

Lessons Learned

Responding to COVID-19

Recommendation

That the October 1, 2020, Office of the City Manager report CR_8374, be received for information.

Previous Council/Committee Action

At the June 8/10, 2020, City Council meeting, the following motion was passed:

2. That Administration provide a report to Council based on lessons learned to date, including:
 - a. any recommendations for changes to relevant city policies and bylaws; and,
 - b. any constructive feedback the City might have for the Province, including but not limited to recommended further amendments to the *Emergency Management Act* that could enable municipalities to enact less drastic pandemic emergency management measures to assist in managing public health emergencies that run over a longer period of time and require less sweeping authority than contemplated in the current *Act* where 'events' are typically shorter and have more clearly defined beginning and end points and where emergency powers are broad and all encompassing.

Executive Summary

Based on the current situation and indicators of success, the municipal and provincial government's response to COVID-19 to date has helped in containing the virus. The City of Edmonton and the Government of Alberta are positioned well to continue response efforts to the ongoing pandemic and any potential future waves.

However, Administration believes that some changes to the *Emergency Management Act* or implementation of the *Public Health Act* could allow the City to take a larger role in leading the implementation of public health-specific responses. Currently, the City must rely on the broad and all encompassing model set out in the current *Emergency Management Act*.

Report

The COVID-19 pandemic is an ongoing worldwide event of a magnitude not seen in over a century. The pandemic has required that Administration and Council be agile and respond to the emergency in coordination with the regional partners, public health officials, along with provincial and national decisions.

On January 31, 2020, Administration communicated to City employees that it was working with Alberta Health Services and monitoring the novel coronavirus situation closely. In February 2020, Administration met with the Emergency Management Agency to discuss the COVID-19 situation and established the COVID-19 Task Team.

The World Health Organization first characterized the outbreak of COVID-19 as a pandemic on March 11, 2020. Alberta's Chief Medical Officer of Health confirmed the existence of a public health emergency and issued an Order closing schools on March 16, 2020. On March 17, 2020, the Government of Alberta declared a provincial public health emergency, and this emergency order expired on June 15, 2020.

The first special Emergency Advisory Committee meeting was held on March 18, 2020, and the Committee declared a State of Local Emergency on March 26, 2020. Once the State of Local Emergency was declared, the Emergency Management Agency, as Council's agent, had the authority to exercise any of the authorities listed in the *Emergency Management Act* in order to respond to the emergency (see Attachment 1). While Administration kept the Emergency Advisory Committee informed of all steps taken throughout the response, the local authority's approval of emergency actions is not required during a State of Local Emergency.

The State of Local Emergency expired on June 5, 2020, following a decision by Emergency Advisory Committee not to renew it. The decision-making model presented to Committee is included as Attachment 2 for reference.

Since March 2020, the Government of Alberta and the City implemented a number of decisions, orders, and legislative measures, including:

- 70+ decisions or service changes were implemented by Administration using existing delegated authority
- Four State of Local Emergency Orders were issued by the Interim City Manager in his capacity as Director of the Emergency Management Agency
- 30+ Orders were issued by the Chief Medical Officer of Health
- 50+ Ministerial Orders were issued by the Province, most relying on the authority granted to Ministers through the provincial declaration of a public health emergency

- Approximately 100 violation tickets were issued in Edmonton for contraventions of public health orders

Up-to-date information on Edmonton-specific measures continues to be available on edmonton.ca/covid-19. Throughout the pandemic response, the City has focused on education to change behavior before taking enforcement measures.

As of the beginning of September 2020, the Edmonton Zone had 3,688 total confirmed COVID-19 cases, or 25 percent of the provincial total of 15,024 cases. As of September 22, 2020, 69 residents have passed away from COVID-19, which is 26 percent of the total number of Albertans who have died from COVID-19. During this period and based upon data available, Edmonton had the following peak numbers in one day (not all on the same day):

- 751 citizens who tested positive for COVID-19;
- 30 individuals hospitalized with COVID-19; and,
- eight individuals in the intensive care unit.

Overall, based upon the current situation and indicators, Administration believes the City's and provincial government's responses to COVID-19 continue to be successful. Our response to date has demonstrated our collective readiness to respond to the pandemic and any potential future waves.

Bylaws and Policies

Administration relied on the City Administration Bylaw and the Emergency Management Bylaw extensively as part of the COVID-19 response.

The City Administration Bylaw is the primary bylaw that establishes the role of Council and the City Manager by delegating administrative and operational matters to the City Manager and setting out Council's expectations through thresholds and reporting requirements. Decisions made by Administration, such as closing recreation centres and implementing transit service changes, were based on this delegation of operational responsibility to the City Manager. Council, in its capacity as the Emergency Advisory Committee, was kept informed of these decisions as they were made.

Administration is not recommending any changes to the City Administration Bylaw. Administration believes that this bylaw strikes an appropriate balance between Council and Administrative authority, and that the regular reporting to Emergency Advisory Committee ensured Council and the public were fully informed of Administration's decisions.

In February 2020, Council approved the current Emergency Management Bylaw. This bylaw replaced the prior bylaw due to a number of changes to the enabling provincial

legislation, the *Emergency Management Act*. As a result, the bylaw was familiar to Administration and Council, and operated well.

