



TOWN OF SWAN HILLS BYLAW NO. 2021-05

BEING A BYLAW OF THE TOWN OF SWAN HILLS, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE FOLLOWING: A MUNICIPAL EMERGENCY ADVISORY COMMITTEE, MUNICIPAL EMERGENCY MANAGEMENT AGENCY, REGIONAL EMERGENCY ADVISORY COMMITTEE AND REGIONAL 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 *Emergency Management Act, Revised Statutes of Alberta 2000, Chapter E-6.8*, and the *Local Authority Emergency Management Regulation, Alberta Regulation 203/2018*, allow Council to pass bylaws authorizing the establishment and maintenance of a Regional Emergency Management Agency and Emergency Advisory Committee; and

WHEREAS it is recognized that an emergency or disaster of jurisdictional or multi-jurisdictional nature could affect any or all of the municipalities of Big Lakes County, the Town of High Prairie, and the Town of Swan Hills to such a degree that local resources would be inadequate to cope; and

WHEREAS it is desirable in the public interest, and in the interests of public safety, that a regional group be formed for a regional approach for such disasters and programs; and

WHEREAS Council chooses to delegate certain responsibilities to the Regional Emergency Advisory Committee and the Regional Emergency Management Agency.

NOW THEREFORE, under the authority of the *Municipal Government Act*, the Council of the Town of Swan Hills, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1 - SHORT TITLE

1. This Bylaw may be cited as the "*Swan Hills Emergency Management Bylaw*".

SECTION 2 - DEFINITIONS

2. For the purposes of this Bylaw:
 - a) "**Act**" means the *Emergency Management Act, Revised Statutes of Alberta 2000, Chapter E-6.8*, and any regulations;



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- b) **“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*;
- c) **“Big Lakes Region”** means the geographical area within the boundaries of Big Lakes County including the municipalities of High Prairie and Swan Hills;
- d) **“Big Lakes Regional Emergency Partnership”** means the regional emergency partnership comprising the municipalities of Swan Hills, High Prairie and Big Lakes County who have entered into a joint agreement for the purpose of organizing and integrating emergency planning, training, assistance and emergency operations programs;
- e) **“Big Lakes Regional Emergency Partnership Plan”** (the Plan) means the Regional Emergency Plan prepared by the Big Lakes Regional Emergency Partnership Agency to coordinate the response to an emergency or disaster; the training program to ensure stakeholders are equipped to manage an incident/event of scale, and the governance/administrative functions that empower stakeholders to take whatever measures necessary to protect lives, property and environment;
- e) **“CAO”** means the Chief Administrative Officer of the Town of Swan Hills, or their delegate;
- f) **“Council”** means the municipal council of the Town of Swan Hills;
- g) **“Deputy Director of Emergency Management”** or **“DDEM”** means the person(s) appointed as the Deputy Director(s) of the Municipal Emergency Management Agency;
- h) **“Director of Emergency Management”** or **“DEM”** means the person appointed as the Director of the Municipal Emergency Management Agency;
- i) **“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;
- j) **“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;



- k) **“Emergency Coordination Centre” (ECC)** means the location that functions as a point of coordination, addressing the needs of the municipality or the Big Lakes Regional Emergency Partnership region as a whole, exercising the authority of the local officials, as well as anticipating and supporting the needs of one (1) or more incident sites;
- l) **“Evacuation Order”** means the order to evacuate persons, the removal of livestock and personal property from an identified area during a state of local emergency or state of emergency;
- m) **“Local Authority”** means where a municipality has a Council within the meaning of the Municipal Government Act, Chapter M-26, RSA 2000;
- n) **“Minister”** means the Minister charged with administration of the Act;
- o) **“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;
- p) **“Municipal Emergency Advisory Committee”** means the committee established under this Bylaw consisting of members of Council;
- o) **“Parties”** means Big Lakes County, the Town of High Prairie, and the Town of Swan Hills;
- p) **“Regional Emergency Management Agency” (the Agency)** means the Big Lakes Regional Emergency Partnership Agency as established by Agreement between the respective municipal Councils of the Parties;
- q) **“Regional Emergency Advisory Committee” (the Regional Committee)** means the Big Lakes Regional Emergency Partnership Committee of the Big Lakes Regional Emergency Partnership as established by agreement and the bylaws of the Parties;
- r) **“Regional Emergency Coordination Centre” (RECC)** means the location that functions as a point of coordination, addressing the needs of the municipality and/or the Big Lakes Region as a whole, exercising the authority of local officials, as well as anticipating and supporting the needs of one or more incident sites;
- s) **“State of Local Emergency”** means a state of local emergency declared in accordance with the provisions of the Act and this Bylaw. **“Act”** means the



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Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta 2000, and amendments thereto.

