

BYLAW 1382/16
EMERGENCY MANAGEMENT BYLAW
STURGEON COUNTY, MORINVILLE, ALBERTA

A BYLAW OF STURGEON COUNTY, IN THE PROVINCE OF ALBERTA TO ESTABLISH THE FOLLOWING: A MUNICIPAL EMERGENCY ADVISORY COMMITTEE, MUNICIPAL EMERGENCY MANAGEMENT AGENCY, REGIONAL EMERGENCY ADVISORY COMMITTEE AND A REGIONAL EMERGENCY MANAGEMENT AGENCY.

WHEREAS the Council of Sturgeon County is responsible for the direction and control of its emergency response and is required, under the *Emergency Management Act, Revised Statutes of Alberta 2000, Chapter E-6.8*, (hereinafter referred to as the "Act") to appoint a Municipal Emergency Advisory Committee and to establish and maintain a Municipal Emergency Management Agency;

WHEREAS it is desirable in the public interest, and in the interests of public safety, that such a committee be appointed, and such an agency be established and maintained to carry out Council's statutory powers and obligations under the said *Emergency Management Act*;

WHEREAS it is recognized that an emergency or disaster of a jurisdictional or multi-jurisdictional nature could affect any or all of the municipalities within the geographical boundaries of Sturgeon County to such a degree that local resources would be inadequate to cope with the situation;

WHEREAS Council wishes to enter into a regional emergency management partnership with other municipalities within the geographical boundaries of Sturgeon County for the purpose of integrated emergency management planning and operations. This partnership to be recognized as the Sturgeon Regional Emergency Management Partnership; and

AND WHEREAS Councils choose to delegate certain responsibilities to the Regional Emergency Advisory Committee and the Regional Emergency Management Agency.

NOW THEREFORE, the Council of Sturgeon County, in the Province of Alberta, duly assembled enacts as follows:

1.0 This Bylaw may be cited as the "Sturgeon County Emergency Management Bylaw".

2.0 In this Bylaw:

- (a) **"Act"** means The Emergency Management Act of Alberta, Chapter E-6.8, Revised Statutes of Alberta 2000, c. E-6-8;
- (b) **"Director of Emergency Management (DEM)"** means an individual appointed by resolution of Council or the CAO or their designate;

- (c) **“CAO”** means the Chief Administrative Officer of Sturgeon County, Alberta or their designate to implement this Bylaw;
- (d) **“Council”** means the duly elected municipal Council of the Sturgeon County in the Province of Alberta;
- (e) **“Disaster”** means an event that results in serious harm to the safety, health or welfare of people, the environment or in widespread damage to property;
- (f) **“Emergency”** means an event that requires prompt coordination of action or special regulation of persons or property to protect the safety, health, or welfare of people or to limit damage to property and the environment;
- (g) **“Local Authority”** means, where a municipality has a council within the meaning of the *Municipal Government Act*, RSA 2000 c.M-26;
- (h) **“Minister”** means the Minister charged with administration of the *Act*;
- (i) **“Municipal Emergency Coordination Centre”** (MECC) means the location that functions as a point of coordination, addressing the needs of the municipality as a whole, exercising the authority of local officials, as well as anticipating and supporting the needs of one or more incident sites within the municipality;
- (j) **“Municipal Emergency Management Agency”** means the agency established under this Bylaw consisting of the DEM and partners as required to coordinate the activities in response to an Emergency;
- (k) **“Municipal Emergency Advisory Committee”** means the committee established under this Bylaw consisting of members of Council;
- (l) **“Parties”** means the *Municipalities of Bon Accord, Gibbons, Legal, Morinville, Redwater and Sturgeon County*;
- (m) **“Regional Emergency Advisory Committee”** means a regional committee comprised of one (1) Councillor, or alternate, from each of the partnering municipalities of the Sturgeon Regional Emergency Management Partnership as established by agreement between and the Bylaws of the Partners;
- (n) **“Regional Emergency Management Agency”** means a regional agency comprised of the Director of Emergency Management or Deputy or the Chief Administrative Officer, from each of the partnering municipalities of the Sturgeon Regional Emergency Management Partnership as established by agreement between and the bylaws of the of the respective municipal councils of the Parties hereto;

- (o) **Regional Emergency Management Plan** means the Regional Emergency Management Plan prepared by the Sturgeon Regional Emergency Management Agency to coordinate the response to an emergency or disaster; the training program to ensure stakeholders are equipped to manage an incident/event of scale and the governance/administrative functions that empower stakeholders to take whatever measures necessary to protect lives, property and environment;
- (p) **Regional Emergency Coordination Centre** (RECC) means the location that functions as a point of coordination, addressing the needs of the municipality and/or the Sturgeon Region as a whole, exercising the authority of local officials, as well as anticipating and supporting the needs of one or more incident sites;
- (q) **Sturgeon Region** means the geographical area within the boundaries of Sturgeon County including the Municipalities of Bon Accord, Gibbons, Legal, Morinville and Redwater; and
- (r) **Sturgeon Region Emergency Management Partnership** is a partnership comprising the Municipalities of Bon Accord, Gibbons, Legal, Morinville and Redwater and Sturgeon County who have entered into a joint agreement for the purpose of organizing integrated emergency planning, training, assistance and emergency operations programs.

