

CITY OF COLD LAKE
BYLAW 737-PL-22
EMERGENCY MANAGEMENT BYLAW

A BYLAW OF THE CITY OF COLD LAKE IN THE PROVINCE OF ALBERTA TO PROVIDE FOR THE DIRECTION AND CONTROL OF EMERGENCY OPERATIONS UNDER THE EMERGENCY MANAGEMENT ACT.

WHEREAS pursuant to the *Emergency Management Act, RSA 2000, Chapter E-6.8*, (hereinafter referred to as the "Act") the Council of the City of Cold Lake is responsible for the direction and control of the City's response in the event of a disaster or emergency;

WHEREAS pursuant to section 11 of the *Emergency Management Act*, the Council of the City of Cold Lake is required to appoint an emergency advisory committee consisting of a member or members of Council, to advise on the development of emergency plans and programs, to establish and maintain a municipal emergency management agency to act as the agent of the Council of the City of Cold Lake in exercising its powers and duties under the Act and appoint a director of the emergency management agency;

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 said *Emergency Management Act*;

NOW THEREFORE, the Council of the City of Cold Lake, in the province of Alberta, duly assembled enacts as follows:

TITLE

1. This Bylaw shall be cited as the "Bylaw 737-PL-22, Emergency Management Bylaw".

DEFINITIONS

2. In this Bylaw:

- (a) "Act" means The *Emergency Management Act* of Alberta, Chapter E-6.8, Revised Statutes of Alberta 2000, c. E-6-8;
- (b) "AEMA" means the Alberta Emergency Management Agency, which is the public agency that leads and oversees all emergency and disaster prevention, preparedness and responses;
- (c) "CAO" means the Chief Administrative Officer for the City of Cold Lake or a person delegated to act in said role;
- (d) "Community Emergency Management Plan" (CEMP) means the City's emergency plan prepared to coordinate the response to an emergency or disaster;
- (e) "Council" means the Council of the City of Cold Lake in the province of Alberta;
- (f) "Director of Emergency Management" (DEM) means an individual appointed by resolution of Council responsible for the preparation and coordination of emergency plans and programs for the City of Cold Lake;
- (g) "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;
- (h) "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, or the environment;
- (i) "Emergency Management Agency" (EMA) means the agency established under this Bylaw consisting of the DEM and partners as required to coordinate the activities in response to a disaster or emergency;
- (j) "Emergency Advisory Committee" (EAC) means the committee established under this Bylaw consisting of members of Council;
- (k) "Incident Command Post" or "ICP" is the location where the primary functions of emergency response are performed;
- (l) "Local Authority" means, where a municipality has a council within the meaning of the *Municipal Government Act, RSA 2000 c.M-26*;
- (m) "Minister" means the Minister charged with administration of the Act;
- (n) "Municipal Emergency Coordination Centre" (MECC) means the location that functions as a point of coordination, addressing the needs of the municipality as a whole, exercising the authority of local officials, as well as anticipating and supporting the needs of one or more incident sites within the municipality;
- (o) "Mayor" means the City's chief elected official;

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- (p) "State of Local Emergency" or "SOLE" means a state of local emergency declared in accordance with the Act and this bylaw.

COUNCIL AUTHORITY

3. A Local Authority shall, at all times, be responsible for the direction, control and administration of the Local Authority's emergency response unless the Alberta Government assumes direction and control under Section 18 of the Act.
4. Council shall:
- (a) appoint through this Bylaw, the Person who holds the office of Chief Administrative Officer (CAO) as the DEM:
 - i. the CAO may delegate another City employee to serve as the DEM;
 - ii. if another City employee is appointed to serve as the DEM, the CAO shall cause that appointment to be recorded pursuant to the City's Delegation of Authority;
 - iii. the CAO may delegate other City employees to serve as Deputy DEMs;
 - (b) provide for the payment of expenses of the members of the EAC, if necessary; and
 - (c) review and, as necessary, approve the Community Emergency Management Plan (CEMP) at least annually.
5. Council may:
- (a) by Bylaw borrow, levy, appropriate and expend, without the consent of the electors, all sums required for the operation of the Emergency Management Agency; and
 - (b) 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.

