

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1307-19**

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**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BYLAW NO. 1307-19**

**A BYLAW OF THE MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9 IN THE PROVINCE
OF ALBERTA TO PROVIDE FOR EMERGENCY MANAGEMENT.**

WHEREAS the Council of the Municipal District of Pincher Creek No. 9 is responsible for the direction and control of its emergency response and is required, under the *Act*, to appoint an emergency advisory committee and to establish and maintain an emergency management agency and appoint a director of the emergency management agency;

AND WHEREAS it is recognized that an *Emergency* or *Disaster* of a jurisdictional or multi-jurisdictional nature could affect any or all of the *Partnering Municipalities* to such a degree that local resources would be inadequate to cope with the situation;

AND WHEREAS *Council* wishes to maintain a regional emergency management partnership between the *Partnering Municipalities* for the purpose of integrated emergency management planning and operations;

NOW THEREFORE, the Council of Municipal District of Pincher Creek No. 9, in the province of Alberta, duly assembled enacts as follows:

PART I:

CITATION, PURPOSE AND DEFINITIONS

Citation

1. This bylaw may be cited as the “Emergency Management Bylaw”.

Purpose

2. The purposes of this bylaw is to provide for the direction and control of emergency operations under the *Act* in the *Municipality*.

Definitions

3. In this bylaw, unless the context otherwise requires:
 - (a) “**Act**” means the Emergency Management Act, Revised Statutes of Alberta 2000, Chapter E-6.8 and the regulations thereto, as amended or replaced from time to time;
 - (b) “**Agency**” (*Emergency Management Agency*) means the agency established under section 28;
 - (c) “**Council**” means the municipal council of the *Municipality*;
 - (d) “**Councils**” means each municipal council of the *Partnering Municipalities*;
 - (e) “**Deputy Directors**” and “**Deputy Regional Directors of Emergency Management**” mean each person appointed as a Deputy Regional Director of Emergency Management under section 36;
 - (f) “**Director**” and “**Director of Emergency Management**” mean the person appointed Regional Director of Emergency Management under section 36 and the director of emergency management and the director of the emergency management agency under section 37;
 - (g) “**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;
 - (h) “**Emergency**” means an event that requires prompt co-ordination 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;
 - (i) “**Emergency Advisory Committee**” means the committee established under section 14;
 - (j) “**Emergency Declaration Committee**” means the committee established under section 44;

- (k) **"Emergency Management Agency"** (*Agency*) means the agency established under section 28;
- (l) **"Emergency Management Program"** means those activities authorized or required by this bylaw and includes the emergency management program referenced in the *Regulations*;
- (m) **"Emergency Plan"** means the plan of the *Partnering Municipalities* prepared to coordinate response to an *Emergency or Disaster* and includes any material required by the *Regulations* for a municipality's emergency plan;
- (n) **"Emergency Plans and Programs"** means
 - (i) the *Emergency Plan*,
 - (ii) the *Emergency Management Program*,
 - and
 - (iii) any other emergency plan or program under the *Act* related to the *Partnering Municipalities*.
- (o) **"Joint Emergency Management Committee"** means the committee established under section 4;
- (p) **"Municipal Government Act"** means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and the regulations thereto, as amended or replaced from time to time;
- (q) **"Minister"** means the minister responsible for the *Act*;
- (r) **"Municipality"** means Municipal District of Pincher Creek No. 9;
- (s) **"Partnering Municipalities"** means each of the municipalities listed in Schedule "A";
- (t) **"Regional Director of Emergency Management"** ("*Director*" or "*Director of Emergency Management*") means the person appointed Regional Director of Emergency Management under section 36;
- (u) **"Regulations"** means the regulations under the *Act*;
- and
- (v) **"State of Local Emergency"** means a state of local emergency declared in accordance with the *Act* and this bylaw.

**PART II:
JOINT EMERGENCY MANAGEMENT COMMITTEE**

Establishment

4. There is hereby established the Pincher Creek Joint Emergency Management Committee, that shall be a joint committee of the *Partnering Municipalities* under section 11.3(1)(b)(ii) of the *Act*.

Membership and Quorum

5. Each of the *Partnering Municipalities* shall appoint to the committee the number of voting members listed in Schedule "A" from the members of council of their municipality.
6. Each of the *Partnering Municipalities* may designate one or more alternates for the voting members it has appointed to the committee.
7. In the absence of a voting member for which they were designated as an alternate, the alternate may participate in the committee as a voting member.
8. Quorum for the committee is a majority of voting members.

