**Mandate:** To advise City Council on development of emergency plans and programs in the City of Lethbridge for the following year.

**Meetings:**
- Held: Sporadically
- How Often: Once/year (or as/when required)
- Times of Meetings: Business Hours.
- Duration of Meetings: 1½ to 2 hours
- Location: Emergency Operations Centre

**Contact:**
Office of the City Clerk: 403-320-4741

**Requirements of Board:** Internal Committee
CITY OF LETHBRIDGE EMERGENCY MANAGEMENT BYLAW

WHEREAS pursuant to the Emergency Management Act, R.S.A. 2000, c.E-6.8, Council is responsible for the direction and control of the City’s emergency response, for approving emergency plans and programs, and is required to appoint an Emergency Advisory Committee, and to establish and maintain an Emergency Management Agency, and appoint a Director of Emergency Management; and

AND WHEREAS the City has prepared a Municipal Emergency Management Plan which will be regularly reviewed, and revised and approved when necessary;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF LETHBRIDGE, DULY ASSEMBLED, ENACTS AS FOLLOWS:

PART I
CITATION, PURPOSE AND DEFINITIONS

Citation
1. This Bylaw may be referred to as the “Emergency Management Bylaw”.

Purpose
2. The purposes of this Bylaw are:

(a) to provide for the direction and control of the City’s emergency responses, and the preparation and approval of the Municipal Emergency Management Plan and related plans and programs,

(b) to establish and appoint an emergency advisory committee and provide for the payment of expenses of the emergency advisory committee, and

(c) to establish an emergency management agency to act as Council’s agent in exercising Council’s powers and duties under the Emergency Management Act,

Definitions
3. In this Bylaw, unless the context otherwise requires:

(a) “Act” means the Emergency Management Act, R.S.A. 2000, c.E-6.8, and regulations thereto, as amended or replaced from time to time;

(b) “Agency” means the Lethbridge Emergency Management Agency appointed under this Bylaw;

(c) “City” means the municipal corporation of the City of Lethbridge;

(d) “City Manager” means the Chief Administrative Officer of the City within the meaning of the MGA, or designate;
(e) "Committee" means the Lethbridge Emergency Advisory Committee established under this Bylaw;

(f) "Council" means the elected municipal council of the City of Lethbridge;

(g) "Councillor" means the members of Council and includes the Mayor;

(h) "Director" means the person appointed Director of the Agency by this Bylaw;

(i) "Disaster" means an event that results in serious harm to the safety, health or welfare of people or in widespread damage to property or the environment;

(j) "Emergency" means an event that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property or the environment;

(k) "Emergency Social Services" or "ESS" means those services provided by the City and other parties on a short-term basis to preserve the emotional and physical well-being of evacuees and response workers in emergency situations;

(l) "Emergency Social Services Branch Director" means the City employee who is responsible for the management and coordination of a local ESS program/team;

(m) "Mayor" means the chief elected official of the City as defined in the Municipal Government Act;

(n) "MGA" means the Municipal Government Act R.S.A., c. M-26 and the regulations thereto, as amended or replaced from time to time.

(o) "Minister" means the minister charged with the administration of the Act;

(p) "Municipal Emergency Management Plan (MEMP)" means the City's emergency plan prepared to coordinate response to an Emergency or Disaster.

(q) "State of Local Emergency" or "SOLE" means a state of local emergency declared in accordance with the Act and this Bylaw.

PART II
LETHBRIDGE EMERGENCY ADVISORY COMMITTEE

Establishment

4. There is hereby established the Lethbridge Emergency Advisory Committee.

Membership and Quorum

5. All Councillors are members of the Committee.

6. Those members of the Committee who attend any meeting of the Committee constitute a quorum for that meeting.
Functions and Duties

7. The Committee will:

(a) provide guidance and direction to the Agency;

(b) advise Council on the development and status of emergency plans and programs on an annual basis;

(c) during an Emergency or Disaster, the Committee shall:

   (i) receive updates regarding the Emergency or Disaster from the Agency;

   (ii) in accordance with the Act, declare the SOLE at an end when appropriate; and,

   (iii) perform any additional powers or duties as described in the Act that have been assigned to it by Council;

(d) perform any other functions and duties as required by this bylaw.

Committee Chair

8. The Mayor is the chair of the Committee and will preside at all meetings, and when the Mayor is unable, through illness, absence or other cause, to perform the chair's duties, the first member of Council described in the following list who is present and able to act, shall be the chair of the Committee:

(a) the Councillor holding the position of Deputy Mayor at the time of the meeting;

(b) the Councillor holding the position of Acting Mayor at the time of the meeting will act as chair;

(c) the next available Councillor in priority according to the Deputy Mayor roster as established at the first organizational meeting after a regular election.

Meetings

9. The Committee will meet at least once annually.

10. The Committee may meet from time to time at the request of the Mayor or the Director, whether or not an emergency or disaster exists.

Member Expenses

11. All members of the Committee will be entitled to the payment of reasonable expenses in accordance with Council policy.
PART III
STATE OF LOCAL EMERGENCY

Declaration of a State of Local Emergency

12. The power to declare a SOLE in the City in accordance with Section 21 of the Act is hereby delegated to a sub-committee of the Committee to be known as the “Local Emergency Committee”.

13. The Local Emergency Committee shall be composed of the chair of the Committee, or the person acting in place of the chair of the Committee, in accordance with s. 8.

14. The Local Emergency Committee may call a meeting without notice.

15. Quorum for the Local Emergency Committee shall be one (1).

16. The Local Emergency Committee shall declare a SOLE by resolution, and the motion for such resolution is not required to be seconded or to be declared in a public meeting.

