

Municipal Governance

During the COVID-19 Outbreak

Frequently Asked Questions – March 27, 2020

The *Municipal Government Act (MGA)* governs how municipalities operate and is one of the most significant and far-reaching statutes in Alberta. While the *MGA* provides the framework for municipalities to work within, the COVID-19 outbreak has presented unique operational challenges for local government operations.

In response, Alberta Municipal Affairs continues to explore and implement various measures to support municipalities.

COVID-19 – Municipal Legislative Modifications

View the new Regulation, Ministerial Orders and Orders In Council at qp.alberta.ca

To assist municipalities in complying with legislative meeting requirements, the ***Meeting Procedures (COVID-19 Suppression) Regulation*** has been enacted. The regulation allows meetings to be held in a manner that supports social distancing recommendations from the Chief Medical Officer of Health. Municipalities now have flexibility when conducting meetings and public hearings by electronic means, navigating quorum challenges due to councillors in quarantine, as well as methods for providing information to the public.

In addition to this new regulation, many timelines and deadlines legislated in the *Municipal Government Act (MGA)* have been extended by Ministerial Orders MSD:019/20 and MSD:022/20.

Council Meetings

Can meetings be held entirely by electronic means?



YES. During the COVID-19 health emergency, when the *MGA* requires a council, board or commission to hold a meeting, an electronic meeting (e.g., live-stream, teleconference, etc.) meets that requirement as long as:

- notice of the electronic meeting is provided and states the electronic means being used and gives the information necessary for the public to access the meeting;
- the public is able to hear the meeting as it is occurring;
- anybody entitled to make submissions, before and during the meeting, can make submissions by email or any other method that the council, board, or commission considers appropriate; and
- the following people attend by electronic means:
 - CAO or designated officer;
 - For a commission, growth management board or subdivision and development appeal board, the chair or vice-chair
 - For a composite or a local assessment review board, the presiding officer.

Public Libraries Resources

Resources are available at <https://www.alberta.ca/public-library-services.aspx>

Is the CAO or designated officer required to be at a physical location for an electronic meeting?

NO. During the COVID-19 health emergency, section 199 of the *MGA* has been modified so the public and the CAO do not need to be physically in attendance provided there is an electronic means that permits the meeting to be heard as it occurs.

Is there more flexibility for conducting public hearings?

YES. Section 230 of the *MGA* requires council to hear any person who claims to be affected by the proposed bylaw or resolution or wishes to make a presentation and has complied with the procedures outlined by the council.

During the COVID-19 health emergency, any person entitled to make submissions, before and during the meeting, can make submissions by email or any other method that the council, board, or commission considers appropriate.

Do advertisements for public notice have to contain a physical address?

NO. During the COVID-19 health emergency, section 606(6)(b) is modified so that the meaning of “place where it will be held” may include a website address, phone number or other information identifying where the meeting can be electronically accessed.

Are there additional options for making information available to the public?

YES. Where the *MGA* requires information to be available to the public for public inspection, this can be done by making it electronically available on the website or if requested, by sending the information to the person by email or mail or fax.

Are there options to achieve quorum if we have councilors or board members in quarantine?

YES. If quorum is unable to be achieved because of quarantine (this does not apply to self-isolation), quorum is constituted by the number of remaining members who are not in quarantine, provided the number remaining is two (2) or more.

Time Extensions

Have there been any extensions to upcoming deadlines?



YES. Through Ministerial Order No. MSD:022/20 the following deadlines have been extended to October 1, 2020:

- Statistical Information Returns (SIRS)
- Financial Information returns (FIRS) (s. 278)
- Audited Financial Statements for municipalities and Regional Services Commissions (s. 278 and s. 602.34)
- Notice of assessment date as required on an assessment notice (s. 308.1)
- The date by which assessment notices must be sent out by (s. 310(1))
- Arrears list to the Registrar (Land Titles), the unclaimed personal property and vested property program, and the requirement to post the arrears list (s. 412)
- Notification provided by the Registrar (Land Titles), warning of a tax sale to owners of a parcel of land and all those that have an interest in a parcel of land that are shown on the arrears list (s. 417)
- Tax sales that were required to be held by March 31 of 2020 (sec. 418(2))
- Notification provided by the municipality, warning of a tax sale to owners of a designated manufactured home, the designated manufactured home park owner, and all those that have an interest in the designated manufactured home that are shown on the arrears list (s. 436.08)
- Annual reports respecting clean energy improvement programs (s. 12 of the Clean Energy Improvements Regulation (AR 212/2018))

Are summer villages expected to hold organizational meetings by August 31?

NO. All summer villages have until October 1, 2020 to hold annual organizational meetings.

Are there extensions to actions that must be undertaken within specified timeframes?

YES. In sections of the *MGA* where there is a specified amount of time to do something which is triggered by an action occurring, Ministerial Order No. MSD: 022/20 extended the date for the specified time to October 1, 2020. That means that the time period triggered by the event is deemed to end on October 1 or to end as specified under the *MGA* or associated regulation, whichever time is later.

For example, under normal circumstances a CAO must report to council within 45 days of receiving a petition, on whether the petition is sufficient (section 226(1) of the *MGA*). During the COVID-19 health emergency, Ministerial Order MSD:022/20 states that if a petition from electors is received now, the CAO is not required to report to council regarding the petition's sufficiency until October 1, 2020.

Please refer to the listed items in Appendix 2 of MO MSD:022/20 (qp.alberta.ca) and apply this logic to your municipal issue. If you have any questions or concerns, please do not hesitate to contact a municipal advisor to discuss further.

Do I still need to request time extensions from the Minister?

YES. It is important you review Ministerial Order MSD:022/20 as the extension does not apply to everything. Extension requests are required for items not included in the Ministerial Order. An example is the need to request an extension for by-election timelines if there is a council vacancy.

Emergency Management Act

For questions regarding changes to the Act please contact the Alberta Emergency Management Agency at 780-422-9000 or toll-free by first dialing 310-0000.

ICFs and IDPs

Is there an extension for ICFs and IDPs?

YES. Ministerial Order No. MSD:019/20 has extended the time for an intermunicipal collaboration framework to be created pursuant to Section 708.28(1) of the *MGA* or an intermunicipal development plan to be adopted pursuant to Section 631(1) to April 1, 2021.

Previous exemptions from IDP requirements have been maintained (e.g. municipalities whose borders consist completely of crown land).

Municipal Advisory Services

If you have further questions, please contact us at:

780-427-2225

or toll-free by first dialing 310-0000

Or email ma.lgsmail@gov.ab.ca

Further Updates

Municipal Affairs is aware of the unique operational challenges municipalities are facing at this unprecedented time.

We will continue to examine ways to support municipalities in navigating through this situation, and will provide further updates as new tools become available.