



BY-LAW NO. 005/2016
A BY-LAW OF THE FISHING LAKE METIS SETTLEMENT
IN THE PROVINCE OF ALBERTA
“Metis Settlement EMERGENCY MANAGEMENT BYLAW”

WHEREAS the Council of the Fishing Lake Metis Settlement is responsible for the direction and control of its emergency response and is required, under the *Emergency Management Act*, RSA 2000, c. E-6.8 (the “Act”), as amended from time to time, to appoint an Emergency Advisory Committee and to establish and maintain a Settlement 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 Act;

AND WHEREAS, pursuant to sections 42 and 49(2) & (3) of the *Metis Settlements Act*, RSA 2000, c. M-14, it is desirable in the public interest, and in the interest of public safety, that Council delegate certain powers and duties of Council under the Act to a further committee, the particulars of which as hereinafter set out.

NOW, THEREFORE, THE COUNCIL OF THE FISHING LAKE METIS SETTLEMENT,
DULY ASSEMBLED, ENACTS AS FOLLOWS:

FISHING LAKE METIS SETTLEMENT EMERGENCY MANAGEMENT BYLAW
005/2016

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1. This By-law may be cited as the Settlement Emergency Management By-law.

2. In this By-law,
 - (a) "Act" means the *Emergency Management Act*, RSA 2000, c. E-6.8;
 - (b) "Administrator" means the Settlement Administrator, as appointed from time to time, of the Fishing Lake Metis Settlement;
 - (c) "Agency" means the Settlement's emergency management agency created under this bylaw;
 - (d) "Council" means the Council of the Fishing Lake Metis Settlement;
 - (e) "Councillor" means a member of Council, including a settlement chair;
 - (f) "Committee" means the Settlement's emergency advisory committee established under this bylaw;
 - (g) "Director" means the director of the Emergency Management Agency;
 - (h) "Disaster" means an event that has resulted or may result in serious harm to the safety, health or welfare of people, or in widespread damage to property;
 - (i) "Emergency" means a present or imminent event that requires prompt co-ordination of action or special regulation of persons or property to protect the health, safety or welfare of people or to limit damage to property;
 - (j) "Local Emergency Committee" means the committee formed pursuant to section 10 of this By-law;
 - (k) "Minister" means the Minister charged with the administration of the Act;
 - (l) "RCMP" means the Royal Canadian Mounted Police;
 - (m) "Settlement" means the Fishing Lake Metis Settlement;
 - (n) "Settlement Emergency Plan" means the emergency plan prepared by the Director of Emergency Management to co-ordinate response to an emergency or disaster.

3. There is hereby established the Committee to advise Council on the development of a Settlement Emergency Plan.

4. There is hereby established the 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 11 of this By-law.

5. Council shall
 - (a) by resolution, appoint two Councillors and the Administrator to serve on the Committee;
 - (b) provide for the payment of expenses of the members of the Committee;
 - (c) by resolution, and on the recommendation of the Committee, appoint a Director;
 - (d) ensure that the Settlement Emergency Plan is prepared to address a potential Emergency or Disaster in the Settlement;
 - (e) approve the Settlement Emergency Plan; and
 - (f) review the status of the Settlement Emergency Plan, and related plans and programs, at least once each year.

6. Council may
 - (a) by By-law that is not advertised borrow, levy, appropriate and expend all sums required for the operation of the Agency;
 - (b) during or within 60 days after the state of local emergency, by by-law that is not advertised but is approved by the Minister responsible for the *Municipal Government Act*, borrow any money necessary to pay expenses caused by the emergency including payment for services provided by the Government of Alberta or by the Government of Canada when the services were provided at the request of Council;
 - (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 agreements and/or regional plans and programs; and
 - (d) on the recommendation of the Committee, appoint one or more Deputy Director(s) of Emergency Management who shall do those things required of the Director in that person's absence;

7. The Committee shall:
 - (a) review the Settlement Emergency Plan, and related programs and plans, on a regular basis; and
 - (b) advise Council, duly assembled, on the status of the Settlement Emergency Plan, and related programs and plans, at least once each year.
 - (c) review the performance of the Director in carrying out the position's duties and obligations, and inform Council of the Director's performance.
 - (d) advise Council regarding the appointment or termination of a Director as and when necessary.