Functions and Duties

9. Upon a ministerial order under section 11.3(1)(b)(ii) of the *Act* so authorizing, the committee is delegated the power and duty under section 11.1(1) of the *Act* to appoint the *Emergency Advisory Committee* as established under section 14 of this bylaw.

10. Upon a ministerial order under section 11.3(1)(b)(ii) of the *Act* so authorizing, the committee is delegated the power and duty under section 11.3(1)(a) of the *Act* to delegate to the *Emergency Advisory Committee* the powers to declare, renew and terminate a *State of Local Emergency* according to section 21 of this bylaw.

Committee Chair

11. At the first meeting of each year, the committee shall appoint a chair from its members.

Meetings

12. The committee will meet upon
 - (a) the appointment or change of appointment of its members,
 - or
 - (b) the receipt or change of a ministerial order under section 11.3(1)(b)(ii) of the *Act*.

Member Expenses

13. The *Municipality* shall provide for the payment of expenses of the members of the committee in accordance to the funding formula listed in Schedule "A".

**PART III:
EMERGENCY ADVISORY COMMITTEE**

Establishment

14. There is hereby established the Pincher Creek Regional Emergency Advisory Committee, that shall be the emergency advisory committee of the *Partnering Municipalities* under section 11.1(1) of the *Act*.

Membership and Quorum

15. Each voting member of the *Joint Emergency Management Committee* designated under section 5 shall be appointed a voting member of the *Emergency Advisory Committee*.
16. Each alternate designated under section 6 may act as an alternate on the committee for the same person they were designated an alternate for on the *Joint Emergency Management Committee*.
17. In the absence of a voting member for which they were designated an alternate, the alternate may participate in the committee as a voting member.
18. Quorum for the committee is
 - (a) any two voting members, when meeting for the sole purpose of declaring, renewing or terminating a *State of Local Emergency*,
 - or
 - (b) a majority of voting members, in any other circumstances.

Purpose

19. During an emergency or disaster, the purpose of the committee is to carry out the functions and duties of section 21 and when those events are not occurring, the purpose of the committee is to carry out the functions and duties of section 20.

Functions and Duties

20. The committee shall:
 - (a) provide governance, guidance and direction to the *Emergency Management Agency*;
 - (b) review the *Emergency Plans and Programs* on a regular basis;
 - (c) advise *Councils*, on the status and development of the *Emergency Plans and Programs* at least once each year;
 - (d) recommend to *Councils*, an annual budget to carry out approved *Emergency Plans and Programs*, develop and update *Emergency Plans and Programs*, and fund the expenses of

the *Joint Emergency Management Committee*, the *Emergency Advisory Committee* and the *Emergency Management Agency*;

- (e) ensure the *Emergency Management Agency* performs all duties and functions in sections 30 to 31; and
- (f) ensure the *Director* and *Deputy Directors* perform all duties and functions in sections 39 to 41.

Declare, Renew or Terminate a SOLE

- 21. The committee may declare, renew or terminate a *State of Local Emergency* for any of the *Partnering Municipalities* by resolution in accordance with sections 53 to 60.
- 22. For greater certainty, a resolution under section 21 may be for any of the *Partnering Municipalities* regardless of whether any of the voting members present are from the council of the affected municipality.

Committee Chair

- 23. The committee annually shall appoint a chair from its members.

Meetings

- 24. The committee shall meet a minimum of two times per year.
- 25. All decisions of the committee shall be by resolution.
- 26. When meeting for the sole purpose of declaring, renewing or terminating a *State of Local Emergency*,

- (a) the committee shall meet at the request of the *Director of Emergency Management* or delegate or any member of the committee;
- (b) meetings do not require notice; and
- (c) meetings may be held in person, by telephone or other means of communications or combination thereof.

Member Expenses

- 27. The *Municipality* shall provide for the payment of expenses of the members of the committee in accordance to the funding formula listed in Schedule "A".

**PART IV:
EMERGENCY MANAGEMENT AGENCY**

Establishment

- 28. There is hereby established the Pincher Creek Regional Emergency Management Agency, that shall be the emergency management agency of each of the *Partnering Municipalities* under section 11.2(1) of the Act.

