

BY-LAW NO. 1030

A BY-LAW OF THE TOWN OF MILK RIVER

IN THE PROVINCE OF ALBERTA

TO ESTABLISH A MUNICIPAL EMERGENCY MANAGEMENT AGENCY

WHEREAS the Council for the *Town of Milk River* is responsible for the direction and control of its emergency response and is required, under the *Emergency Management Act*, Chapter E-6.8, Revised Statutes of Alberta 2000 (current as of November 19, 2018), to appoint an Emergency Management 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 Warner 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 Warner County for the purpose of integrated emergency management planning and operations. This Partnership is to be recognized as the County of Warner Regional Emergency Partnership (CoWREP); and

WHEREAS Council chooses to delegate certain responsibilities to the Regional Emergency Management Committee, Regional Emergency Management Agency and Regional Director of Emergency Management;

NOW THEREFORE, the Council for the *Town of Milk River* in the province of Alberta, duly assembled enacts as follows:

- 1.0 This bylaw may be cited as the Municipal Emergency Management Bylaw
- 2.0 In this bylaw:
  - 2.1 "CAO" means the Chief Administrator for the *Town of Milk River*, or their designate to implement this Bylaw;
  - 2.2 "Act" means the Emergency Management Act, Chapter E-6.8, Revised Statutes of Alberta 2000 and any regulations;

- 2.3 "Council" means the duly elected Council for the *Town of Milk River*, in the province of Alberta;
  - 2.4 "Emergency" means a present or imminent event that requires prompt co-ordination of action or special regulations of persons or property to protect health, safety or welfare of people or to limit damage to property;
  - 2.5 "Disaster" means an event that has resulted or may result in serious harm to the safety, health or welfare of people, or in widespread damage to property;
  - 2.6 "Minister" means the Minister charged with administration of the Act;
  - 2.7 "Regional Director of Emergency Management" (DEM) means the individual appointed by resolution of council, or the CAO, or their designate to carry out certain authority as designated by this bylaw;
  - 2.8 "Deputy Director of Emergency Management" (DDEM) means the individual appointed by resolution of council, or the CAO, or their designate to carry out the duties of the DEM in their absence;
  - 2.9 "Incident Commander" (IC) means the individual charged with coordinating response and leading the incident from the MECC or RECC;
  - 2.10 "Parties" mean all of the municipalities who have joined the regional partnership agreement;
  - 2.11 "Regional Emergency Management Agency" (REMA) means the regional agency established under this bylaw, as part of CoWREP, to provide recommendation to the REAC, based on community engagement, legislative requirements and approved objectives;
  - 2.12 "Regional Emergency Advisory Committee" REAC means the committee established under this By-law, to fulfill all responsibilities designated to the municipality under the act;
  - 2.13 "Municipal Emergency Coordination Centre" means the location that functions as a point of coordination for localized events, addressing the needs of the municipality, exercising the authority of local officials for a singular municipality, as well as anticipating and supporting the needs of one or more incident sites within the municipality;
  - 2.14 "Regional Emergency Coordination Centre" means the location that functions as a point of coordination for events, addressing the needs of the municipality and/or the greater Warner region, exercising the authority of local officials who are party to the regional partnership agreement, as well as anticipating and supporting the needs of one or more incident sites within the region;
  - 2.15 "Municipal Emergency Management Plan" means the localized emergency response within the regional plan pertaining to each partnering municipality.
  - 2.16 "Regional Emergency Management Plan" means the coordinated emergency management plan adopted by the CoWREP
  - 2.17 "County of Warner Regional Emergency Partnership" (CoWREP) shall refer to the partnership of municipalities to have signed the regional emergency management partnership agreement, adopted the coordinated emergency management bylaw and to have paid the initial buy in fee.
- 3.0 Regional Emergency Management Agency
- 3.1 Council agree, through the CoWREP agreement, to establish a Regional Emergency Management 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, nor the powers contained in section 8.5 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 **Town of Milk River** as well as for the CoWREP.