17. The declaration of the SOLE under this Part shall identify the nature of the emergency and the area of the City in which it exists.

18. The Local Emergency Committee shall forthwith forward a copy of the declaration to the Minister.

19. Immediately after the Local Emergency Committee makes the declaration of a SOLE, the Committee shall cause the details of the declaration to be published by such means of communication as it considers is most likely to make known to the population of the City affected by the contents of the declaration of a SOLE.

20. The Local Emergency Committee shall report to the next meeting of Council the nature of the SOLE, the reasons for so declaring and the area of the City in which it exists or existed.

21. Upon declaration of a SOLE and for the duration of the SOLE, the Director, may, in accordance with Section 24 of the Act, exercise and perform all of the powers and duties given to a local authority by the Act.

22. At all other times, and except as otherwise provided in this Bylaw, the Committee shall exercise and perform all of the powers and duties given to a local authority by the Act.

23. With the exception of s. 20, the City’s Procedure Bylaw 5411 shall not apply to this Part III.

PART IV
LETHBRIDGE EMERGENCY MANAGEMENT AGENCY

Establishment

24. There is hereby established the Lethbridge Emergency Management Agency.

Membership and Participation

25. The Agency shall consist of:
(a) the Director or designate;
(b) the City Manager or designate;
(c) the Emergency Preparedness Manager or designate;
(d) the Emergency Social Services Branch Director or designate;
(e) the City's Senior Management Team, or their designates; and
(f) the Chief of Police or designate;

26. In addition to the members appointed to the Agency under section 25, the Director may from time to time appoint advisory members of the Agency drawn from:

(a) other City Business Units; and
(b) public or private organizations operating within or around the City.

Functions and Duties

27. The Agency will:

(a) be responsible for the administration of the City's emergency management program;

(b) act as the agent of Council to carry out all of the powers and duties of Council under the Act, except for the powers and duties delegated by this Bylaw to the Committee;

(c) provide advice to the Committee as required;

(d) review all emergency management plans and programs for the City on an annual basis;

(e) report to the Committee on all Agency activities and provide an update on the review of the MEMP on an annual basis;

(f) use a command, control and coordination system as prescribed by the Managing Director of the Alberta Emergency Management Agency.

(g) cause the MEMP and related plans and programs to be activated when required; and,

(h) perform any other functions and duties as required by this Bylaw or by Council.

Director of Emergency Management

28. The Chief of Fire and Emergency Services shall be the Director of the Emergency Management Agency.

29. The Director is authorized to delegate and authorize further delegations of any powers, duties, and functions delegated to the Director under this bylaw.
30. The Director shall:
   (a) be the Chair of the Agency
   (b) prepare and coordinate emergency management related plans and programs for the City;
   (c) act as the Director of the City’s Emergency Coordination Center during activation;
   (d) co-ordinate all emergency services and other resources used in an emergency, and
   (e) perform any other functions and duties as prescribed by Council.

   PART V
   GENERAL PROVISIONS

31. Unless otherwise noted, the City’s Procedure Bylaw 5411, as amended or replaced, shall apply to meetings of the Committee. If there is any conflict between a provision of the Procedure Bylaw or this Bylaw, this Bylaw prevails.

32. Bylaw 5679 is hereby repealed.

33. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS 21st DAY OF May, 2019

MAYOR

CITY CLERK

READ A SECOND TIME THIS 24th DAY OF June, 2019

MAYOR

CITY CLERK

READ A THIRD TIME THIS 24th DAY OF June, 2019

MAYOR

CITY CLERK
EMERGENCY MANAGEMENT ACT

Revised Statutes of Alberta 2000
Chapter E-6.8

Current as of December 11, 2013

Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the Emergency Management Act that are filed as Alberta Regulations under the Regulations Act

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions
1 In this Act,

(a) “Agency” means the Alberta Emergency Management Agency referred to in section 3.1(1);

(a.1) “Cabinet Committee” means the committee of the Executive Council appointed under section 4;

(b) “declaration of a state of emergency” means an order of the Lieutenant Governor in Council under section 18;

(c) “declaration of a state of local emergency” means a resolution or order of a local authority under section 21;

(d) repealed 2007 c12 s3;

(e) “disaster” means an event that results in serious harm to the safety, health or welfare of people or in widespread damage to property;

(f) “emergency” means an event that requires prompt co-ordination of action or special regulation of persons or property to protect the safety, health or welfare of people or to limit damage to property;

(g) “local authority” means

(i) where a municipality has a council within the meaning of the Municipal Government Act, that council,

(ii) in the case of an improvement district, the Minister responsible for the Municipal Government Act,
(iii) in the case of a special area, the Minister responsible for the *Special Areas Act*,

(iv) the settlement council of a settlement under the *Metis Settlements Act*,

(v) the park superintendent of a national park or the superintendent’s delegate where an agreement is entered into with the Government of Canada under section 9(b) in which it is agreed that the park superintendent is a local authority for the purposes of this Act, or

(vi) the band council of an Indian band where an agreement is entered into with the Government of Canada under section 9(b) in which it is agreed that the band council is a local authority for the purposes of this Act;

(g.1) “Managing Director” means the individual who holds the office of Managing Director of the Agency by virtue of an appointment under section 3.1(2), and includes any individual acting in that capacity;

(h) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(i) “municipality” means the area comprising a municipality within the meaning of the *Municipal Government Act* or an improvement district or special area and includes

(i) the settlement area of a settlement under the *Metis Settlements Act*,

(ii) the area comprising a national park where an agreement is entered into with the Government of Canada under section 9(b) in which it is agreed that the park superintendent is a local authority for the purposes of this Act, and

(iii) the area comprising an Indian reserve where an agreement is entered into with the Government of Canada under section 9(b) in which it is agreed that the band council is a local authority for the purposes of this Act.

