

BYLAW NO.18/006

A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO PROVIDE FOR EMERGENCY MANAGEMENT

WHEREAS pursuant to the *Emergency Management Act* of the Province of Alberta the council of a municipality is responsible to prepare and approve emergency plans and programs and is responsible for the direction and control of the municipality's response to an emergency;

NOW THEREFORE the Regional Municipality of Wood Buffalo, in Council duly assembled, enacts as follows:

Short Title

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

Statement of Background, Purpose and Council Expectations

2. (a) In May 2016 the Regional Municipality of Wood Buffalo experienced one of the worst natural disasters in Canadian history in the form of a wildfire that seriously impacted the lives of virtually all of our residents and caused property damage measured in the billions of dollars. The disaster led to declarations of states of emergency, provincial and local, that remained in effect until December 2016.
- (b) A review of preparedness for and response to the wildfire was undertaken in 2017 and resulted in a Lessons Learned Report containing recommendations set out in Schedules "A" to "D" of this Bylaw.
- (c) The Council has adopted a Strategic Plan that includes a commitment to implementing the recommendations of the Lessons Learned Report. It is the desire and direction of the Council that the Municipality's Chief Administrative Officer shall work toward implementation of those recommendations in a purposive and systematic manner over time and in so doing shall bring forward to Council for consideration such policies, programs and budgets as the CAO considers desirable to achieve implementation of those recommendations.
- (d) This bylaw responds to one aspect of the Lessons Learned Report recommendations – review of Emergency Management governing documentation -- and also serves as enabling legislation for establishment of a new framework and structure for Emergency Management in the Municipality.
- (e) The Council may from time to time adopt policies and programs not inconsistent with this bylaw or the Act for the purpose of ensuring that the Municipality maintains an Emergency Management organization and a level of Emergency preparedness appropriate to meet the needs of the residents of the Municipality, or for the purpose of further delineating the role of the Council itself in the Municipality's Emergency Management organization.

Definitions

3. In this bylaw any word or expression used in the Act or in the *Municipal Government Act* of Alberta has its statutory meaning unless otherwise specified in this section, and:
- (a) “Act” means the *Emergency Management Act*, RSA 2000, c.E-6.8, as amended, or any successor legislation;
 - (b) “Acting Mayor” means the Councillor appointed by Council under subsection 152(3) of the *Municipal Government Act*;
 - (c) “Chief Administrative Officer” or “CAO” means the person appointed by Council under section 205 of the *Municipal Government Act* to be chief administrative officer for the Municipality;
 - (d) “Council” means the elected council of the Municipality;
 - (e) “Deputy Director” means a person appointed by the CAO under section 22 of this bylaw to be a Deputy Director of Emergency Management;
 - (f) “Deputy Mayor” means the Councillor appointed by Council under subsection 152(1) of the *Municipal Government Act*;
 - (g) “Director” means a person appointed by the CAO under section 22 of this bylaw to the position of Director of Emergency Management established under section 19 of this bylaw;
 - (h) “Emergency” has the meaning set out in the Act and does not include the definition in the *Municipal Government Act*;
 - (i) “Emergency Advisory Committee” or “Committee” means the Council committee established under section 4 of this bylaw;
 - (j) “Emergency Management” means the management of Emergencies including all activities and risk management measures related to the phases of: prevention, mitigation, preparedness, response and recovery.
 - (k) “Emergency Management Agency” or “Agency” means the agency established under section 9 of this bylaw;
 - (l) “Emergency Management Plan” means a planning document approved by the CAO on the recommendation of the Director, dealing comprehensively with all phases of Emergency Management;
 - (m) “Emergency Operations Centre” means a secure site from which Emergency response and recovery activities are monitored, coordinated and supported;
 - (n) “Indigenous” includes First Nations, Metis and Inuit;

- (o) “Lessons Learned Report” means the report dated July 27, 2017 entitled *Lessons Learned and Recommendations from the 2016 Horse River Wildfire*;
- (p) “Mayor” means the chief elected official of the Municipality;
- (q) “Municipality” means the municipal corporation of the Regional Municipality of Wood Buffalo or the geographic area contained within its boundaries;
- (r) “State of Local Emergency” means a state of local emergency declared in accordance with the provisions of the Act and this bylaw.