SECTION 3 – MUNICIPAL EMERGENCY ADVISORY COMMITTEE

- 3.1 The Municipal 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 Committee:
- a) The Committee shall consist of the Mayor and three (3) other members of Council.
 - b) The Mayor shall serve as Chairperson of the Committee. If the Mayor is absent, one (1) other member of Council on the Committee will chair.
 - c) A quorum of the Committee shall be a majority of the members, except when the Committee is exercising its powers with respect to declaring a State of Local Emergency, in which case a quorum is prescribed in section 6 of this bylaw.
- 3.3 The Committee will review the Plan and related plans and programs on an annual basis;
- 3.4 The Committee will advise Council on the status of the Plan and related plans and programs at least once per year.
- 3.5 Council hereby delegates to the Committee the power to:
- a) declare, renew or terminate a State of Local Emergency;
 - b) do all acts and take all necessary proceedings to address the emergency pursuant to the Act for the duration of such State of Local Emergency; and
 - c) provide guidance and direction to the Municipal Emergency Management Agency.

SECTION 4 – DIRECTOR OF EMERGENCY MANAGEMENT (DEM)

- 4.1 The DEM shall:
- a) act as Chair of the Municipal Emergency Management Agency (Agency);



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- b) act as Director of the Municipal Emergency Coordination Centre;
- c) if the Regional Emergency Coordination Centre has been activated, the DEM may act as the Director, or ensure that someone is designated under the Plan to so act on behalf of the Big Lakes Regional Emergency Management Agency;
- d) assist in the preparation and coordination of the Plan and prepare and coordinate related plans and programs for the Town of Swan Hills as required by the Act;
- e) coordinate all emergency services and other resources used during an emergency or disaster;
- f) ensure that the Plan is reviewed at least once per year by the Municipal Emergency Advisory Committee;
- g) ensure staff of the organization and members of the Municipal Emergency Advisory Committee and Municipal Emergency Management Agency are made aware of the Plan and, as required, ensure training is done to maintain effectiveness in the event of an emergency;
- h) ensure the Deputy Director of Emergency Management is designated in his or her absence; and
- i) perform other duties as prescribed by the local authority.

4.2 The DEM is authorized to delegate and authorize further delegations of any powers, duties, and functions delegated to the DEM under this Bylaw.

SECTION 5 – MUNICIPAL EMERGENCY MANAGEMENT AGENCY

5.1 The Municipal Emergency Management Agency is hereby established to act as Council's agent 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, or the powers contained in Section 9.4 of this Bylaw.

5.2 The Agency may be comprised of one or more of the following members based on the discretion of the Director of Emergency Management (DEM):

- a) the DEM;
- b) the DDEM(s);



- c) the CAO;
- d) other senior management and/or designated staff that may include, but not be limited to, Public Works, Corporate Services, and Community and Protective Services; and

5.3 Other members of core agencies and organizations may have a recurring seat at the Agency and others may be invited as subject matter experts as required. Such agencies and organizations may include but not limited to the Health Authority, School Boards, RCMP, other municipalities, pipelines, and utilities.

5.4 The Municipal Emergency Management Agency is responsible for the administration of the Plan and programs and is required to report to the Municipal Emergency Advisory Committee a minimum of twice per year to provide updates on agency activities.

5.5 The Parties in the Big Lakes Regional Emergency Partnership will utilize the command, control and coordination system commonly referred to as the Incident Command System (ICS).

5.6 The Agency shall annually make the Plan available to the Alberta Emergency Management Agency for review and comment.

5.7 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 6 - REGIONAL EMERGENCY ADVISORY COMMITTEE

6.1 Councils of the Big Lakes Region agree through the Big Lakes Regional Emergency Partnership to establish a Regional Emergency Advisory Committee to advise all Councils on the development of regional emergency plans and programs.