RSA 2000 cD-13 s1;2002 c32 s5;2004 c30 s2; 2007 c12 s3

Crown bound

2 This Act binds the Crown. 1992 c31 s3
Proof of authorization

3 If the Minister authorizes a person to carry out a power or duty of the Minister under this Act as the Minister responsible for this Act or as a local authority and the authorization

(a) is made in writing,

(b) purports to be signed by the Minister responsible for the Municipal Government Act or the Minister responsible for the Special Areas Act, and

(c) states that the person named in it is authorized under this section to carry out the power or duty set out in the written authorization,

that written authorization or a copy of it shall be admitted in evidence as proof, in the absence of evidence to the contrary, of that person’s authorization to carry out the power or duty without proof of the signature or official character of the Minister.

Part 1
Administration

Emergency Management Alberta Agency

3.1(1) There shall be a part of the public service of Alberta known as the “Alberta Emergency Management Agency”.

(2) In accordance with the Public Service Act, there shall be appointed a Managing Director and such officers and employees of the Crown in right of Alberta as the Minister considers are required for the administration of the business and affairs of the Agency.

Cabinet Committee

4 The Lieutenant Governor in Council may appoint a committee consisting of those members of the Executive Council whom the Lieutenant Governor in Council designates to advise on matters relating to emergencies and disasters.

Advisory committees

5(1) The Minister may appoint committees as the Minister considers necessary or desirable to advise or assist the Minister, the Cabinet Committee or the Managing Director.
(2) The members of committees appointed under subsection (1) who are not officers or employees of the Crown, or officers or employees of an agency of the Crown, may be paid remuneration for their services and expenses at a rate or rates fixed by the Minister.

RSA 2000 cD-13 s5;2007 c12 s6

Regulations

6 The Lieutenant Governor in Council may make regulations

(a) assigning responsibility to departments, boards, commissions or Crown agencies for the preparation or implementation of plans or arrangements or parts of plans or arrangements to deal with emergencies;

(b) delegating any power or duty of the Minister or the Lieutenant Governor in Council under this Act except

(i) a power or duty of the Minister that has been delegated by the Minister,

(ii) the power to make regulations, and

(iii) the power to make an order declaring a state of emergency;

(c) governing the assessment of damage or loss caused by a disaster and the payment of compensation for the damage or loss;

(c.1) respecting the providing of funding for the reimbursement of costs incurred by local authorities and individuals in connection with measures taken to reduce or mitigate potential flood hazards, including, without limitation, regulations

(i) prescribing or describing the measures to be taken to reduce or mitigate potential flood hazards that are eligible for the reimbursement of costs, and

(ii) governing the procedures applicable to and the proof required for the reimbursement of costs;

(c.2) respecting the filing and removal of caveats against titles to land in a flood fringe or floodway, as those terms are defined in the regulations, for which funding has been provided pursuant to a disaster recovery program administered under the regulations;
Section 7  EMERGENCY MANAGEMENT ACT  RSA 2000  Chapter E-6.8

(d) governing the sharing of costs incurred by the Government of Alberta or by a local authority in conducting emergency operations;

(e) requiring persons

(i) who are engaged or may be engaged in any operation,

(ii) who are utilizing or may be utilizing any process,

(iii) who are using any property in any manner, or

(iv) on whose real property there exists or may exist any condition,

that may be or may create a hazard to persons or property, whether independently or as a result of some other event, to develop plans and programs in conjunction with local authorities to remedy or alleviate the hazard and to meet any emergency that might arise from the hazard;

(f) governing the administration of the Disaster Relief Fund;

(g) concerning any other matter or thing necessary for the administration of this Act and for which no specific provision is made in this Act.

RSA 2000 cD-13 s6;2002 c32 s5;2007 c12 s7; 2010 c5 s3;2013 c21 s1

Subrogation regulations

7(1) The Lieutenant Governor in Council may make regulations establishing that Her Majesty in right of Alberta has a right of subrogation with respect to

(a) payments of compensation made by Her Majesty in right of Alberta for damage or loss caused by a disaster, or

(b) payments made by Her Majesty in right of Alberta for the purpose of sharing costs incurred by a local authority in conducting emergency operations.

(2) The regulations under this section may define and describe the right of subrogation and may deal with any matter respecting the enforcement of or procedures relating to the right of subrogation.

(3) The regulations under this section may provide that the right of subrogation applies to payments made before November 15, 1993.

1993 c23 s3
8 Repealed 2011 c13 s3.

Powers of Minister

The Minister may

(a) review and approve or require the modification of provincial and municipal emergency plans and programs;

(b) enter into agreements with the Government of Canada or of any other province or territory or any agency of such a government, dealing with emergency plans and programs;

(c) make surveys and studies of resources and facilities to maintain and provide information necessary for the effective preparation of emergency plans and programs;

(d) make surveys and studies to identify and record actual and potential hazards that may cause emergencies;

(e) make payments and grants, subject to any terms or conditions that the Minister may prescribe, to local authorities for the purposes of assisting in emergency preparedness and the provision of public safety programs;

(f) enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency plans or programs;

(g) conduct public information programs relating to emergency preparedness for and the mitigation of disasters.

