

Corporation of the County of Grey

By-Law 5047-19

A By-law to Authorize the Appointment of Municipal Prosecutors and to Provide for Prosecutorial Independence

WHEREAS the Corporation of the County of Grey (the "County") is a party to:

- a Memorandum of Understanding (the "MOU") dated February 6, 2001 with Her Majesty the Queen in Right of Ontario as represented by the Attorney General (the "Ministry of the Attorney General") and the Corporation of the County of Bruce (the "County of Bruce"),
- a Local Side Agreement (the "LSA") with the Ministry of the Attorney General and the County of Bruce dated February 6, 2001 and made in connection therewith, and
- an Intermunicipal Service Agreement (the "ISA") with the County of Bruce dated August 29, 2000 also made in connection therewith (the MOU, LSA, and ISA being collectively the "POA Agreements")

which together set out that the County shall undertake to prosecute certain offence proceedings commenced under the provisions of the *Provincial Offences Act* and the *Contraventions Act* (Canada) arising within the geographic territory of the County of Grey and the County of Bruce pursuant to a transfer of responsibility from the Ministry of the Attorney General;

AND WHEREAS the County will undertake such prosecutions through certain of its own staff as well as through the services of outside lawyers, law firms, and legal services providers;

AND WHEREAS it is a requirement of the POA Agreements that all prosecutors carrying out prosecutions be able to do so independently and to exercise their discretion in a fair and unbiased manner;

AND WHEREAS the Director of Legal Services – County Solicitor has been appointed by the County as a municipal prosecutor;

AND WHEREAS the Council of the County of Grey adopted the recommendations of the Committee of the Whole recommending the enactment of a by-law to give effect to the foregoing;

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

1. The Director of Legal Services – County Solicitor is authorized to appoint municipal prosecutors from time to time pursuant to the terms of the POA Agreements.
2. The Director of Legal Services – County Solicitor, in their capacity as a municipal prosecutor, and all municipal prosecutors appointed hereby, are authorized to exercise the lawful authority and discretion of a public prosecutor without restriction except by prosecutorial policy enacted by the Ministry of the Attorney General, to the extent such policy is applicable to them, and by policy of the County duly enacted in accordance with the provisions of the POA Agreements as the same may be amended, modified, extended, replaced, or restated from time to time.

ENACTED AND PASSED this 28th day of February, 2019.

WARDEN: Selwyn Hicks

CLERK: Heather Morrison