

THE CORPORATION OF THE TOWN OF LASALLE

BY-LAW NO. 8420

A By-Law to delegate authority to Administration
during a declared emergency

Whereas an emergency has been declared by the Federal Government, Provincial Government, and/or the Head of Council under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*, in order to protect the health and safety of the community The Corporation of the Town of LaSalle ("Corporation") has the ability to suspend municipal programs and facilities;

And whereas the *Municipal Act, 2001* requires the Corporation and Council to conduct meetings that are open to the public, with exceptions stipulated under section 239 of the *Municipal Act, 2001* for Closed Meetings;

And whereas Council is authorized to delegate power and duties under section 23.1 of the *Municipal Act, 2001*;

And whereas Council deems it expedient to delegate authority to Administration during a period of time when conducting Council Meetings may not be possible, subject to restrictions provided in the *Municipal Act, 2001* and this By-law;

Now therefore the Council of the Corporation of the Town of LaSalle hereby enacts as follows:

Part 1: Definitions

1. The following in this By-law refers to:
 - a. "Approved Budget" refers to the budget approved by Council for the fiscal year;
 - b. "CAO" represents the Chief Administrative Officer, as prescribed by the *Municipal Act, 2001* and appointed through By-law by Council;
 - c. "Corporation" refers to The Corporation of the Town of LaSalle;
 - d. "Council" is the elected Municipal Council of The Corporation of the Town of LaSalle;
 - e. "Emergency" refers to an emergency within The Corporation of the Town of LaSalle declares under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*;
 - f. "Purchasing By-law" refers to By-law 7864 A By-law to adopt a Procurement and Purchasing Policy;
 - g. "Treasurer" is the treasurer as prescribed by the *Municipal Act, 2001* and appointed through By-law by Council;

Part 2: Delegations

2. Contingent to Part 4, during an Emergency the CAO is delegated the authority to distinguish which municipal services are essential and non-essential, as well as revise services or service levels for non-essential services, enter into any agreement, incur any liability (including award of a contract), authorize any expenditure including those related to the acquisition or disposition of real property both included or not included in the Approved Budget that would otherwise require Council Approval, subject to the following:
 - a. That any decision to modify services or service levels for non-essential services be made coinciding with Head of Council;

- b. The treasurer's confirmation that the expenditure or liability is not harmful to the financial interest of the municipality;
 - c. That the term of any contract does not exceed 12 months for a new contract;
 - d. That the Town's Purchasing By-law is adhered to with all other respects; and,
 - e. That any contracts required are executed by the CAO and Treasurer.
3. Notwithstanding provision of specific By-laws or resolutions, and subject to Part 3, if the Treasurer deems it reasonable during an Emergency, the authority is delegated to:
- a. Reduce, waive or cancel late payment charges, penalties, administrative fees and interest on overdue accounts if otherwise in accordance with the law; and,
 - b. Extend payment periods or deadlines for payment of funds owing to the Corporation, if otherwise in accordance with the law.
4. Notwithstanding provisions in specific By-laws or resolutions, and subject to Part 3, the Treasurer and CAO acting in conjunction and satisfied that such action is deemed necessary in an Emergency, are delegated the authority to resolve in writing, to transfer funds from a reserve fund subject to the Treasurer determining that the funds are:
- a. Not available under the Approved Budget; and,
 - b. Required in order to continue municipal operations during an Emergency or immediately thereafter.

Part 3: Performance of Delegations

- 5. The delegations of authority in this By-law are in addition to delegations of authority established by other By-laws and otherwise at law. In the event of any inconsistencies between this By-law and existing By-laws, the provision that most effectively delegates authority prevails.
- 6. The delegations in this By-law are subject to any restrictions on such delegations under the *Municipal Act, 2001*, or any other Act.
- 7. Through this By-law, Council delegates authority or imposes a restriction or direction of Council on the delegation, the delegate may exercise the authority subject to the restriction or direction of Council.
- 8. Nothing within this By-law prevents a delegate from further delegating authority to another individual, subject to the restriction or direction of Council on the delegation and any further restrictions or directions from the individual delegating the authority.
- 9. Any exercise of authority delegated through this By-law that requires a document is subject to the restriction that the document's form and content are acceptable to the Corporation's Legal Counsel

Reporting of Delegated Authority

- 10. The CAO shall report to Council all actions taken pursuant to the authority of this By-law at the first Council meeting following the end of the Emergency.

Part 4: Interpretation of By-law

- 11. The abovementioned headings in this By-law are for ease of reading, and do not form part of this By-law; and,

12. Any part of this By-law determined to be invalid by a court of competent jurisdiction shall be severed, while the remaining sections continue to apply.

13. Unless otherwise specified:

- a. A reference to a statute or regulation refers to a statute of regulation of the Province of Ontario;
- b. A reference to a statute, regulation, or By-law refers to that enactment as it may be amended or replaced; and,
- c. A reference to a section paragraph, clause or schedule is a reference to this by-law.

Short Title:

14. This By-law may be referred to as the "Emergency Delegation By-law"

Effective as of:

15. This By-Law shall come into force on the passing thereof.

Read a first and second time and finally passed this 14th day of April, 2020.

1st Reading – April 14, 2020

2nd Reading – April 14, 2020

3rd Reading – April 14, 2020

Mayor

Clerk