Ministerial orders

The Minister may, by order,

(a) divide Alberta into various subdivisions for the purpose of organizing integrated emergency planning, training, assistance and emergency operations programs;

(b) require local authorities of those municipalities located within a subdivision referred to in clause (a) to prepare integrated plans, procedures and mutual assistance programs to deal with emergencies and to submit them to the Managing Director for review;

(c) establish procedures required for the prompt and efficient implementation of plans and programs to meet emergencies;
(d) require a person to whom the order is directed and

(i) who is engaged or may be engaged in any operation,

(ii) who is utilizing or may be utilizing any process,

(iii) who is using any property in any manner, or

(iv) on whose real property there exists or may exist any condition,

that may be or may create a hazard to persons or property, whether independently or as a result of some other event, to develop plans and programs in conjunction with one or more local authorities to remedy or alleviate the hazard and to meet any emergency that might arise from the hazard.

(2) The Regulations Act does not apply to an order made under subsection (1).

Municipal emergency organization
11 A local authority

(a) shall, at all times, be responsible for the direction and control of the local authority’s emergency response unless the Government assumes direction and control under section 18;

(b) shall prepare and approve emergency plans and programs;

(c) may enter into agreements with and make payments or grants, or both, to persons or organizations for the provision of services in the development or implementation of emergency plans or programs.

Emergency advisory committee
11.1(1) Each local authority shall appoint an emergency advisory committee consisting of a member or members of the local authority or, in the case of an improvement district, a special area or a national park, a person or persons the local authority designates, to advise on the development of emergency plans and programs.

(2) The local authority shall provide for the payment of expenses of the members of the committee.
Emergency management agency

11.2(1) A local authority shall maintain an emergency management agency to act as the agent of the local authority in exercising the local authority’s powers and duties under this Act.

(2) There shall be a director of the emergency management agency, who shall

(a) prepare and co-ordinate emergency plans and programs for the municipality,

(b) act as director of emergency operations on behalf of the emergency management agency,

(c) co-ordinate all emergency services and other resources used in an emergency, and

(d) perform other duties as prescribed by the local authority.

(3) A local authority, except an improvement district, special area, national park or Indian reserve, may by bylaw that is not advertised borrow, levy, appropriate and expend all sums required for the operation of the emergency management agency.

(4) For greater certainty, an emergency management agency may be maintained by and may act as the agent of more than one local authority.

Delegation by local authority

11.3(1) Without limiting section 9 of the Government Organization Act, a local authority may delegate the local authority’s powers or duties under this Act to

(a) a regional services commission established under the Municipal Government Act representing 2 or more local authorities if the regional services commission is authorized in its establishing regulation to exercise that power or duty;

(b) if authorized by ministerial order, a joint committee representing 2 or more local authorities that is composed of one or more members appointed by each of the local authorities;

(c) in the case of a summer village and if authorized by ministerial order, another local authority.

(2) Despite sections 21(1) and 23(1), a delegate of a local authority under subsection (1) that declares or terminates a local state of emergency shall do so by resolution.
Disaster Relief Fund

12(1) There is hereby established a Disaster Relief Fund into which may be deposited public donations for disaster relief in areas inside or outside Alberta.

(2) The Disaster Relief Fund shall be administered in accordance with the regulations by a committee called the “Disaster Relief Committee” consisting of those persons who are appointed to the committee by the Lieutenant Governor in Council.

(3) Members of the Disaster Relief Committee who are not officers or employees of the Crown, or officers or employees of an agency of the Crown, may be paid remuneration for their services and expense allowances at the rate fixed by the Lieutenant Governor in Council.

Recovery of expenditures

13 When an expenditure with respect to a disaster is made by the Government within or for the benefit of a municipality, the local authority, other than a park superintendent or an Indian band council, shall, if so required by the Lieutenant Governor in Council, pay to the Minister the amount of the expenditure or the portion of it as may be specified in the order, at the times and on the terms as to the payment of interest and otherwise that the order may require.

Fees

14 The Minister may charge fees for any services or materials that are provided and any research that is carried out in respect of matters to which this Act pertains.

15 and 16 Repealed 2010 c5 s5.

Offence

17 Any person who

(a) contravenes this Act or the regulations, or

(b) interferes with or obstructs any person in the carrying out of a power or duty under this Act or the regulations,
is guilty of an offence and liable to imprisonment for a term of not
more than one year or to a fine of not more than $10 000 or to both
imprisonment and fine.

RSA 2000 cE-6.8 s17;2010 c5 s6

Confidentiality

17.1(1) Terms used in this section have the same meaning as is
assigned to them in the Freedom of Information and Protection of
Privacy Act.

(2) The Freedom of Information and Protection of Privacy Act
does not apply in respect of information in a record that is in the
possession of a public body where the information

(a) is used or to be used for the purpose of preparing or
administering a crisis management plan under a regulation
under this Act, or

(b) forms part of a crisis management plan under a regulation
under this Act.

2002 c32 s5

Part 2
State of Emergency

Declaration of state of emergency

18(1) The Lieutenant Governor in Council may, at any time when
the Lieutenant Governor in Council is satisfied that an emergency
exists or may exist, make an order for a declaration of a state of
emergency relating to all or any part of Alberta.

(2) A declaration of a state of emergency under subsection (1)
must identify the nature of the emergency and the area of Alberta
in which it exists.

(3) Immediately after the making of an order for a declaration of a
state of emergency, the Minister shall cause the details of the
declaration to be published by any means of communication that
the Minister considers is most likely to make known to the majority
of the population of the area affected the contents of the
declaration.

(4) Unless continued by a resolution of the Legislative Assembly,
an order under subsection (1) expires at the earlier of the following:

(a) at the end of 28 days, but if the order is in respect of a
pandemic influenza, at the end of 90 days;
(b) when the order is terminated by the Lieutenant Governor in Council.

(5) Repealed 2010 c5 s7.

