

Village of Empress

Regional Emergency Management Bylaw 2020-13

A Bylaw to Establish a Regional Emergency Management Advisory Committee, and Regional Emergency Management Agency

WHEREAS:

- A. The Village of Empress is responsible for the direction and control of its emergency response and is required under the *Emergency Management Act*, Chapter E-6.8, RSA 2000, to appoint a Director of Emergency Management (DEM), an Emergency Management Advisory Committee and a Municipal Emergency Management Agency.
- B. It is desirable in the public interest, and in the interests of public safety, that such a committee be appointed, such an agency be established and maintained to carry out Council's statutory powers and obligations under the said *Emergency Management Act*.
- C. It is desirable in the public interest, and in the interests of broader public safety, that a collaborative approach to complex incidents impacting two or more communities, through a robust regional emergency management group be formed to develop and sustain a regional emergency management plan and corresponding programs.
- D. Special Area No. 2, Special Area No. 3, Special Area No. 4, Municipal District of Acadia #34, Town of Hanna, Town of Oyen, Village of Cereal, Village of Consort, Village of Empress, Village of Veteran, and the Village of Youngstown will establish a Regional Emergency Management Committee and a Regional Emergency Management Agency.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE VILLAGE OF EMPRESS, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw shall be called the "Regional Emergency Management Bylaw".
2. In this Bylaw the following words and terms shall have the following meanings:
 - a) "Act" means the *Emergency Management Act*, RSA 2000, Chapter E-6.8;
 - b) "Authority Having Jurisdiction" (AHJ) means an organization, office or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation or a procedure.
 - c) "Council" means the Council of the Village of Empress;
 - d) "Deputy Director of Emergency Management" (DDEM) means the person responsible for the duties of the Director of Emergency Management in their absence;
 - e) "Director of Emergency Management" (DEM) means the person appointed by resolution of Council as a credentialed individual or "Chief Administrative Officer" (CAO) who shall be responsible for the municipality's Emergency Management Program;
 - f) "Disaster" means an event that results in serious harm to the safety, health or welfare of people, or in widespread damage to property or the environment;
 - g) "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 or the environment;

- h) **“Emergency Operations Centre”** (EOC) means the location that functions as a point of operations and / or coordination, addressing the emergent needs of a municipality exercising the authority of the local officials;
 - i) **“Evacuation Order”** means the order to evacuate persons, the removal of livestock and personal property from an identified area during a state of local emergency or state of emergency;
 - j) **“Local Authority”** means, where a municipality has a council within the meaning of the *Municipal Government Act*, Chapter M-26, RSA 2000;
 - k) **“Minister”** means the Minister charged with administration of the Act;
 - l) **“Municipality” or Municipalities”** means one (1) or more of the Parties;
 - m) **“Parties”** means Special Area No. 2, 3, & 4, Municipal District of Acadia #34, Towns of Hanna, Oyen and Villages of Consort, Empress, Veteran, Cereal and Youngstown;
 - n) **“Regional Emergency”** means an incident / 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 or the environment where two or more communities within the region are impacted by the same incident or event;
 - o) **“Regional Emergency Management Agency”** (the Regional Agency) is comprised of DEM’s / DDEM’s and operational leadership or delegate from the Regional Emergency Management Partnership as established by Agreement between and the bylaws of the respective municipal councils of the Parties; and
 - p) **“Regional Emergency Management Advisory Committee”** (the Regional Advisory Committee) is comprised of elected officials or delegate from the Regional Emergency Management Partnership as established by agreement between and the bylaws of the Parties.
 - q) **“Regional Emergency Management Plan”** (Hereinafter referred to as “The Regional Plan”) means the comprehensive plan prepared by the Regional Agency and The Regional Advisory Committee designed to meet the requirements of the *Emergency Management Act* and Local Emergency Management Regulation (LEMR);
 - r) **“Regional Emergency Management Partnership”** represents a formal agreement between the Parties to establish a Regional Emergency Management Plan and Programs, Regional Emergency Management Advisory Committee, Regional Emergency Management Agency which are distinct from a silo Municipal Emergency Management Plan and Programs, Municipal Emergency Management Agency and Municipal Emergency Management Advisory Committee as established by agreement between and the bylaws of the respective municipal councils of the Parties;
 - s) **“Regional Emergency Operations Center”** (REOC) means the location that functions as a point of operations and / or coordination, addressing the emergent needs of a regional emergency that exercises the authority of the Regional Advisory Committee and Regional Agency.
3. Council agrees through this bylaw, to establish the Regional Emergency Management Advisory Committee (hereinafter referred to as “The Regional Advisory Committee”) to advise Council on the ongoing development of The Regional Plan and Programs.
4. Therefore, the Regional Advisory Committee shall:
- a) consist of municipal Councillors or their delegate(s) appointed by each of the Parties, with each municipality appointing one (1) primary member, each of whom shall have one (1) vote regarding any matter coming before the Regional Advisory

