

BYLAW NO. 4319

CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT respecting emergency management.

WHEREAS pursuant to the *Emergency Management Act*, R.S.A. 2000, c.E-6.8, Council is responsible for the direction and control of the City's emergency response, the preparation and approval of emergency plans and programs, and is required to appoint an Emergency Advisory Committee, maintain an Emergency Management Agency and appoint a Director of the Emergency Management Agency.

AND WHEREAS the City has prepared a Municipal Emergency Management Plan and a Regional Emergency Management Plan, which will be regularly reviewed, and revised, and approved where necessary.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF MEDICINE HAT ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be referred to as the "Emergency Management Bylaw".

Definitions and Interpretation

2. In this Bylaw, unless the context otherwise requires:
 - (a) "**Administrative Committee**" means the City's Administrative Committee appointed in accordance with the Administrative Organization Bylaw No. 4311, as amended or replaced from time to time.
 - (b) "**Chief Administrative Officer**" means the City's Chief Administrative Officer appointed by Council.
 - (c) "**Council**" means the municipal council of the City.
 - (d) "**City**" means the municipal corporation of the City of Medicine Hat, and where the context so requires, means the land included in the boundaries of the City.
 - (e) "**Director**" means the person appointed to be the Director of the Emergency Management Agency under the authority of the EM Act and pursuant to Section 20 of this Bylaw.
 - (f) "**Disaster**" means an event that results in serious harm to the safety, health or welfare of people or in widespread damage to property.
 - (g) "**Emergency**" means an event that requires prompt coordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property, and includes a situation in which there is imminent danger to public safety or of serious harm to property.
 - (h) "**EM Act**" means the *Emergency Management Act*, R.S.A. 2000, c. E-6.8 and the regulations thereto, as amended or replaced from time to time.

- (i) **“Emergency Advisory Committee”** means the Emergency Advisory Committee appointed under the authority of the EM Act and pursuant to Section 7 of this Bylaw.
- (j) **“Emergency Management Agency”** means the Emergency Management Agency appointed under the authority of the EM Act and pursuant to Section 14 of this Bylaw.
- (k) **“Municipal Emergency Management Plan”** means a plan designed to provide guidance on emergency operations, organizational structure, roles and responsibilities, and the coordination of resources necessary to execute the effective management of an Emergency or Disaster within the City.
- (l) **“MGA”** means the *Municipal Government Act* R.S.A., c. M-26, and the regulations thereto, as amended or replaced from time to time.
- (m) **“Regional Emergency Management Plan”** means a plan designed to provide guidance on emergency operations, organizational structure, roles and responsibilities, and the coordination of resources necessary to execute the effective management of an Emergency or Disaster within the City and one or more other municipalities.
- (n) **“State of Local Emergency”** means a state of local emergency declared in accordance with the EM Act and this Bylaw.

Any word or expression not defined in this Bylaw but defined in either the EM Act or the MGA, has the same meaning as set out in the EM Act or the MGA. If the EM Act and MGA contain different definitions of the same word or expression then, to the extent there is no conflict between them, both definitions shall apply herein. If there is a conflict between them, then the definition that best fulfills the purposes of this Bylaw shall apply herein.

Borrowing, Third Party Agreements and Emergency Plans and Programs

- 3. Council may, by bylaw that is not advertised, borrow, levy, appropriate and expend sums of money in accordance with the provisions of the EM Act.
- 4. The City may 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 agreements or regional plans or regional programs or all three.
- 5. The Administrative Committee shall approve the Municipal Emergency Management Plan and the Regional Emergency Management Plan in accordance with the EM Act and this Bylaw.
- 6. Amendments to the Municipal Emergency Management Plan and the Regional Emergency Management Plan may be recommended by the Director for approval by the Administrative Committee. The Administrative Committee may delegate authority to the Director to make and approve amendments to the Municipal Emergency Management Plan and the Regional Emergency Management Plan.

Amended by:
Bylaw 4601
Nov 19, 2019

Emergency Advisory Committee

7. There is established an Emergency Advisory Committee which shall consist of three (3) members of Council who shall be drawn in the following order from Council:
 - a. Mayor;
 - b. Chair of the Public Services Committee;
 - c. Chair of the Energy and Utilities Committee;
 - d. Chair of the Development and Infrastructure Committee;
 - e. Deputy Mayor; and
 - f. the remaining members of Council as listed alphabetically by surname.
8. The Mayor is the chair of the Emergency Advisory Committee.
9. When the Mayor is absent or unable to act, the chair of the Emergency Advisory Committee shall devolve to members of Council present or able to act in the same order as outlined in section 7.
10. Those members of the Emergency Advisory Committee who attend any meeting of the Emergency Advisory Committee by telephone, electronic means, or in person constitute a quorum for that meeting.

