

Powers of Authorities During Declared Emergencies

- Municipal authorities do not have the ability to make declarations of a disaster emergency. This power lies with the governor (35 Pa.C.S.A. 7301).
- However, municipal authorities are permitted to relax normal bidding requirements in an emergency situation.
- Other flexibility may be found in your Authority's bylaws. Below is an example from WBWA's By-Laws:

"Powers and Duties of the Board. The members of the Board shall have the general management and control of the business affairs of the Authority and shall exercise all powers that may be exercised or performed by the Authority under the existing laws, the Articles of Incorporation and these By-Laws. Without prejudice to the general powers conferred by the preceding sentence and any other powers conferred by or duties imposed by these By-Laws, the Board shall have the following powers and duties:
* * * (h) Rules, Policies and Regulations. The Board may, from time to time, by resolution or by motion adopt such rules, policies and regulations for the proper functioning of the Authority, maintenance of its facilities, conduct of its employees, and all other purposes as the Board may deem proper."

- As you can see, the power of the Board is always subject to applicable law. However, it does have the stated power to adopt rules, policies and regulations for the proper functioning of the Authority. While the Authority may not make a declaration of disaster emergency, I suggest that it has the ability to take necessary action to ensure the proper functioning of the Authority in an emergency. The Authority obviously provides an essential resource to the public. Actions taken to ensure public safety in an emergency can be taken to reach that essential goal although action taken should always be within the confines of the law if possible. **CONTACT YOUR SOLICITOR FOR YOUR UNIQUE SITUATION**
- The Sunshine Act permits a board meeting without notice if there is an emergency. According to the Sunshine Act, an emergency meeting may be called "for the purpose of dealing with a real or potential emergency involving a clear and present danger to life or property".