

Bulletin #2020-07

MUNICIPAL RELATIONS

Important Notice to All Elected Officials and Chief Administrative Officers

COVID-19 – Municipal Governance – FAQs – Update

State of Emergency *Updated

1. How does the provincially declared state of emergency impact municipal operations?

On March 20, 2020, the Manitoba government declared a province-wide state of emergency to ensure government is able and ready to address the effects of COVID-19 (<https://news.gov.mb.ca/news/index.html?item=47137&posted=2020-03-20>). The declaration reinforces the importance of any guidelines provided and orders issued by the Chief Provincial Public Health Officer. The declaration also allows government to take steps in the future to protect the health and well-being of Manitobans as COVID-19 develops.

The declaration of a provincial state of emergency does not provide, by itself, municipalities with any extra powers or requirements. Declaring a state of emergency is independent of any type of financial assistance. The declaration of a provincial state of emergency and the orders issued by the Chief Provincial Public Health Officer are intended for the general public and should not affect the ongoing collaboration between municipal officials and the province.

The following link provides additional information on the state of emergency:
<https://manitoba.ca/covid19/soe.html>

Should you have additional questions related to public health orders, please contact healthprotection@gov.mb.ca.

2. What measures are available to support municipalities that are facing challenges related to enforcing public health orders and their own local measures on social distancing?

The Province is aware of the concerns that municipalities and law enforcement have raised regarding the ability to carry out the Chief Provincial Public Health Officer's advice and public health orders, and these new challenges in communities. The Province is actively preparing a cross-departmental response to these concerns involving Justice, Municipal Relations, Indigenous and Northern Relations, and Crown Services. More information will be provided as soon as possible.

Required Services *New

3. What services are municipalities required to provide?

The Municipal Act prescribes that every municipality must provide the following services:

- Fire protection
- Police services
- Road maintenance
- Waste management
- Emergency management
- Land use planning
- Weed control
- Building inspection

In addition, once a municipality establishes a water and wastewater service, the municipality must continue to provide this service.

The State of Emergency link noted under question #1 above should be referred to for continual updates related to any ongoing essential services determinations.

Council Meetings

4. With social distancing considerations, how do we ensure that council meetings still comply with legislative requirements if we need to close off access to the public?

The Municipal Act framework establishes two formats for council to meet – council meetings and public hearings. The Act requires council meetings to be open to the public to ensure a transparent decision-making process and allow the public to observe council's deliberations. To achieve this while preventing the spread of the virus, several methods of providing public access to council deliberations in an alternate format are available to municipalities. Some examples may include, but are not limited to, livestreaming, teleconferences, and/or providing recordings of council meetings.

Any method employed should provide a comparable level of access to the public as attendance at a council meeting. Closing a meeting to the physical presence of the general public and providing alternate means to engage should not be confused with closing a meeting to the public under subsection 152(3) of *The Municipal Act*, where the public is not permitted to observe council deliberations in any form.

Public Hearings

5. With social distancing considerations, how do we ensure that public hearings comply with legislative requirements?

The public hearing process is designed to encourage public participation and ensure that citizens have an opportunity to provide information and feedback to council for their consideration when making specific decisions. Municipalities may choose to use an alternate format for public hearings, provided that the public can exercise an equivalent level of involvement as if they physically attended the hearing. Particularly, public hearings must allow any person who wishes to make a presentation, ask questions or register an objection to do so as provided for in subsection 160(3) of *The Municipal Act*. If council cannot meet the legislative requirements for public hearings, they should be postponed.

Public Utilities Board *New

6. How can municipalities contact the Public Utilities Board (PUB) and will applications be processed?

In response to COVID-19 related considerations, PUB staff and Board members will be working remotely. Applications will still be processed and Board Orders will continue to be issued. The Board recognizes that response times and due dates may be affected, and will work with the municipalities that require extensions or other accommodations as needed. Municipalities may continue to send documents to the Board electronically or by mail. Canada Post continues to deliver mail, which will be received and processed at the Board office. PUB staff will continue to contact utilities about applications for current files. If contacts or circumstances change, please provide an update to the staff member at the PUB working on the file. For general inquiries or to reach PUB staff, please contact publicutilities@gov.mb.ca.

Local Access and Closures *Updated

7. Should municipalities be closing off access to local facilities and spaces?

Councils have been deciding on whether to close off access to municipally owned properties. This authority does not include closing private facilities. If the municipally owned property is operated by boards, consultation is recommended prior to making any decisions.

The Manitoba School Boards Association has requested that all school divisions proceed to close play structures (not the adjoining green spaces, but the actual play structures themselves). Related signage has not been placed on play structures that are located on municipal properties; this decision and request applies only to play structures that are uniquely located on school properties.

A council resolution is required in order to close any municipal facilities or spaces, including play structures located on municipal properties.

For closure considerations, you are advised to check <https://www.gov.mb.ca/covid19/index.html> daily for up-to-date information as well as information from your insurance providers.

8. How can municipalities promote public health and safety awareness for facilities and spaces that continue to be open to the public?

The Province has developed signage in both official languages, and has shared these as samples with municipalities to support them in developing local signage, as needed. On a related note, some municipalities have also expressed interest in using visitor screening or admittance tools, which may require visitors to provide personal and/or health related information. Municipalities are reminded to ensure compliance with legislative requirements concerning privacy and personal health information, and consult with their legal counsel, as appropriate. The related links are as follows:

<https://www.gov.mb.ca/fippa/>

<https://www.gov.mb.ca/health/phia/index.html>

Water and Waste Related Operations

9. What do I need to know about water system operations?

COVID-19 is not a waterborne disease and there has been no evidence to date that the virus can be transmitted through drinking water. Operators going into water plants should continue to keep the water plant clean and tidy and follow hygienic practices (i.e. handwashing and cough etiquette). Water plants should remain closed to public entry.

