

# Report Back

## Alberta Emergency Management Framework Review

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Stakeholder Engagement June 2018

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Municipal Affairs, Government of Alberta  
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Alberta Emergency Management Framework Review: Report Back

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# Executive Summary

Bill 8, the *Emergency Management Amendment Act, 2018*, was introduced in the Legislature in April 2018 with the following changes proposed to the *Emergency Management Act (EMA)*:

- Clarify evacuation order provisions and liability protection for first responders;
- Create authority to establish a regulation governing local authority emergency management;
- Clarify municipal and provincial roles and responsibilities;
- Clarify arbitration provisions;
- Update definitions;
- Clarify the delegation of authority during states of emergency and delegation to council committees; and
- Implement clarifying technical amendments.

The proposed Local Authority Emergency Management Regulation (LEMR) will include requirements related to:

- Emergency advisory committees;
- Emergency management agencies;
- Mechanisms to support regional collaboration;
- Training requirements for elected officials and administration;
- Emergency management plans; and
- Emergency management exercises.

Bill 8 only received first reading, and further debate was held over until the fall session of the Legislature to allow time for stakeholder engagement. Stakeholder engagement was conducted in June 2018 to gather input from municipal emergency management stakeholders including elected officials, senior municipal administration, directors of emergency management, and law enforcement. Engagement was conducted to ensure the final legislation and regulation are sustainable for both the province and communities.

Stakeholders were invited to provide input on the proposed amendments to the *EMA* and the proposed *LEMR* both in person and through a written discussion guide. Engagement sessions were held in Grande Prairie, Edmonton, Calgary, Lethbridge, and St. Paul.

Stakeholders from 92 municipalities and five organizations (police services, municipal organizations, Government of Alberta departments, and regional emergency management partnerships) attended in-person engagement sessions. Discussion guides and written responses were received from 32 municipalities and four organizations (policing services, regional emergency management partnerships, Parks Canada, and a municipal organization).

This report back document summarizes the input received and highlights points of consensus and divergence. The input will be used to inform debate on Bill 8 and develop the LEMR. Any feedback more appropriately managed through a different avenue will be considered where appropriate.

# Evacuation Orders

## CURRENT

During a provincially declared state of emergency or a state of local emergency, the Minister of Municipal Affairs or a local authority may use extraordinary powers provided under the *EMA*. This includes the power to evacuate people from areas affected by a disaster. This can be difficult to implement and enforce when people refuse to leave areas under an evacuation order.

## Proposed Amendments in Bill 8

- Clearly state that failing to leave when an evacuation order is made is an offence under the *EMA* and those that ignore evacuation orders may be subject to a fine and/or prison time.
- Clearly set out that local authorities, and those acting under their direction (including first responders), are not liable for actions taken, or not taken, in good faith while enforcing evacuation orders.

## Summary of Feedback

Most stakeholders were supportive of clarifying existing evacuation order and liability provisions.

Stakeholders highlighted the difficult decisions that need to be made during an evacuation, the complications caused when individuals do not evacuate when ordered, and the risks first responders are exposed to when they have to return to rescue people who refuse to leave. Stakeholders consistently identified the need to educate the public in advance of disasters on what to expect during an evacuation, why evacuations are ordered, the risk to the public, and the risk to first responders when members of the public fail to evacuate. Stakeholders also highlighted the need for a clear process for making and communicating evacuation orders.

Most stakeholders agreed with the balance struck by clarifying that people are required to leave when evacuations are ordered, but not adding additional powers to forcibly remove people who fail to leave. A small number of stakeholders expressed a desire to see clear authority to remove individuals who refuse to leave when an evacuation is ordered and expressed concerns that the threat of fines would not be enough to encourage all individuals to leave. Some municipalities expressed a desire to have the option to provide exemptions to evacuation orders when they deem it appropriate – for example, allowing a rancher to remain behind to care for their livestock.

Many stakeholders supported the proposed offence provisions for non-compliance with evacuation orders and felt this may encourage compliance. However, some stakeholders did not think fines and jail time would increase compliance. Many stakeholders raised and/or supported cost-recovery for municipalities who incur costs to rescue those who choose not to leave when ordered. Many stakeholders viewed this option as a preferable mechanism to encourage compliance with evacuation orders, as opposed to fines or imprisonment.

