

# CAO's REPORT

April 14, 2020

1. Correspondence received from Clearwater County Taxpayers' Association attached.
2. Clearwater County COVID-19 Update:
  - Clearwater County's Emergency Coordination Centre (ECC) continues to review safe work practices and procedures to ensure compliance with legislation and wellbeing of staff and the public, while maintaining essential municipal services for residents.
  - All non-essential public and staff events remain cancelled until May 1, 2020.
  - Clearwater County facilities are open to the public by appointment only (mandatory visitor screening prior to entry).
  - Regular Council meetings continue as scheduled, staff and public encouraged to watch meeting via livestream.
  - As of April 1, a 90-Day Water & Sewer Payment Deferral, with no interest penalty or service disruption, is available to County residents in the hamlets of Nordegg, Condor and Leslieville.
  - Clearwater County, in partnership with five other municipalities, launched a hotline to assist local businesses in navigating through the process of provincial and federal support programs.
  - [County's website with various COVID-19 Resources](#)
3. The attached government of Alberta publications, *Municipal Governance During the COVID-19 Outbreak Issues March 27, April 3 and April 9, 2020*, answers frequently asked questions about managing and governing municipalities during the pandemic.

Ministerial Order # MSD:022/20 extends several legislated deadlines to October 1, 2020. Administration is working diligently on required tasks and anticipates completion on or before the new deadline as listed below:

Task	Anticipated Completion Date
Statistical Information Returns	June 15
Financial Information Returns	June 1
Audited Financial Statements	June 1
Notice of Assessment Date	June 22
Mail Out Assessment Notices	June 12
Arrears List to Land Titles	October 1
2019 Tax Sales required to be held by March 31, 2020	Completed November 2019
Notification to Designated Manufactured Home/Park Property Owners Tax Sale	October 1

Ministerial Order # MSD:019/20 extends the deadline to adopt intermunicipal collaboration frameworks and intermunicipal development plans to April 1, 2021.

Marianne Cole, President  
Clearwater County Taxpayers' Association  
RR #1

Rocky Mtn. House, AB T4T 2A1

[mcmajic@telus.net](mailto:mcmajic@telus.net)

April 3, 2020

Clearwater County Council

Box 550

Rocky Mtn. House, AB T4T 2A4

[thoven@clearwatercounty.ca](mailto:thoven@clearwatercounty.ca) [jduncan@clearwatercounty.ca](mailto:jduncan@clearwatercounty.ca) [cslaird@clearwatercounty.ca](mailto:cslaird@clearwatercounty.ca)

[dlougheed@clearwatercounty.ca](mailto:dlougheed@clearwatercounty.ca) [jandermeer@clearwatercounty.ca](mailto:jandermeer@clearwatercounty.ca) [tlaing@clearwatercounty.ca](mailto:tlaing@clearwatercounty.ca)

[mswanson@clearwatercounty.ca](mailto:mswanson@clearwatercounty.ca)

Dear Council Members:

I am writing on behalf of the Clearwater County Taxpayers' Association with an urgent request, that in light of the current Covid19 pandemic, and a very uncertain economic future, Clearwater County Council:

1. Diligently review and assess all design plans, along with accompanying figures and business plans for all aspects of the proposed fire hall/public services building at Leslieville.

AND

2. Delay any construction until this thorough financial assessment has been completed and the economic outlook for the county has been evaluated accordingly.

Our request is based on the following rationale:

1. The **current economy** is in a serious state of turmoil:

- Clearwater County is owed \$6M in tax arrears from 2019.
- The province continues to download additional responsibilities onto municipalities.
- The current Covid19 situation may have serious negative impacts provincially and municipally.
- Within our county, businesses were facing economic hardships and people were losing their jobs prior to the current issue. That is now likely to augment. The ability to pay taxes may become increasingly difficult for everyone, and the county's financial situation may become bleaker.
- It is even more crucial that we maintain adequate reserves in each area of our budget rather than spend unnecessarily in a very uncertain economic climate.