Amended by:
Bylaw 4601
Nov 19, 2019

11. The Emergency Advisory Committee shall meet at least once per year and all members of Council shall be invited to attend at least one meeting per year. The Emergency Advisory Committee may also meet from time to time at the request of the Mayor or the Director, whether or not an Emergency or Disaster exists.
12. The Emergency Advisory Committee shall have the powers and duties set out in sections 28 and 29 of this Bylaw.

Amended by:
Bylaw 4601
Nov 19, 2019

- 12.1 The Emergency Advisory Committee shall provide guidance and direction to the Emergency Management Agency. The Director shall act as an advisor to the Emergency Advisory Committee and shall participate in all meetings of the Emergency Advisory Committee.

Emergency Management Agency

13. There is established an Emergency Management Agency with powers, duties and responsibilities as set out in the EM Act and in this Bylaw.

Amended by:
Bylaw 4601
Nov 19, 2019

14. The Emergency Management Agency shall consist of the Director, the Chief Administrative Officer, the City Solicitor and those persons who are appointed by the Chief Administrative Officer to represent City departments.

Amended by:
Bylaw 4601
Nov 19, 2019

15. In addition to the members appointed to the Emergency Management Agency under section 14, the Director may from time to time appoint other advisory members of the Emergency Management Agency drawn from other City departments.

16. The Emergency Management Agency, under the direction of the Director, shall act as the agent of Council to exercise all the powers, duties and responsibilities of a local authority as set out in the EM Act, except for:
 - a. the power to enact bylaws;
 - b. any power, duty, or responsibility specifically reserved to Council under this Bylaw;
 - c. any power, duty or responsibility specifically assigned or delegated to the Emergency Advisory Committee under this Bylaw; or
 - d. any power, duty or responsibility specifically assigned or delegated to the Director under this Bylaw.
17. The Emergency Management Agency shall, under the direction of the Director, be responsible for the preparation, implementation, coordination and periodic review of emergency plans and programs, including but not limited to the Municipal Emergency Management Plan and the Regional Emergency Management Plan, and for recommending amendment thereto to deal with Emergencies and Disasters.
18. Individual members of the Emergency Management Agency shall provide such support and assistance as the Director requires for the fulfilment of the Director's duties and responsibilities under this Bylaw and the EM Act.

Amended by:
Bylaw 4601
Nov 19, 2019

- 18.1 In accordance with any agreement between the City, the Town of Redcliff and Cypress County, the Emergency Management Agency may act as a Regional Emergency Management Agency.

Amended by:
Bylaw 4601
Nov 19, 2019

- 18.2 The Emergency Management Agency will use a command, control and coordination system as prescribed by the Managing Director of the Alberta Emergency Management Agency.

Director of Emergency Management

19. There is established the position of Director of the Emergency Management Agency which has the status of designated officer under the MGA.
20. The Director of the Emergency Management Agency shall be appointed by the Chief Administrative Officer.
21. The Director shall be the chair of the Emergency Management Agency.
22. The Director shall:
 - a. in conjunction with the Emergency Management Agency, prepare, co-ordinate, implement, and periodically review emergency plans and programs, including but not limited to the Municipal Emergency Management Plan and the Regional Emergency Management Plan, and recommend amendments to these Plans for approval of the Administrative Committee;
 - b. in conjunction with the Emergency Management Agency, prepare, approve, co-ordinate, implement and periodically review emergency plans and programs that are consistent with the Municipal Emergency

Management Plan and the Regional Emergency Management Plan for response by City departments or public or private organizations to an Emergency or Disaster.

Amended by:
Bylaw 4601
Nov 19, 2019

c. act as the director of the City's emergency coordination centre on behalf of the Emergency Management Agency until appropriate transfer of command to qualified personnel;

Amended by:
Bylaw 4601
Nov 19, 2019

d. in conjunction with the Emergency Management Agency, coordinate all Emergency services and other resources used during an Emergency or Disaster;

Amended by:
Bylaw 4601
Nov 19, 2019

e. perform any powers, duties and responsibilities delegated to the Director by the Emergency Advisory Committee during a State of Local Emergency; and

Amended by:
Bylaw 4601
Nov 19, 2019

f. perform other duties as may from time to time be prescribed by the Chief Administrative Officer.

23. In the event that the Director is absent or unavailable to act, the Director may appoint a Deputy Director to act as the Acting Director for the purpose of performing the Director's powers, duties and responsibilities outlined in this Bylaw. In the event that the Director is unable or unavailable to act and a Deputy Director has not been appointed by the Director, the Chief Administrative Officer may appoint a Deputy Director as the Acting Director.
24. The authority to receive calls and respond to requests for Emergency and Disaster services from other municipalities pursuant to a Mutual Aid Agreement is delegated to the Director.

