

October 7, 2013

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Honourable Doug Griffiths  
Minister of Municipal Affairs  
104 Legislature Building  
10800 97 Avenue  
Edmonton, AB  
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Dear Mr. Griffiths,

I write to you with the intent of initiating a dialogue about the glaring issues in the province's Emergency Management Act that have become apparent following this summer's devastating floods. It is my belief that the legislation in its current form risks lives and stalls a municipality's recovery efforts after a disaster such as the one we experienced this summer. I would like you to begin the process of reviewing the Emergency Management Act with the intent to improve it and remove these liabilities.

The first liability to which I refer is that current legislation provides no definition of the term "mandatory evacuation". According to the legislation, the following is stated on the subject;

**Powers of Minister in emergency**

- 19(1) On the making of the declaration and for the duration of the state of emergency, the Minister may do all acts and take all necessary proceedings including the following:
- (g) cause the evacuation of persons and the removal of livestock and personal property from any area of Alberta that is or may be affected by a disaster and make arrangements for the adequate care and protection of those persons or livestock and of the personal property;

This article does not include a definition of the term "evacuation", much less a "mandatory" one, and no such definition occurs elsewhere in the legislation. This is cause for concern, as different responding agencies and non-governmental organizations have differing opinions on what is actually meant by the term "mandatory evacuation".

Those of us working in the Emergency Operations Centre believed that "mandatory evacuation" meant that residents either chose to leave of their own accord or would be escorted out. We learned otherwise as RCMP responded to the term as per their own understanding, and the military responded likewise to their own understanding. When the emergency managers issued the demand for a mandatory evacuation, their understanding of the term was not met. This had an octopus effect in that not only did the emergency

managers feel as though their demands were not being met, but that clarity and definition were required for all subsequent commands; training which takes time, and in future scenarios could ultimately cost lives.

Further, as has been explained numerous times in the media, residents are now calling into question the validity of a “mandatory evacuation” order. I know that the next time an evacuation is called, many will refuse to leave due to the confusion around evacuations during this last emergency. Should they choose not to leave when such an order is issued, their lives are then put at risk. Emergency responders are there to protect and preserve life, and such refusal hampers their ability to do so. As you well know, it is the role of government to protect its citizens through policy and legislation, and although it may not be popular, it is necessary.

First responders, soldiers, emergency management responders and the public need to have a clear understanding of what can and cannot be done in Alberta with regards to a “mandatory evacuation”. We must answer the following questions, and build them into a definition embodied in legislation:

1. Does a person have the right to refuse to evacuate when a “mandatory evacuation” order has been issued?
2. What penalties will be levied if they refuse to evacuate? Will they be fined? Will they be charged and/or arrested?
3. If the penalties depend upon whether or not they are on their property, what happens if they leave their property?
4. What are the evacuation expectations of those who have other persons in their care?
5. If they refuse, what are the obligations of the emergency responders after the refusal? Are they obligated to provide food and water to those refusing to evacuate?

The second liability in the current legislation is that it hampers the province’s or a municipality’s ability to lead its own recovery. Please refer to the details provided in the Emergency Management Act under Section 19 (Powers of Minister in an emergency) and Section 24 (Powers of local authority). A State of Emergency (Local or otherwise) may be called as a result of what I will term an “event”. An event is one that’s size, complexity or duration has the potential to overwhelm the capacity of an emergency response service. This does not include a house fire or a car crash, but may include a pipeline break, train derailment, large-scale fire like that which affected Slave Lake two years ago, or massive flood like that which affected Southern Alberta this year. Once called, a State of Emergency exists in the region it was called, providing them all the powers therein until such time as the State of Emergency ends. Government during an emergency is not a democracy. This is appropriate during the response stage of an event, but not during the recovery phase.

The response phase covers the time from the start of the event until it is brought under control. The forest fire is out, drinking water is available or the flood waters have receded. Decisions during the response phase must be made quickly; there is no time for debate. There is one person in overall command. Extraordinary actions may need to be taken and the responders need the authority to take those measures. Current legislation allows for this.

Current legislation, however, does not allow for a recovery phase. The recovery phase is when we start picking up the pieces. It is not over until life is as close to normal as possible. Extraordinary powers may still be needed by those in charge in order to carry out the recovery, but in many other areas debate may be necessary to determine the best course for recovery. In such a scenario, as in High River currently, a “State of Recovery” (or similar) would provide for both the extraordinary actions, but also the public debate, wherever each is necessary.

A simple example: in a State of Local Emergency, prices of goods are fixed to pre-event levels. Once the response phase has closed, the prices of goods need to be released to allow for economic recovery, yet powers to use property to alleviate the effects of the event may still be required.

It has been two years since the Slave Lake fires and they are still recovering. They are out of the emergency but there is still work to be done. For the many communities impacted by the 2013 floods, some will need months and others years to carry out the recovery phase. At some point the State of Local Emergency has to come to an end; the question is when.

By implementing a “State of Recovery” to the Emergency Management Act, the State of Emergency (Local or otherwise) could be lifted once the recovery phase has started. Such a “State of Recovery” can and should be declared by the province, and should be in place for an extended period. It needs to allow for recovery efforts to proceed, but should also allow the involvement of our elected officials and municipal staff. In this way, full transparency would be provided, and public confidence in local government would be far less likely to be called into question. At the same time, such needs during the recovery phase such as the elimination of posting times, special budget and borrowing powers, and fast-tracking of building permits should still be in place.

The inadequate definition of a “mandatory evacuation” and the need for a “State of Recovery” are the two most significant issues that exist in the current Emergency Management Act. However, upon review of some of our most recent emergencies, it is quite likely there are other opportunities for the improvement of this body of legislation. Regardless, the review of the Emergency Management Act must begin immediately. We must be better prepared for the next emergency long before it happens, and many Albertans, particularly in High River, fear it will happen again in June 2014.

Please begin the review process of the Emergency Management Act immediately to get the necessary changes implemented as soon as possible. I would also like to offer to you my involvement in this review process, however you believe my experience and knowledge would best suit this process. Please note that this offer will stand regardless of whether or not I am elected to council in High River. These changes must be addressed, and they must be addressed now. Legislation must not risk lives during, nor hamper recovery efforts following an emergency like the one we just experienced this year.

Yours faithfully,

Richard Murray,

High River Resident

CC:

The Honourable Alison Redford, Premier of Alberta

Ms. Danielle Smith, M.L.A. for Highwood

Mr. Bruce Rowe, Wildrose Party Municipal Affairs Critic

Ms. Laurie Blakeman, Alberta Liberal Party Municipal Affairs Critic

Mr. Deron Bilous, Alberta New Democratic Party Municipal Affairs Critic

His Worship Emile Blokland, Mayor of the Town of High River

Mr. Greg Clark, Leader of the Alberta Party