2. The **current plans** for the facilities at Leslieville are excessive and must be reviewed to determine actual need for each area (staff facilities and equipment bays):

- First of all there is absolutely no need for another 6,000 sq. ft. of staff/admin. space at Leslieville when there is the equivalent in Condor. We certainly support the need for appropriate washroom, shower, laundry, and meeting room space at Leslieville. Additional fitness training room with its accompanying equipment, overnight accommodation space, dual kitchens (one on

each floor with very high end appliances), and a fire fighter training area are NOT necessary when those amenities are all available at Condor.

- The proposed training facility presents additional concerns. Extra land was purchased at Condor with the intent that it be used for training purposes. Extra staff space was added to the building to further accommodate those plans. To now propose the exact same plans/expenditures at Leslieville seems to be an unnecessary duplication of costs. The staffing area can certainly be reduced and the extra 12 acres intended for the training area could be offered up for commercial development, a positive option to help build community.
- The “phantom” stakeholder that has supposedly expressed interest in developing the training area also presents further concerns. How reliable is this stakeholder when he/she has provided absolutely nothing for identification or a business plan? If the operation were to develop, but then become insolvent, what costs/responsibility might the county incur? If the County were to develop the facility itself what would be the construction, maintenance, and operation costs? What revenue might be generated? Would there be a positive or negative financial balance?
- Reducing the staff spacing to one floor instead of two could reduce the overall building height/size. This lowered height would result in reduced construction, maintenance, and utility costs.
- Finally, regarding the equipment area of the building there is absolutely no need for 5 bays. Mr. Hanson clearly stated at the March 24<sup>th</sup> meeting that there is no need for additional storage space.

At that same meeting comments from county staff and some members of council suggested the justification for a larger facility was a way of recognizing/supporting the contribution of our dedicated volunteers. Furthermore, it was suggested that a smaller facility might be perceived as “punitive”.

We find those rationale very questionable. It is hoped that the dedication, the commitment, and the desire to serve the community is a genuine personal desire, not one based on the opportunity to operate out of an oversized facility with extravagant amenities.

In conclusion, we sincerely thank council for your earlier responsible decisions on other matters. We also express our deepest appreciation for our first responders. We strongly feel, however, that building a larger than necessary facility is not a prerequisite of showing that appreciation.

We trust that Council will now consider the very real financial ramifications of this proposed development as you proceed. In light of all current issues, it is absolutely crucial that finances take precedence over personal passions.

We look forward to your decisions and trust they will be reflective of a fiscally responsible council working together for the common good of all taxpayers.

Yours truly,

Marianne Cole

# 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](http://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](http://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](mailto: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.

# Municipal Governance

## During the COVID-19 Outbreak

Frequently Asked Questions – April 3, 2020

---

The **Public Meeting Procedures (COVID-19 Suppression) Regulation** provides flexibility during the COVID-19 crisis by allowing municipalities to meet in a manner that supports social distancing recommendations from the Chief Medical Officer of Health. In addition to this new regulation, many timelines and deadlines legislated in the *Municipal Government Act (MGA)* have been extended by Ministerial Order MSD:019/20 and MSD:022/20.

### Municipal Affairs Updates

Previous COVID-19 updates are available at [www.alberta.ca/municipal-government-resources.aspx](http://www.alberta.ca/municipal-government-resources.aspx)

The state of the COVID-19 pandemic and its impact on municipalities continues to change on a daily basis. This document focuses on municipal finance and also addresses a common concern about development appeals. This is intended to serve as an additional guide for municipalities while we continue to navigate these challenging times together.

