

Corporation of the County of Grey

By-Law 5059-19

A By-law to Designate Members of Council to Act in Place of the Warden During a Municipal Emergency

WHEREAS the *Emergency Management and Civil Protection Act* requires that the Corporation of the County of Grey maintain an emergency program and adopt an emergency plan to respond to municipal emergency situations;

AND WHEREAS under the *Emergency Management and Civil Protection Act* the Warden of the County of Grey, as head of the Council of the Corporation of the County pursuant to the *Municipal Act, 2001*, is authorized to declare the existence and termination of municipal emergencies and to make certain orders in the event of such an emergency;

AND WHEREAS under section 9 of the *Emergency Management and Civil Protection Act*, the County's emergency plan may designate one or more members of County Council to exercise the powers and perform the duties of the Warden under Act and the emergency plan during the absence of the Warden or his or her inability to act;

AND WHEREAS County Council deems it necessary and expedient to adopt provisions to appoint such alternates to exercise such authority of the Warden;

AND WHEREAS the Council of the Corporation of the County of Grey adopted the recommendations contained in report CCR-CW-06-19 regarding appointing members of Council to act in place of the Warden during a municipal emergency;

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE COUNTY OF GREY HEREBY ENACTS AS FOLLOWS:

1. Interpretation

1.1 In this By-law:

- a) "Alternate Member of Council" means those members of Council appointed pursuant to sections 267 and 268 of the *Municipal Act* as alternates to the regularly-elected members of Council;
- b) "Alternate Wardens" means the Deputy Warden, the Past Wardens, and any Selected Alternates, and each is an "Alternate Warden";

- c) "Clerk" means the Clerk of the Corporation of the County of Grey;
- d) "Council" means the Council of the Corporation of the County of Grey;
- e) "County Emergency Plan" means the emergency plan for the Corporation of the County of Grey adopted pursuant to section 3 of the EMCPA by By-law 4932-16, as amended from time to time, and any future emergency plan adopted for the Corporation of the County of Grey;
- f) "Deputy Warden" means the Deputy Warden from time to time as designated by section 1.2 of the Procedural By-Law;
- g) "EMCPA" means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended from time to time, and any successor legislation thereto;
- h) "Emergency Management Program Coordinator" means the Emergency Management Program Coordinator appointed by the Corporation of the County of Grey pursuant to Ontario Regulation 380/04 made under the EMCPA;
- i) "Municipal Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended from time to time, and any successor legislation thereto;
- j) "Municipal Emergency" means an emergency as defined in the EMCPA which exists in the County of Grey or any part thereof;
- k) "Past Wardens" means those members of Council, none of whom is the Warden, Deputy Warden, or an Alternate Member of Council, who have previously been elected or appointed as head of Council under the Municipal Act or its predecessor legislation, and each is a "Past Warden";
- l) "Procedural By-law" means By-law #5003-18 of the Corporation of the County of Grey, as may be amended from time to time, or any By-law enacted to replace it;
- m) "Selected Alternates" means the members of Council selected to serve as Alternate Wardens according to Article 3 of this by-law, and each is a "Selected Alternate"; and
- n) "Warden" means the head of Council appointed pursuant to the Municipal Act.

1.2 In this By-law, to “act in the event of a Municipal Emergency” and words of similar meaning, mean to act under the authority granted to the head of Council by the EMCPA or the County Emergency Plan.

1.3 In this By-law, any reference to the Warden and the members of Council in the event of a Municipal Emergency shall refer to the Warden and members of Council then serving at the time of that Municipal Emergency.

2. Authority to Act

2.1 Pursuant to section 9 of the EMCPA, in the event of a Municipal Emergency where the Warden is absent or is unable to act, the members of Council designated as Alternate Wardens under this by-law may exercise the powers and perform the duties of the Warden under the EMCPA or the County Emergency Plan, subject to the provisions of this By-law including, without limitation, all lawful ability to delegate the Warden’s authority.

2.2 No Alternate Warden shall act under the authority of this By-law in the event of a Municipal Emergency where the Warden is present and able to act in such Municipal Emergency.

2.3 No Alternate Warden shall act under the authority of this By-law in the event of a Municipal Emergency where an Alternate Warden ranking higher in priority according to section 2.4 of this By-law is present and able to act in such Municipal Emergency.

2.4 The priority of Alternate Wardens for the purposes of this By-law shall be as follows:

a) the Deputy Warden; followed by

b) the Past Wardens, in order from the Past Warden having most recently served as head of Council to the Past Warden having least recently served as head of Council; followed by

c) the Selected Alternates, if any, in their order of selection under Article 3 of this By-law from first selected to last selected.

