

Municipal Governance

During the COVID-19 Outbreak

Frequently Asked Questions – May 29, 2020

While we continue down the road to recovery together, Alberta Municipal Affairs remains committed to issuing bi-weekly updates that address frequently asked questions as well as provide information on new tools and resources as they become available.

If you would like a specific question answered in an upcoming update, please email your request to ma.lgsmail@gov.ab.ca.

Municipal Affairs Updates

Previous COVID-19 updates are available at www.alberta.ca/municipal-government-resources.aspx

Electronic Meetings



Does the electronic meeting provisions in the Meeting Procedures (COVID-19 Suppression) Regulation enable all of council to meet in person and have the public only attend through an electronic means?

YES. However, to meet the terms of the regulation and be consistent with the May 26, 2020 letter from the Chief Medical Officer of Health, the CAO or a designated officer must also attend electronically. If council and the CAO or designated officer attend in person, the meeting is not considered an electronic meeting.

Municipal Affairs is currently reviewing whether adjustments to the regulation may be required going forward.

The Meeting Procedures (COVID-19 Suppression) Regulation was put in place in response to the COVID-19 public health emergency to ensure meetings could occur in a manner that complied with the social distancing orders. Section 3 of the regulation allows meetings to be held electronically under specific conditions. Given the *MGA* already provides for council members to attend electronically, under the regulation it is the attendance of the CAO or a designated officer that determines if the meeting is an electronic meeting.

When the CAO or a designated officer attends electronically, public participation can be restricted to electronic means only. If the CAO/designated officers and council attend in person, the meeting does not meet the requirements stated in the regulation for an electronic meeting, so members of the public must be allowed to attend in person. Public attendance would need to comply with the social distancing orders with respect to the maximum number in the room and the distancing requirements. Electronic transmission of the meeting could be offered as an additional option for the

Municipal Advisory Services

If you have further questions, please call: 780-427-2225 or toll-free by first dialing 310-0000 or email ma.lgsmail@gov.ab.ca

members of the public or meeting participants that exceed the maximum permitted in the meeting room.

Will the electronic meeting provisions contained in the Meeting Procedures (COVID-19 Suppression) Regulation be permanent?

NO. The purpose of the regulation is to enable meetings to occur in a manner that avoids exposing people to COVID-19. While we recognize that the regulation provides alternatives more reflective of current technology, the regulation was not intended to enable councils to meet in the absence of the public beyond the duration of the pandemic. As part of the red tape reduction initiative and review of the MGA, consideration may be given to electronic meeting provisions to enable greater flexibility for municipalities, while also maintaining the public's right to participate.

For now, with the provincial relaunch strategy underway, municipalities should be considering ways to transition back to regular procedures, as public health measures are gradually relaxed. Once the pandemic is no longer in effect, municipal meetings will be required to enable in-person public attendance. Electronic transmission of meetings could continue to be offered as an option, but would not replace public attendance requirements.

Emergency Management

If a municipality had a pandemic SOLE in effect when Bill 13: *Emergency Management Act Amendments* came into force, is a new declaration for a pandemic state of emergency required to put in effect the 90 day timeframe?

NO. If a municipality's SOLE declaration states it is specific to a pandemic and it was in effect when Bill 13 was enacted (May 12, 2020), a new declaration is not required; however, the municipality is required to determine/state the duration of the SOLE, which can be extended up to 90 days. If the SOLE declaration did not specifically state it was a pandemic SOLE, a new declaration is required and

must state it is specific to a pandemic to enable the 90-day duration.

If desired, you may renew your SOLE declaration after Bill 13 came into force, and that renewal date would mark the beginning of the 90-day duration for the pandemic SOLE. It is up to each municipality to decide whether or not to let the pandemic SOLE continue or make a new pandemic SOLE declaration.

Policing Costs

Will the province consider the cancellation of invoices for policing costs announced as part of Budget 2019 in recognition of the current reduced fiscal capacity of municipalities as they manage their local response to the COVID-19 pandemic?

NO. While the province has announced a number of supports for municipalities and continues to work with local leaders to monitor concerns and respond accordingly, the elimination of the policing invoice is not under consideration at this time.

Also note that invoices for policing costs are not legislatively designated as a requisition, unlike Education Taxes, Senior's Foundations and Designated Industrial Property Assessment. Given policing costs are not designated as a requisition, there is no authority for municipalities to show policing costs as a separate line item on the municipal property tax bylaw, or to levy a specific tax rate for the collection of revenue to support policing costs. As an invoice to the municipality, policing costs must be included in the municipal budget and funded out of the revenue collected from the general municipal tax rate.

For municipalities wishing to provide information to ratepayers on the impact of increased costs for policing on the municipal budget, it is recommended that an insert be included with tax notices that provides that information, along with any other information council would like to communicate to ratepayers, be it budget related or otherwise.

General Questions

As part of Premier Jason Kenney’s announcement on April 30, 2020 about the phased reopening of businesses and services, he indicated that a supply of non-medical masks would be available to Albertans for use in situations where physical distancing is not possible. Are these masks going to be available soon?

YES. Planning is underway to make 40 million non-medical masks available to Albertans as part of the relaunch. Distribution facilities will be identified in many municipalities to increase access for Albertans. Additional information will be made available as further details are announced.

Mask use is not mandatory; however, Albertans are encouraged to wear non-medical masks in public spaces (e.g., transit, grocery stores, etc.) as a way to prevent respiratory droplets from contaminating other people or surfaces. Masks are not a replacement for other public health measures and good hygiene practices such as hand washing and maintaining two-metre physical distancing as much as possible continue to be encouraged for all Albertans. Rules and guidance for the use of masks in crowded spaces, like mass transit, are available on [Alberta.ca/masks](https://www.alberta.ca/masks).

Does publishing documents online meet the legislative requirements to make public documents available when offices remain closed to the public?

YES. Where the *MGA* requires information to be available to the public for public inspection, the Meeting Procedures (COVID-19 Suppression) Regulation enables this to be met by making it electronically available on a municipal website.



Are there guidelines available to assist with reopening municipal playgrounds?

YES. As of May 22, 2020, municipalities may choose to reopen their playgrounds if they are comfortable that the Chief Medical Officer of Health’s guidelines on numbers and physical distancing can be met. The reopening of municipal playgrounds requires careful planning on the part of municipalities. Municipalities can put up signage indicating that users are at their own risk and that the municipality does not accept any liability. You should consult with your legal counsel if you need information about liability. To support municipalities in adapting current practices, the Government of Alberta has released guidance on outdoor activities, including playgrounds. This guidance is available at <https://www.alberta.ca/assets/documents/covid-19-relaunch-guidance-playgrounds.pdf>. Please note, using playgrounds does have some risks, and children may find it difficult to avoid touching their eyes, nose, and mouth. Under the direction of the Chief Medical Officer of Health, the Government of Alberta is also advising Albertans to wear facemasks as an extra measure to prevent the spread of COVID-19 in the community.

Additional Resources

Alberta municipal associations continue to provide comprehensive resources to assist members during the pandemic. The Alberta Urban Municipalities Association has developed a webpage to act as a quick first reference with links to credible sources for up-to-date information at <https://auma.ca/business-services/employee-benefits/employers/covid-19>. The Rural Municipalities of Alberta’s COVID-19 response hub is accessible via <https://rmaalberta.com/about/covid-19-response-hub/>.

The Federation of Canadian Municipalities continues to compile a list of links and resources for municipalities. <https://fcm.ca/en/resources/covid-19-resources-municipalities>.