## Municipal Cash Flow Assistance

**Will there be any modifications to help with the municipal cash flow?**

**YES.** The financial challenges municipalities are facing as a result of the COVID-19 pandemic are unprecedented. In recognition of this, the Province is exploring an option to increase the allowable level of

operating borrowing and general borrowing limits for the purpose of COVID response. This would allow municipalities to access additional short-term borrowing facilities to be used to assist with cash flow and other operational concerns. More information will be provided once all options have been explored.

## Tax Deferral Initiatives

**Will the Province be enacting legislation requiring municipalities to defer utilities or property taxes?**

**NO.** Many municipalities are proactively implementing programs to ease the financial burden on their citizens. In recognition of the proactive steps municipalities are taking, the Province of Alberta is not considering legislative provisions at this time but encourages municipalities to enact voluntary deferrals where reasonable and appropriate for their community.

### 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](mailto:ma.lgsmail@gov.ab.ca)



## School Requisition

**Are municipalities required to pay the education tax requisitions on the quarterly schedule?**



**YES.** Municipalities will continue to be invoiced for education property taxes. In an effort to assist with the cash flow challenges associated with offering tax deferrals to non-residential property owners, the non-residential portion of the education tax requisition will be deferred to December 2020. Therefore, only the residential portion of the requisitions will be invoiced in June and September.

### COVID-19 – Municipal Legislative Modifications

View the new Regulation, Ministerial Orders and Orders In Council at [qp.alberta.ca](http://qp.alberta.ca)

## Deficits and Debt Limits

**Can a municipality have an operating deficit?**

**YES.** Municipalities are only prohibited from budgeting for a deficit. If budgets are adopted, but due to the impact of the global pandemic, a municipality is unable to collect sufficient revenues to cover all expenditures, there are no provisions in the *MGA* that prevent or disallow a municipality from reporting a deficit at year end.

The only deficits required to be addressed are outlined in section 244 of the *MGA*. A section 244 deficit is an accumulated deficit, net of the value of tangible capital assets. A deficit of this nature means that the municipality is in a negative surplus position with respect to its total financial surplus. If a 244 deficit is reported in the annual financial statements, municipalities are required to budget to recover that deficit in the subsequent year. Additional time for the recovery may be granted upon request to the Minister of Municipal Affairs.

## Time Extensions

**Ministerial Order No. MSD:022/20 extends a number of *MGA* deadlines to October 1, 2020. Are municipalities required to extend deadlines to October 1, 2020?**



**NO.** This is dependent upon the wording in the section of the *MGA* subject to an extension. For sections listed in Appendix 1, the date currently in the *MGA* would be replaced with October 1. For example, section 278 of the *MGA* would read that “each municipality must submit its financial information return and auditor’s report...to the Minister by October 1.” This provides municipalities with the flexibility to complete this on or before October 1.

**Can deadlines exceed October 1, 2020, if they are triggered by an event?**

**YES.** Ministerial Order No. MSD:022/20 extends all deadlines triggered by an event under the *MGA* and its associated regulations until October 1, 2020, such that the time period triggered by the event is deemed to end on October 1, 2020 or to end as specified within the *MGA* and its associated regulations, whichever time is later.

This means that municipalities should not have less time as a result of the deadline extension. For example, when a petition for a borrowing bylaw is received, the CAO has 45 days to validate and report to council. As a result of the extension, the CAO may take up to October 1, 2020 to determine the petition sufficiency and report to council. If the petition is received after August 18, 2020 (within 45 days of October 1, 2020) the CAO has 45 days to validate which may extend past October 1, 2020. The timeline is whichever time is later to ensure at a minimum, the CAO has the legislated 45 days.



Several sections of the *Municipal Government Act* are not included in Ministerial Order No. MSD:022/20. Are these deadlines still in effect?

**Yes.** Sections not included in the Ministerial Order remain in effect. Municipal Affairs continues to explore options to address any provisions inhibiting the governance of a municipality. Requests for extensions can still be made to the ministry if deemed necessary.

