

Lakehead Police Services Board

Agenda for Inaugural meeting: December 5, 2017 at 6:00 p.m.
O'Connor Municipal Office
330 Highway 595, Kakabeka Falls, Ontario

1. Preliminary Matters

- (a) Administration of the Oaths of Office for each Appointed Member
- (b) Selection of Chair for the Meeting;
- (c) Call to Order by Chair
- (d) Attendance
- (e) Request/Receive Declarations of Pecuniary Interests (if any)

2. Reports Requiring Direction

- 2.1 Report from Secretary Regarding Board Composition/Request to Province 1-3
- 2.2 Report from Secretary Regarding Board Funding and Member Remuneration 4-5
- 2.3 Report from Secretary Regarding decisions for the Procedural By-law (Item 3.1) 6-7
- 2.4 Report from Secretary Regarding Recruitment/Selection Practices 8-9
- 2.5 (Verbal) Discussion with Detachment Commander regarding Activities, etc. -

3. By-Laws

- 3.1 By-law 2017-001 of the Board: Procedural Rules 10-32

4. Adjourn the Meeting

LAKEHEAD POLICE SERVICES BOARD
Administrative Report

Date: November 30, 2017 (For Meeting on December 5, 2017)

To: Members of Lakehead Police Services Board

Subject: Board Composition: Request to Province

Submitted by: Rosalie A. Evans, Board Secretary

RECOMMENDATION:

Administration recommends that the Board conclude upon the wording of a resolution to propose to the Province that legislation be amended (or enacted) to provide for a composition of the Lakehead Police Services Board that is different from the prescribed Board composition.

The Board may wish to strike a Committee to work on this project rather than conclude upon it at this meeting.

BACKGROUND:

The Lakehead Police Services Board is comprised of five Members, based on resolutions of the Municipalities under Subsection 27(6) of the Act. In accordance with Subsection 27(5) of the Act, a five member board representing a single municipality shall consist of:

- (a) the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council;
- (b) one member of the council appointed by resolution of the council;
- (c) one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and
- (d) two persons appointed by the Lieutenant Governor in Council.

The Act is silent as to the composition of a board which is a joint board, representing more than one municipality.

Neebing Council had proposed to the other members that the two municipal council members (in (a) above) be chosen by pairing the member municipalities (Neebing and

Gillies; O'Connor and Conmee), and rotating appointees between the two municipalities. With the Board Meetings being open to the public, all members of councils of all member municipalities can attend. It was initially proposed by Mrs. Evans that rules of procedure allow for special participation by council members of member municipalities – so that any attending member could participate to some extent in the debate and his/her wishes be made known to all the voting members.

The Council for Conmee proposed that, since the amount paid for policing by each member municipality is the largest operational budget segment paid to an outside agency, without Council control, our members should lobby the government for changes to the legislation to allow our joint Board to have one appointed member of the Council from each municipality.

The member municipal councils need to agree on the manner in which a constituent will be appointed to one of the seats on the Board (this is addressed in the report at Item 2.4 of the agenda).

The Province's expectation is that there will be two appointments to the Board made by the Lieutenant Governor in Council. Those appointments may take some time to accomplish. In the meantime, the councils, having appointed 4 Board Members, will be operating with one vacancy (until a constituent is appointed), and with a full, 5-member complement thereafter (subject to comments from the Province and/or recognition of the interim board by the Province).

DISCUSSION:

Members of the Board should discuss and come to consensus on when and how the Province will be approached regarding the Board's request for a change in Board composition.

Further, Members of the Board will need to come to consensus on exactly what is being requested.

Options:

1. a five-person board composed of one member of each council and one provincial appointee;
2. a five-person board composed of one member of each council, one citizen appointed by the 4 councils, and no provincial appointees;
3. a seven-person board composed of one member of each council, one citizen appointed by the 4 councils, and two provincial appointees;
4. any number of other options.

It is noted that the legislation does provide for seven-member boards, but these are contemplated only for municipalities with populations in excess of 300,000 persons.

In the case of an approved 7-member board, the legislated complement is:

- (a) the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council;
- (b) two members of the council appointed by resolution of the council;
- (c) one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and
- (d) three persons appointed by the Lieutenant Governor in Council.

It still would not contemplate 4 members of councils.

As noted, however, the circumstances relating to joint boards are not set out in the legislation.

ATTACHMENTS:

None

AVAILABLE UPON REQUEST:

Relevant legislation

**LAKEHEAD POLICE SERVICES BOARD
Administrative Report**

Date: November 30, 2017 (For Meeting on December 5, 2017)
To: Members of Lakehead Police Services Board
Subject: Board Funding & Member Remuneration
Submitted by: Rosalie A. Evans, Board Secretary

RECOMMENDATION:

Administration recommends that the Board set the remuneration rules for members attending meetings.

Administration recommends that all Board Members be treated equally in this regard.

The Board also needs to make decisions on the funding for the joint board.

BACKGROUND:

When the joint services board was under discussion, Mrs. Evans was advised by representatives of the Province that any provincially appointed members must be paid the prescribed minimum amount, regardless of whether any of the other members are compensated.

The prescribed remuneration is in the General Regulation passed under the Police Services Act, which is Regulation 268/10. Section 5 provides:

Remuneration

5. A municipality shall pay to each board member who is appointed by the Lieutenant Governor in Council or the Solicitor General,

(a) in a municipality having a population exceeding 500,000 according to the last revised assessment roll, not less than \$1,000 a year;

(b) in a municipality having a population exceeding 100,000 and not exceeding 500,000 according to the last revised assessment roll, not less than \$500 a year;

(c) in a municipality having a population exceeding 10,000 and not exceeding 100,000 according to the last revised assessment roll, not less than \$300 a year;

(d) in a municipality whose population does not exceed 10,000 according to the last revised assessment roll, not less than \$100 a year.