Emergency Advisory Committee

- 4. There is established a standing Council committee called the Emergency Advisory Committee consisting of the Mayor who shall chair the Committee, the Deputy Mayor who shall be vice chair, and the Acting Mayor.
- 5. The Council’s power to declare, renew or terminate a State of Local Emergency, or to expand or reduce the part of the Municipality to which a State of Local Emergency applies, is delegated to the Committee subject to the provisions of sections 14 to 18 of this bylaw.
- 6. The Committee shall meet at least semi-annually and may meet more frequently at the call of the chair to review the development of Emergency plans and programs and to make such recommendations as the Committee deems advisable in respect of them, including without limitation:
 - (a) reviewing the Emergency Management Plan and related plans and programs and any proposed revisions to the Emergency Management Plan or related plans and programs, on a regular basis;
 - (b) advising the Council on the status of the Emergency Management Plan and related plans and programs and the on the state of Emergency preparedness in the Municipality, at least once each year;
 - (c) reviewing any Emergency Management policies developed by the CAO for adoption by the Council, and presenting such policies to the Council;
 - (d) reviewing the annual business plan and budget developed by the Director, and presenting the business plan and budget to the Council.
- 7. In carrying out its responsibilities under section 6 of this bylaw the Committee may:
 - (a) invite Indigenous leaders to attend Committee meetings as *ex officio* non-voting members in order to integrate their perspective in a meaningful and collaborative way into the Emergency Management Plan and related plans and programs, and to achieve a common understanding of Emergency Management;

- (b) establish such sub-committees or working groups as it deems advisable to seek information and advice from key stakeholders with respect to Emergency Management in the Municipality, including without limitation representatives of: Indigenous communities, rural communities, the social profit sector, the small business sector, and the oil sands industry.
- 8. A quorum of the Committee consists of a majority of its members except when the Committee is exercising its powers with respect to declaring a State of Local Emergency in which case a quorum is as prescribed in sections 14 to 18 of this bylaw.

Emergency Management Agency

- 9. There is established an Emergency Management Agency
 - (a) reporting to and supporting the Director and acting as the agent of the Council in exercising the Council's powers and duties under the Act subject to the directions and limitations set out in sections 11 to 13 of this bylaw; and
 - (b) having other roles and responsibilities set out in this bylaw.
- 10. Membership of the Agency consists of:
 - (a) the Director, who shall direct the activities of and preside at meetings of the Agency;
 - (b) any Deputy Director;
 - (c) the Regional Fire Chief;
 - (d) the Officer-in-Charge of the Wood Buffalo Royal Canadian Mounted Police detachment;
 - (e) representatives of the Municipality's senior leadership team appointed by the CAO;

and includes any person that a member of the Agency may assign to act in the member's absence.
- 11. The Director may invite representatives of external organizations to work with the Agency in developing the Emergency Management Plan or related plans or programs, or in implementing the Emergency Management Plan or related plans or programs after they have been adopted or approved, including without limitation representatives of: the Indigenous community, the Government of Alberta, industry or industry groups, business or business groups, utility and telecommunication providers, community organizations, local leaders, support groups, emergency social service organizations, and mutual aid partners.
- 12. The Agency shall act as agent of the Council in exercising the Council's duties to prepare and approve Emergency plans and to cause any Emergency plan or program to be put into operation. Where the Council has delegated such duties to the Director under this bylaw, the Agency shall generally support and provide assistance and guidance to the Director in the development, implementation and coordination of Emergency Management plans and programs, including without limitation at the Director's request:

- (a) assisting in development and ongoing review of the Municipality's Emergency Management Plan and any other documents that relate to or support the Emergency Management Plan including administrative directives, strategic plans, budgets, business plans and business continuity plans;
 - (b) assist in developing recommendations for policies and programs, and requests to the CAO or Council for resources or budget approvals;
 - (c) during and following the response phase of an Emergency, assist with coordinating or facilitating communications; implementing business continuity plans, and supporting recovery planning;
 - (d) providing support and assistance to the Emergency Advisory Committee;
 - (e) meeting with external stakeholder groups during any phase of Emergency Management.
13. The scope of agency of the Emergency Management Agency does not extend to exercising any power or duty described in clauses 24(1)(b) and 24(1)(c) of the Act.

