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XYZ FN EMERGENCY MANAGEMENT LAW

WHEREAS XYZ FN has a profound relationship with their land;

AND WHEREAS XYZ FN deems it advisable and in the best interests of the XYZ FN to enact a Law to provide for protection of the community in the event of an emergency and remove trespassers from XYZ FN Land;

AND WHEREAS the XYZ FN entered into the *Framework Agreement on First Nations Land Management* with Canada (February 12, 1996, as amended from time to time: known as the "Framework Agreement"), which was ratified on behalf of the Government of Canada by the *First Nations Land Management Act (1999)*;

AND WHEREAS the XYZ FN has ratified the Framework Agreement and brought its Land Code into effect on (Enter the Date);

AND WHEREAS XYZ FN has the authority under section XX of the Land Code to make laws concerning the protection, management, use and possession of XYZ FN Land and any matter necessary or ancillary to a Law respecting XYZ FN Land;

AND WHEREAS the XYZ FN has the authority to develop and enact Laws dealing with Emergencies and make the declaration of an emergency

Schedule "A", Official Emergency Plan, of First Nation Law entitled "A First Nation Law of the XYZ FN respecting Emergency Planning and Responses" and Schedule "B", Official Emergency Plan, attached hereto.

NOW THEREFORE, XYZ FN Council enacts the following law:

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1. Section 1 - TITLE AND PURPOSE

Title

- 1.1. That this law may be referred to as the "EMERGENCY MANAGEMENT LAW".
- 1.2. The purpose of this plan is to establish the XYZ First Nation Emergency Management Program, to outline the requirements for an Emergency Plan to govern the provision of necessary services during an emergency or anticipated emergency and the procedures under and the manner in which the responses will be coordinated, and to define the duties and responsibilities of certain departments and agencies with respect to Emergency Management.

Section 2 - DEFINITIONS AND INTERPRETATION

- 1.1 The following definitions apply in this Law:

"Agency" means any department, office, bureau of the XYZ FN, any local board, municipality, Provincial or Federal agency that has agreed to participate in the responses to a particular emergency on the XYZ First Nation Lands,

"Chief Administrative Officer" means the Chief Administrative Officer for XYZ FN or their designate.

"Chief of Police" means the Chief of Police, Detachment Commander of the Police Service servicing the XYZ FN or their designate,

"Committee" means the Emergency Management Program Committee of XYZ FN.

"Council" means the Council as described in the XYZ Land Code,

"Emergency" means a situation or impending situation caused by the forces of nature, an accident, an intentional act or otherwise that constitutes a danger of major proportions to lives and safety of the members and public on XYZ FN Lands that is beyond the control of the Council their administration and resources,

"Emergency area" means the designated area where an emergency exists,

"Emergency Operations Control Group" means the Emergency Operations Control Group established by this plan to coordinate the emergency response,

"Emergency Operations Centre" means the designated location where the Council and the administration, other staff with appropriate statutory authority and support staff manage the emergency response, co-ordinate response with emergency partners and direct coordinate operations for the emergency area,

"Emergency Site Manager" means a senior official of the agency having the most direct involvement in a particular emergency and the person who is in command and control of all operations at the site of the emergency,

"Emergency Plan" means a plan formulated pursuant to this Law,

"Program" means an emergency management program established pursuant to this Law that conforms to standards approved by the Agreement with the Provincial Ministry in charge of Emergency Management, and in accordance with international best practices, is risk-based and includes the four core components of emergency management, namely: mitigation/prevention, preparedness, response, and recovery.

"Fire Chief" means the Fire Chief of the XYZ FN, or delegated representative,

3. Section 3 – XYV Emergency Management Program

3.1 XYZ First Nation hereby establishes the XYZ First Nation Emergency Management Program.

3.2 The Emergency Management Program shall contain at a minimum:

3.2.1 The XYZ First Nation Emergency Plan, including plans for training and exercises and any required delegation of authority

3.2.2 The XYZ Emergency Management Program Coordinator

3.2.3 The XYZ First Nation Emergency Management Control Group/Committee

3.3 Council shall, in accordance with Section 4 below, appoint an XYZ First Nation Emergency Management Program Coordinator who shall be responsible for the implementation, management and execution of the XYZ First Nation Emergency Management Program.

4. Section 4 – XYZ First Nation Emergency Plan

4.1 In accordance with section 3 of this Law, the XYZ First Nation Emergency Management Program shall contain an Emergency Plan, the most current plan is attached as Schedule "A" to this Law.

4.2 Council shall, by resolution, approve the XYZ First Nation Emergency Plan under the authority of this Law.

4.3 The XYZ First Nation Emergency Plan will be activated by Council when required to ensure the effective coordination exists in response to an emergency.

