



IMLA CANADA PROGRAM
MONDAY, OCTOBER 16TH, 2017 – NIAGARA FALLS,
ONTARIO

AGENDA

CHAIR Paul DeMelo, Kagan Shastri LLP

8:30–8:45 Opening Remarks from Chair

8:45–9:15 **“Municipality Involvement in Inquests: Balancing Interests and Managing Risks”**

Nada Nicola-Howorth & Nadia Marotta, Lerner LLP

Municipalities regularly find themselves involved in mandatory and discretionary inquests, often times involving first responders. The tragic circumstances surrounding these proceedings lead to high emotions, both among those first responders employed by municipalities and the public. This, combined with the various competing interests among the parties to an inquest, can make managing the situation difficult and complex. Participating fully in the inquest proceeding, while preserving the reputation of the municipality and managing litigation risk, is a challenge. Our presentation aims to discuss these challenges, and strategies for meeting them. The discussion is geared towards municipal in-house and external counsel and risk managers and will include examples gathered from our experience as counsel to municipalities at inquests.

9:15–9:45 **“Recent Amendments to the Municipal Elections Act and a Comparison of Provincial Legislation”**

Eric Davis, Miller Thompson LLP

9:45-10:15 **“Autonomous Vehicles Are Here: What Municipalities Need to Know”**

Luciana I. Amaral, Boghosian + Allen LLP

Address the anticipated impact of autonomous vehicles on roadway design, infrastructure and public transit and the resultant liability implications for municipalities. Autonomous vehicles are expected to account for 75% of all vehicles on the road by 2040 and in order to be well prepared and plan effectively, municipalities will need to know what to expect.

10:15–10:30 Morning Break

10:30-11:15 **“Accepting Alternative Forms of Security: Options for Municipalities”**

Dick Longland, The Guarantee Company of North America
Paul Bigioni, City of Pickering

Discuss the City of Pickering's decision to adopt the use of subdivision bonds. Walk the audience through the discussions/dialogue between the City and our company that culminated in their decision to allow the use of subdivision bonds (based on a prescribed bond wording), then review the bond wording and describe, in practical terms, how the bond operates.

11:15-11:45 **Scholarship Recipient #1**

11:45-12:00 **Morning Open Session**

12:00-1:30 Lunch

1:30-2:15 **“Public Law Litigation and Professionalism Issues for Outside Counsel”**

George Wray, Borden Ladner Gervais LLP

Public Law Litigation and the challenges faced by counsel representing municipal clients

2:15-2:45 **“Canadian Anti-Spam Legislation and its Implications for Municipalities”**

Andrew Sprague, Baker & McKenzie LLP

While Canada's Anti-Spam Legislation (CASL) does not apply to federal, provincial and territorial government, the Canadian Radio-television and Telecommunications Commission (CRTC), which has enforcement powers under CASL, is of the view that CASL may apply to some activities conducted by municipalities. During this session, J. Andrew Sprague will examine instances where CASL may apply and he will highlight the primary obligations that arise. Best practices for CASL compliance and enforcement actions taken by the CRTC to date will also be discussed.

2:45-3:15 **“Delivery of Municipal Infrastructure and Other Public Projects Using a P3 Model”**
Dan Ferguson, Heather Douglas and Brad McLellan, Weir Foulds LLP

Essential features of a P3 Project. Choosing the appropriate Project structure. Financing and Funding alternatives. Risk allocation. Key P3 Project documents.

3:15-3:40 **“Elected Officials and Privacy/Access to Information: The Lawyers Responsibility”**
Nick Robichaud, City of Moncton, New Brunswick

This presentation will look at legislation and recent decisions from across the country to explore some of the issues facing municipalities today with respect to elected officials, access to information requests, and the protection of personal information. The objective of the session will be to educate municipal lawyers on recent trends and best practices in this evolving field of the law.

3:40-3:55 **Afternoon Break**

3:55-4:25 **Scholarship Recipient #2**

4:25-4:40 **Update on recent decisions and legislative changes impacting municipal law (Open Session)**

4:40-4:55 **Closing Remarks
Other Business**