8. The Agency shall be comprised of the Director and the following representatives or nominees, as the case may be:
 - (a) the Settlement Administrator
 - (b) the Police Chief or RCMP Detachment Commander;
 - (c) the Director of Emergency Services; and
 - (d) other persons, agencies or organizations invited, at the sole discretion of the Director to join as members of the Agency that, in the opinion of the Director, will assist in the preparation or implementation of the Settlement Emergency Plan, which may include, without limiting the generality of the foregoing, the following:
 - i. the Public Information Officer;
 - ii. the Public Works Director;
 - iii. the Community Consultation officer;
 - iv. the Community Services Director;
 - v. the Health and Safety Director/Advisor;
 - vi. a Settlement youth representative;
 - vii. a Settlement Seniors representative;
 - viii. the Public Health Nurse;
 - ix. the School Board Chairman or designate;
 - x. Region 10 Metis Settlements Child and Family Services Manager;
 - xi. Representative(s) from adjacent communities which have entered into mutual aid agreements;

- xii. Representative(s) from local business;
- xiii. Representative(s) from local industry or industrial associations];
- xiv. representative(s) from Alberta Municipal Affairs and Indigenous Relations and;
- xv. any other persons who might serve a useful purpose in the preparation or implementation of the Settlement Emergency Plan.

9. The Director shall:

- (a) prepare and co-ordinate the Settlement Emergency Plan and related plans for the Settlement.
- (b) act as director of emergency operations, or ensure that someone is designated under the Settlement Emergency Plan to so act, on behalf of the Agency.
- (c) authorize and co-ordinate all emergency services and other resources required during an Emergency; or
- (d) delegate duties and tasks as necessary to ensure conformance with paragraphs (a), (b), and (c).

10. The power to make a declaration of a state of local emergency in accordance with section 21 of the Act is hereby delegated to a committee to be known as the "Emergency Committee." The members of and calling of an emergency meeting of the Emergency Committee, and the rules and procedures of the emergency meeting shall be as follows:

- (a) All Councillors are members of the Emergency Committee.
- (b) The Administrator may call an emergency meeting of the Emergency Committee when a Councillor, the Director, or Administrator, considers that an Emergency or Disaster exists in the Settlement.
- (c) The Administrator shall give notice of the meeting by such means of communication considered to be most likely to notify the Councillors.
- (d) The members of the Emergency Committee in attendance at any particular time during a meeting of the Emergency Committee constitute a quorum.

- (e) At such meeting, the Emergency 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.
11. When a state of local emergency is declared, the Emergency Committee shall:
- (a) ensure that the declaration identifies the nature of the Emergency and the area of the Settlement 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 forthwith.
12. Subject to Section 14 of this By-law, when a state of local emergency is declared, the Local Emergency Committee may do all acts and take all necessary proceedings including the following:
- (a) cause the Settlement Emergency Plan 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 he or she is qualified to provide;
 - (d) control or prohibit travel to or from any area of the Settlement;
 - (e) 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 Settlement;
 - (f) cause the evacuation of persons and the removal of livestock and personal property from any area of the Settlement 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 a Settlement Emergency Plan;
 - (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 Settlement for the duration of the state of 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 Settlement Emergency Plan and related plans or programs, any power specified in Paragraphs (b) through (j) in relation to any part of the Settlement affected by a declaration of a state of local emergency.

13. When a state of local emergency is declared, no action lies against:

- (a) Council or Councillors;
- (b) the Committee;
- (c) the Local Emergency Committee;
- (d) the Agency; or
- (e) Persons acting under the direction or authority of the Local Emergency Committee to carry out measures relating to the Settlement Emergency Plan, an Emergency or a Disaster

for anything done or omitted to be done in good faith while carrying out a power or duty under this By-law and the Act, nor are they subject to any proceedings by prohibition, certiorari, mandamus or injunction.

14. When, in the opinion of the Emergency Committee, a state of local emergency no longer exists in relation to which the declaration was made, the Local Emergency Committee shall, by resolution, terminate the declaration.

15. 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 14;
- (b) a period of seven 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.

16. When a declaration of a state of local emergency has been terminated, the Emergency Committee 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.

18. Bylaw No. **FLMS 940058** passed on May 9, 1994 dealing with Disaster Services is hereby rescinded.

This Bylaw comes into force on the day it is finally passed.

READ a first time this 1st day of March, 2016 at a Regular Council meeting at which 4 Council members were present and voted as follows:

4 For; 0 Against; 0 Abstained.

READ a second time this 15th day of March, 2016 at a Regular Council meeting at which 4 Council members were present and voted as follows:

4 For; 0 Against; 0 Abstained.

APPROVED to post for membership this 15th day of January, 2016 at a Regular Council Meeting in Fishing Lake Metis Settlement Office at which 4 Council members were present and voted as follows;

4 For; 0 Against; 0 Abstained.

APPROVED pursuant to section 55 of the Metis Settlements Act, at a Settlement public meeting this 18th of May, 2016 at which 22 members were present and voted as follows:

16 For; 0 Against; 6 Abstained.

READ a third time this 7th day of June, 2016 at a Council meeting at which 5 members were present and voted as follows:

5 For; 0 Against; 0 Abstained.

Effective Date: June 7th, 2016

Fishing Lake Metis Settlement Representative:



FLMS ADMINISTRATOR

{SEAL}