Membership

- 29. The Agency shall consist of:
 - (a) the *Director* and *Deputy Directors*;
 - (b) the Chief Administrative Officers of each of the *Partnering Municipalities*;
 - (c) the administrative head of the following departments of each of the *Partnering Municipalities*:
 - (i) Operations,
 - (ii) Public Works,
 - (iii) Community Services,

- (iv) Finance, and
 - (v) Information Technology;
- (d) the identified representative for emergency management purposes of each agency or organization that serves the following purposes in all or a part of the *Partnering Municipalities*:
- (i) fire response,
 - (ii) policing,
 - (iii) emergency medical services,
 - (iv) public health,
 - (v) disaster social services, and
 - (vi) provincial emergency management agency;
- (e) the identified representative for emergency management purposes of each federal or provincial business unit that is responsible for the following matters in the *Partnering Municipalities*:
- (i) transportation,
 - (ii) parks, and
 - (iii) streams, rivers and water bodies;
- (f) upon the invitation of the *Director*, the identified representative for emergency management purposes of each agency, organization, or company that serves the following purposes in all or a part of the *Partnering Municipalities*:
- (i) search and rescue,
 - (ii) health care facilities,
 - (iii) school boards,
 - (iv) dam operations,
 - (v) energy, utility or environmental regulation,
 - (vi) utility companies,
 - (vii) energy transport companies,
 - (viii) major industry,
 - (ix) animal care, and
 - (x) neighbouring emergency management agencies;
- (g) all others deemed necessary by the *Director* to assist in the preparation or implementation of *Emergency Plans and Programs*.

Functions and Duties

30. The Agency shall act as the agent of each of the *Councils* to carry out all of their powers and duties under the *Act*. This does not include the power to declare, renew or terminate a *State of Local Emergency*.
31. The Agency shall
- (a) provide assistance and guidance to the *Director*,
 - (b) be responsible for the administration of the *Emergency Management Program* of the *Partnering Municipalities*;

- (c) report to the *Emergency Advisory Committee* at least two times a year to provide updates on *Agency* activities, which shall include an update of the *Agency's* review of the *Emergency Plan of the Partnering Municipalities*;
- (d) use a command, control and coordination system prescribed by the Managing Director of the Alberta Emergency Management Agency or in absence of such a prescription, the Incident Command System;
- (e) provide advice to the *Emergency Advisory Committee* as required;
- (f) review all *Emergency Plans and Programs* of the *Partnering Municipalities* on an annual basis and ensure their accuracy;
- (g) cause the *Emergency Plan* to be activated when required;
- (h) provide training on the *Emergency Plan for Agency* members, elected officials, municipal staff, mutual aid responders, volunteers and public;
- (i) keep training records;
- (j) plan and execute exercises to validate the *Emergency Plan*;
- (k) review all exercises conducted;
- (l) review the impact of incidents on the system;
- (m) conduct public information programs relating to emergency preparedness;
- (n) share public information, as necessary, on the *Emergency Plan* with:
 - (i) municipal departments,
 - and
 - (ii) industrial and municipal neighbours;
- (o) ensure the *Partnering Municipalities* have appropriate resources and equipment available;
- (p) perform any other functions and duties as required by this bylaw or by *Councils*.

Director

32. The *Director of Emergency Management* shall be the director of the *Agency*.

Meetings

33. The *Agency* shall meet in plenary at least once annually.

34. The *Director* may form working groups from the *Agency*, which may meet as needed, to carry out those functions and duties of the *Agency* designated by the *Director*.

Expenses

35. The *Municipality* shall provide for the payment of expenses of the *Agency*, the *Emergency Management Program* and the development and updating of *Emergency Plans and Programs* in accordance to the funding formula listed in Schedule "A".

**PART V:
DIRECTOR AND DEPUTIES**

Appointment

36. Upon the recommendation of the *Emergency Advisory Committee*, *Council* shall appoint by resolution a *Regional Director of Emergency Management* and one or more *Deputy Regional Directors of Emergency Management*.

37. The *Regional Director of Emergency Management* shall be, under the *Act and Regulations*, the director of emergency management for all *Partnering Municipalities* and the director of the emergency management agency.

38. Each of the *Deputy Regional Directors of Emergency Management* shall be a deputy director of emergency management for all *Partnering Municipalities* and a deputy director of the emergency management agency.