It is notable that the minimum amounts are per year. Mrs. Evans was told by Provincial representatives that the minimum amounts are per meeting. Despite this difference, payment “per meeting” is fairly common amongst police services boards.

In addition to the amount that Members will receive – whether as an honorarium type of stipend, or on a per-meeting-attended basis – Decisions need to be made on how the Lakehead Police Services Board will be funded.

(Note decisions in this regard may impact Section 5.4 of the draft Procedural By-law, at Item 3.1 of the agenda, regarding payments for member training.)

DISCUSSION:

Member payment options:

- (a) All members are paid equally an annual stipend (payable on a regular basis – quarterly or otherwise);
- (b) All members are paid equally an amount per meeting attended with specifications for committee meetings, board meetings and/or training sessions;
- (c) Members appointed by the Province are paid (either annually or per meeting attended) while members appointed by municipalities are not paid; or
- (d) Some other combination.

Administration recommends that all members be treated equally, and that payment should be greater than the prescribed \$100/year minimum amount.

Board Funding options:

- (a) Members contribute to a fund set out as a budget for the Board, either equally or on some other equitable basis, for any given year, which fund/budget will be administered by Neebing (as the lead municipality);
- (b) Each member municipality is responsible for the funding required to support its appointed member to the board, and all municipalities share (either equally or on some other equitable basis) in the funding required to support the non-council appointee and/or provincially appointed member(s) and the secretarial and general office-related expenses; or
- (c) Any number of other permutations and combinations.

This discussion may also include rotation of the secretarial function from municipality to municipality on a regular basis and each municipality absorbing “its” secretarial costs during its turn to host the secretarial position. (This could impact the wording of Sections 4.4 and 4.5 of the draft procedural by-law at Item 3.1 of the agenda.)

This discussion will also need to entail whether the Board has its own bank account, or whether Neebing acts as “treasurer” for the Board, and payments of Board expenses are made with Neebing checks.

ATTACHMENTS: None **AVAILABLE UPON REQUEST:** Relevant legislation

**LAKEHEAD POLICE SERVICES BOARD
Administrative Report**

Date: November 30, 2017 (For Meeting on December 5, 2017)
To: Members of Lakehead Police Services Board
Subject: Decisions Required for Procedural By-law
Submitted by: Rosalie A. Evans, Board Secretary

RECOMMENDATION:

Administration recommends the following:

- Members choose a mutually work-able monthly day and time for regular meetings of the board which also works for OPP Representatives (Section 7.1 of the draft by-law);
- Once the date is fixed, an agenda deadline be chosen (Section 7.4);
- Once those dates are fixed, a date for making agendas available to the public be chosen (Section 14.2);
- A curfew be set for the meetings, depending on the start time chosen above (Section 7.7);
- Regular meetings be held at the O'Connor Municipal Office, or, should that office not be available on the days selected above, at another one of the member municipalities' offices;
- The Board Office be maintained at the Neebing Municipal Office for the purposes of records retention; and
- Members advise of any other/further matters which require discussion in the proposed draft procedural by-law.

BACKGROUND:

Police Services Boards require procedural by-laws. A draft has been prepared, and is included in this evening's agenda as Item 3.1.

The draft was prepared based in part by the by-law utilized by Shuniah's Police Services Board, with amendments and additions suggested by the Secretary.

DISCUSSION:

The items listed above under "Recommendation" are items for which the Secretary requires direction in terms of finalizing the Procedural By-law.

There will no doubt be other sections of the By-law for which Members have questions, comments, or suggestions for change. The By-law was not reviewed with members of the OPP, and suggestions may be forthcoming from Staff Sergeant Graham as well.

Once the wording has been concluded, the By-law will be ready for passage by the Board.

Note that the highlighted section references in the draft document are for ease of reference for confirmation of correctness after any amendments are undertaken.

The Board will require other operational by-laws, such as records retention by-laws, etc., which will be prepared and forwarded to future meetings of the Board.

ATTACHMENTS:

None (Refer to Item 3.1 for the draft by-law).

AVAILABLE UPON REQUEST:

Sample by-laws, relevant legislation, etc.

**LAKEHEAD POLICE SERVICES BOARD
Administrative Report**

Date: November 30, 2017 (For Meeting on December 5, 2017)

To: Members of Lakehead Police Services Board

Subject: Appointment of Constituent Member(s)

Submitted by: Rosalie A. Evans, Board Secretary

RECOMMENDATION:

Whatever decision is ultimately made or approved for the composition of the Board, it can be expected that, at some point, the four member municipalities will need to agree upon (at least one) citizen representative who resides in one of the member jurisdictions. Administration recommends that the Board members agree on the process for recruitment.

BACKGROUND:

Legislation requires that a (single municipal) Police Services Board have one representative, who is neither staff nor council, who resides within the municipality and is appointed by Council.

With a joint board, the member municipalities would be expected to agree on this person and each appoint him or her (or agree to a process that delegates authority to appoint that Member to one or more of the Councils and/or a committee and/or a person.

It is important to note that the members appointed by the Province are recruited and requested to apply. Competent and skilled persons applying for the municipal appointment should be encouraged to also apply for a provincial appointment, since, unless an alternative is approved, only one citizen appointment can be made by the municipal councils, while two will be made by the Province.

DISCUSSION:

There are so many options for this activity, that it is difficult to set them out in a report.