Some stakeholders expressed concern that the evidence and resources required to successfully charge someone under the *EMA* may be prohibitive. Some municipalities indicated they would want to participate in the decision to charge someone under the *EMA* and exercise discretion in making this decision. Others said charges should be mandatory in any case of someone ignoring an evacuation order.

## Other Questions Raised

Many stakeholders raised concerns about vulnerable populations during evacuations. Powers for law enforcement to remove children and dependent adults at risk already exist in other legislation and can address these concerns. The need to ensure vulnerable populations are able to evacuate highlights the importance of emergency management planning.

Stakeholders also raised concerns about what type of first responder would be captured by the liability protections. What is proposed in Bill 8 captures a broad scope by providing protection for local authorities and persons acting under the local authority's direction or authorization.

Some stakeholders indicated they would like to have the power to order residents to shelter in place included in the *EMA*, in addition to the power to order an evacuation.

Many stakeholders raised questions related to the operationalization of evacuation orders, including questions about staged re-entry and ending evacuation orders. Municipalities are responsible for controlling an evacuation as part of their emergency operations during a state of local emergency. To assist communities with developing their own evacuation plans, the Alberta Emergency Management Agency (AEMA) has developed the [Community Evacuation Guidelines and Planning Considerations](#) and the [Community Planning Guide for Re-Entry after an Evacuation](#) which provide a series of planning considerations and guidelines.

# Emergency Advisory Committees

## CURRENT

Local authorities are required under the *EMA* to have an emergency advisory committee consisting of a member or members of council.

## Requirements in the LEMR Discussed in Consultation

- The emergency advisory committee must be established by bylaw so its role in the community's emergency management program is clearly laid out and publicly available.
- Establish a minimum meeting frequency requirement.
- The bylaw creating the emergency advisory committee must:
  - State the functional purpose of the emergency advisory committee both during and outside of emergencies;
  - Establish that the emergency advisory committee provides guidance and direction to the emergency management agency;
  - Establish procedures that relate to the declaration of a state of local emergency;
  - Name the committee membership and chair by position title; and
  - Outline emergency advisory committee quorum and procedure requirements, unless quorum and procedure requirements are set out in another bylaw.

## Summary of Feedback

Most stakeholders were supportive of the proposed requirements for emergency advisory committees. The vast majority indicated their current policies and practices already align with, or exceed, the requirements.

There were concerns that the LEMR would prescribe a specific frequency of emergency advisory committee meetings. Once it was clarified that municipalities would set their own required meeting frequency of no less than once per year in their bylaw, stakeholders were comfortable with the proposed requirement. When asked what they believe is a fair minimum meeting requirement, Discussion Guide answers ranged from once a month to as needed, with most answering at least once per year.

Concerns were raised that it seemed that the proposed roles and responsibilities for the emergency advisory committee were limited to the response phase of emergency management, and that the emergency advisory committee description should reflect all phases of emergency management – prevention and mitigation, preparedness, response, and recovery.



## Other Questions Raised

Clarification was sought by stakeholders on the differences in roles and responsibilities between the emergency advisory committee and emergency management agency.

# Emergency Management Agencies

## CURRENT

Local authorities are required to have an emergency management agency to act as their agent in exercising their powers and duties under the *EMA* and a director of emergency management who is responsible for the agency. The director of emergency management is tasked with preparing and coordinating emergency plans and programs and acting as director of emergency operations.

## Requirements in the LEMR Discussed in Consultation

- The emergency management agency will be responsible for:
  - The coordination of emergency services during an emergency; and
  - The development and review of emergency management plans.
- The emergency management agency must be established by bylaw.
- The bylaw creating the emergency management agency must:
  - Include the responsibilities of the agency;
  - Indicate that a director of emergency management must be appointed to lead the agency; and
  - Indicate that the emergency management agency is responsible for the administration of the local authority's emergency management program.
- The emergency management agency shall report to the emergency advisory committee on a regular basis to provide updates on agency activities.
- Emergency management agencies must use the Incident Command System (ICS), including implementing all ICS Canada principles and training standards before and during their emergency response efforts, and in their emergency operation centres or emergency coordination centres.

## Summary of Feedback

Most stakeholders agreed with proposed requirements for emergency management agencies, including greater clarity on their roles and responsibilities.

