

To All Mayors and RD Chairs and CAOs:

Guidance on the State of Provincial Emergency and implications for local authorities under the Emergency Program Act (EPA).

We understand that with the State of Provincial Emergency (SOPE) declared on March 18, 2020, many local governments are currently deliberating whether they should take steps to declare a state of local emergency (SOLE) within their jurisdiction.

We are requesting that all local governments first give due consideration to the questions of if and how a declaration of a SOLE in your community would support the efforts of the Province as we all work together as a larger community to confront the challenges we are facing from the COVID-19 threat.

Local governments are being asked to consider carefully what powers they might exercise under a SOLE and how those powers would complement, rather than conflict with the powers the Province may exercise under the SOPE. Please consider whether the matter at issue is better addressed at the Provincial level, or at the local level. For example, a measure requiring local businesses to limit quantities of goods available for purchase and setting specific hours of operation to serve the elderly and vulnerable. Consider also the impacts that the exercise of SOLE powers may have on the full range of members of your community, as well as on your neighbours. We request that local authorities that are considering a SOLE to contact their EMBC regional office so that EMBC can fully understand what each community is intending to accomplish with the SOLE powers.

As you are aware, as local authorities, councils of municipalities and boards of regional districts are authorized to declare a SOLE with powers for the local authority to exercise that are similar to those afforded the Province under the SOPE. See the [EMBC Guidelines to Declaring a State of Local Emergency](#) (p. 7) for a list of those powers. Note also that the Minister of Public Safety and Solicitor General may restrict the powers being exercised under a SOLE. The PSSG minister may also authorize or require local authorities to implement a local emergency plan or emergency measures for their jurisdictions.

Finally, a number of communities have requested clarification regarding section 14 (3) of the EPA. The Province's interpretation of s.14(3) is that it applies in the situation where the Province decides to declare a SOPE limited to a specific area in which there is an existing SOLE. The intent is to allow the Province to assume control of the response to a local emergency, should it be deemed necessary. In general, s. 14(3) does not operate to prevent local authorities from declaring a SOLE at the same time that the Province has made a declaration of provincial emergency applicable throughout the entire Province.

It is also important to recognize that the SOLE powers available to a local authority are short term (7 days) and not all encompassing – for example, they do not provide a mechanism to supersede existing legislative requirements such as in the *Community Charter* or the *Local Government Act*. Consideration should be given to the existing local government authorities that might assist you in dealing with your issue. Further, a SOLE is not needed in order to implement your emergency response plan, or to recover eligible response costs.

The Ministry of Municipal Affairs and the Ministry of Public Safety and Solicitor General are aware of procedural issues already flagged in the current situation, such as public attendance at council/board meetings and limitations on the ability of councils and boards to meet electronically. It is important that we move quickly but also thoughtfully on these matters, to ensure you can continue to deliver good government in your communities.

Working together, the Province and local authorities will have greater success in managing an issue that affects all British Columbians. As we work together to combat the COVID-19 threat in our communities and in the Province as a whole, we would ask that your staff continue to work together with EMBC through the regional PREOC centres set up in the 6 emergency management regions.

This is the most difficult of times and we want to recognize the extraordinary efforts of you and your staff in supporting communities and keeping them safe and with necessary services. We and our staff are here to help support local governments as issues arise and we encourage you to work with the Province in our shared efforts against the COVID-19 threat.

Sincerely,



Selina Robinson
Minister
Municipal Affairs

Sincerely,



Mike Farnworth
Minister
Public Safety and Solicitor General