

VILLAGE OF DUCHESS
In the Province of Alberta

Bylaw No. 488-20
Regional Emergency Management

A BYLAW OF VILLAGE OF DUCHESS, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A REGIONAL EMERGENCY ADVISORY COMMITTEE, AGENCY, AND PLANNING AND COORDINATING GROUP WHEREAS:

- A. The Village of Duchess 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, and the Local Authorities Emergency Management Regulation (203/2018), to appoint an Emergency Advisory Committee and to establish and maintain a Municipal Emergency Management Agency.
- B. It is desirable and 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*.
- C. It is desirable in the public interest, and in the interests of public safety that a regional emergency management group be formed to coordinate a regional emergency approach and programs.
- D. The municipalities of the Newell Region wish to establish a Regional Emergency Advisory Committee, a Regional Emergency Management Agency, and a Regional Emergency Planning and Coordinating Group.

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

- 1. This Bylaw may be cited as 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, Chapter E-6.8, RSA 2000 and the Local Emergency Management Regulation
 - (b) "CAO" means a person appointed to that position by the Village of Duchess Council as per section 205 of the *Municipal Government Act*, RSA,2000,cM-26;
 - (c) "Council" means the Council of Village of Duchess;
 - (d) "Deputy Director of Emergency Management" (DDEM) means the person responsible for the duties of the Director of Emergency Management (DEM) in the absence of the DEM;
 - (e) "Director of Emergency Management" (DEM) means the person who occupies the position of Rural Fire and Emergency Services Coordinator or equivalent position for the

Newell Region and by virtue of a resolution approved by each of the participating Local Authorities, is responsible for the Emergency Management program throughout the Newell Region;

- (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 a present or imminent 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 Coordination Centre" (ECC) means the location (including internet based meeting applications) that functions as a point of coordination, addressing the needs of the municipality or the Newell Region as a whole, exercising the authority of the local officials, as well as anticipating and supporting the needs of one (1) or more incident sites;
- (i) "Local Authority" means, where a municipality has a council within the meaning of the Municipal Government Act, Chapter M-26, RSA 2000, that council;
- (j) "Minister" means the Minister charged with administration of the Act;
- (k) Newell Region means the geographic area encompassed by the boundaries of the County of Newell and includes the Town of Bassano, the Village of Duchess and the Village of Rosemary
- (l) "Newell Regional Emergency Partnership" (NREP) means the Newell Regional Emergency Partnership established by agreement that has been adopted and is attached as Schedule "A" to the approving bylaws passed by the respective municipal councils of the Parties;
- (m) "Newell Regional Emergency Planning and Coordinating Group" (Planning and Coordinating Group) means the Newell Regional Emergency Planning and Coordinating Group as established by agreement between and the bylaws of the respective municipal councils of the Parties;
- (n) "Parties" means the Village of Duchess, the Town of Bassano, the Village of Rosemary, and the County of Newell;
- (o) "Regional Emergency Advisory Committee" (REAC) means the Advisory Committee of the Newell Regional Emergency Partnership as established by agreement which has been authorized through bylaws approved by the Parties
- (p) "Regional Emergency Management Agency" (the Agency) means the Newell Regional Emergency Partnership Agency as established by Agreement between and the bylaws of the respective municipal councils of the Parties;
- (q) "Regional Emergency Management Plan" means the Newell Regional Emergency Management Plan prepared by the Planning and Coordinating Group for managing potential emergencies or disasters within the Newell Region.

3. ESTABLISHMENT OF REGIONAL EMERGENCY MANAGEMENT

- (a) Council agrees in accordance with the NREP, to establish the Regional Emergency Advisory Committee (REAC) to advise Council on the development of emergency plans and programs. This bylaw in conjunction with other related bylaws approved by the Parties establishes the Regional Emergency Advisory Committee
- (b) Council agrees through the NREP, to establish a Planning and Coordinating Group whose role is to assist and provide administrative support for the REAC in the creation, implementation and evaluation of NREP plans and programs and setting direction for the NREP Agency and any of its sub groups. This does not include the power to declare, renew or terminate a state of local emergency.
- (c) Council agrees in accordance with the NREP, to establish the Agency to act as the agent of Council in exercising 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 throughout Section 9.2 of this Bylaw.

4. ROLE OF COUNCIL

4.1 Council shall:

- (a) by resolution, appoint one (1) of its members to serve on the REAC and at least one (1) member as an alternate;
- (b) provide for the payment of expenses of its member(s) of the REAC;
- (c) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Village of Rosemary and the NREP Region;
- (d) approve the Regional Emergency Management Plans and Programs as they relate to the Village of Dutchess and the NREP Region;
- (e) review the status of the Regional Emergency Management Plan and related plans and programs at least once a year;
- (f) by resolution appoint as the DEM the person that occupies the position of Rural Fire and Emergency Services Coordinator for the Newell Region, or equivalent position as may be revised from time to time and
- (g) by resolution appoint one (1) or more DDEM.