**Has the deadline to have audited financial statements, financial information returns and statistical information returns submitted been extended?**

**Yes.** Ministerial Order No. MSD:022/20 changed the deadline such that the financial information return, auditor's report on the financial information return and financial statements must be submitted to the Minister by October 1, 2020. The order also states that the statistical information return must be completed and submitted to Municipal Affairs by October 1, 2020.

## Assessment Notices

**Has the date for sending assessment notices been modified?**

**YES.** Ministerial Order No. MSD:022/20 extended the date in section 310(1) of the *MGA*. For 2020, the assessment notices must be sent no later than October 1.

**Our office is closed and will be closed when our assessment complaint deadline ends and we are not set up to accept online complaints. Can a municipal assessor extend the complaint deadline?**

**NO.** The Ministerial Order extends the deadline to file an assessment complaint to October 1, 2020, or 60 days after the notice of assessment date, whichever time is later.

## Designated Industrial (DI) Property Tax Requisitions

**2020 notices were sent on March 31.** If you have further questions, please contact the Assessment Services Branch toll-free at 310-0000 then, 780-422-1377, or email: [ma.asbcia.asmt@gov.ab.ca](mailto:ma.asbcia.asmt@gov.ab.ca)

**Can assessment review boards postpone hearings that are already scheduled prior to October 1, 2020?**

**YES.** In the event there are appeal hearings already scheduled, the board does have authority under section 18 in the *Matters Relating to Assessment and Complaints Regulation (MRAC)* to postpone hearings.

## Tax Recovery

**What does the October 1, 2020 extension mean for property tax arrears?**

The deadline of March 31, 2020 for municipalities to submit arrears list to Land Titles is extended so that the arrears list must be sent to the Registrar no later than October 1, 2020. As it has always been, it is still within the discretion of administration to determine when the arrears list will be submitted.

**Does the extension to submit the tax arrears list mean the list of properties for tax sale between April 1, 2020 and March 2021 is extended to October 1, 2021?**

**NO.** For tax arrears notifications issued in 2019, March 31, 2021 is still the deadline for the tax sale.



**If a property owner pays the 2018 taxes owing before October 1, 2020, are they removed from the property tax arrears list?**

**YES.** Until such time as Land Titles has been sent the tax arrears list; only 2019 property taxes would be outstanding.

Once the tax recovery file notification has been registered on title, all tax arrears owing must be paid before the municipality can request the file notification to be removed.

**What does the Ministerial Order extension mean for property tax sales?**

If a tax arrears notification was filed in 2018, the sale would have been held prior to March 31, 2020, but Ministerial Order MSD:0202/20 extended this to October 1, 2020.

For a tax arrears notification filed in 2019, the deadline remains March 31, 2021 for those tax sales.

**Due to the COVID-19 crisis, can municipalities defer payments from individuals with which they have entered into tax agreements?**

**YES.** If the terms and conditions of the tax agreement allows the municipality the right to amend an existing agreement due to significant and unforeseen circumstances, the municipality may use its discretion to reschedule payments as long as the term doesn't exceed the maximum of three years currently allowed by Section 418(4). If a municipality wanted an agreement to exceed three years, an extension request must be submitted to the Minister.

### **Municipal Advisory Services**

If you have further questions, contact us at:  
780-427-2225  
or toll-free by first dialing 310-0000  
or email [ma.lgsmail@gov.ab.ca](mailto:ma.lgsmail@gov.ab.ca)

## **Development Appeals**

**Some of the extensions regarding development appeals, such as appeals of subdivision approvals and development permits, are causing concern about unnecessarily delaying development. Is there a way to resolve this?**

**YES.** These extensions were put in place to protect the right of individual residents and developers to appeal decisions, in a situation where it was not entirely clear what appeal processes might look like during a pandemic. However, with the adoption of the Meeting Procedures (COVID-19 Suppression) Regulation, council meetings, public meetings and appeal hearings can now occur on a purely electronic basis, while maintaining transparency and public access. Municipal Affairs is working with partner associations and legal professionals to identify the right solution to the challenges arising from these timeline extensions, and amendments are expected to be brought forward in the near future.

