

SAWRIDGE FIRST NATION

AN ACT RESPECTING EMERGENCY MANAGEMENT

Introduced at a General Assembly held: April 7, 2018

First Reading: April 7, 2018

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July 7, 2018

Coming into Effect:

July 7, 2018

An Act Respecting Emergency Management

Short Title

1. This Act may be cited as the “*Sawridge Emergency Management Act*”.

Purpose

2. The purposes of this Act is to take steps so that the Sawridge First Nation is prepared for and takes necessary actions for the prevention, mitigation of, preparedness for, response to and recovery from emergencies.

Interpretation

3. In this Act,

“Chief” means the Chief of the Sawridge First Nation;

“Council” means the Council of the Sawridge First Nation;

“Declaration of a State of Emergency” means a declaration made pursuant to this Act;

“Director” means the Sawridge Director of Emergency Management.

“disaster” means an event or combination of events that has or could result in serious harm to the safety, health of people on Sawridge lands, or widespread damage to property or the Natural World;

“emergency” means an event, including a disaster, 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 to the Natural World;

"offence" means an offence under an enactment of the Sawridge Government;

“resident” means a person who holds a permit to reside on Sawridge Lands or a person who is temporarily on Sawridge Lands pursuant to an Act of the Sawridge First Nation;

“Sawridge Lands” are those lands set out as “Sawridge Lands” in the Constitution of the Sawridge First Nation and includes waters within or adjacent to “Sawridge Lands”.

Scope of the Act

4. In the manner set out in this Act, this Act applies to all Sawridge Lands whether they are occupied or unoccupied and to all persons, whether they are members of

the Sawridge First Nation or not and whether they are residents or non-residents.

First Nation Bound by this Act

5. This Act binds the Sawridge First Nation.

Proof of authorization

6. If the Chief, or in the absence of the Chief, two councilors authorizes a person to carry out a power or duty of the Chief under this Act as the Official responsible and the authorization is made

(a) in writing;

(b) purports to be signed by the Chief or councilors, and

(c) states that the person named in it is authorized under this section to carry out the power or duty set out in the written authorization,

that written authorization or a copy of it shall be admitted in evidence as proof, in the absence of evidence to the contrary, of that person's authorization to carry out the power or duty without proof of the signature or official character of the Chief or councilors.

Part 1
Administration

7. The Council by resolution shall appoint a Director of Emergency Management, a Deputy Director of Emergency Management and such other officers and employees of the Sawridge First Nation as the Council considers are required for Emergency Management.

Committee of Council

8. The Council may appoint a committee consisting of members of the Council to advise on matters relating to emergencies.

Advisory committees

9. (a) The Chief may appoint such committees as the Chief considers necessary or desirable to advise or assist the Chief, the Chief and Council, Committee of Council or the Director.

(b) The members of committees appointed under subsection (a) who are not officers or employees of the Sawridge First Nation, or officers or employees of an agency of the Sawridge First Nation, may be paid remuneration for their services and expenses at a rate or rates fixed by the Audit and Compensation Committee.

Regulations

10. The Council may make regulations:

- (a) assigning responsibility to departments, boards, commissions or First Nation agencies for the preparation or implementation of plans or arrangements or parts of plans or arrangements to deal with emergencies;
- (b) delegating any power or duty of the Chief or the Council under this Act except
 - (i) a power or duty of the Chief that has been delegated by the Chief;
 - (ii) the power to make regulations, and
 - (iii) the power to make an order declaring a state of emergency;
- (c) governing the assessment of damage or loss caused by an emergency and the payment of compensation for the damage or loss;
- (d) respecting the providing of funding for the reimbursement of costs incurred by organizations and individuals in connection with measures taken to reduce or mitigate potential flood hazards, including, without limitation, regulations
 - (i) prescribing or describing the measures to be taken to reduce or mitigate potential flood hazards that are eligible for the reimbursement of costs, and
 - (ii) governing the procedures applicable to and the proof required for the reimbursement of costs;

- (e) respecting the filing and removal of caveats against permits to land in a flood fringe or floodway, as those terms are defined in the regulations, for which funding has been provided pursuant to a disaster recovery program administered under the regulations;
- (f) governing the sharing of costs incurred by the Sawridge First Nation in conducting emergency operations;
- (g) requiring persons
 - (i) who are engaged or may be engaged in any operation,
 - (ii) who are utilizing or may be utilizing any process,
 - (iii) who are using any property in any manner, or
 - (iv) on whose real property there exists or may exist any condition that may be or may create a hazard to persons or property, whether independently or as a result of some other event, to develop plans and programs in conjunction with local authorities to remedy or alleviate the hazard and to meet any emergency that might arise from the hazard;
- (h) governing the administration of the Disaster Relief Fund;
- (i) concerning any other matter or thing necessary for the administration of this Act and for which no specific provision is made in this Act.

