overview - Chronology



Powers & Authority

Emergency powers of local governments are found in

- ▶ *Community Charter* - s. 20
- ▶ *Local Government Act* - s. 295
- ▶ *Emergency Program Act (EPA)*

Powers & Authority

Municipalities and regional districts are “local authorities” under the EPA

Powers & Authority

Local authorities 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

▶ EPA, s. 6

Powers & Authority

CC

20 (1) If an emergency within the meaning of the Emergency Program Act arises in a municipality, the council has the powers provided under that Act. (2) If another form of emergency arises in a municipality, the council may declare that the emergency exists and provide for the necessary powers to deal with the emergency.

LGA

295 If the powers conferred on a board are inadequate to deal with an emergency that is not an emergency within the meaning of the Emergency Program Act, the board may, by bylaw adopted by at least 2/3 of the votes cast, declare that an emergency exists and exercise powers necessary to deal effectively with the emergency

EPA

"emergency" means a present or imminent event or circumstance that (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;

Powers & Authority

Emergency powers under *Community Charter* and *Local Government Act* include the authority to declare an emergency in circumstances where an “emergency” under the EPA does not exist, and to exercise additional powers necessary to deal with the emergency:

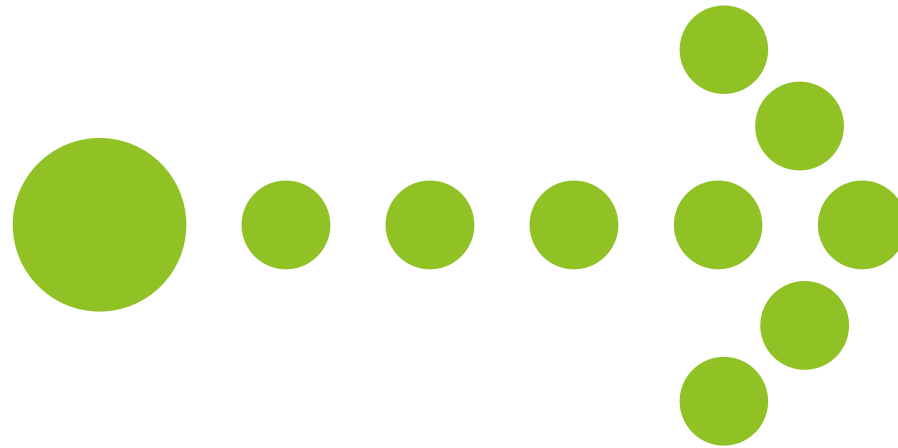
- ▶ *E. & J. Murphy Ltd. v. Victoria (City)*, 1976 CarswellBC143
- ▶ *Kuypers v. Langley (Township)*, 1992 CarswellBC9

Powers & Authority

“EPA contemplates an emergency as a condition of a temporary nature, as opposed to a usual and enduring state of affairs.”

- ▶ *Rosewall v. Sechelt (District)*, 2022
BCSC 20

Powers & Authority



Powers & Authority

CC

Enter onto property: s. 16

General: s. 20

Spending: s. 173(3)

Taxation: s. 220(1)(p)

LGA

Entry onto property: s. 284

General: s. 295

Establishing Bylaw: s. 339(2)(f) - emergency communication systems

Spending: s. 401(3)

