

## BYLAW NO 2019-01

THIS BYLAW BEING BYLAW NO 2019-01 OF THE VILLAGE OF ANDREW, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE TO ESTABLISH A MUNICIPAL EMERGENCY ADVISORY COMMITTEE, A MUNICIPAL EMERGENCY MANAGEMENT AGENCY AND EMERGENCY AGENCY MANAGEMENT PROTOCOL.

WHEREAS the Council of the Village of Andrew is responsible for the direction

WHEREAS the Council of the Village of Andrew 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* [herein referred to as the "Act"], to appoint Municipal Emergency 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 *Emergency Management Act*;

NOW THEREFORE the Council of the Village of Andrew, in the Province of Alberta, duly assembled enacts as follows:

### 1. TITLE

This Bylaw may be cited as the "Emergency Management Bylaw".

### 2. DEFINITIONS

- 2.1. **Act** means The Emergency management Act of Alberta, Revised Statutes of Alberta 2000, Chapter E-6.8, as amended.
- 2.2. **Agency** means the Municipal Emergency Management Agency established under this Bylaw.
- 2.3. **CAO** means the Chief Administrative Officer of the Village of Andrew or designate.
- 2.4. **Council** means the duly elected municipal Council of the Village of Andrew in the Province of Alberta.
- 2.5. **Director of Emergency Management (DEM)** means an individual appointed by resolution of Council or the CAO or designate.
- 2.6. **Disaster** means an event that has resulted or may result in serious harm to the safety, health or welfare of people, the environment or in widespread damage to property.

- 2.7. **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 and the environment.
- 2.8. **Local authority** means, where a municipality has a Council within the meaning of the *Municipal Government Act, Revised Statutes Of Alberta 2000, Chapter M-26*.
- 2.9. **Minister** means the Minister charged with the administration of the Act.
- 2.10. **Municipal Emergency Advisory Committee [MEAC]** means the Committee established under this Bylaw.
- 2.11. **Municipal Emergency Coordination Centre [MECC]** means the site 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.
- 2.12. **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 or disaster.
- 2.13. **Municipal Emergency Plan** means the plan prepared by the Director of Emergency Management which coordinates response to an emergency or disaster.
- 2.14. **Risk** means a probability or threat of damage, injury, liability, loss or other negative occurrence that is caused by external or internal factors and that maybe overcome through preventative action.
- 2.15. **Threat** means a negative event that can cause a risk to become a loss, expressed as an aggregate of risk, consequences of risk and the likelihood of the occurrence of the event. A threat may be a natural phenomenon such as an earthquake, flood, storm or a manmade incident such as fire, power failure, sabotage, etc.

### **MUNICIPAL EMERGENCY ADVISORY COMMITTEE**

**3.**

There is hereby established a Municipal Emergency Advisory Committee to advise Council on the development of emergency plans and programs.

The Municipal Emergency Advisory Committee shall be comprised of the representatives as described in Schedule 'A' of this Bylaw.

The Committee will review the Municipal Emergency Plan and related plans and programs on an annual basis.

### **DIRECTOR OF EMERGENCY MANAGEMENT**

**4.**

The DEM shall:

- 4.1. Act as Chair of the Municipal Emergency Management Agency (Agency)
- 4.2. Act as Chair of the Municipal Emergency Advisory Committee (MEAC).
- 4.3. Act as Director of the Municipal Emergency Coordination Centre.
- 4.4. Ensure the Deputy Director(s) of Emergency Management is/are designated in his or her absence.
- 4.5. Coordinate all emergency services and other resources used in an emergency.
- 4.6. Ensure staff of the Village and members of the Municipal Emergency Advisory Committee and Municipal Emergency Management Agency, as required, complete training to maintain effectiveness in the event of an emergency.
- 4.7. Perform other duties as prescribed by the local authority.

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. MUNICIPAL EMERGENCY MANAGEMENT AGENCY**

There is hereby established a Municipal Emergency Management Agency (Agency) to act as the agent of Council to carry out its statutory obligations under the Act. The Agency will recommend to Council to declare, renew, or terminate a State of Local Emergency, or the powers contained in Section 7 of this Bylaw.