4.4 The XYZ First Nation Emergency Plan can be activated in whole or in part and does not require the declaration of a state of emergency to be activated.

4.5 That the XYZ FN Emergency Plan, also known as the "Emergency Plan" shall govern the provision of necessary services during an emergency and the procedures under, and the manner in which employees of the Band Employees and volunteers will respond.

4.7 That the Emergency Plan and support plans shall be updated as required/on an annual basis and the Community Emergency Operations Control Group/Emergency Committee as established in section 9 below is authorized to endorse, without prior reference to the Council, such amendments as are of an administrative and non-operational nature and are necessary to maintain the currency of the Emergency Plan..

4.8 That the Emergency Plan, or any amendments to the Plan, shall be filed immediately with the Band Manger and shall be submitted to the Chief, as identified in the Law.4.8 The Emergency Plan, risk assessments and any risk specific plans shall be made available to the public for inspection and copying at the office of the Band Administration during ordinary business hours.

4.9 That employees of the Band are authorized to take such action in accordance with the Emergency Plan as is reasonable and necessary where an emergency exists but has not yet been declared to exist.

4.10 That employees of local boards, agencies, public utilities and all other persons participating in the implementation of a plan under the direction of the Control Group or of Band employees acting thereunder shall, for the purposes of the Law, be deemed to be employees of the Band to the extent to which Band Council is authorized to do so.

4.11 That in the event of any dispute with respect to the contents of the Emergency Plan, the information contained in the Emergency Plan held by the Band Administration shall be deemed to be correct.

5. Section 5 - Activation of the plan

5.1 The Emergency Operations Control Group shall be convened when an emergency has occurred or is likely to occur, in accordance with the following:

- a) the most senior on-scene official of the agency most directly involved in the response to the emergency shall decide whether this plan shall be activated,
- b) where the size or seriousness of the emergency seems beyond the capability of that agency, the plan shall be activated,
- c) the activating agency shall then contact the Chief in Council, FN Manager or CEO or their delegate, who shall immediately notify the established members of the Emergency Operations Control Group,
- d) the Emergency Measures Unit Duty Officer shall request the members to meet at the Emergency Operations Centre.

6. Section 6 - Declaration of an emergency

- 6.1 That the Chief, Deputy Chief or designate in their absence, as Head of Council, may, in accordance with the provisions of this law, declare in writing and by Band Council Resolution that an emergency exists in the XYZ FN lands area or in any part thereof and may take such action, including authorizing extraordinary expenditures, and make such orders as he or she considers reasonable and necessary and not contrary to law to declare in effect and implement the Emergency Plan and to protect property and the health, safety and welfare of the inhabitants of the emergency area.
- 6.2 That the Chief, or Deputy Chief or designate in their absence shall ensure that ISC or the Provincial agencies according to your agreements, are notified forthwith of a declaration made pursuant to this Bylaw.
- 6.3 That the Chief, or Deputy Chief or designate in their absence shall call a special meeting of Council within 72 hours of the declaration that an emergency exists in the XYZ FN area or in any part thereof, or as soon thereafter as practicable for the purpose of providing information about the emergency, unless the emergency has been terminated prior to that time.
- 6.4 That the Chief, or Deputy Chief or designate in their absence may declare the termination of an emergency at any time and shall ensure that ISC or the Provincial agencies according to your agreements are notified forthwith of such declaration.
- 6.5 The determination to declare an emergency will be made in accordance with the following:
- a) whether or not an emergency situation is determined to exist, the declaration authorizes XYZ FN, municipal and other agencies may take such actions under this emergency plan as may be necessary to protect the lives and property of the inhabitants of the XYZ FN
 - b) based on the information available, the Emergency Operations Control Group shall determine whether or not an emergency pursuant to this law exists on XYZ FN Lands,
 - c) if an emergency is determined to exist, the Emergency Operations Control Group shall immediately advise the Chief and Council shall notify the ISC and the POC of the Province according to the emergency management agreement,
 - d) Upon the declaration of an Emergency, the Emergency Operations Control Group may request assistance and resources from another level of government and that request shall not be deemed to be a request for implementation of the Emergency Plan of that jurisdiction.
- 6.6 That a declaration made under this law shall be by written Band Council Resolution by a quorum of Council members as authorized under the XYZ Land Code and contain:

- a) A statement of the circumstances which caused it to be made; and
- b) A designation of the part or parts of the XYZ FN area to which the declaration applies.

7. Section 7 - Request for Provincial/Federal assistance

7.1 Under certain circumstances, assistance, including military assistance, may be requested from a ministry or agency (ISC or the Provincial agencies according to your agreements) and the requesting of such services shall not be deemed to be a request that the government (ISC or the Provincial agencies according to your agreements) assume authority and control of the emergency.