- Committee. A committee chair will be selected from the Regional Advisory Committee membership;
- b) each municipality shall also appoint one (1) alternate member to the Regional Advisory Committee who shall be permitted to vote in the absence or in place of the primary member;
 - c) advise on the development of emergency management plan and programs to address potential emergencies or disasters in the Village of Empress and the Special Areas Region;
 - d) advise Council on the status of The Regional Plan and programs a minimum of once each year;
 - e) meet a minimum of twice a year to maintain understanding of The Regional Plan and build on regional EOC and ICS competencies and shall have the option of calling special meetings (virtual where necessary) on an as needed basis. Regular meetings will be called by the Regional Advisory Committee Chair and provide fourteen (14) days advance notice to all Regional Advisory Committee members. In the event of a pending or imminent emergency, no notice shall be required to call a special meeting of the Regional Advisory Committee. When requested by the Regional Advisory Committee Chair, the DEM of any municipality or their alternate and the Special Areas and Region staff shall attend. All Regional Advisory Committee members shall be prepared and present at all meetings despite no notice having been provided;
 - f) be responsible for the development and dissemination of the meeting agenda. This responsibility may rotate among the parties for all regular meetings of the Regional Advisory Committee and shall be distributed to all members a minimum of one (1) week prior to the scheduled date of the meeting.
 - g) ensure that the minutes of each Regional Advisory Committee meeting are kept and circulated to ensure there are no errors or omissions within fourteen (14) days of the meeting and response to request for review of those minutes within seven (7) days via email;
 - h) have the authority to alter, establish and implement rules to govern the conduct of their meetings from time to time, subject to the approval of the majority of the Regional Advisory Committee members; for regular meetings and business. Five (5) Committee members shall constitute a quorum of the Regional Advisory Committee. A motion submitted by a committee member may only be passed by an affirmative vote of the majority of the members voting on the motion. Meetings may be held using a conference telephone or similar communications equipment such as email, instant messaging so long as all members participating in such meeting can communicate with one another at the time of such meeting. Participation in such a meeting constitutes presence-in-person at such meeting.
5. Outside of an Emergency or Disaster the purpose of The Regional Advisory Committee is to:
- a) advise on the development of The Regional Plan and programs;
 - b) advise respective Parties annually on matters & concerns pertaining The Regional Plan and programs;
 - c) review and track The Regional Plans' programs progress annually;
 - d) establish The Regional Plans' programs priorities and where necessary corresponding budget;

- e) complete Emergency Advisory Committee (EAC), Emergency Operations Center (EOC) and Incident Command System (ICS) training and Scenario based Exercises per The Regional Plan;
 - f) consolidate current Mutual Aid Agreements to be replaced with a Regional Resource Sharing Mutual-Aid agreement designed to better understand local resource composition, deployment capacity and availability to aid in stabilizing emergencies; and
 - g) provide guidance and support to the Regional Agency.
6. During an Emergency or Disaster, the purpose of the Regional Advisory Committee is to:
- a) support the initial DEM, DDEM or alternate in the management of the emergency response and provide strategic direction as required;
 - b) in accordance with Section 17 declare, renew, or terminate a state of local emergency;
 - c) in consultation and coordination with the REOC through the DEM, DDEM or alternate, Regional Advisory Committee members may be requested to:
 - i. assist with keeping the community informed using established key messages;
 - ii. serve as a spokesperson if required;
 - iii. engage with other levels of government for financial and resource support;
 - iv. provide briefings to other levels of government; and
 - v. authorize major expenditures as required.
7. Council delegates the following powers and duties to the Regional Advisory Committee:
- a) advise on the ongoing development of The Regional Plan and success of the community awareness and ongoing ICS training and scenario-based emergency management exercise programs;
 - b) in accordance with section 17 of this bylaw, when two or more communities are impacted by the same incident, declare, renew, or terminate a state of local emergency for part or all of the Region;
 - c) set Regional Emergency Management priorities and corresponding budget;
 - d) enter into and sustain emergency management agreements with other regional groups or municipality(s). The decision for the Regional Advisory Committee to enter into such an agreement to be made by majority vote of all Parties; and
 - e) create policies relating to the emergency preparedness, mitigation, response, recovery, the business continuity, and emergency social services of the Special Areas Region and the Agency.