Concerns were raised around the requirement to use ICS. While most communities indicated they are using, or in the process of implementing, ICS, questions were raised about how compliance and non-compliance will be defined and determined in the regulation. One stakeholder mentioned

that if full use of ICS is required, the province should develop a guide on how to implement, maintain, and use ICS in a municipal setting.

There was greater acceptance of requiring use of the ICS principles and common terminology, rather than a full ICS structure, in municipal emergency operation centres or emergency coordination centres. A number of stakeholders noted that while the system works well in the field, challenges exist in implementing ICS in emergency operation centres and emergency coordination centres.

Stakeholders indicated a lack of clarity in the *EMA* regarding the ability to delegate council authorities, particularly the declaration of a state of local emergency, to non-elected officials.

As with emergency advisory committees, concerns were raised that the proposed roles and responsibilities for agencies were limited to response type activities, and that the description should reflect all pillars of emergency management – prevention and mitigation, preparedness, response, and recovery. Some stakeholders also stated business continuity planning should be incorporated into emergency management agency responsibilities.

Several stakeholders noted an absence of enforcement mechanisms to ensure compliance with the regulation and inquired what those may be.

Representatives from smaller communities identified that small municipalities who rely heavily on councillors and volunteers may need a greater amount of support from the province to be in compliance with the regulation, as proposed.

## Other Questions Raised

When discussing emergency management agencies, stakeholders raised questions related to training, regional collaboration, and emergency management plans and exercises. Those questions have been reflected in the summaries of the applicable sections.

# Mechanisms to Support Regional Collaboration

## CURRENT

There are several mechanisms available to local authorities who wish to pursue regional collaboration for emergency management. These options include creating a regional services commission, creating a joint emergency management agency and/or committee, and allowing summer villages to delegate authorities and duties to another municipality.

## Requirements in the LEMR Discussed in Consultation

- Joint committees shall be created through bylaws enacted by each partner community.
- When summer villages delegate their responsibilities under the Act to another local authority, the local authority accepting the delegation of the summer village may delegate the powers to a council committee.

## Summary of Feedback

Most stakeholders were supportive of the regional collaboration options provided in the *EMA* and appreciate that they are pursued at the request of participating communities, rather than at the direction of the provincial government.

The overwhelming majority of municipalities indicated they already have mutual aid agreements, with most being emergency services agreements and some being emergency management agreements.

Some stakeholders were concerned by a lack of clarity in the *EMA* on how to address delegation of authorities in regional collaboration agreements, particularly when exercising the extraordinary powers granted under the declaration of a state of local emergency.

The most common barriers to regional collaboration identified at in-person engagement sessions and in the Discussion Guide were a lack of funding and staff time to pursue agreements, and lack of buy-in by neighbouring communities.

Concerns were raised about the length of time required for developing regional emergency advisory committee agreements and required Government of Alberta approval of regional service commissions and joint committees.

## Other Questions Raised

Although support exists for existing regional collaboration options, some stakeholders indicated they lacked knowledge about regional collaboration options for emergency management at the agency level. Several stakeholders indicated that emergency management should be included as one of subjects for Intermunicipal Collaboration Frameworks.

# Training Requirements for Elected Officials and Administration

## CURRENT

There are no current emergency management training requirements for elected officials and administration. However, AEMA offers emergency management courses designed for elected officials and administration.

## Requirements in the LEMR Discussed in Consultation

- Elected officials will be required to complete the following courses currently offered by AEMA:
  - Basic Emergency Management;
  - ICS 100, as a minimum; and
  - The Municipal Elected Officials Course.
  - Identified training must be completed within 90 days of the elected official taking their official oath, including after re-election.
- Directors of emergency management will be required to complete the following courses currently offered by AEMA:
  - Basic Emergency Management;
  - ICS 100, 200, and 300; and
  - The Director of Emergency Management course, of which ICS 200 is a prerequisite.
  - Identified training must be completed within 18 months of being appointed as director of emergency management.
- Municipal employees who work in emergency management and have been identified for roles in their community's emergency operations/coordination centre will be required to complete the following courses currently offered by AEMA:
  - Basic Emergency Management; and
  - ICS 100.
  - Identified training must be completed within six months of being selected for this role.