Advertising the position will need to be undertaken – a first decision will be the appropriate method of advertising. Given the rural nature of member communities, bulletin board and/or web postings, as well as newsletter mention will likely be sufficient (as opposed to the expense of wider-spread advertising). A deadline date for submission of applications will need to be established, as well as the location/person to which the applications are sent.



Whether or not an application form needs to be created should also be considered so that the applications are easier to compare.

An interview team needs to be established, and interview questions set up.

Interviews will need to be undertaken.

Ultimately, a decision must be made.

The decision can be made by the Board as it is composed for this meeting (one representative from each municipality). It can be made by a term comprised of other members of the member municipal councils, duly appointed. Decision-making can be delegated to a subset of the Board, to one of the member Councils, to Administration, or otherwise.

Which method is chosen may depend on how funding of the Board is chosen as well. If one municipality has more of the funding obligations, it may wish to have more of the decision-making authority in terms of Board members hired, for example.

ATTACHMENTS:

None

AVAILABLE UPON REQUEST:

Sample by-laws, relevant legislation, etc.

LAKEHEAD POLICE SERVICES BOARD

BY-LAW NO. 2017-001

A By-law to Establish Rules of Order and Procedures for the Lakehead Police Services Board, a joint Police Services Board for The Corporations of the Municipality of Neebing and The Corporations of the Townships of Gillies, O'Connor and Conmee.

Recitals:

This Board was established under the authority of Section 33 of the Act, as a joint police services board for four Municipalities, through the following by-laws, duly passed:

1. By-law 2017-016 of The Corporation of the Municipality of Neebing;
2. By-law 2017-014 of The Corporation of the Township of Gillies;
3. By-law 2017-015 of The Corporation of the Township of O'Connor; and
4. By-law 1121 of The Corporation of the Township of Conmee.

The Act prescribes that a police services board shall establish its own rules and procedures in performing its duties under the Act.

NOW THEREFORE THE LAKEHEAD POLICE SERVICES BOARD OF THE CORPORATIONS OF THE MUNICIPALITY OF NEEBING AND THE TOWNSHIPS OF GILLIES, O'CONNOR AND CONMEE, ENACTS AS FOLLOWS:

1 **Definitions and Interpretation:**

1.1 Definitions:

The words set out in the lettered paragraphs below, when used in this By-law with their initial letters capitalized, are intended to have the meanings set out for them in this Section. Where a word within this Section appears in this By-law in lower case letters, it is intended to have the meaning ordinarily ascribed to it in the English language.

- (a) "**Act**" means the Police Services Act, R.S.O. 1990 c.P.15.
- (b) "**Acting Chair**" means a Member required to act from time to time in the place and stead of the Chair or Vice-Chair, pursuant to Section 4.3 of this By-law.
- (c) "**Board**" means the Lakehead Police Services Board.
- (d) "**By-law**", appearing without any other identifiers, means this By-law of the Lakehead Police Services Board. Where the term "By-law" appears with a number and/or the name of the body that passed it, the term refers to the by-law of that entity, as referenced.

- (e) **"Chair"** means the Chair of the Lakehead Police Services Board, elected annually in accordance with Section 4.1 of this By-law.
- (f) **"Clerk"** means the person within a Municipality who is the head of the Municipality's administration, regardless of his or her title.
- (g) **"Closed Meeting"** has the meaning set out in paragraph 1.1(p) of this By-law.
- (h) **"Committee"** means a standing or ad hoc committee and any other similar entity composed of individuals of the Board, with or without other persons, pursuant to the Act.
- (i) **"Committee Meeting"** has the meaning set out in paragraph 1.1(p) of this By-law.
- (j) **"Conmee"** means The Corporation of the Township of Conmee.
- (k) **"Deputant"** is a person or organization addressing the Board at a regular or special Board meeting.
- (l) **"Detachment Commander"** means an Ontario Provincial Police Detachment Commander reporting to the Lakehead Police Services Board.
- (m) **"Gillies"** means The Corporation of the Township of Gillies.
- (n) **"Improper Conduct"** means conduct that obstructs in any way the deliberations and/or proper action of the Board, or is contrary to the provisions of this By-law and/or any requirements of Province expressed through legislation or regulation.
Improper Conduct includes:
- speaking out of turn;
 - addressing the Assembly without being recognized by the Presiding Officer;
 - arguing (as opposed to debating) or shouting;
 - creating noise in order to disrupt the Meeting;
 - making gestures in order to disrupt the Meeting;
 - waving signs or placards;
 - failing to follow the directions or sanctions of the Presiding Officer;
 - foul or offensive language; and/or
 - disrespect or name-calling.
- (o) **"Majority"** means more than half of the Members present at a Meeting.

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- (p) **"Meeting"** means any regular, special, or other meeting of the Board.
- a) **"Closed Meeting"** means any meeting (or part of a meeting) that is closed to the public.
 - b) **"Committee Meeting"** means any regular, special or other meeting of a Committee.
 - c) **"Open Meeting"** means any meeting or part of a meeting that is open to the public.
 - d) **"Regular Meeting"** means a scheduled meeting held in accordance with the approved calendar/schedule of meetings.
 - e) **"Special Meeting"** means a meeting not scheduled in accordance with the approved calendar/schedule of meetings.
- (q) **"Member"** means a member of the Lakehead Police Services Board.
- (r) **"Municipality"** means any one of the following, and **"Municipalities"** means all of the following:
- a) The Corporation of the Municipality of Neebing;
 - b) The Corporation of the Township of Gillies;
 - c) The Corporation of the Township of O'Connor; and
 - d) The Corporation of the Township of Conmee.
- (s) **"Neebing"** means The Corporation of the Municipality of Neebing.
- (t) **"O'Connor"** means The Corporation of the Township of O'Connor.
- (u) **"Open Meeting"** has the meaning set out in paragraph 1.1(p) of this By-law.
- (v) **"Quorum"** means a majority of the Members necessary to form a quorum.
- (w) **"Recorded Vote"** means the making of a written record of the name and vote of each Member present who votes on a question and of each Member present who does not vote.
- (x) **"Regular Meeting"** has the meaning set out in paragraph 1.1(p) of this By-law.
- (y) **"Secretary"** means the Secretary of the Lakehead Police Services Board, as set out in Section 4.4 of this By-law.
- (z) **"Special Meeting"** has the meaning set out in paragraph 1.1(p) of this By-law.
- (aa) **"Term"** means the terms of the councils of the Municipalities.