Meetings of the Emergency Management Agency

25. The Emergency Management Agency shall meet a minimum of four (4) times per calendar year or more frequently as determined by the Director.
26. The Director may call a meeting of the Emergency Management Agency at a time and location determined by the Director, whenever any person appointed to the Emergency Management Agency under this Bylaw is satisfied that an Emergency or Disaster exists or the potential for an Emergency or Disaster may exist within any one or more of the City, the Town of Redcliff, or Cypress County or that otherwise may require an Emergency response from the City.
27. Those members of the Emergency Management Agency who attend any meeting of the Emergency Management Agency by telephone, electronic means, or in person constitute a quorum for that meeting.

Declaration of State of Local Emergency

28. Council's powers to declare or renew or terminate a State of Local Emergency pursuant to the EM Act are delegated to the Emergency Advisory Committee. The Emergency Advisory Committee may, at any time when it is satisfied that an Emergency exists or may exist within the City, by resolution, make a declaration of a State of Local Emergency or renew such declaration.

29. In the event of a declaration of a State of Local Emergency, the Emergency Advisory Committee is delegated Council's powers and duties pursuant to the EM Act to do all acts and take all necessary proceedings to deal with the State of Local Emergency, excepting any powers to pass bylaws, and the Emergency Advisory Committee may delegate any or all powers and duties under the EM Act to deal with the State of Local Emergency to the Director.
30. When a State of Local Emergency is declared, the Director shall:
 - a. ensure that the declaration identifies the nature of the Emergency and the area(s) of the City in which it exists;
 - b. cause the details of the declaration to be published immediately by such means of communication considered most likely to make known to the majority of the population of the area affected the contents of the declaration; and
 - c. forward a copy of the declaration to the Minister forthwith.
31. When a declaration of a State of Local Emergency has been terminated, the Director shall cause the details of the termination to be published immediately by such means of communication considered most likely to make known to the majority of the population of the area affected.

Regional Emergency Management Plan

32. The City may participate in the establishment of one or more Regional Emergency Management Plans that provides for continued cooperation and collaboration among each of the municipalities, and may include:
 - a. the development, implementation, amendment(s) to and regular review of the Regional Emergency Management Plan and regional emergency management programs, operations, budgets, cost-sharing arrangements, and mutual aid agreements; and,
 - b. the coordination and provision of regional emergency management services during an Emergency or Disaster within or affecting one or more of those municipalities.
33. The Director is authorized to act:
 - a. as the Regional Director of the Regional Emergency Management Agency (or similar office and capacity); and
 - b. as the Regional Director (or similar office and capacity) of any other regional agency, committee, or board (or similar body) that the City, Town of Redcliff, Cypress County or any other municipality, or any two of them, hereafter establish.
34. The authority to request Emergency and Disaster resources from other municipalities in accordance with the Mutual Aid Agreement dated February 7, 1995, or any other plan, program, or agreement the City enters into under sections 4 or 32 of this Bylaw, is delegated to the Director.

Amended by:
Bylaw 4601
Nov 19, 2019

Protection from Liability

35. No action lies against:
- a. Council, the Emergency Advisory Committee, the Director, the Emergency Management Agency, and any person appointed to the Emergency Advisory Committee or to the Emergency Management Agency under this Bylaw; and
 - b. any person acting under the direction or authorization of the Emergency Committee, the Emergency Management Agency or the Director;
- for anything done or omitted to be done in good faith while carrying out a power or duty under the EM Act or this Bylaw during a State of Local Emergency.

General

36. The headings in this Bylaw are for reference purposes only and shall in no way define, limit, or enlarge the scope or meaning of this Bylaw or any of the specific provisions hereof.
37. It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions and it is the further intention of Council that if any of the provisions of this Bylaw are declared invalid, all other provisions of this Bylaw shall remain valid and enforceable.
38. Bylaw No. 3030 is repealed.
39. This Bylaw will come into force at the beginning of the day it is passed.

READ A FIRST TIME in open Council on June 6, 2016.

READ A SECOND TIME in open Council on June 6, 2016.

READ A THIRD TIME in open Council on June 6, 2016.

SIGNED AND PASSED on June 7, 2016.

I HEREBY CERTIFY that this is a true and correct copy of Bylaw No. 4319 consolidated pursuant to Section 69 of the *Municipal Government Act* to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by the City of Medicine Hat Bylaw No. 1957.

CERTIFIED THIS ____ DAY OF _____, 20____.

ANGELA CRUICKSHANK
MUNICIPAL SECRETARY AND CITY CLERK
CITY OF MEDICINE HAT