(5.1) Unless otherwise provided for in the order for a declaration of a state of emergency, where

(a) an order for a declaration of a state of emergency is made, and

(b) there is a conflict between this Act or a regulation made under this Act and any other Act or regulation, other than the Alberta Bill of Rights or the Alberta Human Rights Act or a regulation made under either of those Acts,

during the time that the order is in effect, this Act and the regulations made under this Act shall prevail in Alberta or that part of Alberta in respect of which the order was made.

(6) The Regulations Act does not apply to an order made under subsection (1).

**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:

(a) put into operation an emergency plan or program;

(b) authorize or require a local authority to put into effect an emergency plan or program for the municipality;

(c) acquire or utilize any real or personal property considered necessary to prevent, combat or alleviate the effects of an emergency or disaster;

(d) authorize or require any qualified person to render aid of a type the person is qualified to provide;

(e) control or prohibit travel to or from any area of Alberta;

(f) provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and co-ordinate emergency medical, welfare and other essential services in any part of Alberta;
(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;

(h) authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program;

(i) cause the demolition or removal of any trees, structures or crops if the demolition or removal is necessary or appropriate in order to reach the scene of a disaster, or to attempt to forestall its occurrence or to combat its progress;

(j) procure or fix prices for food, clothing, fuel, equipment, medical supplies, or other essential supplies and the use of any property, services, resources or equipment within any part of Alberta for the duration of the state of emergency;

(k) authorize the conscription of persons needed to meet an emergency.

(2) As it relates to the acquisition of real property, subsection (1)(c) does not apply to real property located within a national park or an Indian reserve.

(3) If the Minister acquires or utilizes real or personal property under subsection (1) or if any real or personal property is damaged or destroyed due to an action of the Minister in preventing, combating or alleviating the effects of an emergency or disaster, the Minister shall cause compensation to be paid for it.

(4) The Lieutenant Governor in Council may make regulations in respect of any matter mentioned in subsection (1).

(5) On the making of an order under section 18(1), the Managing Director or some other person whom the Minister appoints is responsible for the co-ordination and implementation of any or all necessary plans or programs prepared pursuant to this Act and all persons and agencies involved in the implementation are subject to the control and direction of the Managing Director or other person appointed.

**Termination of state of emergency**

20(1) When, in the opinion of the Lieutenant Governor in Council, an emergency no longer exists in an area in relation to which a declaration of a state of emergency was made, the Lieutenant
Governor in Council shall make an order terminating the declaration of a state of emergency in respect of that area.

(2) Immediately after an order is made under subsection (1), the Minister shall cause the details of the termination to be published by any means of communication that the Minister considers is most likely to make known to the majority of the population of the area affected the contents of the termination order.

RSA 1980 cD-36 s17

Declaration of state of local emergency

21(1) A local authority may, at any time when it is satisfied that an emergency exists or may exist in its municipality, by resolution or, in the case of the Minister responsible for the Municipal Government Act, the Minister responsible for the Special Areas Act or a park superintendent of a national park, by order, make a declaration of a state of local emergency relating to all or any part of the municipality.

(2) A declaration of a state of local emergency under subsection (1) must identify the nature of the emergency and the area of the municipality in which it exists.

(3) Immediately after the making of a resolution for a declaration of a state of local emergency, the local authority shall cause the details of the declaration to be published by any means of communication that it considers is most likely to make known to the population of the area of the municipality affected the contents of the declaration.

(4) Repealed 2010 c5 s9.

RSA 2000 cE-6.8 s21;2010 c5 s9

Cancellation of declaration of state of local emergency

22(1) The local authority shall forthwith on making a declaration of a state of local emergency forward a copy of the declaration to the Minister.

(2) The Minister may cancel the declaration of a state of local emergency at any time the Minister considers appropriate in the circumstances.

(3) A declaration of a state of local emergency ceases to be of any force or effect on the making of an order for a state of emergency by the Lieutenant Governor in Council relating to the same area of the municipality.

(4) A declaration of a state of local emergency lapses 7 days after its making by the local authority unless it is earlier cancelled by the
Minister or terminated by the local authority or unless it is renewed by the local authority.

(5) This section and section 21(3) apply to any renewal of a state of local emergency.

Termination of declaration of state of local emergency

23(1) When, in the opinion of the local authority, an emergency no longer exists in an area of the municipality in relation to which a declaration of a state of local emergency was made, it shall by resolution or, in the case of the Minister responsible for the Municipal Government Act, the Minister responsible for the Special Areas Act or a park superintendent of a national park, by order, terminate the declaration of a state of local emergency in respect of that area.

(2) Immediately after

(a) the passage of a resolution or order terminating a declaration under subsection (1),
(b) the cancellation by the Minister of a declaration of a state of local emergency, or
(c) the termination by lapse of time of a declaration of a state of local emergency,

the local authority shall cause the details of the declaration or cancellation or the fact of the termination by lapse of time to be published by any means of communication that it considers is most likely to make known to the majority of the population of the area affected the contents of the declaration or cancellation or the fact of the termination.

Notice provisions do not apply

23.1 Where the sole purpose of a meeting of a local authority is to pass a resolution referred to in section 21(1) or 23(1), the notice requirements in sections 194 to 196 of the Municipal Government Act do not apply.

Powers of local authority

24(1) On the making of a declaration of a state of local emergency and for the duration of the state of local emergency, the local authority may do all acts and take all necessary proceedings including the following:
(a) cause any emergency plan or program to be put into operation;

(b) exercise any power given to the Minister under section 19(1) in relation to the part of the municipality affected by the declaration;

(c) authorize any persons at any time to exercise, in the operation of an emergency plan or program, any power given to the Minister under section 19(1) in relation to any part of the municipality affected by a declaration of a state of local emergency.