(bb) "**Vice-Chair**" means the Vice-Chair of the Lakehead Police Services Board, elected annually in accordance with Section 4.1 of this By-law, whose duty is to assume the role of Chair in circumstances where the Chair is unable or unwilling to undertake the role.

1.2 Interpretation of "Includes":

The words "include", "including" and "included" do not limit in any way the words or phrases that precede or follow them.

1.3 Gender/Plural:

This By-law is to be read with all changes of gender or number required by the context.

1.4 Headings:

The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.

1.5 Severability:

If any portion of this By-law is declared invalid or inoperable by a court or tribunal of competent authority, that portion of the By-law shall be deemed severed, and the balance of the By-law shall remain valid and operable.

1.6 References to Legislation:

References to legislation, regulations or by-laws (including this By-law) are deemed to be references to that law "as amended from time to time, including successor" legislation, regulations or by-laws.

2 **Application & Suspension of Rules**

2.1 Application of this By-law:

The rules or procedures contained in this By-law shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business before the Board, and with necessary modifications, before a Committee.

2.2 Robert's Rules

Where this By-law is silent on any procedural matter, Robert's Rules of Order may be consulted as an interpretative aid in resolving the problem.

2.3 Conflict

If there is a conflict between this By-law and any Provincial legislation, the Provincial legislation shall prevail.

2.4 Suspension of the Rules

The Board may temporarily suspend one or more of the rules in this By-law by a vote of the Majority. Despite this provision, the Board is not permitted to suspend any statutory requirement with respect to its proceedings.

2.5 Rulings by the Chair:

All points of order or procedure for which rules have not been provided in this By-law shall be decided by the Chair.

2.6 Challenging the Chair:

Where the Chair makes a ruling in accordance with Section 2.5 of this By-law, any Member of the Board may challenge the ruling. Where a ruling has been challenged, the Chair shall immediately call a vote of Members present as to whether or not the ruling of the Chair shall stand. Where a majority of Members present approve the ruling, it shall stand. Where a majority of the Members present do not approve the ruling, it shall not stand, and the Chair shall consider the input and comments made during debate on the challenge motion, and make an alternate ruling. The provisions of this Section may be repeated as required until a ruling by the Chair which has been challenged is approved.

3 **Composition of the Board**

3.1 Legislative Requirements:

The Lakehead Police Services Board is comprised of five Members, based on resolutions of the Municipalities under Subsection 27(6) of the Act. In accordance with Subsection 27(5) of the Act, a five member board representing a single municipality shall consist of:

- (a) the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council;
- (b) one member of the council appointed by resolution of the council;
- (c) one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and
- (d) two persons appointed by the Lieutenant Governor in Council.

The Act is silent as to the composition of a board which is a joint board, representing more than one municipality.

3.2 Request to Province:

As the payment to the Province for policing services represents the largest payment that each Municipality makes to an external agency in its annual operating budget, the Board will request that the Province allow each Municipality to be appoint a member of its council to the Board.

3.3 Interim Board:

Until such time as the Province responds to the Board's request under Section 3.2 of this By-law, the Board shall be comprised of one member of the council of each Municipality, together with any persons appointed by the Lieutenant Governor in Council.

This may result in a number of Members greater than five for a period of time until the issue is resolved.

4 **Selection of Chair and Secretary**

4.1 Legislative Requirement:

Subsection 28(1) of the Act requires that the Board shall, at its first meeting in January of each year, select a Chair for the upcoming calendar year. Subsection 28(2) of the Act allows the Board, should it choose to do so, to also select a Vice Chair. The Board shall select its Chair and Vice Chair through an election by the Members, conducted by the Secretary, at the first meeting in January, annually. Voting for the positions of Chair and Vice Chair shall be undertaken through an open vote. No vote shall be taken by ballot or by any other secret method.

4.2 Inaugural Meeting:

As the inaugural meeting of the Board is occurring in December, the Board shall appoint a Chair for the purposes of the inaugural meeting, and shall hold the election for Chair and Vice Chair in accordance with Section 4.1 of this By-law, at its first meeting in January, 2018.

4.3 Acting Chair:

Should neither the Chair nor the Vice Chair be available to attend any meeting of the Board, the Members in attendance, provided there is a Quorum present, shall appoint an Acting Chair for that meeting.

Should neither the Chair nor the Vice Chair be able to participate in any meeting or portion of a meeting of the Board in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50, the Members who are present and able to participate in that meeting or portion of the meeting shall appoint an Acting Chair for that meeting or that portion of the meeting.

4.4 Secretary:

Neebing is the lead Municipality in accordance with the Municipalities' contract with the Province for policing services. Accordingly, the Clerk for Neebing shall be the Secretary to the Board, unless Neebing's council, by resolution, requests that the Clerk of one of the other Municipalities assume the role for the following year. In the circumstances where such a resolution is passed and forwarded to the Board, the Board shall choose one of the Clerks of the other Municipalities to be the Secretary, subject to the approval of that Council. At the end of the year, the Secretarial position shall be resumed by the Clerk of Neebing, unless another resolution of the Neebing Council has been passed to request that the Clerk of one of the other Municipalities assume the role for the following year. This process shall be revisited annually by the Board. If none of Gillies, O'Connor or Conmee is able or willing to provide a Secretary to the Board, then Neebing shall be obligated to provide the Secretary.