3.0 Municipal Emergency Advisory Committee

- 3.1 There is hereby established a Municipal Emergency Advisory Committee to advise Council on the development of emergency plans and programs for Sturgeon County.
 - 3.1.1 A minimum of two (2) members is required for quorum; and
 - 3.1.2 The Mayor will act as Chair of the committee. If the Mayor is absent, the meeting will be Chaired in accordance with the Municipality's Procedural Bylaw.
- 3.2 The committee will review the Sturgeon Regional Emergency Management Plan and related plans and programs on an annual basis.
- 3.3 The committee will advise Council on the status of the Sturgeon Regional Emergency Management Plan and related plans and programs at least once each year.
- 3.4 Council hereby authorizes the Municipal Emergency Advisory Committee the authority to declare a State of Local Emergency under the Act.

3.5 Council hereby authorizes the Municipal Emergency Advisory Committee, for the duration of such State of Local Emergency, do all acts and take all necessary proceedings to address the emergency pursuant to the Act.

4.0 Director of Emergency Management (DEM)

4.1 The DEM shall:

- 4.1.1 Act as Chair of the Municipal Emergency Management Agency (Agency);
- 4.1.2 Act as Director of the Municipal Emergency Coordination Centre;
- 4.1.3 If the Regional Emergency Coordination Centre has been activated, the DEM may act as the Director, or ensure that someone is designated under the Sturgeon Regional Emergency Management Plan to so act, on behalf of the Sturgeon Regional Emergency Management Agency;
- 4.1.4 Assist in the preparation and coordination of the Sturgeon Regional Emergency Management Plan and prepare and coordinate related plans and programs for the Sturgeon County as required by the Act;
- 4.1.5 Co-ordinate all emergency services and other resources used in an emergency;
- 4.1.6 Ensure that the Sturgeon Regional Emergency Management Plan is reviewed at least once per year by the Municipal Emergency Advisory Committee;
- 4.1.7 Ensure Staff of the organization and members of the Municipal Emergency Advisory Committee and Emergency Management Agency are made aware of the Sturgeon Regional Emergency Management Plan and as required ensure training is done to maintain effectiveness in the event of an emergency;
- 4.1.8 Ensure the Deputy Director of Emergency Management is designated in his or her absence; and
- 4.1.9 Perform other duties as prescribed by the local authority.

4.2 The DEM is authorized to delegate and authorize further delegations of any powers, duties and functions delegated to the Director of Emergency Management (DEM) under this Bylaw.

5.0 The Municipal Emergency Management Agency

5.1 There is hereby established a Municipal Emergency Management Agency (Agency) to act as the agent of Council to carry out its statutory powers and obligations under the *Act*: This does not include the power to declare, renew, or terminate a State of Local Emergency , or the powers contained in Section 9.4 of this Bylaw.

5.2 The Agency may be comprised of one or more of the following based on the discretion of the Director of Emergency Management (DEM):

5.2.1 The Director of Municipal Emergency Management (DEM);

5.2.2 The Deputy Director of Municipal Emergency Management;

5.2.3 Chief Administrative Officer;

5.2.4 Other Senior Management and/or designated staff that may include but not limited to Public Works, Finance, Community Services, and Fire Services; and

5.2.5 Other members of core agencies and organizations as invited by the DEM. Such agencies and organizations may have a recurring seat at the Agency and others may be invited in as subject matter experts as required. Such agencies and organizations may include but not limited to the Health Authority, School Boards, RCMP, other municipalities, pipelines, utilities, and the Chamber of Commerce.

6.0 Regional Emergency Advisory Committee

6.1 Councils of the Sturgeon Region agree through the Sturgeon Regional Emergency Management Partnership, to establish a Regional Emergency Advisory Committee to advise all Councils on the development of Regional emergency plans and programs.

6.1.1 A minimum of four (4) voting members shall constitute a quorum; and

6.1.2 The members will elect from the membership, a Chairperson and Vice-Chairperson.

6.2 The Regional Emergency Advisory Committee shall:

- 6.2.1 Consist of a municipal Councillor appointed by each of the Partners, with each municipality appointing one primary member, each of whom shall have one vote regarding any matter coming before the committee;
- 6.2.2 Each municipality shall also appoint one alternate member to the committee who shall be permitted to vote in the absence or in place of the primary member;
- 6.2.3 Review the Regional Emergency Management Plan and related plans and programs on a regular basis; and
- 6.2.4 Advise all Councils, duly assembled, on the status of the Regional Emergency Plan and related plans and programs at least once each year.