7.2 Such a request shall be made by the Chief in Council or their designate to the Provincial Emergency Measures office and ISC according to any agreement with the Federal and Provincial governments.

8. Section 8 - Termination of an emergency

8.1 An emergency may be declared terminated at any time by the Council.

8.2 Upon termination of emergency, the Council shall notify the Provincial Emergency Measures office and ISC according to any agreement with the Federal and Provincial governments.

9. Section 9 - Emergency operations control group/committee composition and responsibilities

9.1 The Emergency Operations Control Group shall consist of

- a) the Band Manager,
- b) the Manager of Lands & Resources
- c) the Manager of Health
- d) the Manager of Finance
- e) the Manager of Emergency and Protective Services,
- f) the Manager of People Services,
- g) the Manager of Infrastructure, Transportation, Utilities and Public Works,
- h) the Manager of Development Services,
- i) the Manager of Corporate Services,
- j) the Manager of Human Resources,
- k) the Chief of Police or Officer in Charge of the Police Services,

- l) the Fire Chief,
- m) the Director of Emergency Medical Services,
- n) the Director of Communications and Marketing
- o) the Medical Officer of Health,
- p) the Manager of Emergency Measures Unit,
- q) representatives from other agencies as required.

9.2 Representatives may be added to or deleted from the membership of the Emergency Operations Control Group in accordance with the nature of the emergency.

9.3 The Emergency Operations Control Group shall be responsible for:

- a) maintaining records of communications, decisions, actions and expenditures,
- b) designating emergency area(s),

9.4 Designation of emergency site(s) through a risk assessment tool,

- a) assessing risks in the emergency area(s),
- b) assessing risks to the remainder of the XYZ FN Lands,
- c) decide on emergency measures,
- d) decide on emergency measures priorities,
- e) assessing capacity of the XYZ FN Lands to implement emergency response actions,
- f) requesting emergency partner assistance,
- g) closing public buildings,
- h) issuing public warnings, orders and instructions,
- i) protecting the health and safety of emergency responders,
- j) ensuring an acceptable level of emergency services for the First Nation outside emergency area(s),
- k) preparing lists of fatalities, casualties and missing persons,
- l) preparing lists of destroyed and damaged properties,
- m) identifying persons/organizations to receive recognition for contributions to emergency response,
- n) identifying persons/organizations to contribute to post-emergency reports/debriefings
- o) submitting information for payment of invoices,
- p) ensuring that all agencies have senior bilingual staff available to provide information and respond to questions at all conferences and media events. The Emergency Operations Control Group shall prepare and formulate an emergency
- q) plan and update the plan as required.

9.5 The Emergency Operations Control Group/Committee shall be responsible for the review of the emergency plan on an annual basis, recommendations for changes that are considered appropriate and the verification of the required support documents, resources, training, and facilities to ensure that the emergency plan is maintained in a state of readiness.

9.6 That the Emergency Operations Control Group/Committee shall provide overall guidance and direction to staff with respect to:

- a) Establishing strategic direction and priorities for the Emergency Management Program;

- b) The formulation and development of the Program and the Emergency Plan for all departments of the Band and agencies and local boards under the jurisdiction of Council;
 - c) The co-ordination of any procedures for implementation of the emergency plans developed by such departments, agencies and local boards for the purpose of integration with the Emergency Plan;
 - d) The conduct of training programs and exercises to ensure the readiness of employees of the Corporation and other persons to act under the Emergency Plan;
 - e) The conduct of public education on the risks to public safety and on public preparedness for emergencies;
 - f) The conduct of an annual review of the Program and Emergency Plan and making recommendation to Council for their revision, if necessary;
 - g) Ensuring that the Program and Emergency Plan are provided in accordance with this Law, and other relevant legislation and in accordance with Band policies as well as national, provincial and industrial guidelines/standards.
- 9.7 That the Committee shall provide advice to Chief and Council by reporting through Community Emergency Management Program Coordinator (CEMC).
- h) The Program and Emergency Plan formulated pursuant to this Law or any revision thereto which, subject to any amendments deemed appropriate by the General Committee, shall be submitted to Council for consideration and adoption by Band Council Resolution; and
 - i) All matters relating to the planning and co-ordination of response to emergencies affecting the Lands of XYZ FN area, or any part or parts thereof that have involved the Control Group, whether or not an emergency has been declared to exist.
 - j) That the Chief Administrative Officer shall be the chair of the Committee and have the responsibility and authority to direct its operations, co-ordinate its activities and convene its meetings, and shall report on its behalf through Community Services Committee to Band Council pursuant to the requirements of this Law/By-law.
 - k) That the Chief Administrative Officer may delegate to one or more members of the Committee all or part of the authority conferred upon him or her with respect to the Committee.
 - l) That a majority of the members of the Committee is necessary to constitute a quorum.
 - m) That any member of the Committee may designate another individual to attend meetings of the Committee and any such designate shall have all the powers of the member of the Committee for the purposes of such meetings.

