

Subject: Bylaw No. 18/006 - Emergency Management Bylaw**APPROVALS:****Annette Antoniak**_____
Director_____
Chief Administrative Officer**Recommended Motion:**

1. THAT Bylaw No. 18/006, the Emergency Management Bylaw, be read a second time.
2. THAT Bylaw No. 18/006 be read a third and final time.

Summary:

The “Lessons Learned” Report, produced by KPMG in the aftermath of the Wildfire, contained a number of recommendations to enhance and improve the RMWB’s emergency management organization, preparedness, and capabilities for response to an emergency and recovery following an emergency. Council has passed a resolution to implement those recommendations, and has further emphasized its resolve to accomplish this goal by including it in the recently adopted Strategic Plan.

One of the Lessons Learned recommendations is to review the governing documentation under which the RMWB’s emergency management system is established and functions. The bylaw that is required under the *Emergency Management Act* was the top priority for this review, and is attached to this Council Report (Bylaw 18/006) for consideration of first reading. If passed by Council this bylaw would repeal and replace the existing Emergency Management Agency Bylaw.

Rationale for Recommendations:

Bylaw 18/006 draws upon certain elements of some of the better bylaws of this kind in other municipalities, especially bylaws that were adopted following a major emergency, but is also in many respects quite unique to the special circumstances and organizational structure of the RMWB. Here are its key features:

(A) STATEMENT OF BACKGROUND, PURPOSE, COUNCIL EXPECTATIONS

This kind of clause is not commonly found in emergency bylaws in Alberta but is

occasionally used in other kinds of bylaws. It is especially important for this bylaw, at this crucial stage in our municipal history, because Bylaw 18/006 above all else provides a legal and legislative foundation for a robust and effective emergency management **system**. The clause accordingly establishes the “tone from the top” necessary for any system to succeed, and leaves the reader in no doubt of Council’s determination to learn the lessons of the past and take appropriate action.

(B) ROLES, RESPONSIBILITIES & ACCOUNTABILITY

The *Emergency Management Act* generally speaks of various duties and powers of the “local authority” which is defined as the elected council. Since it is not feasible to expect that Council could personally do everything required to establish and maintain an emergency management system, or to respond to an actual emergency, it is critical that Council’s authority to delegate its powers and duties (found in section 203(1) of the *Municipal Government Act*) be exercised and that the scope of delegation be clearly and comprehensively spelled out. Only thus will everyone occupying a key position in the emergency management organization understand what is expected of them in all phases and aspects of emergency management and to whom they are accountable. Bylaw 18/006 does this, with respect to:

- (i) The **Chief Administrative Officer**, who is primarily responsible under the bylaw to:
- Bring to Council recommendations for policies, programs and budget approvals to support the goals of emergency management;
 - Appoint and oversee the Director of Emergency Management (the “Director” -- who reports directly to the CAO) and hold the Director accountable for fulfilling the key requirements of the job;
 - Approve the Emergency Management Plan (“EMP”) and such Administrative Directives as the CAO deems advisable to implement the EMP;
 - Determine (in consultation with the Director) when it is appropriate to activate the Regional Emergency Operations Centre (“REOC”);
 - In consultation with the Director, recommend to the Mayor (or Deputy Mayor or Acting Mayor) when a State of Local Emergency (“SOLE”) should be declared;
 - Ensure that Council and other stakeholders are kept fully informed of the measures the RMWB is taking to deal with a SOLE, and ensure that business continuity plans are implemented;
 - Consult with the Director (where circumstances allow) on the Director’s tactical and operational decisions under a SOLE and bring to the decision making process the perspective of what impact a decision may have on the recovery phase that will follow when the emergency is brought under control;

- Ensure that necessary funds are spent on response during a SOLE and on recovery following a SOLE, exercising the emergency spending provisions of the MGA if necessary;
 - Exercise certain of the extraordinary powers available to a municipality under a SOLE (discussed further below);
 - Generally exercise the municipality's Natural Person Powers in whatever manner is necessary to respond to the circumstances that led to a SOLE.
- (ii) The **Director of Emergency Management**, who is primarily responsible under the bylaw to:
- Prepare the EMP for the CAO's approval, and ensure that the EMP deals comprehensively with all facets of emergency management: i.e., prevention, mitigation, preparedness, response and recovery;
 - Develop an annual business plan and budget for emergency management;
 - Make an annual report on the status of emergency management plans and programs, including an assessment of the state of emergency preparedness;
 - Make recommendations to the CAO concerning implementation of the recommendations of the Lessons Learned Report;
 - In consultation with the CAO, decide when it is time to activate the REOC;
 - When the REOC is activated, take command of all aspects of REOC operations, and make the tactical day-to-day, minute-to-minute decisions (or assign specific tasks to others in that regard) on how to respond to an emergency;
 - Advise CAO and Mayor when the time has come to declare a SOLE, or to renew or terminate a previously declared SOLE;
 - Provide information to the CAO, on a regular basis, to assist the CAO in keeping Council and other stakeholders informed on emergency response, and in determining what funds are needed to respond to an emergency;
 - Consult with CAO when practicable on all tactical command decisions that have implications for the recovery phase of an emergency;
 - Exercise certain of the extraordinary powers available to a municipality under a SOLE (discussed further below).
- (iii) The **Emergency Advisory Committee**, ("EAC"), an entity that Council is required to establish pursuant to the *Emergency Management Act*.

