

## Functioning of Local Authorities During the French State of Health Emergency

Written by Frédéric Scanvic, Corentin Chevallier, Carine Le Roy-Gleizes, Pauline Leddet-Troadec

April 24, 2020

### Delegation of powers from deliberative assemblies to local executives

- **Full delegation:** Local executives (mayors, presidents of EPCIs (public inter-municipality cooperation establishments), departmental and regional councils) are automatically entrusted with all the powers which can be delegated by their deliberative assemblies.
- **Double check:** acts taken on this basis are subject to the prefectural legality review and the deliberative assemblies are informed thereof and may, at their first meeting, modify and delete the delegations, or even reform the decisions taken without prejudice to acquired rights.

### Facilitated conditions for deliberation of deliberative bodies

- **Facilitated quorum requirements:** only the presence of a third of the members is required (instead of half) to convene the deliberative assembly of local authorities. The quorum is assessed by integrating the members represented by proxy.
- **Suspension of the quarterly meeting obligation of the deliberative assembly:** one fifth of the members of the deliberative assembly may, on a given agenda, request the meeting of the assembly.
- **Dematerialized meeting authorized:** the mayor or the president can decide that the meeting of the deliberative body is held by videoconference or failing that audioconference. Votes can only take place by public ballot. The quorum is assessed according to the presence of the members in the meeting place but also those present remotely.

### Suspension of the obligation to consult bodies and councils prior to decision-making in local authorities

- **Examples:** territorial conference of public action, municipal information and assessment missions, regional economic, social and environmental council (CESER), etc.

#### RELATED PRACTICES

- [Business Counseling](#)
- [Healthcare](#)
- [Litigation](#)

---

This communication is intended for general information purposes and as a service to clients and friends of Foley Hoag LLP. This communication should not be construed as legal advice or a legal opinion on any specific facts or circumstances, and does not create an attorney-client relationship.

United States Treasury Regulations require us to disclose the following: Any tax advice included in this document was not intended or written to be used, and it cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Attorney advertising. Prior results do not guarantee a similar outcome. © 2017 Foley Hoag LLP. All rights reserved.