8. Council's authority includes:
 - a) declare, renew or terminate a state of local emergency for an emergency occurring entirely within the boundaries of its municipality and only impacting that municipality;
 - b) create plans or programs to address mitigation, business continuity, long term recovery, and to address hazards specific vulnerabilities within their community which complements the goal of life safety identified within the The Regional Plan.
 - c) approve The Regional Plan and Program funding formula; and
 - d) approve this Bylaw.

9. Each Municipal Council shall:
 - a) by resolution, appoint one (1) of its members or delegate to serve on the Regional Advisory Committee and at least one (1) member or delegate as an alternate;
 - b) provide for the payment of expenses of its representative of the Regional Advisory Committee.

10. Each Municipal Council may:
 - a) by bylaw that is not advertised, borrow, levy, appropriate, and expend all sums required for its share of the operation of Regional Emergency Management Agency (the Agency); and
 - b) 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.

11. Each Municipal Council agrees, through this bylaw, to establish the Regional Agency to act as the agent of Council to carry out its statutory powers and obligation under the *Emergency Management Act*. This does not include the power to declare, renew or terminate a state of local emergency.

12. "The Regional Agency" shall be comprised of the following persons:
 - a) DEM of each municipality which is a Party to this Bylaw;
 - b) DDEM of each municipality which is a Party to this Bylaw; and
 - c) any credentialed individual the Agency deems appropriate.

13. "The Regional Agency" shall:
 - a) approve and administer The Regional Plan and programs for the region, excluding municipal specific hazard plans, prevention/mitigation, business continuity planning and long-term recovery;
 - b) review The Regional Plan and programs a minimum of twice a year;
 - c) act as the appointed agent in exercising the authority having jurisdiction (AHJ) powers and duties under the Act;
 - d) act as The Regional Agency for-the Special Areas Region and will carry out the duties on behalf of the Parties for greater certainty;
 - e) coordinate and track all resources used in a Regional Emergency;
 - f) ensure that one of the DEMs, DDEMs or alternate is designated to discharge the responsibilities of the Agency;
 - g) use the Incident Command System (ICS) in the Incident Command Post (ICP), Regional Emergency Operation Center (REOC), for command and control;

- h) be responsible for reporting back to their respective municipal councils to ensure that effective communications and transparency is maintained; and
 - i) ensure meetings are held face to face or through the use of a conference telephone or similar communications equipment such as email, instant messaging so long as all members participating in such meeting can communicate with one another at the time of such meeting. Participation in such a meeting constitutes presence in-person at such meeting.
14. The designation of a DEM to act on behalf of the Regional Agency shall be guided by the following:
- a) upon REOC activation by a DEM, DDEM or alternate that are members of the Regional Agency; that individual may continue to serve as DEM for the incident. When deemed appropriate, the DEM, DDEM or alternate from the impacted municipality may transfer command to any of the Parties DEMs / DDEMs to fill that role;
 - b) the first notified DEM, DDEM or alternate to the REOC will serve as DEM for the incident. As other DEMs, DDEMs or alternates arrive at the REOC, they will jointly decide who will take the lead role. DEM, DDEMs and alternates from the Regional Agency may rotate through the role of DEM for the REOC; and
 - c) if required, the DEM or DDEM may appoint an alternate to discharge the duties of the Regional Agency.
15. It is recommended the Parties establish a Regional Emergency Management Coordinator to assist with maintaining / updating, scheduling, and participating in: Hazard Identification Risk Assessments, Municipal Emergency Management Plans, The Regional Plan, REOC functionality (including all necessary materials for efficient Incident Management Team conduct) and interoperability, as well as continuous learning activities related to roles and responsibilities in the REOC, Regional Advisory Committee, ICP and ICS Positions, as well as Table-Top, Functional and Full Scale Exercises.
16. Funding related to Regional Emergency Management Coordinator position will be outlined in a separate agreement by all Parties.

