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June 25, 2020

Legislative Assembly of Prince Edward Island  
Clerk's Office  
PO Box 2000  
197 Richmond Street  
Charlottetown, PE  
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Re: Bill 37 - An Act to Amend the Emergency Measures Act

Dear Members of the Standing Committee on Health and Social Development:

The COVID-19 pandemic has changed the way we live and work. In the case of municipal governments, it has created some unique challenges that require immediate attention. I have provided comments below, which I request you consider as you review Bill 37.

The declaration of a State of Emergency or a State of Public Health Emergency does not relieve municipal governments of obligations imposed by legislation. For example, the Municipal Government Act (MGA) requires that meetings of council and council committees be conducted in public and states that a bylaw or a resolution must be adopted at a public meeting of council to be valid. Municipalities may, by bylaw, provide for meetings to be held by electronic means if council members are unable to meet in person (s. 90); however, the MGA requires the municipality to provide facilities to enable the public to see and hear the meeting's participants at a place specified in the notice, and a municipal employee must be in attendance at the place specified in the notice. In a state of emergency situation, these statutory requirements make it virtually impossible to comply with social distancing requirements and the requirements of the MGA. Municipalities are in an extremely difficult position, as there is a significant risk that decisions of council could be overturned if they are found to have not met their statutory procedural obligations. Amendments to allow municipal governments to continue to carry out their very important functions is a necessity, as the current situation has shown.

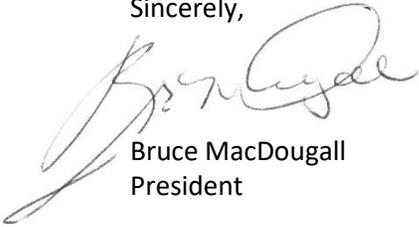
We also note that under the *Planning Act* there are requirements to have public meetings before amending an official plan (s. 11) or making bylaws (sections 18 and 19). Again, particularly in states of emergency, it is important for the planning and development functions of municipal councils to be able to be carried out in a manner that balances the necessity for public input with the need to have an effective way to communicate issues and information and to receive public input, in other than an in-person public meeting setting.

In addition, consideration should be given to appeal timelines in the *Planning Act* (s. 28(1.3)), given the greater challenges of dealing with issues in an emergency situation. Again, this consideration needs to

be balanced with the rights of those who wish to move forward with developments during emergency times, and for the certainty around achieving finality of Council decisions.

Municipal governments require a solution that enables councils to comply with the Municipal Government Act and the Planning Act, while following measures imposed as a result of the state of emergency. I look forward to the support of the Legislative Assembly in making the necessary changes to legislation to address these concerns during the current sitting.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce MacDougall". The signature is fluid and cursive, with a large initial "B" and "M".

Bruce MacDougall  
President

c: Honourable Jamie Fox, Minister of Fisheries and Communities  
Honourable Bloyce Thompson, Minister of Agriculture and Land