(1.1) If the local authority acquires or utilizes real or personal property under subsection (1) or if any real or personal property is damaged or destroyed due to an action of the local authority in preventing, combating or alleviating the effects of an emergency or disaster, the local authority shall cause compensation to be paid for it.

(2) A local authority, except the local authority of an improvement district, special area, national park or Indian reserve, may, during or within 60 days after the state of local emergency, by bylaw that is not advertised but is approved by the Minister responsible for the Municipal Government Act, borrow any money necessary to pay expenses caused by the emergency including payment for services provided by the Government of Alberta or by the Government of Canada when the services were provided at the request of the local authority.

(3) In the case of an improvement district, the Minister responsible for the Municipal Government Act and in the case of a special area, the Minister responsible for the Special Areas Act may, during or within 60 days after the state of local emergency, borrow any money necessary to pay expenses caused by the emergency including payment for services provided by the Government of Alberta or by the Government of Canada when the services were provided at the request of the Minister responsible for the Municipal Government Act or the Minister responsible for the Special Areas Act, as the case may be.

Dispute re compensation

25 If any dispute arises concerning the amount of compensation payable under this Act, the matter shall be determined by arbitration and the Arbitration Act applies.
Conscript’s employment

26 A person’s employment shall not be terminated by reason only that the person is conscripted pursuant to section 19(1) or 24(1).

Part 3
Liability Protection for Emergency Service Providers

Minister

27 No action lies against the Minister or a person acting under the Minister’s direction or authorization for anything done or omitted to be done in good faith while carrying out a power or duty under this Act or the regulations.

Local authority

28 No action lies against a local authority or a person acting under the local authority’s direction or authorization for anything done or omitted to be done in good faith while carrying out a power or duty under this Act or the regulations during a state of local emergency.

Search and rescue organization

29 No action in negligence lies against a search and rescue organization, the directors of that organization or a person acting under the direction or authorization of that organization for anything done or omitted to be done in good faith while acting under an agreement between that organization and the Minister.
EMERGENCY MANAGEMENT ACT

DISASTER RECOVERY REGULATION

Alberta Regulation 51/1994

With amendments up to and including Alberta Regulation 196/2006

Office Consolidation

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(Consolidated up to 196/2006)

ALBERTA REGULATION 51/94
Emergency Management Act
DISASTER RECOVERY REGULATION

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Definitions
1 In this Regulation,

(a) “compensation” means

(i) compensation by payment or in another form for damage or loss caused by a widespread disaster or a localized disaster, or

(ii) a payment for costs incurred by a local authority or the Government of Alberta in conducting emergency operations;

(b) “Director” means the Director of the Disaster Recovery Branch of the Alberta Public Safety Services Agency;

(c) “disaster recovery program” means a program of the Government of Alberta intended to respond to the needs of a large number of people, businesses or municipalities affected by a disaster or to restore the operations of the Government of Alberta affected by a disaster;
(d) “localized disaster” means a disaster
      (i) that has threatened the economic viability of a small number of people, businesses or municipalities,
      (ii) the cause of which was extraordinary, and
      (iii) that has caused damage or loss for which insurance was not readily and reasonably available before the disaster occurred;

(e) “widespread disaster” means a disaster for which a disaster recovery program has been approved under section 4.

Guidelines
2 The Minister may establish guidelines that
(a) govern the assessment of damage or loss caused by a disaster,
(b) govern what damage or loss caused by a disaster or costs incurred in emergency operations may be compensated, and
(c) establish limits on the amount of compensation that may be provided to an applicant.

Limits on compensation
3 No compensation may be provided
(a) for damage, loss or costs that are
      (i) an ordinary or normal risk of a business, trade, calling or occupation,
      (ii) loss of income,
      (iii) interest charges on loans and overdue accounts, or
      (iv) normal operating expenditures;
(b) to restore property to a level that exceeds its condition before a disaster.

Widespread disaster
4(1) The Minister may approve a disaster recovery program in respect of a disaster if the Minister is satisfied that
(a) the disaster has caused widespread damage to property, and
(b) the cause of the disaster was extraordinary.

(2) A disaster recovery program may include
(a) terms and conditions for providing compensation,
(b) the forms in which the compensation may be provided, and
(c) special provisions dealing with the assessment of damage and loss.

(3) The Managing Director is responsible for the administration of a disaster recovery program in respect of a widespread disaster.

Compensation for localized disaster

5(1) A person may apply to the Director for compensation for damage or loss caused by a localized disaster.

(2) The Director may provide compensation to an applicant under this section if
(a) the applicant
   (i) has suffered damage or loss caused by a localized disaster, and
   (ii) is eligible to receive the compensation under section 9,
and
(b) the provision of compensation is approved by the Managing Director.

(3) If the Director is not satisfied that an applicant meets the requirements of subsection (2)(a), the Director must provide the applicant with a written notice that sets out the reasons for the decision.

(4) If the Managing Director does not approve the provision of compensation under subsection (2)(b), the Managing Director must provide the applicant with a written notice that sets out the reasons for the decision.
Compensation for emergency operations costs

6(1) A local authority or the Government of Alberta may apply to the Director for compensation for costs incurred in conducting emergency operations.

(2) The Director may provide compensation to an applicant under this section if

(a) the applicant

   (i) has incurred costs in conducting emergency operations, and

   (ii) is eligible to receive the compensation under section 9,

   and

(b) the provision of compensation is approved by the Managing Director.

(3) If the Director is not satisfied that an applicant meets the requirements of subsection (2)(a), the Director must provide the applicant with a written notice that sets out the reasons for the decision.

