



The Corporation of the Town of Tecumseh

Corporate Services & Clerk

To: Mayor and Members of Council

From: Laura Moy, Director Corporate Services & Clerk

Date to Council: March 24, 2020

Report Number: CS-2020-10

Subject: Delegation of Authority during a Declared Emergency By-law

Recommendations

It is recommended:

That CS-2020-10 entitled “Delegation of Authority during a Declared Emergency By-law,” **be received;**

And that By-Law No. 2020-28 being a by-law to Delegate Authority during a Declared Emergency, **be adopted.**

Background

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

On Tuesday, March 17, 2020, the Government of Ontario announced that it is taking decisive action by making an order declaring an emergency under s 7.0.1 (1) the *Emergency Management and Civil Protection Act*.

On Sunday, March 22, 2020, the Mayor of the Town of Tecumseh declared a state of local emergency under the *Emergency Management and Civil Protection Act, R.S.O. 1990, c E.9 s.4.(1)* due to:

1. Management of and to take actions necessary in support of the Declared Emergency by the Province of Ontario regarding the COVID-19 pandemic.

2. Management of and to take actions necessary for municipal flood issues in accordance with the Tecumseh Emergency Response Plan.
3. To take actions necessary to support the Tecumseh Municipal Emergency Operations Centre, which has been activated.

Comments

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).

Effectually, in declaring an emergency under Section 4. (1) it 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* 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 Policy No. 62 and related by-laws. 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 law.

A draft proposed by-law has been prepared for Council's consideration, which would, if approved, 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:

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;
2. Authority to enter into any agreement,
3. Authority incur any liability (including the award of a contract),
4. Authorize any expenditure, including those related to the acquisition or disposition of real property, included or not included in the Approved Budget, and which 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 with the concurrence of the Mayor or Acting Mayor
- b) the Treasurer's confirmation that expenditure or liability is not detrimental to the financial interest of the municipality;
- c) the term of any contract does not exceed 12 months, or 24 months where extending a contract under reasonable terms that was previously procured by the Town through a public procurement process;
- d) the Town's Purchasing By-law is complied with in all other respects; and
- e) that any required contracts are executed by the Chief Administrative Officer and Treasurer.

Director Corporate Services & Clerk

1. Authority to enter into any agreement which would otherwise require Council approval for which Council had approved a matter by resolution but had not yet passed a by-law.

Director Financial Services & Chief Financial Officer (Treasurer)

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

Director Planning & Building Services

1. Authority to extend the deadlines for decisions and the issuance of permits pursuant to the *Planning Act* and *Building Code Act*, where such extensions are authorized by law.

Following the conclusion of the Emergency, the Chief Administrative Officer will report to Council all acts taken under the authority of this by-law at a Council meeting

Consultations

All Departments

Financial Implications

During emergency situations it may be necessary to suspend competitive procurement in favour of single sourcing or limited tendering. These circumstances are detailed in the Town's Procurement By-law.

It may also be necessary to procure unbudgeted goods and/or services to maintain the health and safety of Town residents and staff.

Direct sourcing and procuring goods outside of the Budget process may have negative financial impacts to the Town's fiscal circumstance.

The Director Financial Services & Chief Financial Officer (Treasurer) will communicate regularly with the CAO and Directors to identify budget mitigation measures to limit negative financial impacts due to emergency spending. Mitigation measures, if needed, will be tracked and reported to Council at a Council meeting.

The Town's accounting system has been updated to include accounts to track costs 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 Financial Services Department will be in a position to efficiently report and claim for these costs.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input checked="" type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input checked="" type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Laura Moy, Dipl. M.M., CMMIII HR Professional
Director Corporate Services & Clerk

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

**Attachment
Number**

**Attachment
Name**

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By-law 2020-28 Delegation of Authority during a Declared
Emergency