- n) That the Committee may, as it deems necessary, establish ad hoc committees and working groups of its members and/or of members at large to deal with any special study or assignment coming within its jurisdiction. Such ad hoc committees shall deal only with the matter of question that is referred to it for consideration and shall be disbanded upon completion of the assignment.
- o) That the Committee may add any risk specific support plans to the Emergency Plan, as deemed to be required. These plans shall be coordinated with all appropriate stakeholders and issued under the authority of the Chief Administrative Officer.
- p) Any other persons as the ECG Manager deems appropriate to the current emergency situation.
- q) That the Chief Administrative Officer shall be the Emergency Control Group Manager, with the responsibility and authority to co-ordinate its activities, authorize any extraordinary expenditures, as may be required, and convene and chair its meetings.
- r) That the Council will designate who shall be the alternate Emergency Control Group Manager, and in his/her absence, the General Manager of Infrastructure and Growth Management.
- s) That the individual serving in the capacity of Band Communication Officer is hereby designated the Emergency Information Officer for the XYZ FN and as such shall act as the primary media and public contact for the First Nation in an emergency.
- t) That any member of the Control Group may designate another individual to act in his or her stead as a member of the Control Group.
- u) That in the event of an emergency, whether or not declared under this law, the Control Group is authorized to:
- v) Initiate, co-ordinate, direct and otherwise bring about the implementation of a plan formulated pursuant to this law;
- w) Expend funds required to obtain and distribute emergency materials, equipment and supplies, notwithstanding the requirements of any law governing the commitment of funds and the payment of accounts;
- x) Obtain volunteer support from public agencies and other persons as considered necessary and to indemnify such agencies, their personnel, and other persons engaged in work that resulting has been authorized pursuant to this law or any other law, from liability for any acts or omissions from any actions taken pursuant to this law or any other law.
- y) That the Chief shall ensure that Council are kept informed of the progress of the Band's response to an emergency whether or not an emergency has been declared to exist.

- z) That the Chief Administrative Officer shall ensure that the Chief and members of Council are kept informed of the progress of the Band's response.

10. Section 10 - Designation of Community Emergency Management Program Coordinator

Emergency Control Group Roles and Responsibilities

- 10.1 The XYZ First Nation Emergency Management Program Coordinator and their designate report to, and receive direction from, the XYZ First Nation Council.
- 10.2 The XYZ First Nation Emergency Management Program Coordinator and their designate are responsible for the implementation, maintenance and execution of the XYZ First Nation Emergency Management Program.
- 10.3 The XYZ First Nation Emergency Management Program Coordinator and their designate shall:
 - a) Develop and coordinate the XYZ First Nation Emergency Management Program
 - b) Coordinate plans for the continued functioning of the XYZ First Nation services required in the event of an emergency
 - c) Coordinate and conduct, on an annual basis, training and exercises to test the XYZ First Nation Emergency Management Program for the training of XYZ First Nation personnel who have an emergency role
 - d) Coordinate public education programs related to emergency management
 - e) Coordinate and manage the XYZ First Nation operational response for an emergency upon activation of all or part of the The XYZ First Nation Emergency Management Program or declaration of a state of emergency.
- 10.4 That the Community Emergency Management Program Coordinator (CEMC) shall make recommendation on alternate CEMCs to act in place of the CEMC when the CEMC is unavailable or to assist the CEMC.
 - a) That the Emergency Control Group (ECG) shall direct the Band's response during an emergency.
 - b) Members of the Group are the individuals serving the capacity of:
 - I) Chief Administrative Officer (ECG Manager),
 - II) Manager of Community and Corporate Services (Alternate ECG Manager),
 - III) Manager of Lands and Resources
 - IV) Manager of Infrastructure and Growth Management,
 - V) Community Emergency Management Program Coordinator (CEMC),
 - VI) Fire Chief, and

10.5 The person serving in the capacity of the Chief of Police or Officer in Charge of the Service shall be a member of the Group.

11 Section 11 - Validity

11.1 In the event any provision, or portion thereof, of this Law/by-law (including all schedules) is found by a court of competent jurisdiction, to be *ultra vires*, such provision or part thereof shall be deemed to be severed and the remaining portion of such provisions and all other provisions of this Law/by-law (including all schedules) shall remain in full force and effect.

12 Section 12 – Signatures

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