

REGIONAL APPROACH TO EMERGENCY MANAGEMENT FAQs

What is the intent of this document?

The intent of this document is to be a resource for Alberta Emergency Management Agency (AEMA) field officers to help with consistent messaging when working with local authorities who are considering a regional approach to emergency management.

Is there a way for two or more local authorities to have a regional approach to emergency management?

Yes, there are five options available that have different benefits and responsibilities. They are:

- 1) Creation of a Regional Services Commission (RSC) under the authority of the *Municipal Government Act*.
- 2) Establishment of a Joint Emergency Management Committee (JEMC), authorized by Ministerial Order.
- 3) Enter into an Emergency Management Partnership Agreement/Mutual Aid Agreement (EMPA/MAA) supported through bylaw and agreement.
- 4) A summer village may take advantage of any of the above strategies and in addition may seek to delegate its powers and duties to another local authority that is willing to accept that delegation under the *Emergency Management Act (EMA)*, authorized by Ministerial Order.
- 5) Creation of a joint emergency management agency to act as the agent of more than one local authority. This can be done in combination with any of the above options.

Is it possible to delegate powers and duties under the *EMA* outside of these options?

Internal to a municipality, the local authority may also delegate some or all of its powers and duties under the *EMA* to a council committee composed of a member or members of the local authority, including the local authority's emergency advisory committee. This delegation can be made within the community without authorization from the Minister of Municipal Affairs.

External to the municipality, powers can only be delegated to: a RSC, where this is authorized in its establishing regulation; to a JEMC, where authorized by Ministerial Order; or by a summer village to another local authority, where authorized by Ministerial Order. An emergency management agency can be appointed to act as the agent of more than one local authority.

What is the difference between an RSC, a JEMC and an EMPA/MAA?

RSCs are entities set up by two or more municipal authorities (municipalities, special areas, improvement districts, First Nations reserves, Métis settlements and armed forces bases) that provide services on a regional basis to clients within (and outside with Minister's approval) the members' boundaries. They have their own distinct legal status as a corporation with natural person powers separate from the authorities of their members. The services an RSC delivers are set out in the establishing regulation, and can include emergency management, as well as other services.

Regional Approach to Emergency Management FAQs

Two or more local authorities can delegate some or all of their powers and duties under the *EMA* to a JEMC. A JEMC's business is limited to matters respecting emergency management. The delegation of these powers and duties needs to be authorized by the Minister of Municipal Affairs by way of a Ministerial Order. An application must be forwarded to the Minister complete with a copy of the proposed or passed bylaws of the members and the agreement outlining the authorities of the JEMC. Under this model a single Director of Emergency Management can be identified, but is not required.

An EMPA/MAA is a voluntary arrangement entered into by two or more local authorities. The contents of an EMPA/MAA can be flexible and involve agreements for emergency management matters such as mitigation, preparation, response, and recovery. They can be tailored to suit specific communities' needs and do not require approval from the Government of Alberta (GOA). As these are not approved by the GOA, the parties are free to establish the terms and requirements of the agreements, as long as requirements, as defined in the *EMA*, are met.

What advantages are there to a RSC?

A RSC is a non-profit corporation independent of its municipal members. It can be responsible for other services in addition to emergency management, such as fire services. Incorporating other emergency services like fire services allows for maximum coordination of the communities' protective services. RSCs provide the ability to manage their own human resources, own property in their own name, raise capital, and charge user fees. They are eligible for loans from the Alberta Capital Finance Authority. Through greater coordination of services, municipalities have the potential to improve overall service delivery and increase the skills and knowledge of all parties involved in the Commission. As part of the application to the Minister of Municipal Affairs, a business plan needs to be submitted, which includes determining a transfer of assets or leasing of property to the RSC.

What are some of the potential considerations associated with a RSC?

RSCs are established by regulation. This is a more formal and lengthier process than that associated with the establishment of mutual aid agreements or a JEMC. Being regulation based they can be more stable as they cannot be modified or dissolved easily. RSCs are intended to provide services at the lowest cost through regional collaboration and cost sharing. Any financial surplus earned by an RSC must be used to reduce costs and may not be distributed back to the member municipalities as earnings. While neither an advantage nor disadvantage, establishing a RSC for emergency management entails a transfer of authority and certain legal liability from member municipalities onto the RSC.

If a RSC is established, in addition to the regulation, each municipality must enact bylaws that state which powers have been delegated and must indicate whether each municipality will continue to maintain an independent emergency management agency or have a shared emergency management agency.

What advantages are there to a JEMC?

While allowing local authorities to delegate *EMA* granted powers and duties to the JEMC, the JEMC's responsibility is solely emergency management. Local authorities can quickly pool their available resources for emergency management purposes. This allows several local authorities to have a single director of emergency management acting within his/her delegated authorities for a region that may also save associated staffing costs. Another

Regional Approach to Emergency Management FAQs

advantage of a JEMC is that it is possible for one or more committee members of a JEMC to declare a State of Local Emergency on behalf of all the member local authorities that are affected by a disaster, if needed, in a single declaration.