If an operator is sick or self-isolating, please employ a backup operator. Owners are encouraged to connect with neighbouring communities for sharing of operators as needed. Operators are not required to be certified to take chlorine residual testing or bacteriological samples. Standard operating procedures must be in place, updated and reviewed by all operators.

There is no change to routine monitoring and reporting requirements at this time. Routine bacteriological samples, disinfection, turbidity monitoring and reporting must be consistent with your operating licence. Should your normal shipping routes be disrupted during this time, you as a water supplier are required to get water samples to the laboratory in the frequency specified in your operating licence; even if that means driving the samples to the laboratory. Owners are encouraged to connect with neighbouring communities for sample submissions. If your sample dates do not coincide with your neighbour's, contact your regional Drinking Water Officer.

You are advised to check <https://www.gov.mb.ca/covid19/index.html> daily for up-to-date information and update your emergency response or business continuity plans accordingly.

10. Can municipalities keep waste disposal sites open without a certified operator?

In the event that landfill owners do not have a certified operator due to illness, there is an allowance for collection of wastes and recyclables if using transfer bins or a tipping pad. The public cannot have access to the active area (i.e. the actual disposal area, the pit, the waste cell). This only applies to Class 2 and 3 waste disposal grounds.

Supply Shortages and Procurement Challenges *Updated

11. Municipalities may be experiencing supply shortages. Is there any assistance that the Province can provide regarding these procurement challenges?

The Province is actively exploring how municipalities may be able to access government procurement for non-health related items to supplement their local procurement process.

Manitoba Municipal Relations is coordinating a bulk order of cleaning and sanitary supplies with the Department of Central Services for municipalities unable to purchase these products through their regular supplier due to supply shortages. Municipalities have been provided with a 'Required Resources Spreadsheet', which is to be completed and returned by March 31, 2020 to Stephanie Choy by email at Stephanie.Choy@gov.mb.ca.

Financial Reporting

12. Is there flexibility on the May 15 deadline to submit 2020 Financial Plans?

The Province will be extending the deadline to June 15. Municipalities will still have the option of filing before then or requesting an extension under the existing legislative provisions should one need to be sought.

The department is also reviewing options that may be available to provide flexibility in timelines on other regulatory requirements and will provide an update as soon as possible.

Shared Approaches and Practices *Updated

13. What information and supports are available to municipalities with respect to COVID-19 related human resource (HR) matters and employer-employee responsibilities during this challenging time? In particular, how should municipalities address situations where municipal employees have self-isolated and are reviewing their options for leave should they not be able to work from home?

The Association of Manitoba Municipalities (AMM) has partnered with People First HR Services to provide access for all AMM member municipalities to the 'On Call HR @ Your Service' program. The following link provides additional information: <http://www.amm.mb.ca/human-resources/>

For this particular question, People First HR has recommended the following: When an employee has to self-isolate and they cannot work from home, best practice would be for the employer to grant the employee company paid sick leave (if there is a company sick leave policy and if the employee has sick time available). If there is no sick time available, People First HR recommends asking the employee if they would like to use their vacation time (the employee does not have to take their vacation, so you want to make sure they are in agreement if vacation time is used). If sick leave and vacation leave is not available, then the employee would go on an unpaid sick leave and then apply for Employment Insurance benefits through Service Canada.

14. Are municipalities making any adjustments to handi-transit services?

Some municipalities have noted that they have enhanced their sanitation processes for vehicles and have restricted the use of handi-transit services to medical equipment only.

15. Are there ideas for improving business continuity planning for water treatment plants?

Some municipalities have indicated that they are examining practical and creative approaches to having business continuity planning backup on drinking water treatment. For example, some municipalities having shared service agreements in the event that backup is needed and one is video recording their processes on a walkthrough with their staff in case another qualified operator has to come in and learn their technical processes.

16. Are there any plans for signage at interprovincial borders regarding self-isolation for vehicular travel?

The Province is focusing on the following interprovincial crossings for signage of this nature:

- **Ontario border** – Provincial Trunk Highway 1 at West Hawk Lake
- **Saskatchewan border** – Provincial Trunk Highway 3, 2, 1, 16, 5 and 10; Provincial Road 257

During recent regional calls with municipalities, Manitoba Municipal Relations has solicited suggestions and/or offers from municipalities about joint signage on higher volume municipal roads. The feedback collected to-date has been shared with Manitoba Infrastructure.

17. Are there ideas to help with anticipated spring fire department requirements?

It is anticipated that heavier than usual spring crop residue may take place. If that occurs, fire departments may be running to a higher than normal volume of spring fire calls. As part of minimizing the number of calls the fire departments need to respond to, burning bans that lay out conditions on when a person can burn, reduce the risk of the fire getting away and requiring the fire department. In preparation, municipalities may want to ensure that their burning by-laws are up-to-date, so they can implement immediately, if needed.

The following link provides information on Manitoba's Controlled Crop Residue Burning Program:

<https://www.gov.mb.ca/agriculture/crops/crop-residue-burning-program/index.html>

The following link is to Office of the Fire Commissioner by-law templates:

http://www.firecomm.gov.mb.ca/support_bylaws.html