The next update will focus on planning and development issues.



### **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.

# Municipal Governance

## During the COVID-19 Outbreak

Frequently Asked Questions – April 9, 2020

The state of the COVID-19 pandemic and its impact on municipalities continues to change on a daily basis. As we navigate these challenging times together, Municipal Affairs will continue to support and provide regular updates addressing frequently asked questions and providing information on new tools as they become available.

This update focuses on municipal planning as well as captures some of the common questions advisory and support staff have received with respect to the [Public Meeting Procedures \(COVID-19 Suppression\) Regulation](#) and Ministerial Orders [MSD:019/20](#) and [MSD:022/20](#).

### Municipal Affairs Updates

Previous COVID-19 updates are available at [www.alberta.ca/municipal-government-resources.aspx](http://www.alberta.ca/municipal-government-resources.aspx)

## Planning & Development

**Is the ministry reviewing the unintended consequences on planning and development processes as a result of Ministerial Order No. [MSD:022/20](#) which extended deadlines and timelines to October 1, 2020?**

**YES.** Municipal Affairs is working with partner associations and legal professionals to identify the right solution to the challenges arising from these timeline extensions. Amendments are expected to be brought forward in the near future.

**Can council hold a public hearing without the public being in attendance and still meet the legislative requirement for public submissions?**

**YES.** Section 230 of the *MGA* requires public hearings to be conducted during a regular or special council meeting and council must hear persons claiming to be affected by the proposed bylaw or resolution.

The [Public Meeting Procedures \(COVID-19 Suppression\) Regulation](#) modifies the *MGA* requirements and provides for meetings and public hearings to be held by an electronic means so that those entitled to make submissions at the meeting can make electronic submissions before or during the meeting.

**Can council cancel or reschedule a public hearing?**

**YES.** Council may cancel or reschedule a public hearing by council resolution. However, council must still hold a public hearing prior to either second reading of a bylaw, or before council votes on a resolution where a public hearing is required as stated in section 230(1) of the *MGA*. In the event a public hearing is rescheduled, the notification and advertisement requirements of section 606 of the *MGA* apply.



We have already advertised our public hearings for amending our land use bylaw. Ministerial Order No. MSD:022/20 gave extensions to October 1 for several provisions in the *MGA*. Can we proceed with the public hearings as advertised and with the land use bylaw amendments?

**YES.** The requirement for public hearings are provided for in sections 230 and 692 of the *MGA*. These sections are not listed in Appendix 2 of the Ministerial Order that extended dates or timelines for various sections in the *MGA*. Public hearings that were advertised prior to the approval of Ministerial Order MSD:022/20 (March 31, 2020) can still proceed, as can the land use bylaw amendment bylaws. Public hearings should be conducted in a manner consistent with provisions in the Meeting Procedures (COVID-19 Suppression) Regulation.

## Emergency Management

**Is an emergency council meeting to declare a State of Local Emergency considered to be a public meeting?**

**YES.** If the meeting is held in council chambers and it is not made a closed meeting of council, then it is considered to be public.

**Can an emergency council meeting to declare a State of Local Emergency (SOLE) be conducted by electronic means without providing notice to the public?**

While section 23.1 of the *Emergency Management Act (EMA)* provides that the notice requirements in sections 194 to 196 of the *MGA* do not apply when meeting for the purpose of declaring or terminating a state of local emergency, the exemption does not include electronic meetings (section 199 of the *MGA*). Bill 13 is currently being considered by the Legislature. It proposes an amendment to section 23.1 of the *EMA* to add section 199 as one of the provisions of the *MGA* that does not apply when meeting for the purpose of declaring or terminating a SOLE. If approved, notice would not be required.

