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**BULLETIN**

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### **MINISTERIAL ORDER M084: PART 2**

Yesterday, the Minister of Public Safety and Solicitor General made several orders under section 10 of the *Emergency Program Act* that affect local governments, including Ministerial Order M084: “Local Authorities and Essential Goods and Supplies (COVID-19) Order” ([http://www.bclaws.ca/civix/document/id/mo/mo/2020\\_m084](http://www.bclaws.ca/civix/document/id/mo/mo/2020_m084)).

In our Client Bulletin yesterday, we addressed the effect of the Ministerial Order in nullifying any existing local states of emergency. In addition to having that effect, the Ministerial Order both grants powers to the Minister and imposes obligations on local authorities (defined in the *Emergency Program Act* to include municipal councils and regional district boards).

Sections 6(1) and (2) of the Ministerial Order allows the Minister to compel local authorities to:

- Take all measures necessary to identify resources and facilities that could be used to mitigate the impacts of the COVID-19 pandemic, including facilities for self-isolation of individuals, warehousing of essential supplies, and medical care or testing;
- Take all measures necessary to identify the critical supply and service needs related to the COVID-19 pandemic; and
- Report to Emergency Management BC on any of the above.

Sections 6(3) and 7(1) of the Ministerial Order require local authorities to:

- Review and, if necessary, update their local emergency plans and business continuity plans to ensure that the delivery of essential services can be maintained such that they are in compliance with the orders and guidance of the provincial health officer;
- Ensure that impacts and limitations resulting from the COVID-19 pandemic are taken into account in preparations for other emergencies or disasters, such as floods or wildfires;
- Use best efforts to enter into mutual aid agreements with neighbouring jurisdictions to ensure that first responder, waste water and drinking water services are maintained, after which each local authority must report to Emergency Management BC unresolved issues concerning those three services; and
- Use best efforts to provide assistance to those delivering critical services for vulnerable populations within the Province, including foodbanks and shelter services.

Finally, section 8(1) of the Ministerial Order renders ineffective any bylaw restricting or limiting when goods, food or supplies may be delivered to a retailer.

The Ministerial Order evidences the intention of the Province to mandate consistency and cooperation between local authorities, while also granting itself the power to take targeted action where required. Local governments should carefully review their obligations under the Ministerial Order and ensure that they are prepared to coordinate with neighbouring jurisdictions as well as the Province, should that be necessary. Local governments should particularly take note of the requirement for mutual aid agreements for ensuring that waste water and drinking water services are maintained.

***Nick Falzon***