- 3.2 Council agrees through the CoWREP to administer and deliver programs in accordance with the approved budget.
- 3.3 The Regional Emergency Management Agency shall:
  - 3.3.1 consist of the Regional DEM and one (1) permanent member of each partnering municipality who shall be either the:
    - 3.3.1.1 Deputy Director of Emergency Management;
    - 3.3.1.2 Chief Administrative Officer; or
    - 3.3.1.3 Appointed designate
  - 3.3.2 meet at minimum annually, with additional meeting as required or at the request of the membership;
  - 3.3.3 have met quorum when a minimum of fifty percent (50%) of voting members are in attendance;
  - 3.3.4 report its activities to the Regional Emergency Advisory Committee annually;
  - 3.3.5 use the command, control and coordination system prescribed by the managing director of the Alberta Emergency Management Agency
  - 3.3.6 be chaired by the Regional DEM in a non-voting capacity, vice chair will be appointed from the members of the committee and will retain voting status;
  - 3.3.7 liaise with external agencies and surrounding municipalities who have a role in emergency response at regional facilities;
  - 3.3.8 guide the creation, implementation and evaluation of regional emergency plans and programs for the CoWREP with the assistance from any person or agency, for any period of time, who/which might serve a useful purpose in the preparation or implementation of the Regional Emergency Management plan, inclusive of the Municipal Emergency plans contained within:
    - 3.3.8.1 these persons or agencies may include, but are not limited to;
      - 3.3.8.1.1 RCMP Detachment Commander for Milk River and/or Raymond Detachments and/or Designate
      - 3.3.8.1.2 Fire Chief(s) for Aden, Masinasin, Coutts, Milk River, Wrentham, Stirling, Warner and/or Raymond Fire Departments
      - 3.3.8.1.3 Alberta Health Services
      - 3.3.8.1.4 Volker Stevin district highway maintenance foreman or designate
      - 3.3.8.1.5 Ridge Regional Public Safety Services
      - 3.3.8.1.6 Public Works directors/superintendents/foremen or designates
      - 3.3.8.1.7 Alberta Ministry of Municipal Affairs
      - 3.3.8.1.8 Alberta Emergency Management Agency
      - 3.3.8.1.9 Alberta Ministry of Transportation

- 3.3.8.1.10 Alberta Ministry of Agriculture and Forestry
- 3.3.8.1.11 Representatives from Local Business
- 3.3.8.1.12 Representatives from Local Industry
- 3.3.8.1.13 Representatives from Local Utility Companies
- 3.3.8.1.14 Barons/Eureka/Warner FCSS
- 3.3.8.1.15 Anyone else who might serve as valuable in the contribution of the preparation or implementation of the regional emergency plan.

- 3.3.9 Coordinate all emergency services and other resources used in an emergency;
- 3.3.10 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 shall be guided by the following:
  - 3.3.10.1 Once a MECC or RECC has been activated, the Regional DEM or any municipal DDEM that are members of the agency may serve as IC throughout the duration of the incident. Whenever possible, the DDEM for the from the most impacted municipality shall fill the role of IC. The intent is to ensure that there is structured leadership within the ECC while the Regional DEM may be on route or unavailable for whatever reason;
  - 3.3.10.2 In the event of an emergency affecting more than one (1) municipality within the CoWREP, the first DDEM at the RECC with serve as the IC for the incident. As other designated DDEMS arrive at the ECC, they will jointly decide who will assume the role of IC.
  - 3.3.10.3 The role of IC through multi-operational periods will remain exclusively to the DEM/DDEM roles for partners within CoWREP, although mentorship from outside sources and agencies is encouraged, if required.

#### 4.0 Regional Emergency Advisory Committee

- 4.1 There is hereby established a Regional Emergency Advisory Committee (REAC) to act as the agent of Council, to provide guidance and direction to the regional agency and carry out its statutory powers and obligations under the Act, the REAC will also advise Council on the development of emergency plans and programs. This does not include the power to declare, renew, or terminate a state of local emergency, nor the powers contained in section 8.5 of this bylaw, unless specific conditions are met, as outlined in section 8.2 of this bylaw.
- 4.2 The Regional Emergency Advisory Committee Shall;
  - 4.2.1 consist of one (1) elected official from each of the partnering municipalities; each of whom shall have one vote regarding any matter coming before the committee. Each municipality shall also appoint an alternate member to the committee who shall be permitted to vote in the absence or in place of the primary member;
  - 4.2.2 review and approve the regional emergency plan, inclusive of municipal emergency plans, on a regular basis;

