



Ministry of Municipal Affairs and Housing  
Ministère des Affaires municipales et du Logement

# Continuity of Governance During an Emergency

OEMC Mobile Tour  
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# Maintaining Governance During an Emergency

## Context:

Continuity of governance (i.e. executive decision making) during an emergency, in the current legislative environment.

- Planning and preparedness are necessary.
- Plan in advance.
- Ask the experts.

# What Constitutes an Emergency?

- For this presentation, we're using the definition provided in the *Emergency Management and Civil Protection Act*:

*“a situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise (Emergency Management and Civil Protection Act, R.S.O. 1990)”*

# Why Plan for It?

- Allows critical decisions to be made in a timely manner.
- Supports business continuity efforts.
- Clarifies roles and responsibilities.
- Leadership helps to inspire confidence among residents.

# Preparing for Decision Making in an Emergency

- Identify critical decision making processes by key individuals.
- Identify dependencies.
- Identify critical infrastructure vulnerabilities and coping capacity.

# Delegations of Authority

- *Municipal Act, 2001* Sections 23.1-23.5
- Staff, Council and/or Head of Council are responsible for important decisions to prepare for, respond to, and recover from an emergency.

# Delegations of Authority

- Pre-establish delegation of authority.
- Should be clear who is acting head of council in the absence of the normal head.
- What if you don't have a quorum?
- Important to check with your solicitor.

# Procedure By-Laws

- Procedure By-law (Sec. 238)
- Public notice provided (Sec 238(2.1) & Sec. 270(1)(4))

# Closed Council Meetings

- Same rules apply (Section 239)
- Disclosure of risks or vulnerable infrastructure can be an exception.
- Records of these closed meetings not disclosed.

# Procurement Policies

- Required under the *Municipal Act* (Sec. 270(1)3)
- Procurement in an emergency.

# Alternate Council Chambers

- Consider having a backup location.
- *The Municipal Act, 2001* allows for alternate meeting facilities in the case of emergency (Sec. 236(1))

# Other Legislation and Deadlines

- Other pieces of legislation may contain very specific deadlines.
- May have significant financial implications for proponents.
- Develop a global plan for municipal activities in an emergency.

# Other Legislation and Deadlines

- How do you meet your legal obligations when you don't have staff?
- Can you borrow staff from another municipality?
- Should be pre-arranged.

# Emergencies During A Municipal Election

- What if there is an emergency during an election?
- The Clerk can declare an emergency (*Sec. 53(1)-MEA*)
- Clerk can make alternate arrangements for the election (*Sec.53(2)&(3)*)
- The emergency continues until the Clerk declares it's over (*Sec 53(4)*)
- Have a look at *Sec. 53(5)* as well

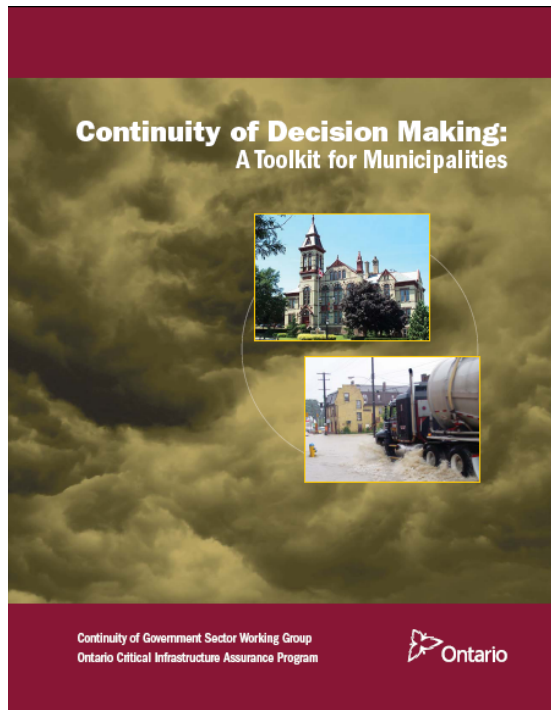
# “Lame Duck” Council?

- What happens if an emergency occurs while you have a ‘lame duck’ council?
  - ‘lame duck’ after nomination day or voting day if less than 75% of members returning
    - exceptions for councils getting larger or smaller
  - when ‘lame duck’, cannot:
    - appoint or remove officers, hire or dismiss employees
    - dispose of property worth more than \$50,000
    - spend or incur liability worth more than \$50,000
  - in the event of an emergency, the council is no longer ‘lame’ [S.275(4.1) of MA]

# Some Procedures and Training Tips

- Add an appendix/schedule to your by-laws.
- Train the key players.
- Take advantage of additional training.

# Continuity of Decision Making Toolkit



- English Version - [www.mah.gov.on.ca/Page4772.aspx](http://www.mah.gov.on.ca/Page4772.aspx)
- French Version - [www.mah.gov.on.ca/Page4799.aspx](http://www.mah.gov.on.ca/Page4799.aspx)

# Questions?

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