4.2 Council may:

- (a) by bylaw that is not advertised, borrow, levy, appropriate and expend all sums required for its share of the operation of 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 including mutual aid plans and programs.

5. REAC STRUCTURE AND DUTIES

5.1 REAC Structure:

- (a) The REAC shall be comprised of municipal Councilors (preferably the Chief Elected Official) representing 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 REAC;
- (b) Each municipality shall also appoint one (1) alternate member to the REAC who shall be permitted to vote in the absence or in place of the primary member;
- (c) The Chair of the REAC shall be elected annually by the members of the REAC after the annual organizational meetings of the Parties have been held.
- (d) Quorum is a minimum of three members. Decisions are based on simple majority of members present;
- (e) Meetings of the REAC may be held at the call of the chair and must be held at least once annually.

5.2. REAC Role:

- (a) Review the Regional Emergency Management Plan and related plans and programs on a regular basis;
- (b) Make the Emergency Management Plan available to the Alberta Emergency Management Agency for review and comment;
- (c) Advise Council, duly assembled, on the status of the Regional Emergency Management Plan and related plans and programs at least once each year.
- (d) Provide guidance and direction to the Agency;
- (e) After emergency or disaster events and related recovery periods have passed, the REAC shall meet to assess outcomes and recommend changes (if any) that the Agency should consider in preparation for future events.

6.0 AGENCY STRUCTURE AND ROLE

Council agrees that a single Agency shall be established to oversee the management of all disaster events, regardless of whether the scope is contained within the boundary of any one of the participating Local Authorities, or extends across the boundary in a way that may impact more than one, or potentially all of the Local Authorities that are a partner to this agreement.

6.1 Agency structure is intended to provide flexibility and may be adapted to manage the needs of disaster events that range from an event contained within the boundaries of one of the Local Authorities to larger events that may impact more than one, or all of the Local Authorities. Members of the Agency shall include those listed in (a) through (c) below and may include others referenced paragraph (d) below

- (a) The DEM;
- (b) The individual DDEM's that have been appointed by each municipality that is a member of NREP.
- (c) If the DDEM appointed is not the CAO, then the CAO is a member of the Agency.
- (d) The Agency may request that the following persons advise the Agency on either a standing or as needed basis for each period of time that the Agency deems appropriate:
 - i. The Chief Elected Official of each of the Parties;
 - ii. RCMP Detachment Commander or designate;
 - iii. Fire Chiefs or designates for department providing service for the Local Authority or the affected area;
 - iv. Newell and District Emergency Medical Services Association Manager or designate;
 - v. Enforcement Services Supervisor or designate;
 - vi. The Family and Community Support Services Director having responsibility for the affected Local Authority or their designate;
 - vii. Public Works Supervisor that has responsibility for the affected Local Authority or their designate;
 - viii. Utility Manager that has responsibility for the affected Local Authority or their designate;
 - ix. Emergency Public Information Officers that has responsibility for the affected Local Authority or their designates;
 - x. Emergency Social Services Manager that has responsibility for the affected Local Authority or their designate;
 - xi. Alberta Health Services representatives or designates;
 - xii. School Superintendent or designate;
 - xiii. Disaster Social Services Managers or designates;

- xiv. Representative(s) from adjacent municipalities or First Nations;
- xv. Representatives from local business;
- xvi. Representatives from local industry or industrial associations;
- xvii. Representatives from Alberta Municipal Affairs;
- xviii. Representatives from local utility companies; and
- xix. Anybody else who might serve a useful purpose in the preparation or implementation of the Regional Emergency Management Plan.

6.2 Agency Role is as follows:

- (a) The Agency shall meet a minimum of once per year for the purpose of reviewing emergency management plans and providing an update on the Agencies activities;
- (b) The Agency shall ensure that the command, control, and coordination system prescribed by the Managing Director of the Alberta Emergency Management Agency will be used by the local authority's Agency in the event of an Emergency.
- (c) The Agency shall make the emergency plan available to the Alberta Emergency Management Agency for review and comment annually.

