



The Corporation of the Town of LaSalle

To: Mayor and Members of Council

Prepared by: Agatha Robertson, Director of Council Services/Clerk

Department: Council Services

Date of Report: April 6, 2020

Report Number: CL-09-2020

Subject: Delegation of Authority to Administration during a Declared
Emergency

Recommendation

That the report of the Director of Council Services/Clerk dated April 6, 2020 (CL-09-2020) regarding a By-law to delegate authority to Administration during a declared emergency BE RECEIVED; and further that the corresponding By-law BE ADOPTED during the By-law stage of the Agenda.

Report

COVID-19 was declared a pandemic by the World Health Organization on March 11, 2020.

On Tuesday, March 17, 2020, the Government of Ontario declared an emergency under s 7.0.1 (1) the *Emergency Management and Civil Protection Act*.

On March 22, 2020 Mayor Bondy declared a state of emergency under the *Emergency Management and Civil Protection Act*.

Declaring the State of Emergency allowed for the municipality to prepare by limiting activities to essential services, ensuring they have the flexibility to mobilize appropriate resources as needs arise, for not only COVID-19, but also for other possible issues such as overland flooding as water levels locally remain at record highs. It also allows the actions necessary to support the LaSalle Municipal Emergency Operations Centre, which has been partially activated.

The *Emergency Management and Civil Protection Act, R.S.O. 1990, c E.9 s.4.(1)* states:

Declaration of emergency

4.(1) The head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area. R.S.O. 1990, c.E.9, s.4(1).

Declaring an emergency under Section 4. (1) provides the Mayor with the authority, that all of Council normally has, to approve matters and make decisions subject to applicable legislation.

The decisions of Council are generally made in meetings open to the public, in accordance with the *Municipal Act, 2001, S.O. 2001 c. 25*.

In section 23.1 of the *Municipal Act, 2001* authority is given to a municipal Council to delegate its authority powers and duties.

Council has delegated certain powers and duties to members of Administration under the Delegation of Authority By-law.

During a declared emergency by the Mayor, it may also be in the best interest to delegate additional authority to the CAO and others, subject to the restrictions prescribed by the *Municipal Act, 2001*, and by other laws.

A draft By-law has been prepared for Council's review and consideration to delegate additional authority during a declared emergency to members of Administration, subject to any restrictions on such delegation under the *Municipal Act, 2001*, or any other Act

The proposed additional delegated authority to Administration is as follows:

Chief Administrative Officer

1. Authority to identify and determine municipal services that are essential and non-essential and to modify services or service levels for non-essential services. Any service level changes will be in consultation with the Mayor;
2. Authority to enter into any agreement; and,
3. Authority to incur any liability (including the award of a contract) not more than 12 months, the Town's Purchasing By-law must be complied with in all other respects and any required contracts will be executed by the Chief Administrative Officer and the Treasurer.

Director of Finance/Treasurer

1. Authority to reduce, waive or cancel late payment charges, penalties and interest on overdue accounts if the reduction, waiver or cancellation is otherwise in accordance with the law;

2. Extend payment periods or deadlines for payment for amounts owing to the Town if such extension is otherwise in accordance with the law;
3. Working with the Chief Administrative Officer, and if satisfied that such action is reasonable in the circumstances, authority to resolve in writing, to transfer funds from a reserve fund subject to a determination by the Treasurer that the funds are:
 - i) Not available in the Approved Budget; and,
 - ii) Required in order to continue municipal operations during an Emergency or immediately thereafter.

Once the emergency has concluded, the Chief Administrative Officer will report to Council all acts taken during the Declared State of Emergency.

Consultations

Chief Administrative Officer

Director of Finance/Treasurer

Financial Implications

The Director of Finance/ Treasurer will communicate regularly with the CAO and the Senior Management Team to identify budget mitigation measures to limit negative financial impacts due to the emergency spending.

Expenditures will be tracked and reported to Council at a Regular meeting of Council once the Declared State of Emergency has ended.

A GL Account has been created to track all expenses associated with our COVID-19 response. Should Provincial and/or Federal programs be announced that allow for cost recovery or funding of these costs, the Finance Department will be in the position to efficiently report and claim these costs.

Prepared By:



Director, Council Services/Clerk

Agatha Robertson

Link to Strategic Goals

	Enhancing organizational excellence
Yes	Sustain strong public services and infrastructure
	Strengthen the community's engagement with the Town
	Grow and diversify the local economy
	Build on our high-quality of life

Communications

Yes	Not applicable
	Website
	Social Media
	News Release
	Local Newspaper
	Bids & Tenders
	Notification pursuant to the Planning Act

Notifications

Name	Address	Email

Report Approval Details

Document Title:	Delegation of Authority during a declared emergency by-law.docx
Attachments:	
Final Approval Date:	Apr 7, 2020

This report and all of its attachments were approved and signed as outlined below:


Chief Administrative Officer

Joe Milicia