



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2020-057

A by-law to delegate authority to the Mayor during the COVID-19 Emergency

WHEREAS on March 11, 2020 the World Health Organization declared a worldwide pandemic regarding the Novel Coronavirus 19 (“COVID-19 pandemic”);

AND WHEREAS on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 (the “*Emergency Management Act*”) related to COVID-19;

AND WHEREAS section 4 of the *Emergency Management Act* provides that 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;

AND WHEREAS the Provincial Government’s modelling and forecast projects that the COVID-19 Emergency will last months and will result in a severe and long term challenge to our health care system;

AND WHEREAS on March 24, 2020 The Corporation of the Town of Oakville and the Regional Municipality of Halton declared an emergency pursuant to section 4 of the *Emergency Management Act*;

AND WHEREAS COVID-19 is present within the Town of Oakville and is a disease that is readily communicable from person to person, carries a risk of serious complications, and may result in death;

AND WHEREAS the Emergency Control Group has recommended that the Mayor be delegated authority to facilitate a speedy response by the Town to the continually evolving COVID-19 Emergency;

AND WHEREAS section 23.1 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "*Municipal Act, 2001*") provides that without limiting sections 9, 10 and 11, those sections authorize a municipality to delegate its powers and duties under this or any other Act to a person or body, subject to the restrictions on powers that cannot be delegated set out in section 23.3 of the *Municipal Act, 2001*;

AND WHEREAS Council for The Corporation of the Town of Oakville considers it necessary to delegate authority to the Mayor to enact by-laws to support the intent and purpose of the Provincial Orders made under the *Emergency Management Act* in order to protect property and the health, safety and welfare of the citizens of the Town of Oakville during the COVID-19 Emergency;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF OAKVILLE ENACTS AS FOLLOWS:

Definitions

1. For the purposes of this By-law,

“By-law” means this By-law;

“COVID-19 Emergency” means the period of time commencing upon the date of passing of this By-law until the declaration of emergency made by the Head of Council under sections 4 of the *Emergency Management Act* in relation to the COVID-19 pandemic has been terminated;

“Emergency Control Group” means the individuals/members under the Town of Oakville Emergency Plan directing those services necessary for mitigating the effects of the COVID-19 Emergency;

“Mayor” means the Head of Council for the Town;

“Town” means The Corporation of the Town of Oakville; and

“Town Council” means Council for the Town.

Delegation of Authority

2. Subject to any restrictions on delegation identified in the *Municipal Act, 2001*, other legislation or at common law, Council hereby delegates its statutory authority under the *Municipal Act, 2001*, and under any other legislation, to the Mayor, exclusively for use during the COVID-19 Emergency.
3. The authority delegated to the Mayor in section 2 may only be exercised in accordance with the following criteria:

- a. Such exercise of delegated authority shall be pursuant to a recommendation of the Emergency Control Group under the Town's Emergency Plan.
 - b. It is necessary to utilize the authority to address the situation in a timely manner.
 - c. In the opinion of the Mayor, it is reasonable to believe that potential harm or damage will be alleviated by the exercise of the delegated authority and it is a reasonable alternative to other measures that might be taken to address the situation.
 - d. The actions authorized under the delegated authority are exercised in a manner which, consistent with the objectives of the exercise of the delegated authority, reasonably limits their intrusiveness.
4. The Mayor shall advise the members of Town Council of any exercise of authority delegated under this By-law within 24 hours of the date of exercise of the authority.

Interpretation

5. To the extent of a conflict between this By-law and any other Town by-law or the delegation of authority by Town Council to any person or body, or to the extent of a conflict between the exercise of the authority delegated under this By-law and the exercise of any other authority delegated by Town Council, this By-law and the exercise of authority delegated under this By-law shall prevail, despite the fact that any other delegated authority provides that it prevails in the event of conflict.

Severability

6. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

Effective Date

7. This By-law shall remain in force and effect for the duration of the COVID-19 Emergency.

Short Title

8. This by-law may be referred to as the "COVID-19 Emergency Delegation By-law".

PASSED this 8th day of April, 2020.

ROB BURTON, MAYOR

CLERK