

# Local Authority State of Local Emergency Process Guide

## Introduction

Declaring a State of Local Emergency (SoLE) provides local authorities with the tools and powers they require to manage the impacts of a major emergency or disaster within its jurisdiction.

In the event of a major emergency or disaster in a municipality or other area within the jurisdiction of a local authority, the local authority, may, for the purpose of acquiring one or more of the powers under subsection 12(1) of The Emergency Measures Act, declare a state of emergency with respect to part, the entire municipality or other area affected by the major emergency or disaster. All SoLEs must be clearly communicated to the residents in the affected area and to Manitoba Emergency Measures Organization (EMO).

## Definitions

**Disaster** – a calamity, however caused, which has resulted in or may result in

- a) the loss of life, or
- b) serious harm or damage to the safety, health or welfare of people, or
- c) wide-spread damage to property or the environment

**Emergency** – a present or imminent situation or condition that requires prompt action to prevent or limit

- a) the loss of life, or
- b) harm or damage to the safety, health or welfare of people, or
- c) damage to property or the environment

## Local Authority

- a) the council of an incorporated community as defined in The Northern Affairs Act,
- b) the council of a municipality,
- c) the council of an incorporated city, town or village,
- d) the resident administrator or council of a local government district,
- e) the Minister of Indigenous Reconciliation and Northern Relations in respect of northern Manitoba other than an incorporated community,
- f) the Minister of Conservation and Climate with respect to provincial parks designated under section 7 of The Provincial Parks Act,
- g) the Minister of Agriculture and Resource Development with respect to Crown lands in Manitoba within the meaning of The Crown Lands Act, and wildlife management areas or wildlife refuges designated under section 2 of The Wildlife Act,
- h) the Minister responsible for the administration of the Indian Act (Canada) with respect to a reserve as defined in that Act,
- i) the Minister of National Defence with respect to a Canadian Forces Base,
- j) the Minister responsible for national parks under the National Parks Act (Canada) with respect to a national park

**Major Emergency** – an emergency that is not a routine emergency

## Emergency Powers

Section 12(1) of The Emergency Measures Act lists the powers for a local authority. When declaring a SoLE, a local authority has access but not limited to the following powers to prevent or limit loss of life and damage to property or the environment:

- cause emergency plans to be implemented;
- utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of any emergency or disaster;
- authorize or require any qualified person to render aid of such type as that person may be qualified to provide;
- control, permit or prohibit travel to or from any area or on any road, street or highway;
- cause the evacuation of persons and the removal of livestock and personal property and make arrangements for the adequate care and protection thereof;
- control or prevent the movement of people and the removal of livestock from any designated area that may have a contaminating disease;
- authorize the entry into any building, or upon any land without warrant;
- cause the demolition or removal of any trees, structure or crops in order to prevent, combat or alleviate the effects of an emergency or a disaster;
- authorize the procurement and distribution of essential resources and the provision of essential services;
  - regulate the distribution and availability of essential goods, services and resources;
- provide for the restoration of essential facilities, the distribution of essential supplies and the maintenance and co-ordination of emergency medical, social and other essential services;
- expend such sums as are necessary to pay expenses caused by the emergency or disaster.

**\*Note – It is important to remember that actions that cause damage to private property or cause financial burdens on private citizens will need to be repaired or paid by the local authority.\***

**\*\*Note – when considering powers and when time permits, it is important for local authorities to consult legal council to ensure the local authority will not be liable for damages or loss that are unnecessary to the response effort.\*\***

## Process

### Declaration

- A major emergency or disaster occurs.
- First responders notify:
  - Municipal Emergency Coordinator (MEC);
  - Chief Administrative Officer (CAO); and
  - Reeve/Mayor or Council
- The local authority will convene and vote to declare a SoLE and pass a council resolution.
  - In the event that there is no time to convene council or quorum of council, the Reeve/Mayor may declare a SoLE on their own.
- A SoLE is valid for a maximum of 30 days beginning the day it was made. When declaring a SoLE it is imperative to include the following:
  - a description of the major emergency or disaster;
  - Whether the SoLE applies to all or a portion/portions of the municipality and a description of the affected area/areas;
  - Must state if the declaration will be less than 30 days and provide the duration and end date; and
  - After the resolution is completed the local authority will fill out the Manitoba State of Local Emergency Declaration Form.
- Once the local authority has completed the declaration through council resolution, they will send the resolution and SoLE declaration form via email to the Manitoba EMO Duty Officer at [emodutyofficer@gov.mb.ca](mailto:emodutyofficer@gov.mb.ca).
- Manitoba EMO will then record and track the SoLE documentation and send to the Minister of Transportation and Infrastructure for approval.
- Once approved Manitoba EMO will communicate the approval to the local authority in writing.

### Extension

- A SoLE is in effect for a maximum of 30 days, unless a shorter period is specified in the declaration.
- If the impacts of the disaster are still being felt and forecasted conditions will prolong those impacts beyond the original 30 days, the local authority may request an extension.
  - The extension can be for a maximum of 30 days, unless a shorter period is specified.
- Both the extension request and SoLE declaration form need to be submitted to the Manitoba EMO Duty Officer **no later than five business days before the SoLE expire date**.
  - The request must provide justification of the extension and include the current powers used/needed and any additional powers the local authority will require.

- Manitoba EMO will review the extension and send the request to the Minister of Transportation and Infrastructure for approval.
- Once a decision has been made, Manitoba EMO will communicate the decision to the local authority in writing.

### Termination

- SoLEs expire after 30 days unless otherwise specified by the local authority.
- If impacts caused by the disaster are no longer a threat to public safety, property or the environment and the local authority does not require the use of the powers, then the SoLE should be terminated.
- However, the local authority needs to be certain the impacts have subsided and will not return as a SoLE cannot be re-declared for the same event more than once.
- Termination notices need to be sent to the Manitoba EMO Duty Officer for processing, tracking and reporting.

### Summary

A SoLE is a necessary course of action for a local authority to react and respond to a major emergency or disaster that cannot be handled through regular duties of first responders.

A SoLE grants the local authority with extraordinary powers to combat the impacts or prevent further harm from occurring. Although the local authority has these powers, any actions undertaken by a local authority that cause damage to provincial infrastructure, private property or other local authority's jurisdiction will be their responsibility for repairing those sites. Therefore, a local authority needs to be mindful of the impacts and actions taken during the emergency. .

Once the local authority has determined a SoLE is needed and the council resolution has been passed, the local authority is required to fill out the Manitoba State of Local Authority Declaration Form. This form will allow the local authority to clearly outline:

- Which power or powers they will be utilizing;
- The SoLE start and end dates; and
- A description of what the local authority is experiencing.

Upon completion of the council resolution and the declaration form, the local authority will send both documents to the Manitoba EMO Duty Officer at [emodutyofficer@gov.mb.ca](mailto:emodutyofficer@gov.mb.ca).