6.2 The Regional Emergency Advisory Committee shall consist of a municipal Councillor appointed by each of the Partners with each municipality appointing one primary member, each of whom shall have one (1) vote regarding any matter coming before the Committee.

6.3 Each municipality shall appoint an alternate Councillor member to the Committee who shall be permitted to vote in the absence or in place of the primary member.

6.4 A minimum of three (3) voting members shall constitute a quorum.



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- 6.5 The members will elect a Chairperson and Vice-Chairperson from the membership.
- 6.6 The Regional Emergency Advisory Committee shall:
- a) review the Plan and related plans and programs on a regular basis; and
 - b) advise all Councils, duly assembled, on the status of the Plan and related plans and programs at least once each year.
- 6.7 The Regional Emergency Advisory Committee is delegated the authority to create policies relating to the emergency preparedness, mitigation, response, recovery and the operation of the Regional Emergency Partnership and the Regional Emergency Management Agency.

SECTION 7 - REGIONAL EMERGENCY MANAGEMENT AGENCY

- 7.1 Council agrees through the Big Lakes Regional Emergency Partnership 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 9.4 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 Big Lakes Region.
- 7.2 Council agrees through the Big Lakes Regional Emergency Partnership, to administer and deliver programs in accordance with the approved budget.
- 7.3 The Regional Emergency Management Agency membership shall consist of one (1) permanent member from each Partnering Municipality, who shall be either the:
- a) Director of Emergency Management; or
 - b) Deputy Director of Emergency Management; or
 - c) Chief Administrative Officer.
- 7.4. The Regional Emergency Management Agency shall:
- a) guide the creation, implementation and evaluation of the Plans and programs for the Big Lakes Regional Emergency Partnership with the assistance from any



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person or agency who/which might serve a useful purpose in the preparation or implementation of the Plan;

- b) determine the direction of the Regional Emergency Management Agency and any of its sub groups;
- c) coordinate all emergency services and other resources used in an emergency;
- d) ensure that in the event of an emergency, an individual or group of individuals is designated under the Plan to act on behalf of the Regional Emergency Management Agency. The designation of an individual or group of individuals to act on behalf of the Agency shall be guided by the following:
 - i) once an RECC has been activated, any one (1) of the DEMs or Deputy DEMs that are members of the Agency may serve as DEM for the incident. Whenever possible, the DEM or Deputy DEM from the most impacted municipality shall fill that role. The intent is to ensure that there is leadership in the ECC while the DEM may be on route to the ECC, or the DEM is away or not available for whatever reason; and
 - ii) in the event of an Emergency affecting more than one (1) municipality within the Big Lakes Region, the first DEM to the ECC will serve as DEM for the incident. As other designated DEMs arrive at the ECC, they will jointly decide who will take the lead role. DEM and Deputy DEMs from the Agency may rotate through the role of DEM for the RECC;
- e) ensure someone is designated to discharge the responsibilities specified in sections 7.4 (a) to 7.4 (d);
- f) be responsible for the administration of the Plan and programs and is required to report to the Regional Emergency Advisory Committee, minimum twice a year, to provide updates on agency activities; and
- g) ensure the Big Lakes Regional Emergency Partnership will utilize the command, control and coordination system commonly referred to as the Incident Command System (ICS).

SECTION 8 – COUNCIL

8.1 Council shall:



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- a) by resolution, appoint its members to serve on the Municipal Emergency Advisory Committee;
- b) by resolution, appoint one (1) of its members to serve on the Regional Emergency Advisory Committee;
- c) appoint one (1) alternate member to the Regional Emergency Advisory Committee;
- d) provide for the payment of expenses of the members of the Municipal Emergency Advisory Committee in accordance with the Municipality's remuneration policy or bylaw.
- e) provide for the payment of expenses of its member(s) of the Regional Emergency Advisory Committee in accordance with the Municipality's remuneration policy or bylaw;
- f) by resolution, on the recommendation of the Municipal Emergency Advisory Committee, appoint a Director of Emergency Management;
- g) ensure that emergency plans and programs are prepared to address potential emergencies or disasters in the Town of Swan Hills and the Big Lakes Region;
- h) approve the Plan and programs as they relate to the Town of Swan Hills and the Big Lakes Region; and
- i) review the status of the Plan and related plans and programs at least once each year.

