

COUNCIL REQUEST FOR DECISION

MEETING DATE: August 17, 2020

SUBMITTED BY: I. Sasyniuk, General Manager, Corporate Services

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REPORT TITLE: COVID-19 Face Mask Survey Results and Draft Bylaw No. 1062-2020 Mandatory Face Coverings Bylaw

EXECUTIVE SUMMARY

In alignment with the strong recommendation from the Government of Alberta regarding use of face coverings in enclosed spaces, the City issued a public survey and business survey to solicit sentiment from our residents and business owners. The results (Attachments 1 & 2) indicate that the majority of business owners are not in favour of mandatory face covers and the general public response indicated that there was not a clear majority in favour or not in favour of the use of mandatory face coverings.

Therefore, Administration has drafted Bylaw No.1062-2020 (“Bylaw”) for Council’s consideration that would require individuals to wear face coverings in all indoor, publicly accessible spaces if the number of confirmed COVID-19 cases within the City of Leduc reach 10 or more.

RECOMMENDATION

That Council give Bylaw No. 1062-2020 first reading.

That Council give Bylaw No. 1062-2020 second reading.

That Council unanimously consent to consider Bylaw No. 1062-2020 for third reading.

That Council give Bylaw No. 1062-2020 third reading.

RATIONALE

Health officials are strongly encouraging all Alberta residents to wear face coverings whenever it is difficult to maintain two metres of physical distance from others. For the purpose of this report and the draft bylaw, “face covering” means a medical or non-medical mask or other face covering that covers the mouth, nose and chin, and acts as a barrier to the transmission of infectious respiratory droplets. Situations where people may be unable to maintain two metres of physical distance include:

- on public transit
- indoor public places such as shopping malls, grocery stores, hair salons, other
- retail outlets and public reception areas
- recreational facilities and attractions

To date, the Chief Medical Officer of Health has not issued a province-wide order under the Public Health Act requiring the use of face coverings, but has indicated support for municipalities that choose to implement a requirement within their boundaries.

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Face coverings are one action individuals can take to help prevent the spread of COVID-19. When combined with measures such as physical distancing, proper hand hygiene and staying home when sick, face coverings are effective in preventing the transmission of COVID-19 by symptomatic and asymptomatic carriers as well as potentially offering some protection to the wearer.

The Regional Approach

Efforts to reduce the spread of Covid-19 are strongest when applied widely and consistently. Alignment with others in the region would be most strategic in a coordinated approach to prevent spread of the virus. Both Edmonton and St. Albert have bylaws in place which make mandatory face covering use in all publicly accessible areas. Other communities such as, Beaumont and Spruce Grove have draft bylaws prepared for mandatory face covering use in public places which will be reviewed at upcoming Council meetings in August. Fort Saskatchewan has a bylaw in place but is only in effect when threshold of ten positive Covid-19 cases in the Community (as reported by AHS) is reached and Strathcona County's bylaw is in effect based on 25 positive cases. There are communities that currently require only face coverings on transit and in City facilities by way of policy or a bylaw. Strathcona County has the requirement covered by a bylaw but other communities such as Beaumont, Spruce Grove and Leduc are currently reliance on policy.

Other communities within the Province have also introduced mandatory face coverings in all public places. These communities include Calgary, Banff, Lethbridge and Jasper. Okotoks is pending a 3rd reading of a bylaw while Airdrie was against a bylaw unless a threshold was reached at which time the matter will be reviewed. Cochrane implemented a face covering bylaw that is similar to the Fort Saskatchewan approach and requires a threshold of 10 cases in the community to be reached before it is in force.

Attachment 3 provides a detailed overview of the approach that a number of other Alberta municipalities have taken with regard to implementation of a mandatory face coverings bylaw.

Proposed Face Covering Requirements

The Bylaw (Attachment 4) will require individuals to wear a face covering in all indoor, publicly accessible spaces. This will include retail stores, entertainment venues, recreation centres and vehicles for hire, in addition to City facilities, when utilizing transit, and ride for hire vehicles. Business operators can choose whether or not to deny service to those who do not comply with the bylaw and may also sell or provide face coverings to customers if they choose.

The proposed bylaw will not apply to persons:

- under 5 years of age;
- unable to wear a Face Covering due to an underlying medical condition or limitation, or due to a protected ground under the Alberta Human Rights Act RSA 2000 c.A-25.5;
- unable to place, use or remove a Face Covering safely without assistance;
- eating or drinking at a Public Premises that offers food or beverage services;
- actively participating in an athletic or fitness activity;
- providing care or assistance to a person with a disability, where wearing a Face Covering would hinder the provision of care or assistance;
- temporarily removing his or her Face Covering as necessary to provide or receive a service, including but not limited to a religious or ceremonial spiritual service or a health care-related service;
- who is an employee of a business or operation, while in an area of a Public Premises designated for the exclusive use of such persons, provided that physical barriers or physical distancing measures are implemented between that person and any other person not subject to this exception.

The proposed fine for an offence under the Bylaw is \$100, and at any time once the Bylaw comes into effect, Council may suspend its operation (or re-engage it once suspended) by resolution.

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ORGANIZATIONAL IMPLICATIONS

ADMINISTRATION:

RISK ANALYSIS: FINANCIAL / LEGAL:

There are no legal risks of note associated with the recommendations above. As noted in the Bylaw, section 7 of the *Municipal Government Act* authorizes Council to pass bylaws relating to

- (a) the safety, health and welfare of people and the protection of people and property,
- (b) people, activities and things in, on or near a public place or place that is open to the public; and
- (c) businesses, business activities and persons engaged in business.

The Bylaw further indicates that it does not apply to any portion of any public premises governed by specific provincial legislation or orders pertaining to face coverings.

IMPLEMENTATION / COMMUNICATIONS:

Should Council enact the proposed bylaw, a communication plan will be executed to educate residents on the approach adopted by Council and Administration. Communications will include a news release on Tuesday, August 18; web content; social media postings; and an information piece to be circulated to various networks across the community, including businesses. The key message of these communications will be to emphasize the focus on the health and well-being of the community, balanced with a socially sustainable approach that reflects the will of the community. The results of the community and business surveys will also be posted to the City's website.

Should the bylaw need to be enacted – that is, should the City of Leduc have 10 or more cases of COVID-19 – further communication will go out to the community including all of the above tactics again. The key messages of these communications will be to emphasize Council's focus on the health and well-being of the community.

At all stages, education will be a critical element of the communications approach.

Should Council decide not to enact a bylaw, the results of the public and business surveys will be posted to the City's website and communicated by way of social media, along with a message outlining the approach that Council has decided on.

As indicated, the Bylaw will take effect upon Alberta Public Health reporting 10 or more active cases of the virus in the City. Community education will be a key component ahead of enforcement.

ALTERNATIVES:

- 1) The approach could be taken not to enact the proposed Bylaw and wait for further direction from the provincial government.
- 2) Council may wish to make amendments to the proposed Bylaw to enact face coverings immediately or determine a different threshold for enactment.

ATTACHMENTS

Attachment 1 – City of Leduc Residents Face Mask Survey Results



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Attachment 2 – City of Leduc Business Face Mask Survey Results

Attachment 3 – Municipal Comparative Information - Face Coverings Bylaw Approach

Attachment 4 – Draft Bylaw No. 1062-2020