



BYLAW NO. 963/EM/2019
MUNICIPAL DISTRICT OF FAIRVIEW NO. 136

A BYLAW OF THE MUNICIPAL DISTRICT OF FAIRVIEW NO. 136 IN THE PROVINCE OF ALBERTA TO ESTABLISH A MUNICIPAL EMERGENCY MANAGEMENT BYLAW

WHEREAS the Municipal District of Fairview No. 136 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, to appoint an Emergency Management Advisory Committee and to establish and maintain a Municipal Emergency Management Agency; and

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*; and

AND WHEREAS the Municipal District of Fairview No. 136 and the Town of Fairview wish to establish a Joint Emergency Management Program to include a Joint Emergency Plan, Joint Emergency Management Advisory Committee and a Joint Emergency Management Agency;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL DISTRICT OF FAIRVIEW NO. 136 DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the Emergency Management Bylaw.
2. In this Bylaw the following words and terms shall have the following meanings;
 - a. "Act" means the *Emergency Management Act*, Revised Statutes of Alberta 2000, Chapter E-6.8;
 - b. "Council" means the Council of the Municipal District of Fairview No. 136;
 - c. "Director of Emergency Management" "DEM" means the person appointed by resolution of council as the "Chief Administrative Officer" ("CAO") who shall be responsible for the municipality's Emergency Management Program;
 - d. "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;
 - e. "Deputy Director of Emergency Management" "DDEM" means the person(s) responsible for the duties of the Director of Emergency Management in their absence;
 - 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 or the environment;
 - g. "Emergency Operations Centre" ("EOC") means the location that functions as a point of coordination, addressing the needs of the municipalities, exercising the authority of the local officials, as well as anticipating and supporting the needs of one or more incident sites;
 - h. "Joint Emergency Management Advisory Committee" ("the Committee") means the Joint Emergency Management Committee of the Municipal District of Fairview No. 136 and the Town of Fairview as established by the bylaws of the respective municipal councils;

- i. "Joint Emergency Management Agency" means the Municipal District of Fairview No. 136 and the Town of Fairview local agency as established by the bylaws of the respective municipal councils;
 - j. "Joint Emergency Plan" means the plan prepared by the Municipal District of Fairview No. 136 and the Town of Fairview Directors of Emergency Management to co-ordinate the response to an emergency or disaster.
 - k. "Local Authority" means where a municipality has a council within the meaning of the *Municipal Government Act*, that Council;
 - l. "Minister" means the Minister charged with administration of the Act;
 - m. "Parties" means the Municipal District of Fairview No. 136 and the Town of Fairview;
3. There is hereby established a Joint Emergency Management Advisory Committee to advise Council on the development of a joint emergency program and plan and to provide direction to the Joint Emergency Management Agency with regard to planning priorities, policy issues and budget.

- (a) The Joint Emergency Management Committee shall consist of:
 - Chief Elected Official of the Municipal District of Fairview #136
 - Chief Elected Official of the Town of Fairview
 - One elected official from the Municipal District of Fairview No. 136 and one alternate as appointed at the annual Organizational Meeting
 - One elected official from the Town of Fairview and one alternate as appointed at the annual Organizational Meeting
 - Director of Emergency Management for the Municipal District of Fairview No. 136
 - Director of Emergency Management for the Town of Fairview
 - Deputy Director of Emergency Management for the Municipal District of Fairview No. 136
 - Deputy Director of Emergency Management for the Town of Fairview
 - Director of FCSS (Advisor)
- (b) The Chair of the Committee shall be an elected official of either the Municipal District of Fairview No. 136 or the Town of Fairview, appointed annually by the Committee.
- (c) Meetings - The Joint Emergency Management Advisory Committee must meet one (1) time per year. Quorum shall be obtained with the attendance of a minimum of 5 members. Motions will be carried by a simple majority of the committee members present. Motions resulting in a tie of votes shall be defeated.
- (d) The Joint Emergency Management Advisory Committee ("the Committee") shall:
 1. Review the Joint Emergency Plan and related plans and programs on a regular basis.
 2. Advise their respective Councils, duly assembled, on the status of the Joint Emergency Plan and related plans and programs at least once each year.
 3. Approve the annual operating budget for the Joint Emergency Management Program for further recommendation of approval to the respective Councils.
 4. Provide guidance and direction to the Joint Emergency Management Agency.
 5. Adopt policies as required for the effective and efficient operation of the Joint Emergency Management Agency.
 6. Provide input for Hazard Identification Risk Assessments as required.

7. The Joint Emergency Management Advisory Committee shall create policies relating to the emergency preparedness, mitigation, response, recovery and the effective and efficient operation of the Joint Emergency Management Agency
4. There is hereby established a Joint Emergency Management Agency responsible for administering the Emergency Management Program on behalf of the Municipal District of Fairview No. 136 and the Town of Fairview under the guidance of the Joint Emergency Management Advisory Committee. The Joint Emergency Management Agency is authorized to act as the agent for the Municipal District of Fairview No. 136 and the Town of Fairview to carry out the local authorities' statutory powers and obligations under Section 11.2 and Section 24(1) of the Act and the Local Authority Emergency Management Regulation. This does not include the power to declare, renew or terminate a state of local emergency.

(a) The Joint Emergency Management Agency shall consist of:

- the Chief Administrative Officer of each municipality.
- Directors of Emergency Management of each municipality.
- The Deputy Director of Emergency Management of each municipality.
- Designated management and other staff identified for various emergency roles.

In addition, the Agency may request the following persons to join or advise the Agency for each period of time that the Agency deems appropriate.

