

BYLAW 19938

Temporary Mandatory Face Coverings Bylaw Amendment (Conditions)

RECOMMENDATION

That Bylaw 19938 be given the appropriate readings.

Purpose

To amend the Temporary Mandatory Face Coverings Bylaw to require Council review once the COVID-19 active case rate for the City of Edmonton remains below 100 per 100,000 for 28 consecutive days and the provincial health order is repealed.

Readings

Bylaw 19938 is ready for three readings.

A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 19938 be considered for third reading.”

Position of Administration

Administration supports this Bylaw.

Previous Council/Committee Action

At the November 8/9/10,2021, City Council meeting, the following motion was passed:

That Administration prepare amendments to the Temporary Mandatory Face Coverings Bylaw 19408 and return to City Council for a discussion when all of the following conditions are met:

- a. after the active case rate for the Edmonton zone falls below 100/100,000 population for 28 consecutive days;
- b. 2 weeks after 80% of children aged 5-11 in the Edmonton zone have been fully vaccinated;

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- c. ICU utilization falls below 50% of usual capacity;
- d. the provincial chief medical officer of health order requiring indoor masking has been rescinded;
- e. and return to City Council at a minimum on a monthly basis with a status update.

Report Summary

The requirement to wear face coverings in indoor public places has always been intended as a temporary public health measure as part of the layered approach to reducing the spread of COVID-19. To ensure a timely review of the bylaw in response to changing public health indicators, Administration recommends that it be formally reviewed by Council once active case rates fall below 100 per 100,000 for 28 consecutive days and the provincial public health order has been rescinded.

REPORT

The Temporary Mandatory Face Coverings Bylaw requires Edmontonians to wear face coverings in all indoor public places as part of a number of steps the City of Edmonton has taken to help reduce the spread of COVID-19. Currently, this requirement is duplicated in Orders issued by the Chief Medical Officer of Health that require face coverings to be worn in all indoor public places across Alberta.

The requirement to wear face coverings in indoor public places has always been intended to be temporary and, following Council's most recent direction, Administration has considered potential conditions that should require Council to consider the bylaw and determine if it remains necessary given the public health indicators at that time.

At the November 8/9/10, 2021, City Council meeting, Council directed Administration to consider four potential conditions: active case rates, vaccination rates, Intensive Care Unit (ICU) utilization, and status of provincial health orders. Administration is recommending that active case rates and the status of the provincial health order be used to determine when Council reconsiders the Temporary Mandatory Face Coverings Bylaw as they are the most relevant and timely public health indicators available.

Regardless of the decision made by Council regarding the proposed bylaw amendments, Administration will provide a verbal update to Council regarding COVID-19 on a monthly basis. These reports will continue to include up-to-date COVID-19 information provided by Alberta Health, including vaccination rates, R-value, hospitalizations, and active cases. Council may, at any Council meeting, choose to amend or repeal the bylaw.

Proposed Conditions

Administration recommends that Council review the Temporary Mandatory Face Coverings Bylaw after the active COVID-19 case rate has fallen below 100 per 100,000 population for 28 consecutive days and the provincial Chief Medical Officer of Health order regarding face

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coverings has been rescinded. Once these two conditions have been met, Council will have 30 days to review the bylaw and may choose to leave it in effect, amend it, or repeal it.

In consultation with the Edmonton Zone medical officer of health, Administration does not recommend linking the bylaw to ICU utilization rates or vaccination rates for children aged 5-11 years. However, this information will be presented in monthly verbal updates to Council as context around the current health situation in the Edmonton area.

Active case rates are the most up-to-date indicator of the presence of COVID-19 in the community, and therefore the most reliable indicator of the likely transmission rate. In addition, active case rates are reported by Alberta Health at a municipal level, allowing the bylaw to be directly linked to the conditions that exist within the city of Edmonton. Requiring 28 consecutive days below 100 per 100,000 population ensures that active case rates must remain low for a period of time before the review condition is triggered.

While the City of Edmonton's bylaw applies to a large number of indoor places within the City, the Chief Medical Officer of Health has broader jurisdiction and, as a result, the current public health order applies to more indoor locations and across the province. Even if the City repealed its bylaw prior to the expiry of the provincial Order, the broader provincial rules would remain in effect. As a result, Administration recommends that Council formally consider its bylaw only after the provincial order is rescinded.

ICU utilization is a lagging indicator of the presence of COVID-19 in the community, and does not accurately represent the public health situation in the city of Edmonton as Edmonton zone hospitals provide service to the North zone and, in some cases, the territories. In addition, as the number of active ICU beds available fluctuates depending on service levels determined by Alberta Health Services, calculating the actual utilization rate is challenging for a municipality without access to real-time provincial health data. As a result, Administration has not recommended including ICU utilization as one of the conditions in the proposed bylaw.

The announcement of the availability of vaccinations for children aged 5-11 was welcome news for many Edmontonians. However, it is difficult to predict what the anticipated vaccine uptake for this age group will be past the initial swell of appointment bookings. Currently, even with the implementation of vaccination incentives and the Restrictions Exemption Program, not all groups of Albertans aged 12 and older have reached the full vaccination threshold of 80 per cent, and it is possible that some may never reach this level. Given the uncertainty regarding potential vaccine uptake, Administration will continue to monitor and support Alberta Health Services with vaccine roll-out as requested, but does not recommend including vaccination rates in the bylaw as a formal review condition.

COMMUNITY INSIGHTS

Edmontonians have expressed a diversity of perspectives on the continued use of masks and face coverings. Administration considered those perspectives along with all other decision making inputs when preparing the recommendation for Council's consideration.

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ATTACHMENT

1. Bylaw 19938

OTHERS REVIEWING THIS REPORT

- M. Plouffe, City Solicitor