The EAC is primarily responsible to review and advise Council on the EMP and related emergency plans and programs, the proposed annual

budgets for emergency management, and the state of emergency preparedness.

The EAC consists of the Mayor and two Councillors. It must meet at least semi-annually. It is empowered to invite Indigenous leaders to sit as *ex officio* non-voting members, and it may create sub-committees for the purpose of seeking input from a broad range of stakeholder groups.

This EAC also serves as the legal mechanism through which the power to declare a SOLE is delegated to the Mayor, or in his/her absence in descending order of priority: the Deputy Mayor, the Acting Mayor, and the CAO.

- (iv) The **Emergency Management Agency** which is another entity that Council is required to create under the *Emergency Management Act*.

To comply with the requirements of the Act, and also to give a meaningful and useful role to this entity, Bylaw 18/006 establishes the Emergency Management Agency as a support group for the Director, consisting of senior municipal leadership and the heads of protective services in the Region. Specific duties spelled out in the bylaw include assisting the Director to develop the EMP and related plans and programs and emergency management budgets, and assisting the CAO in implementing business continuity plans during a SOLE.

(C) PROCESS FOR DECLARING A STATE OF LOCAL EMERGENCY

Virtually all Alberta municipalities give the power to declare a SOLE to either the Mayor or a very small group of Councillors. This is partly because it might be difficult to pull together a quorum of the whole Council during an emergency situation, and partly because this kind of decision has enormous potential implications for the affected residents (e.g. potential for forced evacuation or confiscation of private property) so it is a responsibility that most municipalities have concluded should fall on those who are directly accountable to the residents - that is, the most senior elected officials.

Bylaw 18/006 follows this usual practice by giving the power to declare a SOLE to the Mayor acting alone, or to the Deputy Mayor or Acting Mayor if the Mayor is not available. If none of these three are available, then the bylaw provides that the CAO acting alone may declare a SOLE. As indicated above, the mechanism of the Emergency Advisory Committee is used to ensure that this delegation of power to declare a SOLE is lawful and valid.

(D) EXERCISE OF EXTRAORDINARY POWERS

The *Emergency Management Act* gives the Council authority to exercise a broad range of extraordinary powers during a State of Local Emergency. In recognition of the practical obstacles to the Council directly exercising these powers when an emergency is at its height and the situation may be changing hour to hour, Bylaw 18/006 delegates these extraordinary powers either to the CAO or to the Director, as follows:

To the CAO the power to:

- put into operation an emergency plan or program for the municipality;
- control or prohibit travel to or from any area of the RMWB to which a SOLE applies;
- 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 any part of the RMWB (not necessarily limited to the part of the RMWB to which a SOLE applies) for the duration of the SOLE;
- authorize the conscription of persons needed to meet an emergency.

To the Director, the power to:

- acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;
- authorize or require any qualified person to render aid of a type the person is qualified to provide;
- 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 any part of the RMWB (not necessarily restricted to the part of the RMWB to which a SOLE applies);
- cause the evacuation of persons and the removal of livestock and personal property from any area of the RMWB 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;
- 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;
- 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;

Concluding Observations:

Bylaw 18/006 reflects in many ways its origins in one of the worst natural disasters in recorded Canadian history, and also reflects the unique geography, demographics and other features of the RMWB. It provides a sound legal basis and framework for including the views and concerns of all stakeholders in the planning and preparedness stages - including the rural communities and First Nations and other indigenous peoples in our region -- while also recognizing the lesson of the Wildfire that when a major emergency arises the only effective kind of response is strict command-and-control with unobstructed lines of communication and with no room for ambiguity as to who is responsible for what.

Administration is confident that Bylaw 18/006, if passed, will provide a sound legal and

legislative basis for the development of an Emergency Management organization and a community-based Emergency Management Plan, and above all for effective actual response to any emergency that may arise. We believe it will serve our residents well for many years to come.

Strategic Priorities:

Responsible Government

Attachments:

1. Bylaw 18/006 Emergency Management Bylaw