Functions and Duties

39. The *Director* with the advice and assistance of the *Agency* shall
- (a) prepare and co-ordinate *Emergency Plans and Programs* for the *Partnering Municipalities*;
 - (b) act as director of emergency operations on behalf of the *Emergency Management Agency*;
 - (c) co-ordinate all emergency services and other resources used or required in an *Emergency*;
 - (d) perform other duties as prescribed by the *Emergency Advisory Committee* or *Councils*;
 - (e) implement and follow the *Emergency Plan* when the criteria for it are met;
 - (f) act as the director as described in the *Emergency Plan* or ensure someone is designated to so act;
 - (g) report on an annual basis to the *Emergency Advisory Committee* on all activities of the *Emergency Management Agency* and provide an update on the review of the *Emergency Plans and Programs*;
 - (h) liaise with external agencies and surrounding municipalities who have a role in emergency response at regional facilities;
 - (i) submit to *Councils* annually through the *Emergency Advisory Committee*, a report on the status of the *Emergency Management Program* in the *Partnering Municipalities*;
 - (j) ensure the *Emergency Management Agency* performs all duties and functions in sections 30 to 31;
 - (k) or ensure that someone is designated to discharge the responsibilities specified in subsections 39(a) to 39(j).
40. *Deputy Directors* shall have the powers, duties and functions of the *Director* in the *Director's* absence or inability to act or as time to time delegated by the *Director*.
41. The *Director* is authorized to delegate and authorize further delegations of any powers, duties, and functions delegated to the *Director* under this bylaw.

**PART VI:
EMERGENCY PLANS AND PROGRAMS**

Approval

42. Upon the recommendation of the *Emergency Advisory Committee*, *Council* shall approve the *Emergency Plans and Programs*.
43. Amendments to the *Emergency Plans and Programs* that are
- (a) required by legislation or regulations,
 - (b) housekeeping,
 - or
 - (c) non-substantive

may be approved by the *Director* and ratified by *Emergency Advisory Committee*, and upon the recommendation of the *Emergency Advisory Committee* by *Councils*.

**PART VII:
EMERGENCY DECLARATION COMMITTEE**

Establishment

44. There is hereby established the Emergency Declaration Committee for the *Municipality*.

45. For greater certainty, the committee shall act independently of the similar committees for the other *Partnering Municipalities*.

Membership and Quorum

46. Every member of *Council* shall be a member of the committee.
47. Quorum shall be any two members of the committee.

Functions and Duties

48. The committee is authorized to declare, renew or terminate a *State of Local Emergency* by resolution in accordance to sections 53 to 60.

Meetings

49. The committee shall meet at the request of the *Director of Emergency Management* or delegate, the Chief Administrative Officer of the *Municipality*, or any member of the committee.
50. Meetings do not require notice.
51. Meetings may be held in person, by telephone or other means of communications or combination thereof.

Member Expenses

52. The *Municipality* shall provide for the payment of expenses of the members of the committee.

**PART VIII:
STATE OF LOCAL EMERGENCY**

Each Municipality

53. A declaration, renewal or termination of a *State of Local Emergency* shall
(a) be processed separately for each of the *Partnering Municipalities* affected;
and
(b) address only the *Municipality* upon whose behalf it is made.

Declaration or Renewal of a SOLE

54. By resolution
(a) the *Emergency Declaration Committee* authorized under section 48,
or
(b) in situations where the *Emergency Declaration Committee* is unable to meet on a timely basis, the *Emergency Advisory Committee* authorized under section 21
may make a declaration or renewal of a *State of Local Emergency*, at any time when it is satisfied that an *Emergency* exists or may exist.
55. Any declaration or renewal shall be accompanied by a recommendation from the *Director of Emergency Management* or delegate.
56. When a *State of Local Emergency* is declared or renewed, the committee making the declaration shall:
(a) ensure the declaration or renewal identifies the nature of the *Emergency* and the area of the municipality in which it exists;
(b) cause the details of the declaration or renewal to be published immediately by such means of communication considered most likely to notify the population of the area affected;
(c) notify the Alberta Emergency Management Agency as soon as reasonably practicable;
and
(d) forward a copy of the declaration or renewal to the *Minister* forthwith.