Administration is not recommending significant amendments to the bylaw. However, it is worth noting that Administration provided regular updates to the Emergency Advisory Committee despite this not being a requirement of the current version of the bylaw. Given that the amended *Emergency Management Act* allows municipalities to declare a state of local emergency for up to 90 days in the event of a pandemic, Council may wish to give direction to prepare amendments to require reporting at regular intervals in the event a lengthy state of local emergency is declared.

Emergency Management Act

To help inform any recommended amendments, Administration reviewed emergency and public health legislation from Alberta, British Columbia and Ontario, and compared how these authorities were used in response to COVID-19.

All three jurisdictions have an emergency management statute and a public health statute. All emergency management statutes rely on similar definitions of “emergency” as events that may cause significant harm or damage to persons or property and permit the use of broad sweeping powers that could apply to a wide variety of situations once an emergency is declared by the province or a municipality.

In local emergency situations, Alberta is unique with regard to exercising these broad authorities by allowing the Emergency Management Agency established by Council to exercise the authorities on behalf of the local authority. In Alberta, British Columbia and Ontario, elected officials declare the state of local emergency; however, in Alberta the declaration is done by a committee of Council, while Ontario and British Columbia grant this authority to the Mayor. Once declared, the powers available to respond to emergencies are generally similar, and none of the jurisdictions explicitly allows for a phased approach to emergency declarations.

Similarly, all three jurisdictions have a public health statute that allows for the declaration of public health emergencies, and grants the authority to medical officers of health to issue orders to respond to the emergency. The authorities granted are generally similar in all three jurisdictions, but the implementation in response to COVID-19 varied slightly.

In Alberta, the provincial government did not declare a provincial state of emergency. Instead, both the Government of Alberta and Chief Medical Officer of Health exercised their authority to declare a public health emergency and relied on the authorities granted by the *Public Health Act* to respond to the pandemic. While the Alberta legislation, similar to other jurisdictions, allows all medical officers of health to issue orders, all orders were issued at a provincial level by the Chief Medical Officer of

Health. Approximately 60 local authorities declared states of local emergency and a few issued orders pursuant to that declaration. Generally speaking, these orders duplicated steps taken at the provincial level to ensure alignment with the Government of Alberta's decisions.

In Ontario, most of the response, such as closing non-essential businesses, was done under the authority of a provincial emergency. Local medical officers of health issued some orders dealing with health-specific matters, such as mandatory isolation. Through a declaration of local emergency, the Mayor of Toronto implemented a mandatory physical distancing bylaw and mandatory face coverings bylaw.

In British Columbia, most of the response was carried out using orders issued by public health authorities, which is closer to Alberta's approach. Although Vancouver declared a state of local emergency, it does not appear to have taken any significant steps in using that authority.

Possible Amendments

If Council would like to propose amendments to provincial legislation, possible topics could include:

- Clarifying the *Emergency Management Act* to explicitly allow the local authority to include limitations or directions to the Emergency Management Agency in the declaration, allowing Council to choose which of the authorities in the Act (see Attachment 1) it is permitting the Agency to use;
- Amending the *Public Health Act* to create the ability for a local authority to declare a local public health emergency on the advice of its local medical officer of health or the Chief Medical Officer of Health. Once declared, allow the local authority to issue orders similar to those permitted under the *Public Health Act* (see Attachment 1);
- Encouraging local medical officers of health to exercise the existing authority in the *Public Health Act* to issue local orders, instead of having all orders issued by the Chief Medical Officer of Health;
- Clarifying the language of the *Municipal Government Act* regarding electronic Council meetings and public access during public health emergencies, to meet the intent of allowing municipalities flexibility to carry-on its meetings with the appropriate balance of attendance in-person and electronically of Council, Administration and the public;
- Empowering community peace officers to enforce the *Public Health Act* on an ongoing basis;
- Adding provisions to the *Labour Relations Code* to broaden the scope of essential services to include 911 dispatchers, insurance adjusters, paralegals, etc that are vital for the response to the pandemic and keeping municipalities operational during the pandemic, and temporarily alleviating the terms of

collective bargaining agreements in relation to “conscripting” these individuals to assist with the emergency;

- Forming a communication group of designated provincial department heads, lawyers, intergovernmental representatives, and impacted municipalities' chief administrative officers to ensure consistent and timely responses between municipalities and the province; and
- Exploring potential amendments to the *Municipal Government Act*, Zoning Bylaw and other instruments to allow temporary uses of sites to assist with emergency response or related issues, such as temporary shelter, and expedited procurement processes.

Public Engagement

Public engagement was not conducted for this report as it deals with Administration's response and recommended changes.

Corporate Outcomes and Performance Management

Corporate Outcome: Edmonton is a safe city			
Outcome(s)	Measure(s)	Result(s)	Target(s)
Spread of COVID-19 is reasonably controlled within the City	Number of active cases	773 (end of September, 2020)	Less than 50 active cases per 100,000 population

Attachments

1. State of Local Emergency/Public Health Act Authorities
2. State of Local Emergency Decision-Making Model

Others Reviewing this Report

- M. Persson, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- C. Owen, Deputy City Manager, Communications and Engagement
- G. Cebryk, Deputy City Manager, City Operations
- J. Meliefste, Acting Deputy City Manager, Integrated Infrastructure Services
- K. Armstrong, Deputy City Manager, Employee Services
- R. Smyth, Deputy City Manager, Citizen Services
- S. McCabe, Deputy City Manager, Urban Form and Corporate Strategic Development