7. PLANNING AND COORDINATING GROUP

7.1 The NREP Planning and Coordinating Group shall:

- (a) Consist of the DEM, the DDEM appointed by each of the individual Parties, and the Administrative staff member or CAO who provides administrative oversight for the Emergency Management Function. Despite a vacancy in any of these positions from time to time, the Planning and Coordinating Group shall continue to exist;
- (b) Provide administrative support for and assist the REAC with the creation, implementation and evaluation of Regional Emergency Management Plans and programs for the NREP Region;
- (c) Determine the direction of the Agency and any of its sub groups;
- (d) Coordinate all emergency services and other resources used in an emergency;
- (e) 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 Agency. The designation of an individual or group of individuals to act on behalf of the Agency shall be guided by the following:
 - i. once an ECC has been activated, the DEM or any one of the DDEMs that are

members of the Agency may serve as DEM for the incident. Whenever possible, the DEM or DDEM from the 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;

- ii. in the event of an Emergency within the NREP Region, the first DEM or DDEM to the ECC will serve as DEM for the incident. As other DEMs arrive at the ECC, they will jointly decide who will take the lead role. DEM and DDEMs from the Agency may rotate through the role of DEM for the ECC;
- (f) Ensure someone is designated to discharge the responsibilities specified in paragraphs b, c, d, and e.

8. AUTHORITY AND POWERS

- 8.1. In the event of an Emergency within the Newell Region, the authority and powers to declare or renew a state of local emergency under the Act, the authority and powers specified throughout Section 9.2 of this Bylaw, and the requirements specified throughout Section 9.1 and in section 9.5 of this Bylaw are hereby delegated to the REAC. The REAC 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. Whenever possible, this resolution should be made by the REAC which includes at least one (1) member or alternate from each municipality affected.
- 8.2. In the event of an emergency entirely within the boundaries of and affecting only the Village of Duchess and the REAC cannot be reached or convened in a timely manner, the authority and power to declare or renew a state of local emergency under the Act; the authority and powers specified throughout Section 9.2 of this Bylaw; and the requirements specified throughout Section 9.1 and in section 9.5 of this Bylaw are hereby delegated to a local municipal committee that is comprised of the Mayor, or any two (2) or more Councilors of the affected municipality. The local 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 that is limited to that municipality.

9. STATE OF LOCAL EMERGENCY

- 9.1. When a state of local emergency is declared, the REAC or the Local Authority making the declaration shall:
 - (a) ensure that the declaration identifies the nature of the emergency and the area 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.

- 9.2. Subject to Section 9.1, when the REAC or Local Authority has declared a state of local

emergency, the REAC or Local Authority may, for the duration of that State of Local Emergency, do all acts and take all necessary proceedings including the following:

- (a) cause the 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 Village of Dutchess;
- (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 Village of Dutchess;
- (f) cause the evacuation of persons and the removal of livestock and personal property from any of Village of Dutchess 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 buildings or 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 the Village of Dutchess 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 Regional Emergency Management Plan and related plans or programs, any power specified in paragraphs 9.2(a) through 9.2(j) of this Section in relation to any part of the municipality affected by a declaration of a state of local emergency including as part of a Regional Emergency affecting more than one (1) municipality for which a declaration of State of Local Emergency was made under Sections 8.1 or 8.2.

9.3 When a State of Local Emergency has been declared and the impact of an event is contained within the boundaries of one Local Authority, all costs incurred that are outside the scope of the approved budget for the Local Authority will be funded by the Local Authority where the event occurred. In cases where an event spreads beyond the Local Authority's boundary to encompass areas beyond, costs incurred will be shared on a proportionate basis that shall be determined by the REAC. The basis for the cost sharing determined by the REAC may include; proportionate share of total geographic area involved, proportionate share of population impacted,

proportionate share of the assessed value of property impacted, or some other to be determined factor or combination of factors agreed upon by the REAC.

- 9.4 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.
- 9.5 In accordance with Section 535(2) of the Municipal Government Act, Councilors, 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.
- 9.6 When in the opinion of the Local Authority in which the state of local emergency was declared, or the REAC, as the case may be, an emergency no longer exists, the Local Authority or the REAC shall, by resolution, terminate the declaration.
- 9.7 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 9.5;
 - (b) a period of seven 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.
- 9.8 When a declaration of a state of local emergency has been terminated, the REAC or the Local Authority 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. AGREEMENTS & POLICIES

- 10.1 The REAC is delegated the authority to enter into an Emergency Management Mutual Aid Agreement with another regional group or single municipality. The decision for the REAC to enter into a mutual aid agreement must be approved by unanimous vote of all members of the REAC. The Parties shall be permitted to vote in person or by way of fax, conference call, email, or an online meeting system.
- 10.2 The REAC 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 Agency.

11. SEVERABILITY

If any section or sections of this Bylaw or parts thereof are found in any court or law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of the Bylaw shall be deemed separate and independent therefrom and to be enacted as such.

12. COMING INTO FORCE

This Bylaw shall come into force and effect upon third and final reading.

READ a first time this 15th day of June 2020.

READ a second time this 31st^h day of August 2020.

READ a third time and passed this ____ day of ____ 2020.

Tony Steidel, Mayor

Yvonne Cosh, CAO