



**THE CORPORATION OF THE TOWN OF FOX CREEK, ALBERTA
BY-LAW 849-2020**

**BEING A BYLAW OF THE TOWN OF FOX CREEK, IN THE PROVINCE OF ALBERTA TO
ESTABLISH AN EMERGENCY ADVISORY COMMITTEE AND AN EMERGENCY MANAGEMENT
AGENCY**

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 provides that a council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS the Council of the Town of Fox Creek is responsible for the direction and control of its emergency response and is require, under the *Emergency Management Act*, Revised Statutes of Alberta 2000, Chapter E-6.8, to appoint an Emergency Advisory Committee and to establish and maintain an Emergency Management Agency; and

WHEREAS the Council of the Town of Fox Creek wishes to establish regulations and procedures to meet the obligations of the municipality under the *Emergency Management Act* and the *Local Authority Emergency Management Regulation*, Alberta Regulation 203/2018; 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*; and

NOW THEREFORE, under the authority of the *Municipal Government Act*, the Council of the Town of Fox Creek, in the Province of Alberta, enacts as follows:

SECTION 1 – SHORT TITLE

This By-law may be cited as "Municipal Emergency Management Bylaw"

SECTION 2 – DEFINITIONS

- 2.1 "Act" means the *Emergency Management Act*, Revised Statutes of Alberta 2000, Chapter E-6.8, and any regulations.
- 2.2 "Alberta Emergency Management Agency" means the provincial government agency charged with the administration of the *Emergency Management Act* and the *Local Authority Emergency Management Regulation*.
- 2.3 "Chief Administrative Officer" or "CAO" means the Chief Administrative Officer of the Town of Fox Creek or their designate.
- 2.4 "Council" means the municipal Council of the Town of Fox Creek.
- 2.5 "Deputy Director of Emergency Management" or "DDEM" means the person(s) appointed as the Deputy Director(s) of the Emergency Management Agency.
- 2.6 "Director" means the employee who is the head and responsible for a department of the Town.
- 2.7 "Director of Emergency Management" or "DEM" means the person appointed as the Director of the Emergency Management Agency.
- 2.8 "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.

- 2.9 "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.
- 2.10 "Emergency Advisory Committee" or "Committee" means the committee established under this Bylaw;
- 2.11 "Emergency Management Agency" or "Agency" means the agency established under this Bylaw;
- 2.12 "Emergency Management Plan" means the plan approved by the Committee to coordinate a response to an Emergency or Disaster.
- 2.13 "Minister" means the Minister charged with administration of the Act.
- 2.14 "State of Local Emergency" means a state of local emergency declared in accordance with the provisions of the Act and this Bylaw.

SECTION 3 – EMERGENCY ADVISORY COMMITTEE

- 3.1 The Emergency Advisory Committee is hereby established to advise on the development of emergency plans and programs and to exercise the powers delegated to the Committee by this Bylaw.
- 3.2 Composition of the Emergency Advisory Committee:
 - 3.2.1 The Committee shall consist of all 7 members of Council.
 - 3.2.2 The Mayor shall serve as Chairperson on the Committee
 - 3.2.3 A quorum of the Committee shall be a majority of the members, excepts when the Committee is exercising its powers with respect to declaring a State of Local Emergency in which case quorum is prescribed in Section 7 of this Bylaw.
- 3.3 Council shall provide for the payment of expenses of the members of the Committee.
- 3.4 Council hereby delegates to the Committee the power to:
 - 3.4.1 Approve the Emergency Management Plan
 - 3.4.2 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.
 - 3.4.3 Declare, renew, or terminate a State of Local Emergency.
 - 3.4.4 Exercise any power given to the Minister under section 19(1) of the Act in relation to the part of the municipality affected by a declaration of a State of Local Emergency; and
 - 3.4.5 Authorize any persons at any time to exercise, in the operation of an emergency plan or program, any power given to the Minister under section 19(1) of the Act in relation to the part of the municipality affected by a declaration of a State of Local Emergency.
- 3.5 The Emergency Advisory Committee shall:
 - 3.5.1 Meet to review and approve the Emergency Management Plan and related plans and programs on a regular basis, but at a minimum once per year, to ensure that the Town of Fox Creek is prepared to address any potential Emergency or Disaster.
 - 3.5.2 Provide guidance and direction to the Agency.
 - 3.5.3 Appoint a Director of Emergency Management (DEM) and a Deputy Director or Directors of Emergency Management (DDEM).