4.5 Acting Secretary:

Where the Board has not appointed a Secretary under Section 4.4 of this By-law and/or is awaiting the council approval of an appointed Secretary, or where the appointed Secretary is unable to attend a Meeting, the Board shall select a person to act as Acting Secretary for the Meeting, and to undertake the follow up secretarial duties from that Meeting, held in the absence of an appointed Secretary. The appointed Acting Secretary may be a Member of the Board.

5 Responsibilities of the Board

5.1 Source:

The source for the responsibilities set out in this Section is Ontario Regulation 421/97 passed under the Act. Any amendments to the regulation shall be considered to have been included in this By-law.

5.2 Meeting Participation:

Members are expected to attend, and actively participate, in all Meetings.

5.3 Police Force Operations:

Members shall not interfere with the Detachment Commander's operational decisions and responsibilities, or with the day-to-day operation of the police force, including the recruitment and promotion of police officers.

The Board shall participate in the recruitment and promotion of the Detachment Commander position, in accordance with Provincial rules and practices in this regard.

5.4 Training:

Members shall undergo any training that may be provided or required for them by the Province. Any costs of this training are the responsibility of the Board, for any Members appointed to the Board by the Lieutenant Governor in Council, and for the Municipality represented by the Member for other Members.

5.5 Confidentiality Obligations:

Members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public.

5.6 Speaking on Behalf of, or Contrary to, the Board:

No Member shall purport to speak on behalf of the Board unless he or she is authorized by the Board to do so.

A Member who expresses disagreement with a decision of the Board shall make it clear that he or she is expressing a personal opinion.

5.7 Obligation to Act in Good Faith:

Each Member shall discharge his or her duties loyally, faithfully, impartially and according to the Act, any other legislation, regulation, rule or by-law, as

provided in his or her oath or affirmation of office.

Members shall uphold the letter and spirit of the Code of Conduct set out in Regulation 421/97, and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the Board.

5.8 Obligation to Act with Respect:

Members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the Human Rights Code, R.S.O. 1990, c. H.19, and the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK), 1982, c. 11.

5.9 Pecuniary Interests:

In all matters and under all circumstances the Members shall be guided by and shall adhere to the requirements of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50.

5.10 No Advancement of Self or Others:

No Member shall use his or her office to advance his or her personal interests or the interests of any person or organization with whom or with which he or she is associated.

No Member shall use his or her office to obtain employment with the board or the police force for himself or herself, or for any Member of his or her family, whether related by birth, adoption or marriage.

It is acknowledged that the requirements of this Section are beyond those set out in Section 5.9 of this By-law.

5.11 Requirement to Resign:

Should a Member apply for employment with the police force, including employment on contract or on a fee for service basis, he or she shall immediately resign from the Board.

5.12 Discreditable Conduct:

No Member shall engage in conduct that would discredit or compromise the integrity of the Board or the police force.

6 Committees of the Board

6.1 Committees:

The Board may at any time by motion appoint one or more Members to a Committee to inquire into any matter within the jurisdiction of the Board. Where assistance from the general public would be of benefit to a committee, the Board may appoint persons to work on Committees who are not Members.

6.2 Terms of Reference:

The Board shall either set or approve terms of reference for any Committee established under Section 6.1. Where the Board has not set terms of reference, the first task of any Committee is to form terms of reference and to forward same to the Board for approval. No Committee shall operate without approved terms of reference.

6.3 By-law:

This By-law applies to the operations and conduct of business of Committees, with appropriate adjustments for Committee circumstances.

6.4 Committee Reports:

A Committee formed under Section 6.1 shall report upon the status of its work to the Board at the Meeting of the Board next following the date of any Committee Meeting. This requirement shall continue until such time as the work of the Committee is completed.

7 Regular Board Meetings

7.1 Regular Board Meetings:

Regular Meetings of the Board shall be held on the ___ day of each month at ___ p.m. in the Council Chambers for O'Connor, located at 330 Highway 595, Kakabeka Falls, Ontario. If the day fixed for any Regular Meeting is a holiday, the Meeting shall be held at the same hour and place the next following day which is not a holiday.

7.2 Vacation Periods:

Despite Section 7.1, the Board shall not hold Regular Meetings during months of July, August and December. Should the need arise, the Chair or Vice-Chair may, at any time, summon a Special Meeting of the Board in accordance with Section 8 of this By-law.

7.3 Notice:

No notice is required to be provided to any Member for Regular Meetings held in accordance with Section 7.1.

7.4 Agendas:

The Secretary shall prepare an agenda for Board.

All items to appear on the agenda shall be in the possession of the Secretary by 12:00 noon on the [redacted] one-week prior to the meeting, except for a Special Meeting. If the day fixed for the agenda items is a holiday, the items shall be in the possession of the Secretary by 12:00 noon on the next business day, which is not a holiday.

Only items of urgency may be added to the agenda after the deadlines set out in this Section.

The Secretary shall finalize and have the agenda prepared by 4:00 p.m. on the [redacted] preceding a Regular Meeting. If the day fixed for the agenda items to be received is a holiday, the agenda shall be finalized 4:00 p.m. on the next business day, which is not a holiday

If a Special Meeting is called, the Secretary will endeavor to have the agenda available to Members prior to the Special Meeting, however, in circumstances where the notice is short, this may not always be possible.