6.3 The Regional Emergency Advisory Committee is delegated the authority to create policies relating to the emergency preparedness, mitigation, response, recovery and the operation of the Regional Emergency Partnership and the Regional Emergency Management Agency.

7.0 Regional Emergency Management Agency

7.1 Councils agree through the Sturgeon Regional Emergency Management Partnership, to establish a Regional Emergency Management Agency to act as the agent of Council to carry out its statutory powers and obligation under the Act. This does not include the power to declare, renew or terminate a State of Local Emergency nor the powers contained in Section 9.4 of this Bylaw. The Agency will be responsible to guide the creation, implementation and evaluation of emergency plans and programs and to set the direction for emergency preparedness and response for the Sturgeon Region.

7.2 Councils agree through the Sturgeon Regional Emergency Management Partnership, to administer and deliver programs in accordance with the approved budget.

7.3 The Regional Emergency Management Agency membership shall consist of one (1) permanent member from each Partnering Municipality, who shall be either the:

- (a) Director of Emergency Management; or
- (b) Deputy Director of Emergency Management; or
- (c) Chief Administrative Officer;

7.4. The Regional Emergency Management Agency shall:

- 7.4.1 Guide the creation, implementation and evaluation of Regional emergency plans and programs for the Sturgeon Regional

Partnership with the assistance from any person or agency who/which might serve a useful purpose in the preparation or implementation of the Regional Emergency Management Plan;

- 7.4.2 Determine the direction of the Regional Emergency Management Agency and any of its sub groups;
- 7.4.3 Coordinate all emergency services and other resources used in an emergency;
- 7.4.4 Ensure that in the event of an emergency, an individual or group of individuals is designated under the Regional Emergency Management plan to act, on behalf of the Regional Emergency Management Agency. The designation of an individual or group of individuals to act on behalf of the Agency shall be guided by the following:
 - a. Once an RECC has been activated, any one (1) of the DEMs or Deputy DEMs that are members of the Agency may serve as DEM for the incident. Whenever possible, the DEM or Deputy DEM from the most impacted municipality shall fill that role. The intent is to ensure that there is leadership in the ECC while the DEM may be on route to the ECC, or the DEM is away or not available for whatever reason; and
 - b. In the event of an Emergency affecting more than one (1) municipality within the Sturgeon Region, the first DEM to the ECC will serve as DEM for the incident. As other designated DEMs arrive at the ECC, they will jointly decide who will take the lead role. DEM and Deputy DEMs from the Agency may rotate through the role of DEM for the RECC.
- 7.4.5 Ensure someone is designated to discharge the responsibilities specified in sections 7.4.1 – 7.4.4.

8.0 Council

8.1 Council shall:

- a. by resolution, appoint its members to serve on the Municipal Emergency Advisory Committee;
- b. by resolution, appoint one of its members to serve on the Regional Municipal Emergency Advisory Committee;
- c. appoint one (1) alternate member to the Regional Emergency Advisory Committee;

- d. provide for the payment of expenses of the members of the Municipal Emergency Advisory Committee in accordance with the remuneration policy or bylaw.
- e. provide for the payment of expenses of its member(s) of the Regional Emergency Advisory Committee in accordance with the remuneration bylaw or policy;
- f. by resolution, on the recommendation of the Municipal Emergency Advisory Committee, appoint a Director of Emergency Management;
- g. ensure that emergency plans and programs are prepared to address potential emergencies or disasters in Sturgeon County and the Sturgeon Region;
- h. approve the Regional Emergency Management Plan and Programs as they relate to Sturgeon County and the Sturgeon Region; and
- i. review the status of the Regional Emergency Management Plan and related plans and programs at least once each year.

8.2 Council may:

- a. by Bylaw borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Municipal Emergency Management Agency;
- b. by Bylaw borrow, levy, appropriate and expend, without the consent of the electors, all sums required for its share of the operation of the Regional Emergency Management Agency; and
- c. enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency plans or programs, including mutual aid plans and programs.

9.0 Declaration of State of Local Emergency

9.1 The power to declare, terminate or renew a State of Local Emergency under the Act, the powers specified in Section 9.4 of this Bylaw, and the requirements specified in Section 9.7 of this Bylaw, are hereby delegated to the Municipal Emergency Advisory Committee comprised of the Mayor, or the Deputy Mayor alone, or in their absence, any two (2) members of Council. This committee may, at any time when it is satisfied that an emergency exists or may exist, by resolution, make a declaration of a State of Local Emergency.