**Can an emergency advisory committee consisting of only one member declare a SOLE by resolution?**

**YES.** If the bylaw establishing the committee, and/or another municipal enactment establishing quorum requirements for SOLE declarations, provides that one member achieves quorum, then one member may declare a SOLE.

**Can municipal bylaws be changed by council resolution during a SOLE?**

**NO.** Section 191 of the *MGA* requires bylaws to be amended or repealed by another bylaw.

**Does the *Emergency Management Act* provide a blanket power to change bylaws?**

**NO.** While it is always best for a municipality to get their own independent legal advice, a council may amend a bylaw to remove a certain provisions, or include a clause in the amendment that certain provisions of a bylaw do not apply during a SOLE. Once the SOLE has terminated, the amending bylaw could be repealed to restore the original bylaw or it can expire once the SOLE is over if it was worded in such a way, depending on the legal advice a municipality receives

**Does a council still have to have a meeting to renew the SOLE at the end of 7 days?**

As of today, a SOLE can be renewed at the end of 7 days. Bill 13 is currently being considered by the Legislature. It proposes an amendment to section 22(4) of the *Emergency Management Act* to state that a declaration of a state of local emergency lapses at the end of 7 days, or at the end of 90 days if the declaration is in respect of a pandemic.



## General Questions

**What date did Ministerial Orders MSD:019/20 and MSD:022/20 take effect and what does that mean?**

Ministerial Orders MSD:019/20 and MSD:022/20 are available on Alberta Queen's Printer and took effect on March 31, 2020, the date they were signed. This means that as of March 31, 2020 the extensions to October 1, 2020 apply to the sections listed in the MOs. Municipal Affairs recognizes there are concerns with some of the provisions and steps are being taken to address those issues. More information will be provided in the near future.

**Can municipalities hold hearings for assessment complaints filed prior October 1, 2020?**

**YES.** Ministerial Order No. MSD:022/20 extended the assessment complaint deadline to October 1, 2020, and extends the 60-day deadline to hold an assessment review board hearing to either October 1, 2020 or 60-days following the receipt of an assessment complaint, whichever is the later date. If complaints are received prior to October 1, 2020, assessment review boards may choose to hear these appeals prior to the prescribed deadline.

### 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](mailto:ma.lgsmail@gov.ab.ca)

**Does the closing of a municipal office or facility require a council resolution?**

**NO.** If a SOLE has been declared, the decision to close a municipal office can be made by the Director of Emergency Management. When a SOLE has not been declared, council remains responsible for deciding what programs and services to deliver and the CAO remains responsible for ensuring that those services are implemented.

**Will the *Public Meeting Procedures (COVID-19 Suppression) Regulation* remain in effect when the crisis is over?**

**NO.** The purpose of the regulation is to limit COVID exposure so this is only a temporary relaxation of the *MGA* during the COVID-19 pandemic.

**We do not have the capabilities to stream or let public listen to meetings. Is posting the recording of the meeting sufficient?**

**NO.** The *Public Meeting Procedures (COVID-19 Suppression) Regulation* permits electronic meetings if members of the public are able to hear the meeting as it occurs. For those municipalities looking for streaming or conferencing services, AUMA is offering its service. For further information please email [audioconference@auma.ca](mailto:audioconference@auma.ca).

**The majority of council is currently in 14-day mandatory quarantine or self-isolation. Are we able to have a council meeting?**

**YES.** The *Public Meeting Procedures (COVID-19 Suppression) Regulation* has provided flexibility for council to achieve quorum. The regulation have also increased the flexibility for councillors in quarantine to meet electronically (e.g., teleconference).

**Should municipalities be amending procedural bylaws to comply with the new *Public Meeting Procedures (COVID-19 Suppression) Regulation*?**

**NO.** The regulation supersedes municipal procedure bylaws and only applies during the COVID-19 pandemic.

### Further Updates

Ways to support municipalities continue to be explored as we all navigate through this situation. Further updates will be released as information becomes available.