7.5 New Business:

Despite Section 7.4, a Member of the Board, with the consent of the Chair may raise an item or items for discussion under "New Business". Such items, unless urgency requires otherwise, will be raised for discussion purposes only, and any resolution or decision shall be deferred to the next meeting of the Board.

7.6 Agenda Format:

Agendas shall be formatted as set out in this Section. Modifications to the matters to be included or the order of business may be affected without requiring an amendment to this By-law.

- i) Call to order
- ii) Approval of Agenda
- iii) Disclosures of Pecuniary Interests
- iv) Minutes of Previous Meeting
- v) Matters Arising from the Minutes
- vi) Petitions and Delegations

- vii) Reports
- viii) Correspondence
- ix) Unfinished Business
- x) New Business
- xi) Closed Session (if required)
- xii) Matters Arising from Closed Session (if required)
- xiii) Adjournment

The business of the Board shall be taken up in the order as listed on the agenda unless otherwise decided by the Board.

7.7 Curfew:

The Board shall stand adjourned at [REDACTED] p.m. until the next Regular Meeting unless a resolution extending the time for no more than one half hour has been passed.

8 **Special Board Meetings**

8.1 Summoning of a Special Meeting:

The Chair or the Vice Chair may, at any time, summon a Special Meeting, and shall do so whenever requested by a Majority of the Members.

8.2 Notice of Special Meetings:

The Secretary shall give notice to the Members of all Special Meetings of the Board whenever a Special Meeting is properly called. Such notice shall be by telephone, or other means deemed appropriate by the Secretary and acceptable to the Member receiving the notice.

No Special Meeting of the Board may be held with less than 24 hours' notice to the Members.

Notice to the public is deemed to have been given by including reference to the Special Meeting in the calendar of meetings posted on each Municipality's website, together with a posting of a copy of the agenda (if available).

8.3 Agenda

Only the items specified on the agenda for the Special Meeting shall be dealt with at the Special Meeting.

9 Quorum; Duties of Chair

9.1 Commencement of Meetings:

As soon after the hour fixed for the holding of a Regular or Special Meeting as there is a Quorum present, the Chair shall call the Members to order.

9.2 Where No Quorum is Present:

If no Quorum is present within thirty (30) minutes after the appointed time, the Secretary shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next Regular Meeting, or until a Special Meeting is scheduled (or re-scheduled, as the case may be).

9.3 Duties of the Meeting Chair:

It shall be the duty of the Chair to:

- (i) open the Meeting by taking the chair and calling the Members to order;
- (ii) announce the business before the Board in the order in which appears on the agenda;
- (iii) receive and submit, in the proper manner, all motions presented by the Members;
- (iv) put to vote all questions which are moved and seconded or necessarily arise in the course of the proceedings and to announce the result;
- (v) decline to put to vote motions which infringe the rules of procedure;
- (vi) restrain the Members, within the rules of order, when engaged in debate;
- (vii) enforce on all occasions the observance of order and decorum among the Members;
- (viii) call by name any Members persisting in breach of the rules of order of the Board, thereby ordering him or her to vacate the meeting room;
- (ix) authenticate by signature all by-laws, resolutions and minutes of the Board undertaken at a Meeting chaired by him or her;
- (x) inform the Board, when necessary or when referred to for the purpose, on a point of order or privilege;
- (xi) represent and support the Board, declaring its will, and implicitly obeying its decisions in all things;
- (xii) ensure, to the best of his or her ability, that each decision of the Board is in conformity with the laws and by-laws governing the activities of the Board;
- (xiii) adjourn the Meeting when the business is concluded;
- (xiv) adjourn the Meeting, without question put, in the case of grave disorder arising in the place of the Meeting; and
- (xv) order any individual or group in attendance at the Meeting to cease and desist any Improper Behaviour, and to order the individual or group to vacate the meeting place where such behaviour persists.

10 Open and Closed Meetings

10.1 Open:

All Meetings shall be open to the public, subject to Section 10.2.

10.2 Closed Meetings

Regular or Special Meetings, or portions of those Meetings, may be undertaken in the absence of the public for the purpose of discussing any of the following matters:

- (i) any of those matters for which a municipal council is authorized to close a meeting to the general public under Section 239 of the Municipal Act, 2001, S.O. 2001, c. 25;
- (ii) intimate financial and personnel matters, where a named or identifiable employee or prospective employee is involved, or where employee relations or reputations could be damaged, unless the employee or employees involved have requested that the matter be discussed in a meeting open to the public and the majority of the Board concurs;
- (iii) consideration of candidates for the position of Detachment Commander;
- (iv) matters that are specifically restricted by legislation regarding the protection of privacy;
- (v) matters relating to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56 or the Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. F.31;
- (vi) matters involving public security, the revelation of which would endanger the security of the property of the Board, the property of any of the Municipalities, or the operations of the policing services.

10.3 Exception for Voting:

No Meeting or portion of a Meeting may be closed to the public during the taking of a vote.

11 Rules of Conduct during a Meeting of the Board

11.1 Disrespectful language:

No Member shall speak disrespectfully of the Reigning Sovereign, or of any of the Royal Family, or of the Governor-General, the Lieutenant-Governor of any province, or any member of the senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario.

11.2 Rules:

No Member shall:

- (i) use offensive words or unparliamentary language in or against the Board or against any Member;
- (ii) disturb another Member, or any other person present, by any Improper Conduct;
- (iii) speak on any subject other than the subject in debate;
- (iv) criticize any decision of the Board except for the purpose of moving that the question be reconsidered;
- (v) resist the rules of the Board or disobey the decisions of the Chair on questions of order or practice or upon the interpretation of the rules of the Board;
- (vi) leave a meeting without first obtaining permission from the Board or the Chair;
- (vii) be permitted to retake his or her seat after being ordered to vacate, having committed a breach of any rule of the Board, until the next meeting, and without making an apology to the Board; or
- (viii) interrupt a Member who has the floor, except to raise a point of order or privilege.