Council hereby authorizes the Agency, for the duration of such State of

**Local Emergency, do all acts and take necessary proceedings to address the emergency pursuant to the Act.**

**The Agency may be comprised of one or more of the following based on the direction of the DEM.**

- 5.1. Director of Emergency Management**
- 5.2. Deputy Director(s) of Emergency Management**
- 5.3. Chief Administrative Officer**
- 5.4. Emergency Social Services Director**
- 5.5. Other Senior Management and/or designated staff that may include, but not limited to, infrastructure, Planning & Development, Community Services and Corporate Services.**

**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.**

## **6. COUNCIL**

**Council shall:**

- 6.1. By resolution, appoint a Member and alternate to serve on the Municipal Emergency Advisory Committee**
- 6.2. By resolution, appoint a Director of Emergency Management**
- 6.3. By resolution, appoint Deputy Director(s) of Emergency Management**
- 6.4. Provide for the payment of expenses of the Member(s) of the Municipal Emergency Advisory Committee in accordance with Council policies.**
- 6.5. Ensure that emergency plans and programs are prepared to address potential emergencies or disasters in Andrew.**
- 6.6. Approve the Municipal Emergency Plan.**

**Council may:**

- 6.7. By Bylaw, borrow, levy, appropriate and expend, without the consent of electors, all sums required for the operation of the Municipal Management Agency.**

- 6.8. 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.

## **7. DECLARATION OF STATE OF LOCAL EMERGENCY**

The power to declare, terminate or renew a State of Local Emergency under the Act, based on the recommendation of the Agency, are hereby delegated to one Member of Council and one Member of the Agency.

When a State of Local Emergency is declared, the Agency making the declaration shall:

- 7.1. Ensure that the declaration identifies the nature of the emergency and the area in which it exists
- 7.2. 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
- 7.3. Forward a copy of the declaration to the Minister immediately.

When a State of Local Emergency is declared, the Agency is declared, the Agency may, for the duration of the State of Local Emergency, do all acts and take necessary proceedings including the following:

- 7.4. Cause the Municipal Emergency Plan or any related plans or programs to be put into operation;
- 7.5. Acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;
- 7.6. Authorize or require any qualified person to render aid of a type the person is qualified to provide;
- 7.7. Control or prohibit travel to or from any area of Andrew;
- 7.8. 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 Andrew;

- 7.9. Cause the evacuation of persons and removal of personal property from any area of Andrew that is or may be affected by a disaster and make arrangements for the adequate care and protection of those persons and of the personal property;**
  
- 7.10. 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;**
  
- 7.11. 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;**
  
- 7.12. Procure of fix prices for food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of property, services, resources or equipment within Andrew for the duration of the State of Local Emergency;**
  
- 7.13. Authorize the conscription of persons needed to meet an emergency; and**
  
- 7.14 Authorize any persons at any time to exercise, in the operation of the Municipal Emergency Plan and related plans or programs, in relation to any part of the municipality affected by a declaration of a State of Local Emergency.**

**No action lies against Andrew or a person acting under Andrew's direction or authorization 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.**

In Accordance with Sections 535(2) of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, 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.

When, in the opinion of the Agency in which the State of Local Emergency was declared, an emergency no longer exists in relation to which the declaration was made, that one Member of Council and one Member of the Agency, shall by resolution, terminate the declaration.

A declaration of a State of Local Emergency is considered terminated and ceases to be of any force or effect when:

- 7.15. A resolution is passed under Section 23 of the *Emergency Management Act*;
- 7.16. A period of seven (7) days has lapsed since it was declared, unless it is renewed by resolution;
- 7.17. The Lieutenant Governor in Council makes an order for a State of Emergency under the Act, related to the same area; or
- 7.18. The Minister cancels the State of Local Emergency.

When a declaration of a State of Local Emergency has been terminated, the (whoever declared the SOLE) 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.

## **8. EMERGENCY MUTUAL AID AGREEMENTS**

The Municipal Emergency Advisory Committee is delegated the authority to enter into an Emergency Management Mutual Aid Agreement(s) with another municipality or Committee member.

## **9. SEVERABILITY**

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

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

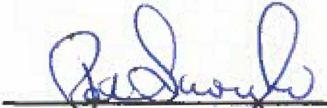
READ for a first time this 16<sup>th</sup> Day of January , 2019 A.D.

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UNANIMOUS CONSENT RECEIVED FOR THIRD AND FINAL READING

READ for a third time this 2<sup>th</sup> Day of March , 2019 A.D.

  
GARY LEPPEK, MAYOR

  
PAT SKOREYKO, CAO