(4) If the Managing Director does not approve the provision of compensation under subsection (2)(b), the Managing Director must provide the applicant with a written notice that sets out the reasons for the decision.

Review of Director’s decision

7(1) An applicant who receives the Director’s notice referred to in section 5(3) or 6(3) may request the Managing Director to review the decision of the Director set out in the notice.

(2) The applicant must submit the request for the review within 21 days after the applicant receives the Director’s notice.

(3) The Managing Director in conducting the review may consider recommendations from the Disaster Recovery Committee established under section 5 of the Act and may confirm the Director’s decision or determine that the applicant has met the requirements of section 5(2)(a) or 6(2)(a).

(4) The Managing Director must provide the applicant with a written notice that sets out the reasons for the decision.
Appeal of Managing Director’s decisions

8(1) An applicant who receives the Managing Director’s notice referred to in section 5(4), 6(4) or 7(4) may appeal the decision of the Managing Director set out in the notice to the Minister.

(2) The applicant must submit the request for the appeal within 30 days after the applicant receives the Managing Director’s notice.

(3) The Minister may confirm the Managing Director’s decision or direct that compensation be provided to the applicant.

(4) The Minister must provide the applicant with a written notice that sets out the reasons for the decision.

Eligibility requirements

9 An applicant is ineligible to receive compensation for damage or loss caused by a widespread or localized disaster or for costs incurred in conducting emergency operations if

(a) the damages, loss or costs could have been reasonably prevented,

(b) insurance for the damage, loss or costs was reasonably and readily available before the disaster or emergency occurred,

(c) there is a substantial likelihood that the damage, loss or costs could be recovered through legal action, or

(d) the full amount of the damage, loss or costs is available under other Government of Alberta programs.

Public interest exception

10 Notwithstanding any provision of this Regulation, the Minister may direct that compensation be provided to a person who suffered damage or loss caused by a disaster or to a local authority or the Government of Alberta that incurred costs in conducting emergency operations if, in the Minister’s opinion, it is in the public interest to provide the compensation.

Subrogation

11(1) In this section,

(a) “Crown” means Her Majesty the Queen in right of Alberta;

(b) “payment” means a payment authorized by the Alberta Public Safety Services Agency or the Minister to
compensate for damage or loss caused by a disaster or for the purpose of sharing costs incurred by a local authority in conducting emergency operations;

(c) “third party” includes a department, division or agent of the Government of Alberta other than the Alberta Public Safety Services Division.

(2) This section applies to payments made under the Disaster Assistance Regulation (Alta. Reg. 321/85) in 1992, 1993 and 1994 and to payments made under this Regulation.

(3) Where a payment is made to a person who suffered damage or loss or to a local authority that incurred emergency operation costs, the Crown is subrogated for the amount of the payment to all of the rights and causes of action that the person or local authority who received the payment has against a person who caused or contributed to the cause of the disaster or emergency.

(4) The Crown may maintain an action under subsection (3) in the name of the person or local authority who received the payment or in the name of the Crown.

(5) Where

(a) a payment is made to a third party who has provided a service or benefit or to allow a third party to provide a service or benefit to a person who suffered damage or loss caused by a disaster,

(b) the service or benefit has been provided to the person, and

(c) the service or benefit compensates the person for some of the damage or loss,

the Crown is subrogated for the amount of the payment to all of the rights and causes of action that the person who suffered the damage or loss has against a person who caused or contributed to the cause of the disaster.

(6) The Crown may maintain an action under subsection (5) in the name of the person who suffered the damage or loss or in the name of the Crown.

(7) The Crown’s right of subrogation is not affected by the fact that

(a) the person who suffered damage or loss has not been fully indemnified for the loss or damage, or

(b) the local authority that incurred emergency operation costs has not been fully indemnified for those costs.
(8) Evidence by the Crown that a payment was made to a person to compensate the person for damage or loss caused by a disaster is prima facie proof that the person suffered damage or loss caused by a disaster at least in the amount of the payment.

(9) Evidence by the Crown that a payment was made to a local authority for the purpose of sharing costs incurred by the local authority in conducting emergency operations is prima facie proof that the local authority incurred those costs in conducting emergency operations.

(10) Evidence by the Crown that a payment was made to a third party who has provided a benefit or service or to allow the third party to provide a benefit or service to a person who suffered damage or loss caused by a disaster and that the service or benefit has been provided to the person is prima facie proof that

(a) the third party has provided the service or benefit to the person,

(b) the person suffered damage or loss caused by the disaster, and

(c) the service or benefit compensates the person for some of the damage or loss in the amount of the payment.

Transitional

12 Notwithstanding section 13, section 2(2) of the Disaster Assistance Regulation (Alta. Reg. 321/85) applies and section 9 of this Regulation does not apply to applications for compensation

(a) for damage or loss caused by a disaster that occurs before this Regulation comes into force, and

(b) for the payment of costs incurred in conducting emergency operations that occur before this Regulation comes into force.