12 **Motions**

12.1 Mover and Seconder Required:

A Motion must be formally moved and seconded before the Chair can put the question or a motion be recorded in the minutes. The Chair may second a motion.

12.2 Reading of the Motion:

Motions shall be read to the Board, in full, by the Chair or, at the direction of the Chair, the Secretary, before debate. At any time during debate, provided it does not interrupt a Member who has the floor, any Member may request that the motion be read again.

12.3 "Friendly" Motions to Amend:

Any Member may request a "friendly amendment" to a motion that is under debate. A motion for a "friendly amendment" shall:

- (i) be presented verbally to the mover and seconder of the motion;
- (ii) receive verbal consent of both the mover and the seconder of the motion;
- (iii) upon the consent of the mover and the seconder, be considered to be a

part of the motion under debate, and may be written on the motion, where appropriate.

12.4 Formal Motions to Amend:

A formal motion to amend a motion that is under debate may be moved by any Member. Provided it is seconded by another Member, all debate on the main motion will cease until such time as the amendment motion has been voted upon.

Any Member may move a motion to amend the amendment motion. Provided it is seconded by another Member, all debate on the original amendment motion will cease until such time as the motion to amend the amendment motion has been voted upon.

Only one formal motion may be presented to amend an amending motion. If that motion passes, debate shall resume on the amendment motion, as amended. If that motion fails to pass, debate shall resume on the amendment motion as originally presented, and no further motions to amend the amendment motion may be moved.

12.5 Speaking Rules:

Every Member, prior to speaking to any question or motion shall address the Chair. When two or more Members speak, the Chair shall designate the Member who has the floor, who shall be the Member who, in the opinion of the Chair, spoke first.

12.6 Remaining in Place for the Vote:

When the Chair calls for the vote on a question, each Member shall occupy his or her seat and shall remain in that seat until the result of the vote has been declared by the Chair. During the vote, no Member shall make any noise or disturbance.

12.7 Interruptions:

When a Member has the floor, no other Member shall pass between that Member and the Chair, or interrupt the Member speaking, except to raise a point of order or a point of personal privilege.

12.8 Motions Without Notice:

The following motions may be introduced without notice and without leave, but such motions must be moved and seconded:

- (i) to refer a matter to a committee or to another person for further

- information and/or research;
- (ii) to adjourn the meeting;
- (iii) to amend a motion under debate;
- (iv) to suspend the Rules of Procedure

12.9 Motion to Reconsider:

After any question has been decided by the Board, any Member who was present and who voted in the Majority may, at a subsequent Meeting of the Board, move for the reconsideration of that motion, provided due notice of the intention to introduce the motion to reconsider is given as required by this By-law. No discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.

No question shall be reconsidered more than once during a Term, nor shall a vote to reconsider be reconsidered. If a motion to reconsider is decided in the affirmative, reconsideration shall become the next order of business and debate on the question to be reconsidered shall proceed.

12.10 Withdrawal of a Motion:

Once read or stated by the Chair or presiding officer, a motion belongs to the assembly, and it may not be withdrawn without the consent of the majority of the Members present.

12.11 Reading of the Motion Prior to Voting:

Immediately prior to voting on a motion, the Chair shall state the question in the precise form it is to be recorded in the minutes, including any amendment to the question.

12.12 Calling of the Question:

After the question has been called on a motion, whether amended or not, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result is declared.

12.13 Method of Voting:

On an unrecorded vote, the manner of determining the decision of the Board on a motion shall be at the discretion of the Chair and may be by voice, show of hands, standing or otherwise.

12.14 Abstaining from Voting:

A failure to vote by a Member who is present at the Meeting at the time of the vote, and who is qualified to vote, is deemed to be a negative vote.

13 Members of the Public Attending Meetings

13.1 Open:

Subject to the provisions of Section 10.2 of this By-law, any person may attend a regular or special meeting of the Board or any of its committees to observe the proceedings. Persons in attendance should sign the attendance sheet provided, but are not required to do so. All persons in attendance must abide by the rules of conduct set out in Sections 11 and 13.7 of this By-law

Subject to the provisions of Section 10.2 of this By-law, persons representing public media may attend a Regular or Special Meeting of the Board or any of its Committees to observe the proceedings.

13.2 Requests to Speak:

All requests to appear before the Board shall be made in writing, and received in the Secretary's office by the agenda deadline as provided under Section 7.4 of this By-law.

The written request shall state the general nature of the subject matter of the presentation.

Subject to Section 13.3, the written request will be included in the agenda as a matter of public record, and should not contain any confidential information that the Deputant does not wish to be made public.

If the written request is lengthy or contains material that is complex or expensive to copy, the Deputant may be required to pay a fee for the reproduction of the material, or may be required to bring eight copies of the material to the Secretary for distribution in the agenda package and the formal record.

If the Deputant wishes to distribute additional documents as information at the Meeting, a copy of the documents submitted must be retained by the Secretary as part of the record of the Meeting.

Deputants must restrict their comments to the subject matter outlined in their requests for deputation.

13.3 Restrictions on Deputations:

The Secretary shall not include in any Meeting agenda a request for a deputation in any of the following circumstances:

- a) the deputation relates to a subject matter that is not within the

- jurisdiction of the Board;
- b) the Deputation relates to existing or potential litigation involving the Board;
 - c) the subject matter has already been presented to the Board by the Deputant, or an organization to which the Deputant belongs or is affiliated, within the same term of the Board;
 - d) the subject matter is a request to re-consider an earlier decision made by the Board within the same Term; or
 - e) the correspondence seeking the deputation contains language that is disrespectful, foul or offensive, insulting or slanderous against any person.