Method of Declaring State of Local Emergency

14. 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 a State of Local Emergency, renew a State of Local Emergency, terminate a State of Local Emergency or expand or reduce the part of the Municipality to which a State of Local Emergency applies.
15. If the Mayor is unavailable or incapacitated then the Deputy Mayor acting alone constitutes a quorum of the Committee for the purpose of making a decision to declare a State of Local Emergency, renew a State of Local Emergency, terminate a State of Local Emergency, or expand or reduce the part of the Municipality to which a State of Local Emergency applies.
16. If both the Mayor and the Deputy Mayor are unavailable or incapacitated, then the Acting Mayor acting alone constitutes a quorum of the Committee for the purpose of making a decision to declare a State of Local Emergency, renew a State of Local Emergency, terminate a State of Local Emergency, or expand or reduce the part of the Municipality to which a State of Local Emergency applies.
17. If all members of the Committee are unavailable or incapacitated then the Chief Administrative Officer has the authority to declare a State of Local Emergency, renew a State of Local Emergency, terminate a State of Local Emergency or expand or reduce the part of the Municipality to which a State of Local Emergency applies.
18. A member of the Committee having authority to act as a quorum of one to declare a State of Local Emergency has discretion with respect to that decision except where the CAO and the Director jointly recommend declaration of a State of Local Emergency in which case the member must shall declare a State of Local Emergency in accordance with that joint recommendation.

Director of Emergency Management

19. There is established a full-time position of Director of Emergency Management for the Municipality having the status of a designated officer reporting directly to the CAO.
20. The Director shall exercise the duties, functions and powers of “director of the emergency management agency” as set out in the Act, together with additional duties, functions and powers set out in this bylaw.
21. The Director has the following duties, functions and powers:
 - (a) develop and present to the CAO for approval an Emergency Management Plan that deals comprehensively with all phases of Emergency Management, and cause everything required pursuant to an approved Emergency Management Plan and its supporting documents to be done to the extent that available resources will allow;
 - (b) develop an annual business plan and budget for Emergency Management, for presentation to the Emergency Advisory Committee and to the Council;
 - (c) submit an annual report to the Emergency Advisory Committee on the status of Emergency Management plans and programs including an annual assessment of the Municipality’s state of emergency preparedness;
 - (d) recommend to the CAO such policies, programs and budgets as the Director considers necessary or desirable for effective implementation of the Emergency Management Plan and the recommendations of the Lessons Learned Report;
 - (e) advise the CAO and the Committee when the Director considers that a State of Local Emergency should be declared, and to what part of the Municipality the State of Local Emergency should apply;
 - (f) upon the declaration of a State of Local Emergency, for the duration of the response phase of the Emergency and in relation to the part of the Municipality affected by the declaration the Director is authorized to do or cause to be done all things the Director considers necessary or desirable to respond to the Emergency and without limiting the foregoing the Director shall:
 - (i) assume direction and control of the Municipality’s Emergency response including
 - (aa) making a decision on whether and to what level to activate an Emergency Operations Centre,
 - (bb) managing and directing the activities of the Emergency Operations Centre after it is activated,
 - (cc) authorizing and coordinating all services and other resources required during the Emergency, and

- (dd) assigning duties and tasks as required to ensure that the responsibilities of the Director are fulfilled;
- (ii) respond to requests for assistance from other municipalities or Emergency Management partners affected by the Emergency, in accordance with any mutual aid agreement in force;
- (iii) liaise with representatives of the Government of Alberta and other municipalities when fulfilling responsibilities under the Act;
- (iv) provide to the CAO or direct that the CAO be provided with, on a regular basis, information to assist the CAO in determining what funds are required to support the Emergency response and to enable the CAO to discharge the CAO's responsibility to keep the Council and other stakeholders informed on the Municipality's Emergency response;
- (v) exercise the extraordinary powers referenced in section 28 of this bylaw, when the Director deems it advisable to do so
- (vi) consult with the CAO on tactical command decisions that may have implications for the recovery phase of the Emergency, to the extent that Emergency circumstances will allow for such consultation before decisions are made;
- (vii) advise the CAO and the Committee when in the opinion of the Director a State of Local Emergency should be renewed or terminated.

Role of Chief Administrative Officer in Emergency Management

22. The CAO:

- (a) shall appoint a Director of Emergency Management;
- (b) may appoint one or more Deputy Directors of Emergency Management and specify the duties of the Deputy Director position; and
- (c) may appoint such members of the Municipality's senior leadership team to the Emergency Management Agency as the CAO deems appropriate to support the Agency's duties and functions.

23. In consultation with the Director the CAO shall approve:

- (a) the Municipality's Emergency Management Plan; and
- (b) such administrative directives, business continuity plans and other supporting documents as the CAO deems advisable to support the Emergency Management Plan.

