

**AUMA RESOLUTION
2017**

**CITY OF ST. ALBERT, CITY OF SPRUCE GROVE
STATE OF LOCAL EMERGENCY**

WHEREAS Section 21 of the *Disaster Services Act* (now *Emergency Management Act*) was amended in 2011 eliminating the ability of a municipality to delegate authority to declare a state of local emergency to an individual or committee; and

WHEREAS In effect, the amendment requires either a council vote or vote of a regional commission or joint body of two or more local authorities to declare a state of local emergency; and

WHEREAS This change makes it nearly impossible to declare a state of local emergency in a timely manner, which could delay support and assistance to residents in a time of emergency;

THEREFORE BE IT RESOLVED THAT the Alberta Urban Municipalities Association request that the Provincial Government amend the *Emergency Services Act* to enable a designated officer of municipality to declare a state of emergency, without resolution.

BACKGROUND

Section 21 of the *Disaster Services Act*, the predecessor (prior to 2011) to the current *Emergency Services Act*, indicated:

“(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.”

This wording would have allowed Council to delegate declaratory authority to a small Committee or an individual Council member. By way of example, the City of Calgary delegated authority to their Local Emergency Committee, which is composed of two individuals – the Mayor and one other member of Council as designated by the Mayor. The City of Edmonton similarly delegated authority to a committee, comprised of all members of council, but in an emergency, the City Manager can call a meeting with one hour’s notice and those in attendance constitute a quorum. However, in 2011, the Provincial Government changed Section 21 to read:

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.

Notwithstanding Council's wide powers of delegation under the *Municipal Government Act*, the legislation's silence regarding potential delegates appears to prohibit the municipality's ability to delegate authority to an individual designated officer (Mayor) or a committee. 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. Both of these options are logistically cumbersome and make it near impossible for a municipality to declare a state of local emergency in a timely manner, which could delay support and assistance to residents in an emergency.