Subrogation regulations

11. (1) The Council may make regulations establishing that the Sawridge First Nation has a right of subrogation with respect to payments of compensation made by the Sawridge First Nation for damage or loss caused by an emergency or a disaster.
- (2) The regulations under this section may define and describe the right of subrogation and may deal with any matter respecting the enforcement of or procedures relating to the right of subrogation.

Powers of the Chief

12. The Chief shall take all reasonable steps to prevent, mitigate, prepare for, respond to and recover from emergencies. In doing so the Chief may
- (a) enter into agreements with the Government of Canada or of Alberta or any agency of such a government, dealing with emergency plans and programs;
 - (b) make surveys and studies of resources and facilities to maintain and provide information necessary for the effective preparation of emergency plans and programs, the maintenance of the plans, testing the plans and their implementation;
 - (c) make surveys and studies to identify and record actual and potential hazards

that may cause emergencies;

(d) make payments and grants, subject to any terms or conditions that the Chief may prescribe, to local authorities for the purposes of assisting in emergency preparedness and the provision of public safety programs;

(e) 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;

(f) conduct public information programs relating to emergency preparedness for and the mitigation of disasters.

13. (1) The Chief may, by order,

(a) divide Sawridge lands into various subdivisions for the purpose of organizing integrated emergency planning, training, assistance and emergency operations programs;

(b) prepare and proclaim integrated plans, procedures, programs and mutual assistance programs to deal with emergencies and to submit them to the Assembly for review, including programs for

(i) mitigation of hazards which may cause emergencies;

(ii) prevention of emergencies;

(iii) preparedness for emergencies;

(iv) responding to emergencies;

(v) mitigation of the effects of emergencies;

(vi) recovery from emergencies.

(c) establish procedures required for the prompt and efficient implementation of plans and programs to meet emergencies;

(d) require a person to whom the order is directed and

(i) who is engaged or may be engaged in any operation,

(ii) who is utilizing or may be utilizing any process,

(iii) who is using any property in any manner, or

(iv) on whose real property there exists or may exist any condition,

that may be or may create a hazard to persons or property, whether independently or as a result of some other event, to develop plans and programs in conjunction with the Council or other Sawridge First Nation authorities to remedy or alleviate the hazard and to meet any emergency that might arise from the hazard.

(e) monitor potential, imminent and actual emergencies which might affect the Sawridge First Nation or in which the First Nation should take an interest;

(f) with the approval of Council, to offer the Sawridge First Nation's support and assistance to others experiencing emergency situations in other First Nations and in Alberta, Canada and internationally.

14. In general, the responsibilities of the Chief with regard to emergency management is to exercise leadership relating to emergency management through coordination and cooperation within the Sawridge First Nation and in cooperation with the federal and provincial governments

Sawridge Emergency

15. (1) There shall be a Sawridge Director of Emergency Management, who shall

- (a) prepare and co-ordinate emergency plans and programs for the Sawridge First Nation;
- (b) act as director of emergency operations on behalf of the Sawridge Emergency Management;
- (c) co-ordinate all emergency services and other resources used in an emergency, and
- (d) work with all heads of departments of the Sawridge First Nation in establishing "business continuity plans", a document containing procedures and guidelines to help recover and restore Sawridge essential services to normal operational status within a reasonable time frame following an emergency or disruptive event;
- (e) perform other duties as prescribed by the Council.

(2) The Director of Sawridge Emergency Management

- a. shall, at all times, be responsible for the direction and control of the Sawridge First Nation's emergency response unless the Council assumes direction and control;
- b. shall prepare and approve emergency plans and programs;
- c. shall establish and conduct training and training exercises for the effective implementation of emergency measures programs;
- d. may enter into agreements with and authorize payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency plans or programs.