- 4.2.3 advise Council, duly assembled, on the status of the Regional Emergency Plan and related plans and programs at least once each year;
- 4.2.4 be chaired by the Regional DEM in a non-voting capacity, vice chair will be appointed from the members of the committee and will retain voting status.
- 4.2.5 meet at minimum annually, with additional meeting as required or at the request of the membership;
- 4.2.6 have met quorum when a minimum of fifty percent (50%) of voting members are in attendance;
- 4.2.7 provide guidance and direction to the regional emergency management agency and any of its subgroups;
- 4.2.8 declare State of Local Emergency on behalf of any municipality within CoWREP only where conditions outlined in section 8.2 of this bylaw are met
- 4.3 The Regional Emergency Advisory Committee is delegated authority to create policies relating to the emergency preparedness, mitigation, response, recovery and the operation of the CoWREP and the Regional Emergency Management Agency.
- 5.0 CoWREP Planning and Coordinating Group shall;
  - 5.1 consist of the regular, voting members of both the Regional Agency as well as the Regional committee, the South Region Field Officer of the Alberta Emergency Management Agency, and the Regional Director of Emergency Management. Despite a vacancy in any of these positions from time to time, the Planning and Coordinating Group shall continue to exist, in order to guide the overall creation, implementation and evaluation process of regionalization for the CoWREP;
  - 5.2 meet on an as needed basis, as requested by the membership;
  - 5.3 be chaired by the Regional DEM in a non-voting capacity, vice chair(s) will be the appointed vice chair for each the committee and the agency and will retain voting status.
  - 5.4 have met quorum when a minimum of one third (33%) of voting members are in attendance;
- 6.0 Regional Director of Emergency Management (DEM)
  - 6.1 The Regional DEM shall;
    - 6.1.1 act as Chair of the Regional Emergency Management Agency, Regional Emergency Advisory Committee and CoWREP Planning and Coordinating Group in a non-voting capacity;
    - 6.1.2 ensure legislative compliance for Regional Emergency Plans and Programs;
    - 6.1.3 ensure the CoWREP functions under the ICS System framework;
    - 6.1.4 be responsible for ensuring regional emergency planning documents and programs are accurate and reviewed annually;
    - 6.1.5 ensure regional training records are kept;
    - 6.1.6 execute exercises to validate the County of Warner Regional Emergency Partnership Plan;
    - 6.1.7 conduct reviews of all exercises;
    - 6.1.8 review the impact of incidents on the system;
    - 6.1.9 oversee public information, as necessary, on the County of Warner Regional Emergency Partnership with:
      - 6.1.9.1 municipal departments; and

- 6.1.9.2 industrial and municipal neighbours;
  - 6.1.10 liaise with external agencies and surrounding municipalities who have a role in emergency response at regional facilities;
  - 6.1.11 Act as IC, or ensure that someone is designated under the Municipal Emergency Plan(s) to so act, on behalf of the Regional Emergency Management Agency;
  - 6.1.12 Assist in the preparation and coordination of the CoWREP Regional Emergency Plan, as well as the Municipal Emergency Management Plans contained within, as required by the Act;
  - 6.1.13 Ensure that Regional Emergency Management Plans and Municipal Emergency Management Plans are reviewed once per year;
  - 6.1.14 Ensure staff of the partner municipalities, the Regional Emergency Management Agency and the Regional Emergency Advisory Committee are made aware of the Regional Emergency Management Plan and as required, ensure that training is done to maintain effectiveness in the event of an emergency; and
  - 6.1.15 Perform other duties as prescribed by the CoWREP; or
  - 6.1.16 Ensure that someone is designated to discharge the responsibilities specified in paragraphs 6.1.1 – 6.1.15
- 6.2 The DEM is authorized to delegate and authorize future delegations of any powers, duties and functions delegated to the DEM under this bylaw.

7.0 Council

7.1 Council Shall:

- 7.1.1 by resolution, appoint one (1) of its members to serve on the REAC;
- 7.1.2 appoint one (1) alternate member to serve on the REAC;
- 7.1.3 provide for payment of expenses of its member(s) of the REAC, in accordance with the municipality's remuneration policy or bylaw and as per the CoWREP partnership agreement;
- 7.1.4 by resolution, upon the recommendation of the Regional Emergency Advisory Committee, appoint a Regional Director of Emergency Management;
- 7.1.5 ensure that emergency plans and programs are prepared to address potential emergencies or disasters are addressed within the Municipal Emergency Management Plan as part of the CoWREP Regional Emergency Management Plan;
- 7.1.6 approve the Regional Emergency Management Plan and Programs as they relate to the *Town of Milk River*; and
- 7.1.7 review the status of Regional Emergency Management Plans and Programs, inclusive of the Municipal Emergency Management Plan's and Programs at least once per year.