## Summary of Feedback

Most stakeholders supported requiring emergency management training and indicated that emergency management training is supported in their community. Some stakeholders stated that

elected officials already holding office should have their training requirements waived. Others suggested allowing course equivalencies so municipalities can use internal training resources to best meet the unique training needs of their communities. A minority stated that training requirements should include refresher courses on a defined schedule.

Time and workload constraints were the most common reported barriers to training, followed by funding limitations and lack of prioritization or perceived low importance. A minority of stakeholders suggested training requirements should be scaled based on the size of municipalities and the perceived risks for the municipality and region.

The following sections outline the feedback received for proposed minimum training requirements for the three roles.

### Elected Officials

Most stakeholders were supportive of the requirement for elected officials to take Basic Emergency Management and the Municipal Elected Officials Course. Some suggested these two courses should be combined into one course to eliminate curriculum overlap and decrease the burden on elected officials.

Stakeholders were split on whether elected officials should be required to take ICS 100. Stakeholders in support of the ICS 100 requirement said it would improve communication between elected officials and staff, and help elected officials to better understand their community's emergency management system. It was consistently raised that ICS is focused on operations and is not directly applicable to the role of elected officials. There were concerns that this training may result in elected officials becoming involved with emergency operations beyond the scope of their role as elected officials. In contrast, some stakeholders stated that in small communities, having elected officials trained in ICS would increase their preparedness since they would be able to work in an operational capacity, if required.

Stakeholder feedback was mixed on the 90-day deadline to complete training. While some indicated the 90 days was not enough time, especially for three courses, others thought the proposed timeline would help ensure elected officials were prepared for their emergency management responsibilities as soon as possible. Stakeholders who supported extending the deadline indicated elected officials already face extensive training obligations at the beginning of their term. These stakeholders felt the 90-day deadline would add to an already significant burden and decrease retention of information. Most of these stakeholders suggested six months as a more achievable timeline. Some stakeholders recommended that emergency management be included in the orientation training municipalities are required to offer their elected officials under the *Municipal Government Act*.

### Directors of Emergency Management

Most stakeholders supported the proposed training requirements for directors of emergency management (DEMs).

There was no clear consensus on the amount of time DEMs should be given to complete the required training. Although many agreed with the proposed timeline, proposed alternatives ranged from before hiring to two years. Some stakeholders proposed removing the requirement to wait six months between ICS courses to reduce the timeline for training.

Some stakeholders indicated the training requirements proposed were not sufficient and suggested additional courses. These included ICS 400, an Emergency Operations/Coordination Centre course, Emergency Social Services training, Information Officer training, the Municipal Elected Officials course, Exercise Design, Emergency Plan Orientation, and other specific ICS position training.

### Municipal Employees Who Work in Emergency Management

Most stakeholders supported the proposed training requirements for municipal employees. About half indicated these employees should also be required to take ICS 200. A number of stakeholders proposed additional position-specific training. A small number of stakeholders stated mandatory exercise participation should also be part of the training requirements for municipal staff.

There was no clear consensus on the amount of time municipal employees should be given to complete training requirements. About half of stakeholders agreed with the proposed timeline. Other recommendations ranged from four days to two years.

## Other Questions Raised

Stakeholders suggested a wide range of additional training topics in each category are needed to appropriately prepare elected officials, DEMs, and staff for their roles. These included:

Emergency Social Services, Exercise Design, Business Continuity, additional ICS training (400, etc.), ICS Train-the-Trainer, Scribing, All-Hazards Incident training, Plan Orientation, Group Lodging, First Aid, Coping with Stress in the Emergency Operations/Coordination Centre, Unified Command Operations training for DEMs, Public Information/Media Training, Information Officer training, Information and Intelligence Management, Alberta Emergency Alert training, Role of Elected Officials During an Emergency, Evacuations, and Regionalized Response Structures.



# Emergency Management Plans

## CURRENT

Under the *EMA*, local authorities are required to have an emergency management plan in place, but there is no requirement as to what a plan must contain nor is there a requirement to update or exercise that plan.

## Requirements in the LEMR Discussed in Consultation

- Local authorities will submit plans to AEMA for review and comment annually.
- Plans must address:
  - Overview of emergency management program administration, implementation, and evaluation;
  - Program exercises and mechanisms to implement lessons learned from exercises and responses to actual emergencies and disasters;
  - Training plan for emergency management staff;
  - Hazard and risk assessment;
  - Preparedness, response, and recovery;
  - Organizational structure and a staff contact list;
  - Training, communications, and alerting/public notification;
  - Emergency social services; and
  - Management of the emergency plan, including maintenance and regular review.
- Local authorities will have one year to bring their emergency management plans into compliance with the regulation.