8.2 Council may:

- a) by Bylaw borrow, levy, appropriate, and expend without the consent of the electors, all sums required for the operation of the Municipal Emergency Management Agency;
- b) by Bylaw borrow, levy, appropriate, and expend without the consent of the electors, all sums required for its share of the operation of the Regional Emergency Management Agency; and
- c) 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.



SECTION 9 - DECLARATION OF A STATE OF LOCAL EMERGENCY

- 9.1 The power to declare, terminate or renew a State of Local Emergency under the Act, the powers specified in Section 9.4 of this Bylaw, and the requirements specified in Section 9.7 of this Bylaw, are hereby delegated to the Municipal Emergency Advisory Committee comprised of the 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.
- 9.2 In the event of an emergency entirely within the boundaries of and affecting only the Town of Swan Hills and the Municipal Emergency Advisory Committee cannot be reached or in the event of an emergency impacting more than one municipality within the Big Lakes Region, the authority and power to declare or renew a State of Local Emergency under the Act; the authority and powers specified in Section 9.4 of this Bylaw; and the requirements specified in Section 9.7 of this Bylaw are hereby delegated to any two (2) or more members of the Regional Emergency Advisory Committee. The 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 for the entire area affected. Whenever possible this resolution should be made by at least one member or alternate from each municipality affected. If "resolution" is not practicable, the two members can provide signed agreement via Fax or scanned email.
- 9.3 When a State of Local Emergency is declared, the Municipal Emergency Advisory Committee or the Regional Emergency Advisory Committee making the declaration shall:
- a) ensure that the declaration identifies the nature of the emergency and the area of the Region in which it exists;
 - b) 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
 - c) forward a copy of the declaration to the Minister without delay.
- 9.4 Subject to Section 9.7, when a Municipal Emergency Advisory Committee or the Regional Emergency Advisory Committee has declared a State of Local Emergency, that Committee may, for the duration of that State of Local Emergency, do all acts and take all necessary proceedings including the following:
- a) cause the Plan or any related plans or programs to be put into operation;



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- b) acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;
- c) authorize or require any qualified person to render aid of a type the person is qualified to provide;
- d) control or prohibit travel to or from any area of the Town of Swan Hills or Big Lakes County;
- e) 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 the Town of Swan Hills or Big Lakes County;
- f) cause the evacuation of persons and the removal of livestock and personal property from any area of the Town of Swan Hills or Big Lakes County 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;
- g) 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;
- h) 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;
- i) 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 Town of Swan Hills or Big Lakes County for the duration of the State of Local Emergency;
- j) authorize the conscription of persons needed to meet an emergency; and
- k) authorize any persons at any time to exercise, in the operation of the Plan and related plans or programs, any power specified in Paragraphs 9.4(a) through 9.4(j) in relation to any part of the municipality affected by a declaration of a State of Local Emergency.

9.5 No action lies against the Town of Swan Hills or a person acting under the direction or authorization of the Town of Swan Hills 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.



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- 9.6 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* or any other enactment.
- 9.7 When, in the opinion of the Municipal Emergency Advisory Committee in which the State of Local Emergency was declared or the Regional Emergency Advisory Committee, as the case may be, an emergency no longer exists in relation to which the declaration was made, that Committee shall, by resolution, terminate the declaration.
- 9.8 A declaration 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 9.7 (Section 23 of the *Emergency Management Act*);
 - b) a period of seven (7) 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.
- 9.9 When a declaration of a State of Local Emergency has been terminated, the Municipal Emergency Advisory Committee or Regional Emergency Advisory Committee 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.

SECTION 10 - EMERGENCY MUTUAL AID AGREEMENTS

- 10.1 The Regional Emergency Advisory Committee is delegated the authority to enter into an Emergency Management Mutual Aid Agreements 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 Parties shall be permitted to vote in person or by way of fax or email.

SECTION 11 – COUNCILLOR AND EMPLOYEE TRAINING



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

SECTION 11 - EFFECTIVE DATE

- 11.1 This Bylaw hereby repeals Bylaw No. 2021-03.
- 11.2 This Bylaw takes effect after third reading and upon being signed.

Read a first time this 13th day of October, 2021.

Read a second time this 13th day of October, 2021.

Unanimous consent for third reading given this 13th day of October, 2021

Read a third and final time this 13th day of October, 2021.

Mayor

CHIEF ADMINISTRATIVE OFFICER

October 13, 2021

Date of Final Signature