- 3.5.4 Authorize the DEM to exercise the powers outline in section 19(1) of the Act during a State of Local Emergency.

SECTION 4 – EMERGENCY MANAGEMENT AGENCY

- 4.1 The Emergency Management Agency is hereby established to act as Council's agent in exercising the powers and duties under the Act, and is responsible for the implementation and administration of the Emergency Management Plan, subject to any such powers and duties delegated under this Bylaw to the Committee.
- 4.2 Composition of the Emergency Management Agency:
- 4.2.1 The Agency Shall be comprised at minimum of the following members:
- a. the DEM
 - b. the DDEM(s)
 - c. the CAO and any other person as appointment by the CAO.
- 4.2.2 The DEM along with the CAO may invite representatives of external organizations to work with the Agency, including representatives of:
- a. the Alberta Emergency Management Agency
 - b. the RCMP
 - c. Utility Companies
 - d. Health Agencies
 - e. School boards; and
 - f. any other agency or organization that, in the opinion of the DEM, may assist in the development or implementation of the Emergency Management Plan or related plans or programs.
- 4.3 The Agency Shall:
- 4.3.1 Utilize the command, control and coordination system as prescribed by the Managing Director of the Alberta Emergency Management Agency in accordance with the Act.
- 4.3.2 Track training and exercises to support preparedness, response and recovery activities.
- 4.3.3 Support and assist the DEM in the implementation and co-ordination of the emergency response pursuant to the Emergency Management Plan.
- 4.3.4 At least once a year, provide the Committee with an update on the activities of the Agency.
- 4.3.5 At least once a year, review the Emergency Management Plan.
- 4.3.6 At least once a year, provide the Committee with an update on the Agency's review of the Emergency Management Plan; and
- 4.3.7 Annual make the Emergency Management Plan available to the Alberta Emergency Management Agency for review and comment.
- 4.4 The Agency must, in accordance with the Act, engage in mandatory emergency management exercises and submit an exercise notification to Alberta Emergency Management Agency.

SECTION 5 – DIRECTOR OF EMERGENCY MANAGEMENT / DEPUTY DIRECTOR(S) OF EMERGENCY MANAGEMENT

- 5.1 The DEM Shall be appointed by resolution of Council.
- 5.2 The DDEM(s) Shall be appointed by resolution of Council.
- 5.3 The DEM Shall:

- 5.1.1 Prepare and co-ordinate emergency plans and programs for the Town in accordance with the Act.
 - 5.1.2 Act as a Director of Emergency Operations on behalf of the Agency with the power to delegate authority.
 - 5.1.3 Cause an emergency plan or program to be put into operation.
 - 5.1.4 Direct and control the emergency response.
 - 5.1.5 Co-ordinate all emergency services and other resources used in an Emergency.
 - 5.1.6 Review emergency response plans submitted by other municipal stakeholders.
 - 5.1.7 Complete any courses prescribed by the Alberta Emergency Management Agency in accordance with the Act; and
 - 5.1.8 perform other duties as prescribed by the Town of Fox Creek.
- 5.4 In a State of Local Emergency, the DEM shall report directly to the Committee.
 - 5.5 In the absence of the DEM, the DDEM will act as DEM.
 - 5.6 The DEM is authorized to delegate and authorize further delegations of any powers, duties, and functions delegated to the DEM under this Bylaw.