EMERGENCY ADVISORY COMMITTEE

6. There is hereby established an Emergency Advisory Committee (EAC) to advise Council on the development of emergency plans and programs for the City of Cold Lake.
7. All Council members are members of the EAC. The Mayor is the Chair of the EAC. If the Mayor is absent, the Deputy Mayor shall chair the EAC.
8. The EAC may request the DEM, the Chief Administrative Officer (CAO) and other members of the EMA to attend EAC meetings as appropriate.
9. A quorum for a regular EAC meeting will be set at two thirds of the EAC membership. A quorum for an emergency meeting of the EAC is not dependent on the number attending, but on those members available to attend. Those members of the EAC who attend any emergency meeting of the EAC constitute a quorum for that meeting.
10. The EAC may meet on less than 24 hours' notice. Where meetings in person are not feasible, the EAC may convene by electronic means of communication.
11. The EAC 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 EAC deems advisable in respect of them, including without limitation:
- (a) reviewing the CEMP and related plans and programs and any proposed revisions to the CEMP or related plans and programs, on a regular basis;
 - (b) advising the Council on the status of the CEMP and related plans and programs and the on the state of emergency preparedness in the City, 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 DEM, and presenting the business plan and budget to the Council; and
 - (e) provide guidance and direction to the EMA.
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12. During a Disaster or Emergency, the EAC is authorized by Council to:
 - (a) receive updates regarding the disaster or emergency from the Agency;
 - (b) in accordance with the Act and this Bylaw, declare, renew and terminate the SOLE, when appropriate; and
 - (c) perform any additional powers or duties as described in the Act that have been assigned to it by Council.

13. In a disaster or emergency, where the EAC is not able to meet in the timeline as required by the given situation, the powers of the EAC may be exercised by:
 - (a) the Mayor and one Councillor;
 - (b) if the Mayor is unavailable the Deputy Mayor and one Councillor;
 - (c) if the Mayor and Deputy Mayor are unavailable by any two (2) Councillors; or
 - (d) If the issue concerns the declaration of a State of Local Emergency (SOLE), refer to Section 33 of this bylaw.

14. The DEM may request that an emergency meeting of the EAC be convened when the DEM considers that a Disaster or Emergency exists or may exist in the City.

15. In carrying out its responsibilities under Section 6 of this bylaw the Committee may:
 - (a) invite regional stakeholders to attend Committee meetings 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; and
 - (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 City, including without limitation representatives of regional stakeholders.

EMERGENCY MANAGEMENT AGENCY

16. There is hereby established an Emergency Management Agency (EMA).

17. The EMA will act as the agent of Council to carry out all statutory powers and obligations of Council under the Act, except for those powers and duties delegated by this bylaw to the EAC.

18. The DEM shall be the Chair of the EMA.

19. In the absence of the DEM, a Deputy DEM, as appointed by Council, will act as the Chair of the EMA.

20. The EMA shall meet four times annually, once per quarter. Additional meetings may be called by the Chair.

21. Membership of the EMA consists of:
 - (a) the DEM
 - (b) the Deputy DEM(s)
 - (c) the Manager of Protective Services / Fire Chief
 - (d) the Senior Officer-in-Charge of the RCMP detachment in Cold Lake or his designate
 - (e) representatives of the City's senior leadership team appointed by the CAO; and
 - (f) designated employees from the following departments, divisions and business units:
 - i. Engineering Services
 - ii. Environmental Services
 - iii. Family and Community Support Services
 - iv. Finance
 - v. Information Technology
 - vi. Marketing and Communications
 - vii. Parks and Recreation
 - viii. Protective Services
 - ix. Transportation Services