24. Upon the advice of the Director the CAO shall present to the Emergency Advisory Committee or to Council for consideration such policies, programs and budgets as the CAO deems advisable for adoption by the Council, to implement both the Emergency Management Plan and the recommendations of the Lessons Learned Report.
25. Upon the occurrence of an Emergency and during the response phase of the Emergency the CAO shall:
- (a) after consulting with the Director where practicable, advise the Mayor, Deputy Mayor or Acting Mayor whether a State of Local Emergency should be declared and if so to what part of the Municipality the State of Local Emergency should apply;
 - (b) after consulting with the Director where practicable and in the absence or incapacity of the Mayor, the Deputy Mayor and the Acting Mayor, declare a State of Local Emergency if the CAO deems it advisable to do so and decide whether to renew or terminate a State of Local Emergency;
 - (c) after consulting with the Director decide whether and to what level to activate the Emergency Operations Centre;
 - (d) after consulting with the Director decide whether to escalate or de-escalate the level of activation of the Emergency Operations Centre in response to events as they unfold;
 - (e) give direction that the aspects of the Emergency Management Plan that pertain to the response phase of an Emergency be put into operation;
 - (f) cause business continuity plans to be put into operation;
 - (g) determine what funds are required to support the Emergency response and cause such funds to be expended for that purpose using the authority of clause 248(1)(b) of the *Municipal Government Act* if necessary;
 - (h) co-ordinate flows of information to Council and to other stakeholders who are not actively involved in Emergency response but have a need or a desire to be aware of the Municipality's Emergency response measures as they occur;
 - (i) consult with the Director on tactical command decisions made by the Director, whenever practicable in the Emergency circumstances, and bring to such consultations a strategic perspective of the potential implications of tactical command decisions for the recovery phase of the Emergency;
 - (j) exercise the extraordinary powers referenced in section 27 of this bylaw, when the CAO deems it advisable to do so; and
 - (k) generally exercise the natural person powers of the Municipality in any way reasonably necessary to respond the Emergency.

26. During the response phase of an Emergency the CAO retains all duties, functions and powers of a CAO under the *Municipal Government Act* and under the *CAO Bylaw* including without limitation the power to delegate any duty or responsibility of the CAO.

Exercise of Extraordinary Powers

27. The exercise of any extraordinary power referenced in clauses (a), (e), (j) or (k) of subsection 19(1) of the Act, by reference from clause 24(1)(b) of the Act, is delegated to the Chief Administrative Officer.
28. The exercise of any extraordinary power referenced in clauses (c), (d), (f), (g), (h) or (i) of subsection 19(1) of the Act, by reference from clause 24(1)(b) of the Act, is delegated to the Director.

Repeal and Coming into Effect

29. Bylaw No. 09/036 is repealed.
30. This Bylaw comes into effect when it is passed.

READ a first time this 10th day of April, A.D. 2018.

READ a second time this _____ day of _____ A.D. 2018.

READ a third and final time this _____ day of _____ A.D. 2018.

SIGNED and PASSED this _____ day of _____, A.D. 2018.

Mayor

Chief Legislative Officer

Prevention & Mitigation Recommendations

Enhance support for disaster risk management

While the RMWB has undertaken some disaster risk management actions, increased support for, and focus on, an overall disaster risk management approach from RMWB Administration leadership, as well as Mayor and Council, would contribute to its enhanced readiness for a future disaster. The RMWB should establish a formal and robust disaster risk management approach, which includes the necessary strategies, plans, resources and funding to address the prevention and mitigation of disaster risks.

Preparedness Recommendations

Review the RMWB’s emergency management governance model and documentation

The RMWB should formally review all of its relevant emergency management governing documentation, including the Emergency Management Bylaw 09/036, ADM-240 Administrative Procedure: Emergency Management Program, and Alberta’s Emergency Management Act to confirm alignment between municipal governance and provincial legislation, and to provide clear decision making authorities within the RMWB under a State of Local Emergency. This would also include reviewing the role of the Director of Emergency Management and the placement of this within the municipal organizational chart.

Enhance the RMWB’s Municipal Emergency Management Plan and refresh it annually

The needs and challenges of all RMWB communities (e.g. Urban Service Area, Rural Communities, and Indigenous Communities) should be reflected in the MEMP, or if more appropriate, the RMWB should consider developing community-specific plans as supplements to the MEMP. This would also include socializing the MEMP with relevant emergency management partners and conducting ongoing annual review of the MEMP to help address any changes in the RMWB’s environment or municipal structures.

Request to realign forest area boundaries with the RMWB’s boundaries

The RMWB should request a change to the Alberta Agriculture and Forestry forest area boundaries to align with the RMWB’s municipal boundaries.