- Non-commissioned Officer in Charge of the local RCMP Detachment or designate;
- Fire Chiefs or designates;
- Enforcement Services manager or designate;
- Emergency Public Information Officers or designates;
- Public works directors/foreman or designates;
- Alberta Health Services representatives or designates;
- School Superintendent or designate;
- Emergency Social Services Managers or designates;
- Representative(s) from adjacent municipalities which have entered into an Emergency Management Mutual Aid Agreement with the Emergency Management Advisory Committee;
- Representatives from local business;
- Representatives from local industry or industrial associations;
- Representatives from Alberta Municipal Affairs;
- Representatives from Alberta Agriculture and Forestry;
- Representatives from Alberta Environment and Parks;
- Representatives from Alberta Energy Regulator
- Representatives from local utility companies and Coops; and
- Anyone else who might serve a useful purpose in the preparation or implementation of the Joint Emergency Plan.

(b) The Joint Emergency Management Agency shall report on its activities at 1 (one) Joint Emergency Management Advisory Committee meeting annually to provide updates on Agency activities.

- (c) The Joint Emergency Management Agency shall review and update the Joint Emergency Management Plan annually and after an exercise, emergency or disaster.
- (d) The Joint Emergency Management Agency shall utilize a command, control and coordination system prescribed by the Managing Director of the Alberta Emergency Management Agency.
- (e) Pursuant to Sections 24(1) and 19(1) of the Act, when a State of Local Emergency (SOLE) is declared in the Municipal District of Fairview No. 136 and/or the Town of Fairview and for the duration of the SOLE, the Joint Emergency Management Agency shall be authorized to:
- i. Cause the Joint Emergency Operations Plan or any related plans or programs to be put into operation;
 - ii. Acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;
 - iii. Authorize or require qualified person to render aid of a type the person is qualified to provide;
 - iv. Control or prohibit travel to or from any area of the Municipal District of Fairview No. 136 and/or the Town of Fairview;
 - v. Provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate emergency medical welfare and other essential services in the Municipal District of Fairview No. 136 and/or the Town of Fairview;
 - vi. Order the evacuation of persons and the removal of livestock and personal property from any area of the Municipal District of Fairview No. 136 and/or the Town of Fairview that is or may be affected by an emergency or disaster and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;
 - vii. Authorize the entry into any buildings or on any land, without warrant, by any person in the course of implementing an emergency plan or program;
 - viii. 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;
 - ix. 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 Municipal District of Fairview No. 136 and/or the Town of Fairview for the duration of the state of local emergency;
 - x. Authorize the conscription of persons needed to meet an emergency; and
 - xi. Authorize any persons at any time to exercise, in the operation of the Joint Emergency Plan and related plans or programs, any power specified in sub paragraphs (i) through (x) of this Section in relation to any part of the Municipal District of Fairview No. 136 and/or the Town of Fairview affected by a declaration of a State of Local Emergency.

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 carrying out a power or duty under the Act or the regulations during a State of Local Emergency (SOLE).

5. Council shall:

- a. By resolution, appoint the Chief Elected Official and one of its members to serve on the Joint Emergency Management Advisory Committee and at least one member as an alternate;
- b. By resolution appoint the Chief Administrative Officer ("CAO") as Director of Emergency Management.
- c. Complete the required training as prescribed by the Managing Director of Alberta Emergency Management Agency within 90 days of the elected official taking an official oath as required under Section 156 of the Municipal Government Act, RSA 2000, Chapter M-26.
- d. By resolution declare, renew and terminate a State of Local Emergency (SOLE) related to an emergency or disaster within the boundaries of the Municipal District of Fairview No. 136 when it is satisfied that an emergency exists or may exist.
- e. When a state of local emergency is declared, Council shall:
 - (i) Ensure that the declaration identifies the nature of the emergency and the area in which it exists;
 - (ii) 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 and;
 - (iii) Forward a copy of the declaration to the minister forthwith.
 - (iv) When a state of local emergency is to be terminated, Council shall by resolution terminate the SOLE and 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.
- f. A declaration of a state of local emergency is considered terminated and ceases to be of any force or effect when:
 - (i) A resolution is passed under Sections 3(d) of this bylaw;
 - (ii) A period of seven days has lapsed since it was declared, unless it is renewed by resolution;
 - (iii) The Lieutenant Governor in Council makes an order for a state of emergency for the same area; or
 - (iv) The Minister cancels the state of local emergency for the affected area.
- g. Provide for the payment of expenses of its member(s) of the Joint Emergency Management Advisory Committee;
- h. Ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Municipal District of Fairview No. 136;
- i. Approve the Joint Emergency Plans and Programs as they relate to the Municipal District of Fairview No. 136; and
- j. Review the status of the Joint Emergency Plan and related plans and programs at least once a year; and

6. Council may:

- a. By resolution appoint one or more Deputy Directors of Emergency Management;

- b. By Bylaw that is not advertised, borrow, levy, appropriate and expend all sums required for its share of the operation of the Joint Emergency Management Agency; and
 - c. Enter into agreements with and make payments of 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 or programs.
7. The Director of Emergency Management shall:
- a. Prepare and co-ordinate the Joint Emergency Plan and related plans and programs for the Municipal District of Fairview No. 136;
 - b. Act as Director of the EOC, or ensure that someone is designated under the Joint Emergency Plan to so act, on behalf of the Joint Emergency Management Agency; and
 - c. Co-ordinate all emergency services and other resources used in an emergency; or
 - d. Ensure that someone is designated to discharge the responsibilities specified in paragraphs a, b and c.
8. 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* – RSA 2000, C. M-26 or any other enactment.
9. Should any provisions if 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 valid.
10. Bylaw No. 890 of March 8, 2011 is hereby repealed.

Read a first time this 17th day of December 2019.

Read a second time this 17th day of December 2019.

Read a third and final time this 17th day of December 2019.



Reeve Peggy Johnson



CAO Sandra Fox