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Authority of Mayor and Deputy Mayor In Emergencies

Issue / Background:

In November of 2013, Council removed a number of powers and privileges from the Mayor. In particular, City Council removed some of the authority for emergency response previously delegated to the Mayor under Municipal Code Chapter 59 and delegated such authority to the Deputy Mayor. The Deputy Mayor now has the powers and role formerly given to the Mayor by the Emergency Management by-law, Municipal Code Chapter 59.

The Mayor's authority under the provincial *Emergency Management and Civil Protection Act* could not be removed from the Mayor without the provincial legislature amending the Act.

As a result of the emergency created by the ice storm, issues arose as to the respective roles and responsibilities of the Mayor and the Deputy Mayor in dealing with the emergency.

Key Points:

The Mayor retains the authority to declare an emergency and to take such action and make such orders as he considers necessary, and which 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.

All other aspects of emergency response have been delegated to the Deputy Mayor. These include overseeing and chairing the Control Group established by Municipal Code Chapter 59 to manage the response to an emergency. That is the principal emergency response authority of the Deputy Mayor. The Control Group is responsible for managing the strategic response to the emergency and providing support to the Emergency Operations Centre and site operations regardless of whether the Mayor has declared an emergency.

The Deputy Mayor's powers in responding to an emergency through TEMPC under Chapter 59 **do not** depend on the declaration of an emergency. His authority exists **concurrently** with the Mayor's authority under the *Emergency Management and Civil Protection Act* and can be exercised regardless of whether the Mayor declares an emergency under that Act. The authority was exercised by the Deputy Mayor as part of the response to the ice storm.

Questions & Answers:

1. Who has authority to declare an emergency?

Only the Mayor had the legislative authority to declare an emergency. In addition, under *Emergency Management and Civil Protection Act*, the Mayor may also take such action and make orders considered necessary to implement the City of Toronto Emergency Plan to protect the health, safety and welfare of the inhabitants of the emergency area. These actions and orders cannot be contrary to law.

2. What is the Deputy Mayor's role in an emergency?

The Deputy Mayor has the authority under Municipal Code Chapter 59 delegated to him by Council. In an emergency, whether declared or not, the Deputy Mayor oversees the Control Group established by that Chapter to manage emergency responses.

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Further information:

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