Emergency Advisory Committee

16. (1) The Council may appoint an Emergency Advisory Committee consisting of members of the Sawridge First Nation to advise on the development and refinement of emergency plans and programs.
- (2) The Council shall provide for the payment of expenses of the members of the committee.
- (3) The Council may by resolution without prior notice levy, appropriate and expend all sums required to address emergencies.

Delegation by the Sawridge First Nation

17. (1) The Council may delegate additional authority, powers or duties under this Act to
 - (a) a regional, municipal or provincial emergency services agency providing that such agency is authorized in its establishing regulation to exercise that power or duty;
 - (b) if authorized by an Order of the Chief, the Sawridge First Nation may participate in a joint committee involving other authorities involved in emergency management;
- (2) Notwithstanding other sections of this Act, any delegation of authority to declare or terminate a local state of emergency shall be done by resolution of the Council.

Disaster Relief Fund

18. (1) A Disaster Relief Fund is hereby established into which may be deposited donations for disaster relief from any source.
- (2) The Disaster Relief Fund shall be administered in accordance with the regulations, by the Council or by a committee called the "Disaster Relief Committee" consisting of those persons who are appointed to the committee by the Council.
- (3) Members of the Disaster Relief Committee who are not officers or employees of the Sawridge First Nation or any of its agencies may be paid remuneration for their services and expense allowances at the rate fixed by the Council.

Fees

19. The Chief may, on behalf of the First Nation, charge fees for any services or materials that are provided and any research that is carried out in respect of matters to which this Act pertains.

Offence

20. Any person who

- (a) contravenes this Act or the regulations, or
- (b) interferes with or obstructs any person in the carrying out of a power or duty under this Act or the regulations,

is guilty of an offence and liable to imprisonment for a term of not more than one year or to a fine of not more than \$10,000 or to both imprisonment and fine.

Confidentiality

21. (1) Terms used in this section have the same meaning as is assigned to them in the *Sawridge Privacy Act* and the *Sawridge Access to Information Act*.

(2) The *Sawridge Privacy Act* and the *Sawridge Access to Information Act* do not apply in respect of information in a record that is in the possession of a public body where the information

(a) is used or to be used for the purpose of preparing or administering an emergency management plan under a regulation under this Act, or

(b) forms part of a crisis management plan under a regulation under this Act.

Part 2
State of Emergency

Declaration of state of emergency

22. (1) The Council may, at any time when the Council is satisfied that an emergency exists or may exist, make an order for a Declaration of a State of Emergency relating to all or any part of Sawridge Lands.

(2) A Declaration of a State of Emergency under subsection (1) must identify the nature of the emergency and the area in which it exists.

(3) Immediately after the making of an order for a Declaration of a State of Emergency, the Chief shall cause the details of the Declaration to be published by any means of communication that the Chief considers is most likely to make known to the people of the Sawridge First Nation area affected of the contents of the Declaration.

(4) Unless continued by a resolution of the Council, an Order under subsection (1) expires at the earlier of the following:

(a) at the end of 28 days, but if the order is in respect of a pandemic influenza or other disease, at the end of 90 days, unless the time is extended by a subsequent Order;

(b) when the Order is terminated by the Council.

(5) Unless otherwise provided for in the Order for a Declaration of a State of Emergency, where

(a) an Order for a Declaration of a State of Emergency is made, and

(b) there is a conflict between this Act or a regulation made under this Act and any other Act or regulation,

during the time that the order is in effect, this Act and the regulations made under this Act shall prevail.

Powers of the Chief in Relation to Emergencies

23. (1) On the making of the Declaration and for the duration of the state of emergency, the Chief may do all acts and take all necessary proceedings including the following:

(a) put into operation policies, plans and program related to emergency measures;

(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 part of Sawridge lands;

(e) controlling transportation by land or water,

(f) controlling highways and vehicles and regulating travel in and out of Sawridge lands;

(g) 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 Sawridge Lands or elsewhere where authorized.