State of Local Emergency

17. Per *EMA - 21(1)* A local authority may, at any time when it is satisfied that an emergency exists or may exist in its municipality, by resolution or, in the case of the Minister responsible for the *Municipal Government Act*, the Minister responsible for the *Special Areas Act* or a park superintendent of a national park, by order, make a declaration of a state of local emergency relating to all or any part of the municipality.
18. In the event of an Emergency entirely within the boundaries of and only affecting the Village of Empress, the authority and powers to declare, renew or terminate a state of local emergency under the Act, the authority and powers specified in Section 22 of this Bylaw, and the requirement specified in Section 20 of this Bylaw are hereby delegated to a local municipal committee comprised of the Mayor/CAO/SAB Chair or any two (2) Councillors or their delegate(s). This municipal 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.

19. In the event of an Emergency entirely within the boundaries of and affecting only the Village of Empress and the local municipal emergency advisory committee cannot be reached or in the event of an emergency impacting more than one (1) municipality within the Region, the authority and power to declare, renew or terminate a state of local emergency under the Act; the authority and powers specified in Section 22 of this Bylaw; and the requirements specified in Section 20 of this Bylaw are hereby delegated to any two (2) or more members of the Regional Advisory Committee. The Regional Advisory 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 (1) member or alternate from each municipality affected.
20. When a state of local emergency is declared, the Local Authority or the Regional Advisory Committee making the declaration shall:
 - a) ensure that the declaration identifies the nature of the Emergency and the area(s) 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;
 - c) subject to the Act, the declaration of a state of local emergency must be renewed every seven (7) days until the Emergency has passed; and
 - d) forward a copy of the declaration to the Minister forthwith.
21. 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 20 of this Bylaw;
 - 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” for the same area; or
 - d) the Minister cancels the state of local emergency for the affected area.
22. When, in the opinion of the Local Authority in which the state of local emergency was declared, or the Regional Advisory Committee, as the case may be, an emergency no longer exists, the Local Authority or the Regional Advisory Committee shall, by resolution, terminate the declaration.
23. When a declaration of a state of local emergency has been terminated by resolution or lapse of time or cancelled by the Minister, the Local Authority or the Regional Advisory Committee 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.
24. Subject to Section 20 of this Bylaw, when a Local Authority or the Regional Advisory Committee has declared a state of local emergency, the Regional Agency may at any time, in accordance with the Act, for the duration of that state of local emergency, do all

acts and take all necessary proceedings in the area(s) under a state of local emergency in accordance with Section 24 of the Act.

25. In accordance with Section 19.1 of the Act, if an Evacuation Order is made, every person within the area that is the subject of the Evacuation Order must leave:
 - a) immediately; or
 - b) if a deadline for evacuation is specified in the Evacuation Order, by the deadline.
26. Section 25 of this Bylaw does not apply to a person acting under the direction of a person exercising powers under Section 24 of this Bylaw, as long as there is a plan for safely evacuating that person in a timely manner and the means are available to carry out the plan.
27. In accordance with Section 28 of the Act, no action lies against a Local Authority or person acting under the Local Authority's direction or authorization for anything done or omitted to be done in good faith while carry out a power or duty under this Act or in the regulations during a state of local emergency.
28. In accordance with Section 535(1) of the *Municipal Government Act*, 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.
29. 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.
30. This Bylaw shall take effect upon final passing.

READ a first time this 19 day of November, 2020.

READ a second time this 17 day of December, 2020.

READ a third time and finally passed this 17day of December, 2020.

Carmen Cooper

Mayor

Debbie Ross

CAO