

LIDSTONE & COMPANY

LOCAL GOVERNMENT LAWYERS

BULLETIN

TO: Clients

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DATE: March 27, 2020

RE: Alberta Municipalities and Council Meetings

FILE: 99999 - 044

To update the information in our previous Bulletin, we address the procedures municipalities must adopt in order to meet the requirements of the *Meeting Procedures (COVID-19 Suppression) Regulation*, Order in Council 99/2020 just issued by the province (the "*Meeting Procedure Regulation*"). The *Meeting Procedure Regulation* deems a meeting held by electronic means, including, without limitation, a teleconference or a live, publicly streamed broadcast, to be a public meeting for the purpose of the *Municipal Government Act* (the "**MGA**").

What types of meetings are covered by the *Meeting Procedure Regulation*?

- Any type of meeting for councils, boards or commissions that is required to be held in public, including a regional services commission, a municipal planning commission, an assessment review board, the Municipal Government Board, a subdivision and development appeal board and a growth management board.

Does the *Municipal Government Act* require any special procedures?

- Yes. It will be important that each electronic meeting meets the following minimum requirements:
 - Members of the public are able to hear the meeting as it occurs,
 - Any members of the public who would be entitled to make submissions at the meeting if the meeting were being held in person are able, before and during the meeting, to make submissions by email or any other method that the council, board or commission considers appropriate; and

- The following specific people are in attendance by remote means:
 - The chief administrative officer in the case of a meeting of council;
 - The chair or vice-chair in the in the case of a meeting of a commission, growth management board or a subdivision and development appeal board; and
 - The presiding officer in the case of a meeting of an assessment review board or the Municipal Government Board.

Have notice requirements changed?

- If you are conducting a meeting by electronic means and the *MGA* requires that notice of the meeting is to be given to the public, the notice now must state the electronic means by which the meeting is to be held and give the information necessary for the public to access the meeting.

Is there anything else to be cautious of?

- Regarding public hearings, the *Meeting Procedure Regulation* specifically deems procedures that meet the requirements of the regulation to have satisfied the requirements of sections 230(4) and 230(5) of the *MGA*. These sections deal with the obligation of council to hear from persons affected by a decision and to consider the submissions from those persons before making a decision on a bylaw or resolution. However, municipalities must still adhere to common law requirements of procedural fairness. With electronic meetings, procedures and timetables should be adopted that ensure that all participants can respond to information that is raised during the hearing or information that might have been challenging to understand as a result of the means by which the meeting was conducted (e.g. sound issues, streaming issues, etc.).

Other things in the *Meeting Procedure Regulation*:

- Information available electronically via e-mail or posted on the website of councils, boards and commissions or any other website where the council, board or commission considers the information is likely to be easily found by the public is sufficient for any provision of the *MGA* that requires information to be available to the public or for public inspection.
- Arbitration hearings associated with an Intermunicipal Collaboration Framework may be held electronically.

- Quorum may be reduced for members of council, board or commission who are quarantined, which includes self-isolation at the recommendation of the Chief Medical Officer.