2.5 No Alternate Warden shall act in the event of a Municipal Emergency until they have determined that neither the Warden nor any Alternate Warden who ranks higher in priority according to section 2.4 is present and able to act in such Municipal Emergency.

2.6 Any Alternate Warden acting in the event of a Municipal Emergency shall cease to so act when either the Warden or an Alternate Warden who ranks higher in

priority according to section 2.4 becomes present and able to act in such Municipal Emergency.

3. Selection of Alternates

- 3.1 After the election of a new Council, the Council shall at its first meeting to consider substantial business other than the election of a Warden, select such number of Selected Alternates as may be necessary to ensure that there are at least four (4) Alternate Wardens, or such lesser number as provided for in Section 3.4 below.
- 3.2 All members of Council are eligible for selection as a Selected Alternate except:
- a) the Warden,
 - b) the Deputy Warden,
 - c) the Past Wardens,
 - d) any Alternate Member of Council, and
 - e) those members of Council who do not consent to serve as Alternate Warden.
- 3.3 Subject to section 3.4 below, the selection of the Selected Alternates under this Article 3 shall be held in accordance with the laws, By-laws, and rules applicable to the proceedings of Council, including the Procedural By-law, and may be carried out either by Council meeting in full session or as a committee of the whole.
- 3.4 The selection of the Selected Alternates shall proceed according to the following provisions:
- a) the names of all members of Council eligible for selection as a Selected Alternate shall be written on pieces of paper of equal size, and those pieces of paper placed in an empty box;
 - b) the Clerk shall draw one piece of paper from the box for each Selected Alternate required to be selected and record the name contained on each and the order in which they were drawn; and
 - c) in the event that more Selected Alternates are required than there are members of Council eligible for selection as a Selected Alternate, the selection process shall proceed as set out above, except that the Clerk shall draw all of the pieces of paper placed in the box and record name contained on each and the order in which they were drawn, and provided that if only one

member of Council is eligible for selection as a Selected Alternate, the Clerk may record that member's name without having to proceed with a drawing.

3.5 Immediately following the selection of names provided for in section 3.4:

- a) the Clerk shall report to Council the names chosen and the order in which they were chosen,
- b) the Clerk shall present to Council a resolution to confirm the selection of those members as Selected Alternates in the order of their priority as drawn, and
- c) Council shall take up that resolution as its next order of business.

3.6 In the event that:

- a) any Selected Alternate ceases to be a member of Council,
- b) any Selected Alternate is elected to the office of Warden, or
- c) any Selected Alternate withdraws their consent to serve as Alternate Warden,

such individual shall cease to be a Selected Alternate and thereafter Council may consider the selection of further Selected Alternates to replace such member or members as may be required to ensure that there are at least four (4) Alternate Wardens. Such selection shall take place in accordance with the provisions of this Article.

3.7 Notwithstanding the foregoing provisions of this Article 3, pursuant to resolution *CW100-19* of the Committee of the Whole of Council, the following members of Council are deemed to have consented to serve as Alternate Warden and have been chosen on May 9, 2019 as Selected Alternates as if they had been selected pursuant to section 3.4 above:

- a) 1st: Selected Alternate: Christine Robinson
- b) 2nd Selected Alternate: Barb Clumpus, and
- c) 3rd Selected Alternate: John Woodbury.

4. Amendment of Emergency Plan

4.1 This By-law shall be adopted as part of the County Emergency Plan and the County Emergency Plan is hereby amended accordingly.

- 4.2 In the event that any further County Emergency Plan is enacted, this By-law shall apply to the provisions of that County Emergency Plan and it shall be amended accordingly, unless the By-law enacting that County Emergency Plan states expressly otherwise, and the same shall apply regardless of whether that County Emergency Plan amends, repeals, revises, restates, or re-enacts the provision of any County Emergency Plan.
- 4.3 Upon any change in the composition of the group of Alternate Wardens, the County Emergency Plan shall be amended accordingly, and the Clerk shall immediately advise the Emergency Management Program Coordinator with a complete list of the Alternate Wardens and their priority pursuant to section 2.4.

5. General

- 5.1 Article titles and headings in this By-law are inserted for convenience only and are not part of the legislation.
- 5.2 This By-law shall come into force and effect upon the final passing thereof.

ENACTED AND PASSED this 9th day of May, 2019.

WARDEN: Selwyn Hicks

CLERK: Heather Morrison