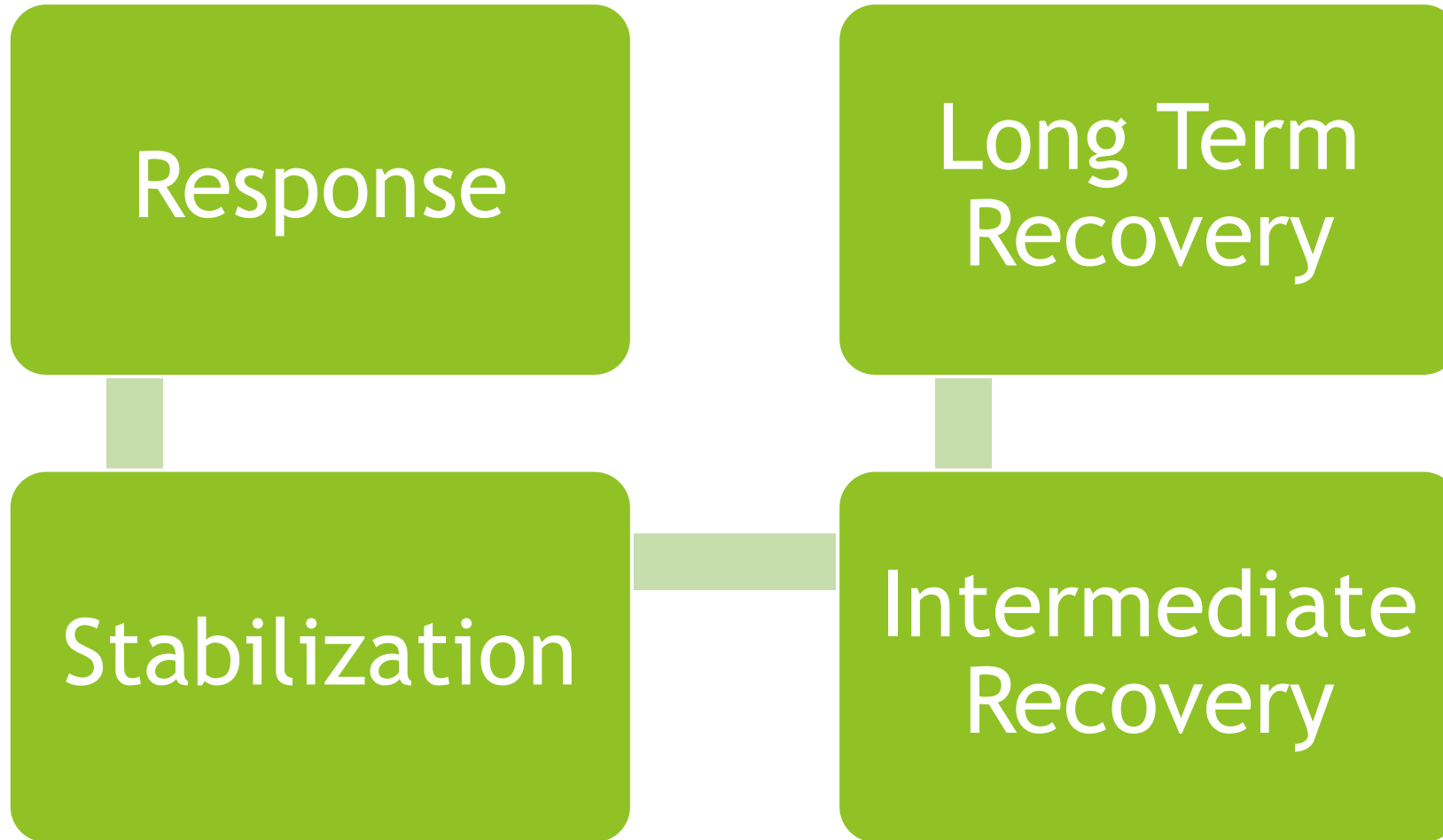
Heritage Inspection: s. 601(4)(b) - warrant

EPA

General: s. 13(1) - "all acts and implement all procedures that it considers necessary to prevent, respond to or alleviate the effects of an emergency or a disaster"

13(6): Borrow money without electoral assent

Best practices



Lessons Learned & Best Practices

Crisis

- Emergency Over
- Transition

Recovery

- May 2019, BC developed an Interim Disaster Recovery Framework (Evolving)
- Local needs

Lessons Learned & Best Practices

During
SOLE

- Health & Safety
- EOC
- Define Rs&Rs

Lessons Learned & Best Practices

Recovery (Short Term)

- Days/Weeks
- EOC & ROC
- Shelter
- Needs Assessment

Lessons Learned & Best Practices

Recovery
(Short Term)

- **Keep records**
- **Transparency**
- **Communication**

Lessons Learned & Best Practices

Recovery
(Medium Term)

- ROC
- Decide benchmarks early
- Set policies (*Marchi v Nelson*, 2021 SCC 41)

Lessons Learned & Best Practices

Recovery
(Medium Term)

- Rehabilitation & Repair
- Resumption of normal operations
- Health & Wellness

Lessons Learned & Best Practices

Recovery
(Long Term)

- Steering Committee
- Collaboration
- Mitigation
- Evaluation

Future Emergencies

Heat

Flood

Ice

Snow

Seismic

Slides

Climate

Weather

Geotech

Industry

Health

Violence

Environment

People

Going Forward

- ▶ Incorporate the Sendai Framework for Disaster Risk Reduction 2015 -2030
- ▶ Be based on the “four pillars” of emergency management: preparedness, mitigation, response and recovery
- ▶ Recognize climate change as a key driver and consideration
- ▶ Extend PSOE to 28 days, SOLE to 14 days
- ▶ Provide for a “transition period” of up to 90 days
- ▶ 2019 EPA Discussion Paper included a proposal to mandate greater consideration of current and future risk when considering development in hazardous areas
- ▶ This will likely be implemented through planning and building legislation, and not a new EPA

Resources

- ▶ Emergency Management BC
 - ▶ Guidelines to Declaring a State of Local Emergency
 - ▶ Evacuation Operational Guide for First Nations and Local Authorities in British Columbia (2nd edition, 17 March 2022)
- ▶ Recovery Guide for Local Authorities and First Nations - Emergency Management BC (Online)
- ▶ Disaster Recovery Toolkit for Local Government - Emergency Management Victoria (Online)
- ▶ Discussion Paper 2019 - Modernizing BC'S Emergency Management Legislation

Contact Information

- ▶ Toll Free: 1 (877) 339-2199
- ▶ espetveidt@lidstone.ca

Casual Legal Services:
casual.legalservices@lidstone.ca