What are some considerations associated with a JEMC?

The delegation of authority by local authorities under the *EMA* requires authorization by Ministerial Order. As well, members of the proposed JEMC must have agreement on committee bylaws, and the extent of regional powers for the Ministerial Order to proceed. Complete buy-in from all involved parties is necessary for success. Bylaws from each municipality must state which powers and duties have been delegated.

What are some of the advantages of an EMPA/MAA?

Many of the hazards faced by individual communities are also faced by the surrounding region. EMPAs/MAAs are authorized and amended at the local level without the requirement of GOA approval and allow a low-level of regional collaboration to be tested before more formal structures are attempted. They can also help to address the emergency management needs and other emergency service needs for communities, and are very flexible in terms of their scope and application.

What are some of the considerations associated with an EMPA/MAA?

One consideration of EMPA/MAAs is that depending on the provisions of the agreements they may not be legally binding to the involved parties. A difference between a JEMC and an EMPA/MAA, if provided for in their bylaws and agreement, is that a JEMC can pass resolutions and policies, whereas an EMPA/MAA cannot. As well, in the event of a disaster or emergency, parties to an EMPA/MAA would need to have each local authority's council declare separate State of Local Emergencies.

A summer village is considering delegating their powers and duties to another local authority. What do they need to know?

A summer village can delegate the powers and duties granted under the *EMA* to another local authority willing to accept that delegation. A Ministerial Order is required for this option. The delegation of powers and duties is conditional on the availability of another local authority willing to accept the delegation. However, this type of delegation allows for a complete delegation that removes all authority of the summer village. Therefore both the summer village and the delegated local authority should be fully aware of the implications. These items should be discussed thoroughly with each authority's legal counsel.

Both the summer village and the local authority accepting the delegation must enact bylaws outlining which powers and duties have been delegated to and accepted by the local authority.

What are some of the advantages to a joint emergency management agency?

A joint emergency management agency can be used in combination with any of the other regional collaboration models, or on its own. Communities with a joint emergency management agency can benefit from shared resources and knowledge, and a single director of emergency management. If there is no JEMC that the joint emergency management agency reports to, then the joint emergency management agency would be required to report to each individual council of the partner municipalities.

Regional Approach to Emergency Management FAQs

What are some of the considerations associated with a joint emergency management agency?

Communities with a joint emergency management agency, but without a JEMC or RSC will have to continue to separately approve their emergency management plans.

Local authorities must indicate in their bylaws if their emergency management agency is acting as the agent of more than one local authority.

How do communities decide which option is best for them?

The AEMA recognizes the diversity of communities across Alberta and the different needs for emergency management. It is the responsibility of the involved parties to come to an arrangement that considers the needs of their community, and the resources required and available, before trying to determine the best possible option that delivers their desired outcome. It is also the responsibility of the local authorities to determine and come to an agreement for the financing of the selected regional emergency management structure.

Key considerations for all five options are whether all parties understand the following:

- How the chosen regional approach would be beneficial for their communities.
- The potential benefits and outcomes desired by potential partners.
- The options, liabilities and risks.
- The commitment and approach that will be taken with all levels of partners.
- The financial aspects that the proposed regional approach entails.
- The need for early and frequent consultation with key partners and stakeholders.
- What emergency management powers and duties can be appropriately delegated?
- Which elements of emergency management (mitigation, preparedness, response, and recovery) will be considered in a regional emergency management approach? There may be legal limits to the extent that some powers can be delegated. For example, mitigation activities involving land use planning and zoning would not be delegated, and the Disaster Recovery Regulation requires each local authority to submit individual Disaster Recovery Program applications.
- The proposed governance structure and method to resolve issues that may arise between involved parties.
- Roles and responsibilities, funding, resourcing, staffing, reporting relationships and authorities.
- The need for access to support and resources for creating the various agreements, bylaws and other documents that may be required.
- The need for early involvement of all stakeholders including chief administrative officers, councils, legal counsel, finance representatives, and AEMA field officers.
- The need for a formal agreement with all involved municipal management and local elected representatives regarding how the proposed regional model will proceed.
- Regardless of the options, each local authority still maintained the ability to respond to a disaster or emergency in an individual capacity.

Who do I contact once I have decided to proceed with a regional approach to emergency management?

If you are considering proceeding with an RSC, you should contact the Municipal Capacity Building Branch of Municipal Affairs. <https://www.alberta.ca/regional-service-delivery.aspx>

If you are considering establishing a JEMC, or you represent a summer village considering delegation, or a municipality entering into an Emergency Management Partnership Agreement/Mutual Aid Agreement, you are encouraged to contact your local AEMA field officer http://www.aema.alberta.ca/regional_offices.cfm.