Repeal

13 The Disaster Assistance Regulation (Alta. Reg. 321/85) is repealed.
EMERGENCY MANAGEMENT ACT

GOVERNMENT EMERGENCY MANAGEMENT REGULATION

Alberta Regulation 248/2007

With amendments up to and including Alberta Regulation 18/2017

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Definitions

1 In this Regulation,

(a) “Agency” means the Alberta Emergency Management Agency;

(b) “Alberta Emergency Plan” means the plan referred to in section 2(1)(c);

(c) “business continuity plan” means, with respect to a business disruption, a plan through which

   (i) essential services will be prioritized,

   (ii) mitigation measures are employed, and

   (iii) continuity of service strategies are co-ordinated and implemented;

(d) “consequence management plan” means a plan that sets out actions to be taken,

   (i) for mitigation, preparedness, response and recovery with regard to emergencies, except human-induced intentional threats, and

   (ii) for response and recovery in respect of human-induced intentional acts;
(e) “crisis management plan” means a plan that sets out actions to be taken for mitigation and preparedness in respect of human-induced intentional threats;

(f) “department” means

(i) a department of the Government established under the Government Organization Act,

(ii) the office of the Public Service Commission, and

(iii) the Agency;

(g) “department plans” means business continuity plans and consequence management plans and any additional plans required by a responsible Minister under section 2(1)(f)(i);

(h) “deputy head” means

(i) the deputy minister of a department referred to in clause (f)(i),

(ii) the Public Service Commissioner, and

(iii) the Managing Director of the Agency;

(i) “emergency management” means the management of emergencies concerning all hazards, including all activities and risk management measures related to prevention and mitigation, preparedness, response and recovery;

(j) “emergency management partners” means those persons or organizations that have a role in Alberta’s emergency management system;

(k) “emergency management system” means the elements required for effective emergency management, including legislative, regulatory and policy frameworks, emergency plans and procedures and the involvement of emergency management partners;

(l) “emergency plans” means the following plans:

(i) Government plans;

(ii) department plans;

(iii) municipal plans;

(m) “Government” means the Government of Alberta;
(n) “Government plans” means the following plans:

(i) the Alberta Emergency Plan;

(ii) hazard-specific plans;

(iii) the Government of Alberta Business Continuity Plan referred to in section 2(1)(d);

(iv) the Alberta Counter Terrorism Crisis Management Plan;

(o) “hazard” means a potentially damaging physical event, phenomenon or human activity that may cause the loss of life or injury, property damage, social and economic disruption or environmental degradation;

(p) “hazard-specific plan” means a plan that sets out actions for mitigation of a specific hazard and preparedness, response and recovery activities with regard to an emergency caused by that hazard;

(q) “municipal plans” means plans referred to in sections 10 and 11 of the Act;

(r) “responsible Minister” means

(i) the Minister responsible for this Regulation, and

(ii) the Minister responsible for the plan referred to in section 2(1)(g).

AR 248/2007 s1;18/2017

Responsibilities of the Alberta Emergency Management Agency

2(1) The Agency shall

(a) be the co-ordinating agency for, and provide strategic policy direction and leadership to the Government and its emergency management partners,

(b) develop, implement, manage and maintain the Alberta emergency management system as described in the Alberta Emergency Plan,

(c) in consultation with departments and emergency management partners, develop, implement and maintain a comprehensive plan to be known as the “Alberta Emergency Plan”, which shall include
(i) a description of the Alberta emergency management system,

(ii) the Government of Alberta Business Continuity Plan and any hazard-specific plan required under clause (e),

(iii) the roles and responsibilities of departments and emergency management partners,

(A) generally in the Alberta emergency management system, and

(B) specifically in the preparation, implementation and maintenance of plans required by departments and local authorities,

and

(iv) the procedures for the co-ordination of emergencies,

(d) in consultation with departments, develop, implement and maintain a business continuity plan to be known as the Government of Alberta Business Continuity Plan,

(e) in consultation with one or more departments, co-ordinate the development of hazard-specific plans to be implemented and maintained under the responsibility of one or more of those departments,

(f) require departments, in consultation with the Agency,

(i) to prepare, implement and maintain, in accordance with the Government plans, consequence management plans, business continuity plans and any other plans required by a responsible Minister,

(ii) to review the effectiveness of the plans referred to in subclause (i) based on

(A) identified exercise objectives for a simulated emergency, or

(B) the lessons learned evaluation criteria established for a real emergency,

and

(iii) to carry out other functions and responsibilities set out in the Alberta Emergency Plan,
(g) liaise with the Department responsible for the preparation, implementation and maintenance of a crisis management plan relating to counter terrorism to be known as the Alberta Counter Terrorism Crisis Management Plan,

(h) establish mutual aid arrangements and maintain liaison with

(i) the departments, agencies, boards, commissions and Crown corporations of the governments of the provinces and territories and of Canada,

(ii) the State of Montana and its agencies, and

(iii) other provincial, national, international or regional organizations involved in emergency management,

(i) assist local authorities in the preparation, implementation and maintenance of their municipal plans, and

(j) conduct or facilitate training for employees of the Government or of municipalities or for other persons who have functions and responsibilities under this Regulation.

(2) Nothing in subsection (1) affects the responsibilities that local authorities, departments or agencies, boards, commissions and Crown corporations may have in respect of emergency plans under other legislation.

Departmental responsibilities

3(1) The functions and responsibilities of departments in respect of emergency management are those set out in this Regulation and the Alberta Emergency Plan.

(2) Each department must prepare, implement and maintain plans, including reviewing the effectiveness of the plans, as required by the Agency under section 2 and the Alberta Emergency Plan.

(3) A department may require an agency, board, commission or Crown corporation that reports to the Minister of that department to prepare, implement and maintain emergency plans for that agency, board, commission or Crown corporation.

Responsibilities of deputy head

4 The deputy head of a department is responsible for ensuring that the department’s functions and responsibilities under this Regulation and the Alberta Emergency Plan are properly carried out, including
Section 5  GOVERNMENT EMERGENCY MANAGEMENT REGULATION  AR 248/2007

(a) the appointing of appropriate persons in accordance with the Alberta Emergency Plan, and

(b) approving the plans referred to in section 3(2) and the Alberta Emergency Plan.

Repeal

Expiry
6 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on November 30, 2017.

Coming into force
7 This Regulation comes into force on January 1, 2008.