



CITY OF ST. ALBERT
ADMINISTRATIVE BACKGROUNDER

TITLE: Council Vote – State of Local Emergency

On April 3, 2017 Councillor Hughes provided notice in accordance with Section 23 of Procedure Bylaw 22/2016 that she intended to bring forward the proposed motion below.

In order for Council to debate the motion, the motion must be formally moved.

That Administration draft for Council's approval a resolution for the 2017 AUMA Convention, to advocate to the Province to reconsider the requirement that a Council vote is required to declare a state of local emergency.

BACKGROUND:

Changes to Legislation

The Government of Alberta changed Section 21 of the *Disaster Services Act* in 2011 from:

(4) A local authority may delegate any of its powers and duties under this Act to a committee composed of a member or members of the local authority.

to the current *Emergency Management Act*:

Declaration of state of local emergency

21(1) A local authority may, at any time when it is satisfied that an emergency exists or may exist in its municipality, by resolution or, in the case of the Minister responsible for the Municipal Government Act, the Minister responsible for the Special Areas Act or a park superintendent of a national park, by order, make a declaration of a state of local emergency relating to all or any part of the municipality.

Implications of Changes

The ability to declare a state of local emergency can not be delegated to the Mayor. Under the new wording of the Act, declaration and termination of a state of local emergency must be done by resolution of the local authority (defined in that Act as Council). It may delegate this declaratory responsibility to a regional commission or a joint body of two or more local authorities, but not otherwise – the Act does not specifically permit delegation to an individual or a committee.

Some municipalities around the Province have enacted a bylaw allocating this function to a committee of Council. In so doing, these municipalities may be invoking Council's general ability under the MGA to delegate its powers to a committee of Council, or they simply haven't changed their bylaw since the *Emergency Management Act* was passed. However, the *Emergency Management Act's* specificity on delegation likely prevents the application of Council's general delegation powers under the MGA. And in any event, unlike Council, a committee must give at least 24 hours' notice prior to meeting.

The inability of Council to delegate this power to an individual makes it difficult to declare a state of local emergency in a timely manner which could delay support and assistance to residents in a time of emergency.

2017 AUMA Convention

The 2017 AUMA Convention will be held on November 22-24, 2017 in Calgary, AB. Resolutions for consideration at the 2017 Convention are due June 30, 2017.

RECOMMENDATIONS:

That Administration draft an AUMA resolution for Council approval that calls for AUMA to advocate to the Provincial Government to return to the pre-2011 wording of Section 21 of the *Disaster Services Act*.

That Administration enquire with other municipalities to find support for St. Albert's position and resolution.

Report Date: April 24, 2017
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General Manager: n/a
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