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22. In addition to the members appointed to the EMA under section 21, the DEM may invite other external organizations to nominate representatives to serve as advisory members of the EMA, including:
- (a) Alberta Emergency Management Agency;
 - (b) Department of National Defence (4 Wing);
 - (c) utility companies;
 - (d) health agencies;
 - (e) service organizations; and
 - (f) any other agency or organization that, in the opinion of the DEM, may assist in the implementation of the CEMP.
23. The EMA shall act as agent of the Council in exercising the Council's duties to prepare Emergency plans and to cause any Emergency plan or program to be put into operation. Where the Council has delegated such duties to the DEM under this bylaw, the EMA shall generally support and provide, assistance and guidance to the DEM in the development, implementation and coordination of emergency management plans and programs, including without limitation at the DEM's request:
- (a) assisting in the development and ongoing review of the CEMP and any other documents that relate to or support the CEMP including administrative directives, strategic plans, budgets, business plans and business continuity plans;
 - (b) use a command, control, and coordination system as prescribed by the Managing Director of the Alberta Emergency Management Agency;
 - (c) cause the CEMP and related plans and programs to be activated when required;
 - (d) the conduct of appropriate training to facilitate the effective operation of the Municipal Emergency Coordination Centre (MECC) or Incident Command Post (ICP);
 - (e) engage in mandatory exercises as required by the Act;
 - (f) assist in developing recommendations for policies and programs, and requests to the CAO or Council for resources or budget approvals;
 - (g) during and following the response phase of an Emergency, assist with coordinating or facilitating communications, implementing business continuity plans, and supporting recovery planning;
 - (h) providing support and assistance to the EAC;
 - (i) meet with external stakeholder groups during any phase of Emergency Management;
 - (j) administer the local authority's emergency management program; and
 - (k) report to the EAC a minimum of annually to provide an update on EMA activities and the CEMP.
24. The scope of the EMA does not extend to exercising any power or duty described in clauses 24(1)(b) and 24(1)(c) of the Act.

DIRECTOR OF EMERGENCY MANAGEMENT

25. There is established the position of Director of Emergency Management (DEM) for the City having the status of a designated officer reporting directly to the CAO.
26. The DEM 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.
27. The DEM has the following duties, functions and powers:
- (a) develop and present to the CAO for approval a CEMP that deals comprehensively with all phases of Emergency Management;
 - (b) develop an annual business plan and budget for Emergency Management, for presentation to the EAC and to the Council;
 - (c) submit an annual report to the EAC on the status of emergency management plans and programs including an annual assessment of the City's state of emergency preparedness;
 - (d) recommend to the CAO such policies, programs and budgets as the DEM considers necessary or desirable for effective implementation of the CEMP;
 - (e) advise the CAO and the EAC when the DEM considers that a SOLE should be declared, and to what part of the City the SOLE should apply;
 - (f) advise the CAO and the EAC when in the opinion of the DEM a SOLE should be renewed or terminated;
 - (g) establish and act as Director of the MECC during activation, or ensure that someone is designated under the CEMP to so act, on behalf of the EMA;

- (h) give direction that the aspects of the CEMP that pertain to the response phase of an Emergency be put into operation;
 - (i) appoint the Incident Commander, if required; and
 - (j) perform any other functions and duties as prescribed by Council
28. The DEM is authorized to delegate and authorize further delegations of any powers, duties and functions delegated to the DEM under this Bylaw.

ROLE OF THE CHIEF ADMINISTRATIVE OFFICER IN EMERGENCY MANAGEMENT

29. The CAO:
- (a) shall recommend to council suitable candidate(s) for appointment as DEM;
 - (b) shall recommend to council suitable candidate(s) for appointment of one or more Deputy DEMs and specify the duties of the Deputy Director position; and
 - (c) in consultation with the DEM appoint representatives of the City's senior leadership team to the Agency to support the Agency's duties and functions.
30. In consultation with the DEM the CAO shall review:
- (a) the CEMP; and
 - (b) such administrative directives, business continuity plans and other supporting documents as the CAO deems advisable to support the CEMP.
31. Upon the advice of the DEM the CAO shall present to EAC or to Council for consideration such policies, programs and budgets as the CAO deems advisable for adoption by the Council, to implement the CEMP.
32. Upon the occurrence of an Emergency and during the response phase of the Emergency the CAO shall:
- (a) after consulting with the DEM, advise the EAC, if available, or the Mayor, Deputy Mayor or Acting Mayor whether a SOLE should be declared and if so to what part of the City the (SOLE) should apply;
 - (b) after consulting with the DEM decide whether and to what level to activate the MECC;
 - (c) after consulting with the DEM decide whether to escalate or de-escalate the level of activation of the MECC in response to events as they unfold;
 - (d) cause business continuity plans to be put into operation;
 - (e) 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;
 - (f) co-ordinate flows of information, or ensure that someone designated co-ordinates information, to Council and to other internal stakeholders who are not actively involved in Emergency response but have a need or a desire to be aware of the City's emergency response measures as they occur;