Develop a Recovery Plan as a component of the Municipal Emergency Management Plan

The RMWB should create a Recovery Plan as a component of its MEMP which would outline the key components of the Recovery Framework established during the Wildfire as a template for use in future disaster events.

Enhance emergency management training and exercise requirements

The RMWB's Training and Exercise Plans provide a strong foundation for improvements to disaster planning and preparedness. To enhance these, training requirements should be increased to include ICS 300 and 400 for all key leadership positions in the Regional Emergency Operations Centre to prepare staff to fulfill their emergency management roles. Exercises should focus on developing the appropriate competencies for staff in their emergency management roles.

Enhance and update existing Business Continuity Plans

In alignment with the CSA Z1600-14 Standard and Sendai Framework, the RMWB should maintain and update their existing Business Continuity Plans with current operational processes and organizational structures. Regular updates are important because they capture organizational and process changes, and provide an opportunity for the RMWB to incorporate leading practices that were identified since the last update. This should also include trauma mitigation plans for emergencies and disasters to minimize the impacts to staff during an incident, and provide trauma supports for staff during and for up to six months after an incident.

Formalize existing Business Continuity Plans as part of standard operating procedures during emergencies and disasters

The RMWB should establish a designated individual or group whose role it is to create, maintain, and update its Business Continuity Plans. This also includes maintaining staff awareness around the Business Continuity Plans, including awareness of their purpose and their practical implication for departments and individuals. Familiarizing staff with existing Business Continuity Plans will help integrate them into emergency or disaster responses.

Response Recommendations

Enhance Use of the Incident Command System during Response to support implementation of appropriate emergency management protocols

The Incident Command System should be more actively used during response to ensure that the Regional Emergency Operations Centre and emergency management partners can achieve Unified Command (when needed) to promote common situational awareness, a common operating picture and common operating plans. Positions within the Regional Emergency Operations Centre, based on the model of an Incident Command System, should be clearly assigned to municipal staff. Each position should be assigned to a primary designate, as well as two or three backup individuals to allow for appropriate relief and replacement.

Enhance the RMWB Evacuation Plan

The RMWB should enhance its existing Evacuation Plan to include pre-planning considerations, be reflective of all communities, include a more robust decision matrix, triggers for effective communication to the community, and scheduled testing. In alignment with the ICS Canada, the Regional Emergency Operations Centre should designate a role to focus specifically on monitoring the need for, and execution of, an evacuation. The Evacuation Plan should also anticipate the need for coordinated communications strategies between the RMWB and its emergency partners to allow critical information to be disseminated in a timely manner to the public.

Formalize the Pet Rescue Program

Based on the success of the Pet Rescue Program, formalize the program and incorporate activities into the emergency management plan. The program should include guidelines, a list of partner volunteer groups, and a communications plan. This will better position the program for rapid execution during an emergency and support continuous program improvement.

Recovery & Resiliency Recommendations

Recovery

Begin recovery planning and activities as early as possible following a disaster

Recovery means bringing the community back to its pre-disaster state. Recovery should start as early as possible in order to minimize the impact to a region and residents. This means making decisions quickly about what recovery governance and operational structure should be adopted and implemented, while the response is still occurring. This can be facilitated by the RMWB developing Recovery Plans and templates and framework that can guide decision-making to facilitate a speedy recovery even as an emergency or disaster is happening.

Assess and account for trade-offs associated with different recovery governance and organization structures

In line with the above recommendation, municipalities must decide early on whether or not to create designated recovery governance and organization structures, and potential staffing. Municipalities must recognize the inherent trade-offs involved with selecting one model over another, including any implications for potential Disaster Recovery Program funding from the Government of Alberta. This includes balancing the need to focus on recovery separate from municipal operations; determining the speed, depth and quality required for each of the recovery activities; and leveraging the right internal knowledge while supplementing this with external expertise.

Resiliency

Develop a community resiliency strategy

A community resiliency strategy is particularly relevant to the RMWB given the economic challenges in place prior to the Wildfire. The strategy should consider social, economic, and environmental factors, including mitigating risks of future events.

The strategy should initially focus on the psychosocial, economic, and other ongoing needs of the community, due to the Wildfire and in preparation for the next significant event (natural disaster, economic downturn, or otherwise) that could impact the RMWB.

It should also support the ongoing prioritization of strategies, plans and activities to be taken by the RMB in support of the longer-term resiliency of the community.