Termination of SOLE

57. A declaration or renewal 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 58;
 - (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 under the *Act*, relating to the same area;
- or
- (d) the Minister cancels the *State of Local Emergency*.
58. By resolution,
- (a) the *Emergency Declaration Committee* authorized under section 48,
 - or
 - (b) in situations where the *Emergency Declaration Committee* is unable to meet on a timely basis, the *Emergency Advisory Committee* authorized under section 21,
- shall terminate a current declaration or renewal of a *State of Local Emergency* when in the opinion of the committee, an *Emergency* no longer exists in relation to which the declaration was made.
59. Any termination shall be accompanied by a recommendation from the *Director of Emergency Management* or delegate.
60. When a *State of Local Emergency* has been terminated, the committee doing so shall:
- (a) 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;
 - (b) notify the Alberta Emergency Management Agency as soon as reasonably practicable;
 - and
 - (c) forward a copy of the termination to the *Minister* forthwith.

Powers

61. Subject to section 57, upon declaration or renewal of a *State of Local Emergency* and for the duration of the *State of Local Emergency*, the *Emergency Management Agency* under the direction of the *Director* may perform all powers and duties given to the *Municipality* in section 24(1) of the *Act*.
62. *Council* may, during or within 60 days after the *State of Local Emergency*, by bylaw that is not advertised but is approved by the minister responsible for the *Municipal Government Act*, borrow any money necessary to pay expenses caused by the *Emergency* including payment for services provided by the Government of Alberta or by the Government of Canada when the services were provided at the request of the *Municipality*.

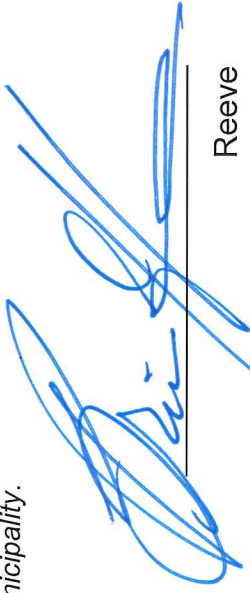
Protection from Liability

63. No action lies against the *Municipality*, the *Council*, the *Emergency Declaration Committee*, the *Joint Emergency Management Committee*, the *Emergency Advisory Committee*, the *Emergency Management Agency*, the *Director*, the *Deputy Directors* and any person acting under the direction or authorization of these entities for anything done or omitted to be done in good faith while carrying out a power or duty under this bylaw during a *State of Local Emergency*.
64. In accordance with section 535(2) 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 and other enactment.

**PART IX:
GENERAL PROVISIONS**

65. Council may:
- (a) by bylaw that is not advertised borrow, levy, appropriate and expend all sums required for the operation of the *Emergency Management 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 and Programs*, including mutual aid plans and programs.
66. Bylaw 1254-14 and amendments thereto are repealed.
67. This bylaw comes into force upon third and final reading and the subsequent signing by the chief elected official and Chief Administrative Officer of the *Municipality*.

READ A FIRST TIME THIS 9 DAY OF JULY, 2019

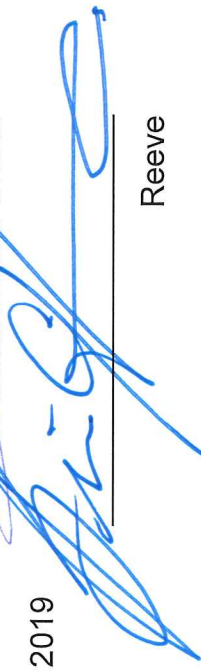


Reeve



Chief Administrative Officer

READ A SECOND TIME THIS 27 DAY OF AUGUST, 2019

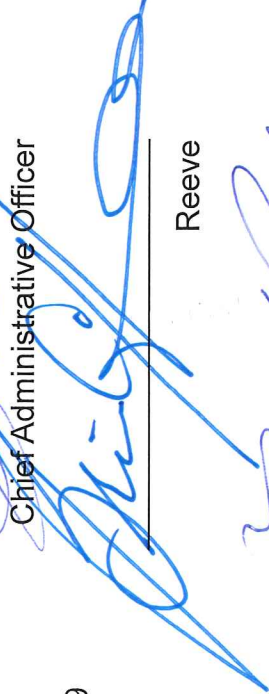


Reeve



Chief Administrative Officer

READ A THIRD TIME THIS 27 DAY OF AUGUST, 2019



Reeve



Chief Administrative Officer

Attachment: Schedule "A"

**Schedule "A"
Partnering Municipalities**

<u>Municipality</u>	<u>Number of Voting Members</u>	<u>Funding Percentage</u>
Municipal District of Pincher Creek No. 9	2	49%
Town of Pincher Creek	2	49%
Village of Cowley	1	2%