9.2 In the event of an emergency entirely within the boundaries of and affecting only Sturgeon County and the Municipal Emergency Advisory Committee cannot be reached or in the event of an emergency impacting more than one municipality within the Sturgeon Region, the authority and power to declare or renew a State of Local Emergency under the Act; the authority and powers specified in Section 9.4 of this Bylaw; and the

requirements specified in Section 9.7 of this Bylaw are hereby delegated to any two (2) or more members of the Regional Emergency Advisory Committee. The Committee may, at any time when it is satisfied that an emergency exists or may exist, by resolution, make a declaration of a State of Local Emergency for the entire area affected. Whenever possible this resolution should be made by at least one member or alternate from each municipality affected. If "resolution" is not practicable the two members can provide signed agreement via Fax or scanned email.

- 9.3 When a State of Local Emergency is declared, the Municipal Emergency Advisory Committee or the Regional Emergency Advisory Committee making the declaration shall:
- a. ensure that the declaration identifies the nature of the emergency and the area of the Region in which it exists;
 - b. cause the details of the declaration to be published immediately by such means of communication considered most likely to notify the population of the area affected; and
 - c. forward a copy of the declaration to the Minister forthwith.
- 9.4 Subject to Section 9.7, when a Municipal Emergency Advisory Committee or the Regional Emergency Management Committee has declared a State of Local Emergency, that Committee may, for the duration of that State of Local Emergency, do all acts and take all necessary proceedings including the following:
- a. cause the Sturgeon Regional Emergency Management Plan or any related plans or programs to be put into operation;
 - b. acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;
 - c. authorize or require any qualified person to render aid of a type the person is qualified to provide;
 - d. control or prohibit travel to or from any area of the Sturgeon County;
 - e. provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in any part of Sturgeon County;
 - f. cause the evacuation of persons and the removal of livestock and personal property from any area of Sturgeon County that is or may be affected by a disaster and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;

- g. authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program;
 - h. cause the demolition or removal of any trees, structures or crops if the demolition or removal is necessary or appropriate in order to reach the scene of a disaster, or to attempt to forestall its occurrence or to combat its progress;
 - i. procure or fix prices for food, clothing, fuel, equipment, medical supplies, or other essential supplies and the use of any property, services, resources or equipment within Sturgeon County for the duration of the State of Local Emergency;
 - j. authorize the conscription of persons needed to meet an emergency; and
 - k. authorize any persons at any time to exercise, in the operation of the Sturgeon Regional Emergency Management Plan and related plans or programs, any power specified in Paragraphs (b) through (j) in relation to any part of the municipality affected by a declaration of a State of Local Emergency.
- 9.5 No action lies against Sturgeon County or a person acting under Sturgeon County's direction or authorization for anything done or omitted to be done in good faith while carrying out a power under the Emergency Management Act or the regulations during a State of Local Emergency.
- 9.6 In accordance with Section 535(2) of the *Municipal Government Act*, RSA 2000, c.M-26, Councillors, council committee members, municipal officers and volunteer workers are not liable for loss or damage caused by anything said or done or omitted to be done in good faith in the performance or intended performance of their functions, duties, or powers under the *Municipal Government Act* or any other enactment.
- 9.7 When, in the opinion of the Municipal Emergency Advisory Committee in which the State of Local Emergency was declared, or the Regional Emergency Advisory Committee, as the case may be, an emergency no longer exists in relation to which the declaration was made, that Committee shall, by resolution, terminate the declaration.
- 9.8 A declaration of a State of Local Emergency is considered terminated and ceases to be of any force or effect when:
- a. a resolution is passed under Section 9.7 (Section 23 of the *Emergency Management Act*);
 - b. a period of seven (7) days has lapsed since it was declared, unless it is renewed by resolution;

- c. the Lieutenant Governor in Council makes an order for a State of Emergency under the Act, relating to the same area; or
- d. the Minister cancels the State of Local Emergency.

9.9 When a declaration of a State of Local Emergency has been terminated, the Municipal Emergency Advisory Committee or Regional Emergency Advisory Committee who made the declaration shall cause the details of the termination to be published immediately by such means of communication considered most likely to notify the population of the area affected.

10.0 Emergency Mutual Aid Agreements

10.1 The Regional Emergency Advisory Committee is delegated the authority to enter into an Emergency Management Mutual Aid Agreements with another regional group or single municipality. The decision for the Committee to enter into a mutual aid agreement must be made by unanimous vote of all Partners. The Partners shall be permitted to vote in person or by way of fax or email.

11.0 Severability

11.1 Should any provisions of this Bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the Bylaw and the remainder shall remain in force and be binding as though such provision had not been invalid.

12.0 Effective Date

12.1 This Bylaw shall come into full force and effect upon the final passing thereof.

Read a first time this ____ day of _____, 2016

Read a second time this ____ day of _____, 2016

Read a third time this ____ day of _____, 2016

MAYOR

COUNTY COMMISSIONER(CAO)