(h) cause the evacuation of persons and the removal of personal property from any area of Sawridge Lands that is or may be affected by an emergency or disaster and make arrangements for the adequate care and protection of those persons and of personal property;

- (i) 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 or for the health, safety and well-being of persons, or for the purpose of exercising a power under this section;
 - (j) cause the demolition or removal of any trees, structures if the demolition or removal is necessary or appropriate in order to reach the scene of an emergency or a disaster, or to attempt to forestall its occurrence or to combat its progress;
 - (k) 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 any part of Sawridge lands for the duration of the state of emergency;
 - (l) evacuating and caring for domestic animals in consultation with a veterinarian;
 - (m) authorize the conscription of persons needed to meet an emergency.
- (2) If the Chief acquires or utilizes real or personal property under subsection (1) or if any real or personal property is damaged or destroyed due to an action of the Chief in preventing, combating or alleviating the effects of an emergency or disaster, the Chief shall cause compensation to be paid for it.
- (3) The Council may make regulations in respect of any matter mentioned in subsection (1).
- (4) On the making of an order under section 20(1), the Director of Sawridge Emergency Management, or some other person whom the Chief appoints, is responsible for the co-ordination and implementation of any or all necessary plans or programs prepared pursuant to this Act and all persons and agencies involved in the implementation are subject to the control and direction of the Director or other person appointed.

Powers of a Peace Officer During a State of Emergency

24. (a) If a peace officer reasonably believes that a person has failed to comply with an evacuation order made pursuant to this Act, and the person continues to refuse to comply with the order after being requested by the peace officer to evacuate, the peace officer may
- (i) apprehend the person, without a warrant, for the purpose of taking the person to a place of safety; and
 - (ii) take the person, or cause the person to be taken to a place of safety.

(b) For greater certainty, where a peace officer reasonably believes that a person who has failed to comply with an evacuation order made pursuant to this Act may be found within any premises, including a dwelling, the peace officer may enter the premises, without a warrant, in order to carry out anything authorized in section (a).

(c) A peace officer who apprehends a person under this section must promptly inform the person of the reason for apprehension, and advise the person as to the place of safety to which he or she is being taken. A peace officer is not required to inform the person of his or her right to counsel or give the person an opportunity to consult counsel during the period of apprehension provided that the person is released immediately upon being taken to a place of safety.

(d) A period of apprehension under this section must be no longer than is reasonably required to give effect to the evacuation order by taking the person to a place of safety and releasing the person immediately at the place of safety.

Termination of state of emergency

25. (1) When, in the opinion of the Council an emergency no longer exists in an area in relation to which a Declaration of a State of Emergency was made, the Council shall make an order terminating the Declaration of a State of Emergency in respect of that area.

(2) Immediately after an Order is made pursuant to subsection (1), the Chief shall cause the details of the termination to be published by any means of communication that the Chief considers is most likely to make known to the majority of the population of the area affected the contents of the termination order.

(3) Immediately after the Order for Termination or the expiry of the Order, the Council shall cause the details of the declaration or cancellation or the fact of the termination by expiry of time to be published by any means of communication that it considers is most likely to make known to the majority of the population of the area affected the contents of the Declaration or Cancellation or the fact of the termination.

Notice provisions do not apply

26. Where the sole purpose of a meeting of the Council is to pass a resolution pursuant to this Act, the requirement that notice be provided for the meeting do not apply.

27. The Council may, by resolution, during or within 60 days after the state of local emergency, borrow any money necessary to pay expenses caused by the emergency including payment for services when the services were provided at the request of the Sawridge Council.

Dispute re compensation

28. If any dispute arises concerning the amount of compensation payable under this Act, the matter may be determined by arbitration.

Conscript's employment

29. A person's employment shall not be terminated by reason only that the person is conscripted pursuant to this Act.

Part 3

Liability Protection for Emergency Service Providers

Chief

30. No action lies against the Chief or a person acting under the Chief's direction or authorization for anything done or omitted to be done in good faith while carrying out a power or duty under this Act or the regulations.

Sawridge First Nation

31. No action lies against the Sawridge First Nation or a person acting under the First Nation's direction or authorization for anything done or omitted to be done in good faith while carrying out a power or duty under this Act or the regulations during a state of emergency.

Search and rescue organization

32. No action in negligence lies against a search and rescue organization, the directors of that organization or a person acting under the direction or authorization of that organization for anything done or omitted to be done in good faith while acting under an agreement between that organization and the Sawridge First Nation.