## Summary of Feedback

When stakeholders were asked how often their communities review and update their emergency management plans, the answers varied widely.

Staffing and time constraints were common explanations for infrequent plan review. Municipalities did, however, recognize the importance of plan update and review, and the consensus from most was that requiring plan review and update annually is appropriate. Other suggested frequencies for review included every two years, three years, five years, and review after major events and exercises.

Suggested involvement for AEMA in plan development and review ranged from providing input as a stakeholder to approving and auditing plans. Most indicated AEMA should play an advisory role which should include reviewing and commenting on plans, but not formally approving plans. A common concern was the impact AEMA's role in reviewing plans would have on the speed of plan review. The importance of ensuring AEMA has capacity to review plans in a timely manner was emphasized. A few stakeholders stated they were hesitant to share plans due to confidential information that may be part of the plan, such as staff contact lists.

Other suggestions included incorporating all pillars of emergency management (prevention and mitigation, preparedness, response, and recovery) in emergency management plans and programs, clarifying the requirement that the emergency management plan must address training plans for emergency management staff, and ensuring overlap and the potential for conflicts between emergency management plans and other municipal plans are identified and addressed.

Some stakeholders indicated they would like to see clarification of compliance mechanisms and the consequences of non-compliance with training requirements.

## Other Questions Raised

Many suggestions made by stakeholders recognized the importance of collaboration between jurisdictions. These included suggestions for non-legislative mechanisms to encourage collaboration on emergency management planning, including developing tools to share best practices, facilitating opportunities to explore collaboration between neighbouring communities, and making plans available online to assist other municipalities.

# Emergency Management Exercises

## CURRENT

The *EMA* tasks the director of emergency management with preparing and coordinating emergency management plans and programs. However, there is no requirement to hold emergency management exercises to test those plans.

## Requirements in the LEMR Discussed in Consultation

- Local authorities must conduct annual table top exercises;
- Local authorities must conduct or participate in full scale exercises once every four years, unless a live emergency event was experienced which exercised the local authority's emergency management plan and resulted in a post-incident assessment;
- Local authorities must submit their full-scale exercise design to AEMA at least three months prior to holding the exercise.

## Summary of Feedback

Reported exercise frequency varied widely. Some municipalities reported table top exercises were being done multiple times a year in their community and full scale exercises were being done annually, while others reported no exercises having been done in five to 10 years.

Stakeholders recognized the need for exercises and many noted the importance of conducting exercises annually to drive their plan review and update. Most agreed table top exercises should be required annually. Some agreed with the proposed four year frequency for full scale exercises. Alternate proposed frequencies for full scale exercises ranged from two to eight years, with most proposals falling in the three to five year range.

Many stakeholders emphasized that actual events that result in the activation of the emergency management plan, or participation in regional exercises, should satisfy the full scale exercise requirement. Other concerns raised included the required time, cost, staffing, and exercise design capacity associated with undertaking full scale exercises. Some expressed a desire for provincial facilitation of exercises, or assistance with the planning and execution of full scale exercises.

Many municipalities expressed concern with the proposed requirement to submit exercise design to AEMA three months in advance of the exercise, but were less concerned with a requirement to submit a brief exercise overview outlining exercise scenarios, objectives, and key participants.

Stakeholders requested further clarification of the definition of each exercise type and of the extent of involvement which would be required to satisfy the requirement to have a full scale exercise (for example, can the exercise involve only the Emergency Operations Centre? Do elected officials have to participate?).

## Other Questions Raised

Stakeholders raised concerns over participation of stakeholders external to the municipality in emergency management exercises and expressed that it can be difficult to convince external stakeholders to participate.

## Next Steps

Thank you for participating in the engagement on changes to the Emergency Management Legislative Framework. Your feedback will be used to inform debate on Bill 8 and the proposed Local Authority Emergency Management Regulation.

## For Further Information

Please contact: [ma.aemabill8input@gov.ab.ca](mailto:ma.aemabill8input@gov.ab.ca)