DECLARING, RENEWING AND TERMINATING STATE OF LOCAL EMERGENCY (SOLE)

33. The powers of Council to declare, terminate or renew a SOLE under the Act, are hereby delegated to the EAC. In an emergency, where the EAC is not able to meet in the timeline as required by the given situation then the following may declare, terminate or renew a SOLE under section 9 and 13 of this bylaw.
- (a) If the Mayor is available and not incapacitated by the Emergency, then the Mayor acting alone constitutes a quorum of the Committee for the purposes of declaring, terminating, or renewing a SOLE, or expanding or reducing the part of the City to which the SOLE applies;
 - (b) If the Mayor is unavailable or incapacitated, then for the purposes of declaring a SOLE, quorum of the Committee is established in accordance with section 9 of this Bylaw; and
34. The EAC may, at any time when it is satisfied that an emergency exists or may exist to all or any part of the City, by resolution, make a declaration of a SOLE, relating to all or part of the City.
35. When a SOLE is declared, the EAC shall:

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- (a) ensure that the declaration identifies the nature of the emergency and the area of the City in which it exists;
 - (b) immediately cause the details of the declaration to be published by such means of communication considered most likely to notify the population of the area affected;
 - (c) forward a copy of the declaration to the Minister forthwith; and
 - (d) advise all members of Council of the declared SOLE forthwith.
36. Subject to Section 12, when the EAC has declared a SOLE, the EMA may, for the duration of the SOLE, do all acts and take all necessary proceedings including the following:
- (a) cause the CEMP or any related plans or programs to be put into operation;
 - (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 City;
 - (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 City;
 - (f) cause the evacuation of persons and the removal of livestock and personal property from any area of the City 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 City for the duration of the SOLE;
 - (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 CEMP and related plans or programs, any power specified in paragraphs (b) through (j) in relation to any part of the City affected by a declaration of a SOLE.
37. No action lies against the City or a person acting under the Cities direction or authorization for anything done or omitted to be done in good faith while carrying out a power under the Act or the regulations during a SOLE.
38. 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. If under a SOLE, the above protection is derived from the Emergency Management Act – Part 3
39. When, in the opinion of the EAC an emergency no longer exists in relation to which a SOLE declaration was made, the EAC shall, by resolution, terminate the declaration.
40. A declaration of a SOLE is considered terminated and ceases to be of any force or effect when:
- (a) a resolution is passed under Section 39 (Section 23 of the Act);
 - (b) a period of seven (7) days has lapsed since it was declared, unless it is renewed by resolution;
 - (c) a period of ninety (90) days has lapsed if the reason for the declaration was a pandemic; and
 - (d) the Minister cancels the SOLE.
41. When a declaration of a SOLE has been terminated, the EAC 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.

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SEVERABILITY

42. Should any provisions of this bylaw become invalid, void, illegal or otherwise not enforceable, it shall be considered separate and severable from the bylaw and the remainder shall remain in force and be binding as though such provision had not been invalid.

ENACTMENT/ REPEAL

1. This Bylaw shall come into full force on the date of passage.
2. City of Cold Lake Bylaws 037-PL-98 (Emergency Management Bylaw), and bylaw 132-PL-02 (amendment to Emergency Management Bylaw) are hereby repealed.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 12th day of April, 2022, A.D., on motion by Councillor Parker.

**CARRIED
UNANIMOUSLY**



SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 26th day of April, 2022, A.D., on motion by Councillor Lefebvre.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 26th day of April, 2022, A.D., on motion by Councillor Vining.

**CARRIED
UNANIMOUSLY**

Executed this 14th day of July, 2022.

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER

