



Legislation Text

File #: AR-20-263, **Version:** 1

TAMRMS#: B06

Mandatory Face Coverings

Presented by: Percy Janke, Director of Emergency Management

RECOMMENDED MOTION

1. That Council receive the report dated July 27, 2020 entitled "Mandatory Face Coverings" as information.

PURPOSE OF REPORT

To provide Council with information on the following:

- The development of regional practices regarding mandated face coverings
- Options (or implications) of mandated face coverings on St. Albert Public Transit and in City-owned and operated facilities and/or publicly accessible indoor spaces.

ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

N/A

ALIGNMENT TO LEVELS OF SERVICE DELIVERY

N/A

ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION

N/A

BACKGROUND AND DISCUSSION

The Government of Alberta's Chief Medical Officer of Health (CMOH) has authority and expertise on public health matters. The CMOH has encouraged Albertans to wear non-medical masks in public places to reduce the spread of COVID-19. While the City of St. Albert has continued to follow Provincial Guidance through the COVID-19 pandemic, the Province has indicated that the decision to make masks mandatory will be left to the authorities in each local jurisdiction.

Over the past two weeks, several municipalities across Alberta have considered making face coverings mandatory in specific instances. On July 21, 2020, the council of the City of Calgary passed Bylaw 26M2020 the "Face Coverings Bylaw" to make mandatory both face coverings and

associated informational signage in all places the public is entitled to be which includes not just public buildings and public transit, but all retail spaces as well, effective August 1, 2020. The City of Edmonton announced on July 23, 2020 that effective August 1, 2020, face coverings will be mandatory on Edmonton Transit Services (ETS) and in City of Edmonton owned and operated buildings. Exceptions to that requirement apply to:

- children under two years old;
- people with underlying medical conditions;
- people unable to put on/remove a mask without assistance;
- people engaging in physical activity; and,
- those who are eating and drinking inside an establishment.

Edmonton has taken the position that its Administration has the authority to take this action in respect of City buildings and City transit, without the need of a bylaw. Assuming that to be true, it will be challenging for Edmonton to enforce this requirement without the support of a bylaw under which fines for non-compliance may be imposed upon issuance of a ticket by a bylaw officer or peace officer. City of Edmonton Administration is therefore also preparing a Bylaw for their council's consideration on July 29, 2020 to make face coverings mandatory in all indoor publicly accessible areas (including retail businesses). The City of Edmonton has called for a regional approach to mandatory face coverings.

Administration had reached out and invited the Medical Officer of Health (MOH) to attend Monday's Council meeting, unfortunately the MOH is unable to attend. The MOH is willing to provide Administrative support in working through risks and benefits of various options or proposals. Additionally, the MOH is willing to provide answers to written questions from Council submitted through Administration.

Administration is providing two links that may provide additional information on medical masks for informational purposes:

Attachment 1: Alberta Health Services. (2020). COVID-19 Scientific Advisory Group Rapid Response Report. Retrieved from:

<https://www.albertahealthservices.ca/assets/info/ppih/if-ppih-covid-19-sag-mask-use-in-community-rapid-review.pdf>

Attachment 2: World Health Organization. (2020). Advice on the use of masks in the context of COVID-19. Retrieved from:

[https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-\(2019-ncov\)-outbreak](https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-(2019-ncov)-outbreak)

(Must copy and paste link directly into browser to work.)

With this context and recent developments in mind, Administration has prepared the background information herein, to hear Council feedback and determine potential next steps.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

Due to timing, no public engagement with residents has been conducted by Administration regarding the potential use of mandatory face coverings. There have been a variety of polls conducted

nationally in July 2020 that indicate general support for mandatory face coverings (in the range of 60 per cent to 80 per cent) in Canada and is growing.

In recent days, several municipalities within the Edmonton Metropolitan Region have called for a regional approach to mandatory face coverings to prevent the spread of COVID-19. At this time, Administration understands that Special Council Meetings and/or Emergency Advisory Committee meetings are planned for the City of St. Albert, City of Edmonton, and Strathcona County the week of July 27, 2020 (this list may not be exhaustive, as it is an evolving situation).

Administration has explored the possibility of mandatory face coverings with leaseholders in City-owned and operated facilities as they would be impacted by decisions of Council. The following summarizes what we have heard by those we were able to reach:

Library: The Library could easily accommodate mandatory face coverings. They have been encouraging mask use since reopening on July 2, 2020 by offering a free mask at the Library entrance.

Museum (Arts and Heritage Foundation [AHF]): Should face coverings become mandatory in City-owned and operated facilities, AHF would follow suit. All interpretive staff are mandated to wear face shields and staff are happy with increased safety measures.

WARES: Would have no objections to face coverings being mandatory.

Restaurant leaseholders (Servus Place and Fountain Park): There were no concerns and it was stated that the staff in the Edmonton locations are already in face coverings. For dine -in, they just want to ensure that face coverings do not deter people from eating in restaurants, so once seated would want them to be able to remove their face coverings when proper physical distancing is in place.

Active Physio Works: They have had mandatory face covering requirements for staff and patients since they have been back operating. They support the direction for mandatory masks in the facility.

Administration also spoke with the CEO of the St. Albert and District Chamber of Commerce who shared that they will be discussing mandatory face coverings at their board meeting on July 29. She indicated that anything that can be done to protect jobs, workers, and ensure economic recovery would be supported, and they will support the City in whatever decision they make.

IMPLICATIONS OF RECOMMENDATION(S)

At this point in time, Administration is seeking Council direction.

Financial:
None at this time.

Legal / Risk:
Municipalities in Alberta have full authority to legislate mandatory face covering requirements, under provisions of the *Municipal Government Act* that allow bylaws for the purpose of promoting health

and safety, and of regulating people and their activities in places that are open to the public. Making face coverings mandatory in City buildings and facilities only, without a bylaw, is technically possible under the same "natural person power" that the City shares with any other landowner, but is more challenging to enforce since the option of levying fines for non-compliance does not exist without a bylaw.

Program or Service:

Transit:

- The City of St. Albert has been provided with masks by Alberta Health, that will continue to be distributed to riders. Riders will continue to be encouraged to wear masks.

City-owned and operated facilities:

- Users would be encouraged to wear face coverings through signage and ongoing communications.
- The City has begun engaging with leaseholders and how they could potentially be impacted by decisions of Council. Administration would work with these stakeholders to implement any direction of Council.

Municipal Enforcement:

In discussions with the R.C.M.P. and Municipal Enforcement on Wednesday, July 22, 2020:

- Implications on enforcement will depend on the decision made by Council and the level of compliance from the public, inclusive of the range of education to enforcement.
- If enforcement was required, there may be the need to re-deploy officers from other duties and responsibilities.
- Since face coverings are highly visible, there is the likelihood of increased call volumes of reporting violations, in which case the City may need to consider establishing a reporting process to not impact existing calls for service.

Organizational:

There are several organizational and reputational considerations:

- Provincial/Municipal Responsibility: To-date, the City has deferred all health-related decisions to Alberta Health. In the absence of a Province-wide approach to face coverings, Council entering this sphere of policymaking represents a shift.
- Regional Alignment: Residents often do not see municipal boundaries across the Edmonton Metropolitan Region. However, there are varying degrees of known infection across the region at this time. From a user-experience, now that Edmonton has mandated face coverings on ETS, different rules for different transit providers could be confusing for users of both systems. If the City of Edmonton moves to Stage 3, this could be the same situation for retail services.
- City Council and Staff: New protocols and procedures would need to be developed administratively to implement Council's direction, should Council direct the development of a Bylaw.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council wishes to take action or instruct Administration to take action with respect to mandatory face coverings in public places in St. Albert, there are numerous options depending upon (a) the nature and number of places to which Council wishes to apply a mandatory masking requirement; (b)

what range of exceptions to mandatory masking Council deems to be appropriate; and (c) what (if any) penalties Council wishes to impose on persons who do not comply with the mandatory masking requirement. Although the precise wording of a Council resolution at the Special Meeting on July 27, 2020, would depend upon the political consensus, Administration offers the following alternative motions as a basis for Council debate:

1. That Administration be instructed to communicate to the public through media, social media, the City website and by signage that effective August 1, 2020 all persons in St. Albert Place (excepting only City employees when alone in private offices with the door closed) and all persons in a St. Albert transit bus or other transit facility, and other civic facilities at Council's discretion (to be specified by Council), must at all times be wearing a mask or other face covering that covers the mouth, nose and chin ensuring a barrier that limits the transmission of infectious respiratory droplets, and that this requirement remain in place until such time as Alberta's Chief Medical Officer of Health issues official public advice that face masks are no longer recommended as a measure for limiting the risk of spread of infectious disease;
2. That Administration prepare for Council's consideration on a date determined by Council, a bylaw to formalize the requirement of mandatory masking in St. Albert Place and on St. Albert Transit, including fines enforceable through the courts for non-compliance;
3. That Administration prepare for Council's consideration on a date determined by Council, a bylaw broadly similar to the bylaw enacted by the City of Calgary to impose a mandatory masking requirement in all buildings, structures and other enclosed indoor areas to which the public has a right of access or is by express or implied invitation allowed to be, not restricted to City owned or occupied places or vehicles, and requiring persons who own or control such places to post signage to inform the public of the mandatory masking requirement.

Report Date: July 27, 2020

Author: Percy Janke, Director of Emergency Management

Department: Emergency Operations Centre

Deputy Chief Administrative Officer: Kerry Hilts

Chief Administrative Officer: Kevin Scoble