SECTION 6 – FINANCIAL

- 6.1 Subject to section 29, Council may by bylaw that is not advertised borrow, levy, appropriate, and expand, without the consent of the electors, all sums required for the operation of the Emergency Management Agency.
- 6.2 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, 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 Council.
- 6.3 Council may extend all money borrowed in accordance with Section 29 to pay expenses cause by the Emergency.

SECTION 7 – DECLARATION OF A STATE OF LOCAL EMERGENCY

- 7.1 If the Mayor is available and not incapacitated by the Emergency, then the Mayor acting alone constitutes a quorum of the Emergency Advisory Committee for the purpose of making a decision to declare, renew or cancel a State of Local Emergency or expand or reduce the part of the municipality to which a State of Local Emergency applies. If the Mayor is unavailable or incapacitated, then the Deputy Mayor acting alone may exercise this authority and if the Deputy Mayor is unavailable or incapacitated then any member of the Committee acting alone may exercise this authority.
- 7.2 A declaration, renewal or cancellation of a State of Local Emergency shall be made in accordance with the Act, and specifically:
 - 7.2.1 The declaration, renewal or termination must be made by resolution at a meeting for which notice under the *Municipal Government Act* is not required.
 - 7.2.2 All members of Council shall be notified of the declaration, renewal, or termination as soon as practicable.
 - 7.2.3 The declaration must identify the nature of the Emergency and the area of the Town in which it exists.

- 7.2.4 The details of the declaration shall be published immediately by such means of communication considered most likely to make known to the majority of the population of the area affected by the contents of the declaration; and
- 7.2.5 The Alberta Emergency Management Agency will be notified, and the declaration shall be forwarded to the Minister forthwith.

SECTION 8 – DURATION OF A STATE OF LOCAL EMERGENCY

- 8.1 Upon the declaration of a State of Local Emergency, the Committee may do all acts and take all necessary proceedings including the following:
- 8.1.1 Cause any Emergency Management Plan to be put into operation.
- 8.1.2 Exercise any power given to the Minister under section 19(1) of the Act in relation to the part of the Town affected by the declaration: and
- 8.1.3 Authorize any persons at any time to exercise, in the operation of the Emergency Management Plan, any powers given to the Minister under section 19(1) of the Act in relation to the part of the Town affected by the declaration.
- 8.2 Upon the declaration of a State of Local Emergency, the Agency is authorized to exercise any power given to the Minister under section 19(1) of the Act in relation to the part of the Town affected by the declaration.

SECTION 9 – TERMINATION OF STATE OF LOCAL EMERGENCY

- 9.1 A declaration of a State of Local Emergency is considered terminated and ceases to be of any force or effect when:
- 9.1.1 A resolution to terminate the declaration of a State of Local Emergency is passed under the provisions of this Bylaw.
- 9.1.2 A period of seven days has lapsed since it was declared unless it is renewed by resolution.
- 9.1.3 The Lieutenant Governor in Council makes an order for the declaration of a state of emergency under the Act, relating to the same area; or
- 9.1.4 The Minister cancels the State of Local Emergency.
- 9.2 When a declaration of a State of Local Emergency has been terminated, the details of the termination shall be published immediately by such means of communication considered most likely to notify the majority of the population of the area affected.

SECTION 10 – COUNCILLOR AND EMPLOYEE TRAINING

- 10.1 Councillors shall complete any courses prescribed by the Alberta Emergency Management Agency in accordance with the Act.
- 10.2 Any employee of the Town who has been assigned responsibilities respecting the implementation of the Emergency Management Plan shall complete any courses prescribed by the Alberta Emergency Management Agency in accordance with the Act.

The Town will endeavor to collaborate with other communities within the region, including the Municipal District of Greenview in developing a Regional Emergency Response Plan.

SECTION 11 – EFFECTIVE DATE

3.1 This By-Law shall come into effect the date upon third and final reading.
Read a First time this 17 day of August 2020.

Read a Second time this 17 day of August 2020.

Received Unanimous Consent for presentation of third reading this 17 day of August 2020.

Read a third and final time this 17 day of August 2020.



James Hailes
Mayor



Kristen Milne
Chief Administrative Officer