



# Municipality of the County of Kings

## Request for Decision

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<b>TO</b>	Committee of the Whole
<b>PREPARED BY</b>	Scott Conrod, Chief Administrative Officer
<b>MEETING DATE</b>	June 15, 2021
<b>SUBJECT</b>	Draft Emergency Management By-law #110

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### **ORIGIN**

- First introduction

### **RECOMMENDATION**

That Committee of the Whole recommend Municipal Council give First Reading to adopt the Emergency Management By-law, By-law 110, as attached to the June 15, 2021 Committee of the Whole agenda.

### **INTENT**

For the Committee to consider adoption of the appended Emergency Management By-law.

### **DISCUSSION**

The purpose of this Recommendation Report is to provide information regarding the *Emergency Management Act*, S.N.S. 1990, c. 8 (EMA) with respect to enabling of by-laws and Intermunicipal Service Agreements (IMSAs) as permitted under s. 60 *Municipal Government Act* (MGA), and their purpose and utility in emergency management operations.

Not unlike Municipal Council's adoption of separate but companion solid waste by-laws among the Parties to the Valley Waste IMSA, and similar to the MGA, if a regional emergency management system is contemplated, the EMA requires municipalities to enact separate emergency management by-laws. The appended draft is intended to be customized for use by each of the party municipal units to a forthcoming REMO (updated) IMSA.

The current statutory structure renders possible development of collective emergency planning and response as a region, while still requiring individual municipal units to declare a local state of emergency.

The powers and duties of municipalities with respect to emergency management are detailed in section 10 EMA. The establishment of a municipal by-law is authorized pursuant to this section, and its purpose is to authorize the legislating municipality to set out their emergency management procedure. In the annexed draft, a state of local emergency can be declared by Council, or the Mayor in the stead of Council.

You will see a direct comparison exists between provisions of the by-law and the EMA. The By-law permits, among other items, the Coordinator to direct municipal staff that have a role in emergencies to perform duties as set out in Emergency Management Plans.

A Regional Emergency Management Organization (REMO) is authorized per subsection 10(1)(b) EMA. To operationalize the regional structure, the draft by-law permits the applicable municipality to contract into an IMSA.

An IMSA, enabled through the by-law, will in turn permit a Regional rather than Municipal Emergency Advisory Committee to act, as well as a Regional Emergency Management Planning Committee and Coordinator.



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The IMSA Working Group<sup>1</sup> is in the midst of reviewing an updated REMO IMSA. The Working Group as of date is still considering updated governance structures that may or may not relate to stand alone or multiple shared services. Regardless of the governance structure, REMO will require updated by-laws by the municipal parties wishing to maintain a shared regional delivery. For this reason, the applicable members of the Working Group have recommended to their respective councils the adoption of companion by-laws (the attached being one of those proposed by-laws).

### **FINANCIAL IMPLICATIONS**

- No anticipated direct financial implications

### **STRATEGIC PLAN ALIGNMENT**

Check Applicable	Strategic Priority	Description
	Vision Statement	
✓	Good Governance	
	Environmental Stewardship	
	Economic Development	
	Strong Communities	
	Financial Sustainability	
	Supports a Strategic Project	
	Supports a Core Program Enhancement	
	Not Applicable	

### **ALTERNATIVES**

- Committee may choose to return the draft By-law to staff for amendments.

### **IMPLEMENTATION**

- Reading, notice, and publication requirements (the adoption process) related to by-laws are detailed within Part VII MGA.
- Minimum fourteen days' notice issued prior to second reading (no substantive changes can be made between first and second readings).
- Publication requirements (a by-law has the force of law only after the above and a notice is published in a newspaper that circulates in the Municipality).
- Post adopted By-law to Municipal website.

### **ENGAGEMENT**

- The minimum fourteen days' notice prior to second reading provides an opportunity for public comment prior to adoption.

### **APPENDICES**

- Appendix A: Emergency Management By-law - By-law 110 (Draft)

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<sup>1</sup> The Working Group is comprised of elected and administrative staff of the parties to the various IMSAs presently in existence in the Annapolis Valley. The Group has been charged to consider updated approaches, agreement content, and to file recommendations in that regard.

# MUNICIPALITY OF THE COUNTY OF KINGS

**For By-Law information contact the Municipal Clerk**

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## BY-LAW #110

### EMERGENCY MANAGEMENT BY-LAW

The Council of the Municipality of the County of Kings pursuant to section 10(1)(a) Emergency Management Act, S.N.S. 1990, c.8, enacts as follows:

#### SHORT TITLE

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

#### INTERPRETATION

2. In this By-law,
  - (a) **Act** means the Emergency Management Act, S.N.S. 1990, c.8;
  - (b) **Agreement** means an Agreement entered into pursuant to section 10(1)(c) of the Act, and section 60 of the *Municipal Government Act* among the Municipality of the County of Kings and the Towns of Kentville, Wolfville and Berwick;
  - (c) **CAO** means Chief Administrative Officer of the Municipality of the County of Kings in accordance with the MGA;
  - (d) **Council** means the Council of the Municipality of the County of Kings;
  - (e) **Councillor** means a member of the Municipality of the County of Kings Council;
  - (f) **Emergency** means a present or imminent event in respect of which the Minister or a municipality, as the case may be, believes prompt co-ordination of action or regulation of persons or property must be undertaken to protect property or the health, safety or welfare of people in the Province;
  - (g) **Mayor** means the Mayor of the Municipality of the County of Kings;
  - (h) **MGA** means the *Municipal Government Act*, S.N.S., 1998 c.18, as amended;
  - (i) **Municipality of the County of Kings** means the Municipality of the County of Kings;
  - (j) **Emergency Management Advisory Committee** means the Advisory Committee established pursuant to s. 10(1)(d) of the Act;
  - (k) **Emergency Management Coordinator** means the person appointed by Council to coordinate plans and responses related to an Emergency;
  - (l) **Emergency Management Organization** means the organization required pursuant to s. 10(1)(b) of the Act;

- (m) **Emergency Management Planning Committee** means a committee comprising public sector staff and not-for-profit personnel with a mandate to assist the Emergency Management Coordinator and the Emergency Management Advisory Committee;
- (n) **Emergency Management Plans** means plans, programs or procedures prepared by the Emergency Management Organization that are intended to mitigate the effects of an emergency or a disaster and to provide for the safety, health or welfare of the civil population and the protection of property in the event of such an occurrence, as set out in clause 2(d) of the Act; and
- (o) **State of Local Emergency** means a state of local emergency declared by the Municipality of the County of Kings pursuant to the Act and enabled regulations, and this By-law.

### DECLARING A STATE OF LOCAL EMERGENCY

- 3. In accordance with the Act, Council may declare a State of Local Emergency when satisfied that an Emergency exists or may exist in all or any area of the Municipality of the County of Kings.
- 4. If Council is unable to act promptly per section 15 of the Act, the Mayor may declare a State of Local Emergency.

### LOCAL AND REGIONAL EMERGENCY MANAGEMENT

- 5. In accordance with s. 10 of the Act and with this By-law, the Municipality of the County of Kings may enter into an Agreement with the [Towns of Berwick, Kentville and Wolfville] to form a Regional Emergency Management Organization (REMO). With an Agreement in effect, a Regional Emergency Advisory Committee shall act in the stead of the Municipality of the County of Kings's Emergency Advisory Committee. Similarly, a Regional Emergency Management Planning Committee and a Regional Emergency Management Coordinator will act in place of a Municipal Committee and Coordinator.
- 6. An Emergency may be declared a State of Local Emergency by the Council or by the Mayor in accordance with the Act regardless of whether the State of Local Emergency is exclusive to the Municipality of the County of Kings.
- 7. The Chief Administrative Officer shall appoint a [municipal] staff member to serve as a [municipal] liaison to the Regional Emergency Management Planning Committee.
- 8. Once the State of Local Emergency is declared, and when the declared State of Local Emergency involves two or more of the parties to an Agreement, the Mayor shall authorize REMO to act in their stead during the declared State of Local Emergency per subsection 15(1)(b) of the Act.
- 9. When there is an Agreement in effect, and when the declared State of Local Emergency is exclusive to the Municipality of the County of Kings, the Mayor shall authorize REMO to act in their stead during the declared State of Local Emergency per subsection 15(1)(b) of the Act.

10. Cost-recovery policy under REMO shall be detailed in the Agreement.

### **REGIONAL EMERGENCY MANAGEMENT ORGANIZATION AGREEMENT**

11. The Council hereby authorizes the establishment of a REMO pursuant to an Agreement per section 10 of the Act.
12. Without limitation, an Agreement shall contain provisions respecting:
- (a) the composition and role of a Regional Emergency Advisory Committee;
  - (b) the terms of engagement and responsibilities of a Regional Emergency Management Coordinator; and
  - (c) the composition and role of a Regional Emergency Management Planning Committee.

### **DUTIES DURING AN EMERGENCY**

13. Following the activation of any Emergency Plan or a declaration of a State of Local Emergency:
- (a) Every Councillor shall advise the Mayor as to their location and how they may be contacted;
  - (a) Every employee and agent of the Municipality of the County of Kings who has a role in such emergencies as assigned in the Emergency Management Plans, shall:
    - i. Advise the Emergency Management Coordinator or the Regional Emergency Management Coordinator, as the case may be, of their location and how they may be contacted; and
    - ii. Fulfill such duties as may be prescribed by the Emergency Management Coordinator or the Regional Emergency Management Coordinator, as the case may be.

### **REPEAL**

14. Municipality of the County of Kings By-laws 61 (Emergency Measures) and 89 (Regional Emergency Management) are repealed and replaced by this By-law.

By-law Adoption					
First Reading	Notice of Second Reading	Second Reading	Notice of Passing	Certified Copy to Minister	Approval/ Acknowledgement by Minister

By-law Amendments					
First Reading	Notice of Second Reading	Second Reading	Notice of Passing	Certified Copy to Minister	Approval/ Acknowledgement by Minister