7.2 Council may:

- 7.2.1 By bylaw borrow, levy, appropriate and expend, without the consent of the electors, all sums required for it's share of the operation of the Regional Emergency Management Agency; and
- 7.2.2 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.

8.0 Declaration of State of Local Emergency

8.1 The power to declare or renew a state of local emergency under the Act, the powers specified in Section 8.5 of this bylaw, are hereby delegated to a 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;

8.2 In the event of an emergency entirely within the boundaries of, and effecting only the **Town of Milk River** and the authorized authority cannot be reached, or in the event of an emergency impacting more than one municipality within the CoWREP, the authority and power to declare or renew a state of local emergency under the Act, the powers specified in Section 8.5 of this bylaw, are hereby delegated to a committee comprised of any two (2) members of the Regional Emergency Management Committee. 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;

8.3 Declaration of State of Local Emergency for each partner municipality shall be processed separately;

8.4 When a state, or states of local emergency is declared, the person, or persons making the declaration shall;

8.4.1 Ensure that the declaration identifies the nature of the emergency and the physical area or areas in which it exists;

8.4.2 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

8.4.3 Forward a copy of the declaration or declarations to the Minister forthwith.

8.5 Subject to sections 8.1 and 8.2, when a state of local emergency is declared, the Regional Emergency Management Committee may, for the duration of the local state of emergency, for the municipalities under the state of local emergency, do all acts and take all necessary proceedings including the following:

8.5.1 Cause the Regional Emergency Management Plan, individual Municipal Emergency Management Plan or any related plans of programs to be put into operation;

8.5.2 Acquire, utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;

8.5.3 authorize or require any qualified person to render aid of a type he or she is qualified to provide;

8.5.4 control or prohibit travel to or from any area within the County of Warner Regional Emergency Partnership boundaries;

8.5.5 cause the evacuation of persons and the removal of livestock and personal property from any area within the County of Warner Regional Emergency Partnership 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;

- 8.5.6 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;
  - 8.5.7 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;
  - 8.5.8 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 County of Warner regional emergency partnership jurisdictions for the duration of the state of local emergency;
  - 8.5.9 authorize the conscription of persons needed to meet an emergency; and
  - 8.5.10 authorize any persons at any time to exercise, in the operation of the Municipal Emergency Plan and related plans or programs, any power specified in Paragraphs (8.5.1) through (8.5.9) in relation to any part of the municipality affected by a declaration of a state of local emergency.
- 8.6 No action lies against the **Town of Milk River**, its Council or any person acting under direction, or authorization of the CoWREP, for anything done, or omitted to be done in good faith while carrying out a power under the Act, or the regulations during a State of Local Emergency.
- 8.7 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 in good faith in the performance or intended performance of their functions, duties, or powers under the Municipal Government Act or and other enactment.
- 9.0 Termination of State of Local Emergency
- 9.1 When in the opinion of either the declaring municipality or regional emergency advisory committee, an emergency no longer exists in relation to which the declaration was made, that council or the committee shall, by resolution, terminate the declaration.
  - 9.2 A declaration of State of Local Emergency is considered terminated and ceases to be of any force or effect when:
    - 9.2.1 A resolution is passed under section 8.8 (section 23 of the *Emergency Management Act*);
    - 9.2.2 A period of seven (7) days has lapsed since it was declared, unless it was renewed by resolution;
    - 9.2.3 The Lieutenant Governor in Council makes an order for a State of Emergency under the Act, relating to the same area; or
    - 9.2.4 The Minister cancels the State of Local emergency.
- 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 Agreement 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



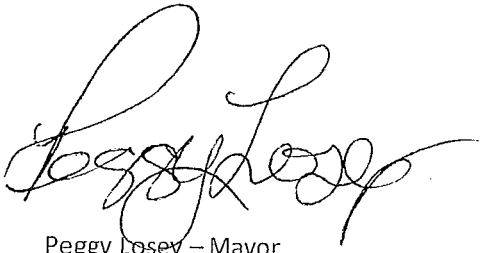
11.1 Should any provisions of this bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the bylaw and the remainder shall remain in force and be binding as though such provision had not been invalid.

12.0 Repeal

12.1 Bylaw 997 is hereby rescinded.

This bylaw shall come into full force and effect upon final passing thereof.

Read a third time and finally passed this August 10<sup>th</sup>, 2020

A handwritten signature in cursive script, appearing to read "Peggy Losey".

Peggy Losey – Mayor

A handwritten signature in cursive script, appearing to read "Jon Hood".

Jon Hood - CAO