Where this rule is invoked, the Secretary shall provide the person requesting the deputation with written reasons for refusing to place it on the agenda.

13.4 Appeal of Refusal:

Where the Secretary has refused a deputation request in accordance with Section 13.3, the person making the request may seek an exemption from Section 13.3 in writing. The Secretary will report to the Board on the request for the exemption, outlining why, in his or her opinion, Section 13.3 applies. By resolution of the Board, an exception to the rules in Section 13.3 may be made, in which case, the Deputation will be scheduled for the next Regular Meeting.

13.5 Time limits:

The presentation shall be limited to ten minutes, however if the delegation consists of more than five (5) persons, two (2) speakers shall be allowed to speak, each limited to not more than ten (10) minutes.

13.6 Limitations on Deputations:

The number of deputations allowed at any Regular or Special Meeting of the Board shall be limited to two, and will be placed on the agenda based on a "first come; first served" basis.

13.7 Rules for Members of the Public:

Electronic Devices: Members of the public must turn electronic devices to "silent" or "vibrate" so as not to interrupt the Meeting. Should a person in attendance wish to respond to a call, text or other telecommunication, he or she must step outside of the meeting room to do so. Speaking aloud on a device or texting on a device is not permitted during the course of a Meeting.

No Recordings: No person may record the proceedings of a meeting in any manner (apart from taking personal notes) without the prior permission of the Board. This rule applies to all members of the audience, including persons representing media.

No Debate: A Deputation is a presentation to the Board – it is not a time to question Members and receive answers, or enter into debate with any Member. Persons wishing to question Members on any issue must do so outside of meeting times.

Rules for the Board also Apply: The rules for Members set out in Section 11 of this By-law for Members also apply to all persons in attendance at a meeting of the Board.

No Improper Conduct: No person shall, at any time during a Meeting, demonstrate Improper Conduct.

No Direct Access to the Members During meetings: No person, except Members and officers of the Board, is permitted to come within that portion of the meeting room occupied by the Members and the Secretary during the sittings of the Board without permission of the Chair or the Board. Members of the public attending the meetings shall remain in that portion of the meeting room reserved for the audience, or at the deputation table, as applicable.

13.8 Sanctions:

Where a Deputant, or any member of the audience, including representatives of the media, disregards any one or more of the rules set out in this By-law, the Chair shall advise the person of his or her error, remind him or her of the rules, and request that he or she adhere to the rules.

If the person repeatedly ignores the rules, the Chair may call an end to the Deputation and/or ask the person to leave the premises. Where a person refuses to leave the premises, he or she may be escorted from the building.

Subject to applicable law, the Board may, at its discretion, prohibit one or more persons from being eligible to request Deputations and/or attend meetings for a period of time.

13.9 Petitions:

Members of the public may, from time to time, present written petitions to individual Members or to the Secretary. Every petition to be presented to the Board, shall be legibly written or printed, shall not contain any obscene or improper matter or language, and shall be signed by at least one person, and

filed with the Secretary. Any petitions meeting these requirements, and regarding matters that are within the jurisdiction of the Board, that are received by the Secretary within the timelines set out in Section 7.4 of this By-law, shall be included in the agenda for that Meeting.

14 Availability of Information

14.1 Confidential Reports and Information:

Information relating to matters described in Section 10.2 of this By-law, shall be marked "Confidential", and shall not be available to any persons other than Members or the Secretary, subject to applicable law.

14.2 Public Agendas:

Immediately following the distribution of the agenda information to all Members, the public agenda materials may be made available to the media and to any other member of the public requesting such information, provided the disclosure of such information does not relate to matters described in subsection 10.2 of this By-law. Such materials shall be made available at the Board office no earlier than the [redacted] preceding the day upon which the meeting is to be held.

15 By-laws

15.1 Text:

The full text of every by-law placed before the Board for consideration shall be included in the agenda package.

15.2 Introduction:

By-laws on the agenda shall be introduced for passage through the moving and seconding of a motion to enact the by-law. By-laws do not require any prescribed number of "readings".

15.3 Amendments:

Members wishing to introduce a motion to amend a by-law under consideration shall do so during the debate on the passage of the by-law. Each amendment shall be considered before another amendment is introduced.

15.4 Numeration:

Every by-law enacted shall be numbered, dated, signed by the Chair of the meeting at which it was enacted, and the Secretary at that meeting, and sealed with the seal of the Board.

16 **Minutes****16.1** The Minutes shall record:

- (i) the place, date and time of meeting;
- (ii) the name of the Chair and record of the attendance of the Members;
- (iii) any pecuniary interests declared, specifying the nature of each;
- (iv) the reading, if requested, correction and adoption of the minutes of the prior meetings; and
- (v) all other proceedings of the meeting, without note or comment.

17 **General****17.1** New Members

Whenever a new Member is appointed to the Board, the Secretary shall provide him or her with a copy of this By-law.

17.2 Notice Required to Amend

No amendment or repeal of this By-law, or any part of it, shall be considered at any meeting of the Board unless notice of the proposed amendment or repeal is given at a previous regular meeting of the Board. Waiving of this notice requirement is prohibited.

17.3 Short Title:

This By-law shall be known as the "Procedural By-law".

17.4 Effective Date:

This By-law shall come into force and take effect on the date that it is passed.

ENACTED AND PASSED THIS 5TH DAY OF DECEMBER, 2017

Chair

Secretary

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