



COVID-19 and Municipal Operations

Joe Thorne – Partner

Sarah Byrne – Associate



Municipal Meetings

The Requirement to Hold “Public” Meetings

- The *Municipalities Act, 1999* requires that a publicly accessible meeting of council must be held at least once a month
- There has not been any further legislation passed that would waive this requirement
- While delaying meetings may be helpful for the time being, they still need to happen monthly
- This means, for the time being, that councils must contemplate “remote” or “virtual” meetings

Remote Meetings: The Two Key Requirements

- Hosting public council meetings remotely must have two key components:
 1. Ensuring that councillors can participate
 2. Ensuring that the public can participate
- For councillors, this means that they must be able to hear what is happening in the meeting and also participate themselves
- For the public, this means that the meeting must be accessible as possible for the greatest amount of people



Continuing Municipal Business

Carrying on Business During Physical Distancing

- *Electronic Commerce Act* allows electronic communication to replace most written communications
 - Information required to be sent “in writing” can usually be done electronically (i.e. email, letters sent in Word, PDF, etc.)
 - Payments may be made electronically rather than cash, check, etc.
 - Documents may be signed with an electronic signature

Carrying on Business During Physical Distancing

- Electronic communications can replace written communications where:
 - the recipient can receive it
 - it is capable of being retained by the recipient
- Municipalities, in most cases, must agree in advance to accept electronic alternatives

Affidavits and Other Sworn Documents

- No *specific* requirement in any statute that commissioner be physically present
 - *Commissioners for Oaths Act* and rules of court only say “before whom it is sworn”
- Practice is developing across the country for “remote commissioning”
 - Swearing affidavits and taking other sworn statements by videoconferencing
- Document everything!
 - Why it’s being sworn remotely, where each of affiant/commissioner are, what platform is being used, etc.



Continuing Municipal Services

Remote Building Inspections

Building Inspection Policy

- For municipalities, conducting building inspections during the pandemic can pose significant risk, not only in terms of exposure, but also liability
- Municipal inspectors are held to the standard of a prudent inspector, and an even higher standard when there are issues of structural integrity that may cause harm

Remote Inspection Policies

- If municipalities choose to conduct remote building inspections, having a clear policy will be important
- It should be documented, publicized, and followed
- Forms, reports, and permits should include language stating that the inspection is to be or was conducted virtually in accordance with the remote inspection policy
- Inspectors should note any concerns or questions on any related forms, reports, or permits



Questions?

MNL Telephone Legal Referral Service:
709-722-4270

Joe Thorne – joethorne@stewartmckelvey.com -
709-570-8850

Sarah Byrne – sbyrne@stewartmckelvey.com -
709-570-8845



These materials are intended to provide brief informational summaries only of legal developments and topics of general interest.

These materials should not be relied upon as a substitute for consultation with a lawyer with respect to the reader's specific circumstances. Each legal or regulatory situation is different and requires review of the relevant facts and applicable law.

If you have specific questions related to these materials or their application to you, you are encouraged to consult a member of our Firm to discuss your needs for specific legal advice relating to the particular circumstances of your situation.

Due to the rapidly changing nature of the law, Stewart McKelvey is not responsible for informing you of future legal developments.