

HALDIMAND COUNTY POLICE SERVICES BOARD

By-law Number /19

Being a by-law to govern the proceedings of the Haldimand County Police Services Board

WHEREAS Section 37 of the Police Services Act, R.S.O. 1990, Chapter P.15, as amended, provides that a Police Services Board shall establish its own rules and procedures in performing its duties;

NOW THEREFORE, the Haldimand County Police Services Board hereby enacts as follows:

THAT for the purposes for this by-law:

PART 1 DEFINITIONS

- 1.1 “Administrator” shall mean the Administrator of the Board.
- 1.2 “Board” shall mean the Haldimand County Police Services Board.
- 1.3 “Chair” shall mean the Member selected as Chair of the Board.
- 1.4 “Closed Session” shall mean a Meeting or part of a Meeting of the Board, not open to the public in accordance with Part III, Section 35(4) of the Police Services Act, R.S.O. 1990, Chapter P.15, as amended.
- 1.5 “County General Manager” shall mean the applicable General Manager of The Corporation of Haldimand County assigned responsibility for Policing matters including management of the OPP contract.
- 1.6 “Inspector” shall mean the Haldimand Detachment Commander, Ontario Provincial Police (O.P.P.).
- 1.7 “Meeting” shall mean any regular, special or other Meeting of the Board.
- 1.8 “Member” shall mean a Member of the Board.
- 1.9 “Police Services Act” shall mean the Police Services Act, R.S.O. 1990, Chapter P.15, as amended.
- 1.10 “Quorum” shall mean a majority of the whole number of Members required on the Board, in accordance with Part III, Section 35(2) of the Police Services Act, R.S.O. 1990, Chapter P.15, as amended.
- 1.11 “Recorded Vote” shall mean the recording of the name and vote of every Member voting on any matter or question during a Meeting of the Board.

- 1.12 "Rules of Procedure" shall mean the rules and regulations provided in this by-law.
- 1.13 "Vice Chair" shall mean the Member selected as Vice Chair of the Board.
- 1.14 "Year" shall mean calendar year, January 1 – December 31.

PART 2 GENERAL PROVISIONS

- 2.1 The rules and regulations contained in this by-law shall be observed in all proceedings of the Board and shall be the rules and regulations for the order and dispatch of business of the Board.
- 2.2 Proceedings of the Board or its committees not specifically governed by the provisions of this by-law, shall be regulated in accordance with Bourinot's Rules of Order.
- 2.3 In the absence of any statutory obligations, the rules and regulations contained in this by-law may be suspended or altered for a single occasion with ~~the consent of~~ not less than a two-thirds majority vote of the Members present at a Meeting.
- 2.4 No person, except ~~Members of the Board,~~ the Administrator, County General Manager, ~~the~~ Detachment Commander and the Staff Sergeant shall be permitted to address the Board without its permission. ~~be allowed to come on the floor without permission from the Board.~~

PART 3 ROLE OF THE CHAIR

- 3.1 It is the duty role of the Chair to preside at all Meetings of the Board and to:
- a) open the Meeting and call the Members to order;
 - b) put to vote all motions and announce the result;
 - c) decline to put motions to vote that infringe upon the Rules of Procedure;
 - d) enforce, on all occasions, the observance of order and decorum among the Members;
 - e) decide all questions of order during Meetings;
 - f) permit questions to be asked through the Chair of any Member of the O.P.P. Police Force and County General Manager in attendance for information to assist any debate when the Chair deems proper;
 - g) be the spokesperson for the Board;
 - h) provide Members with information on any matter relating to the business of the Board;
 - i) maintain order. Where it is not possible to maintain order, the Chair may, without any Motion being put, adjourn the Meeting to a time to be named by the Chair;
 - j) unless otherwise disqualified, vote with Members on all questions;
 - k) have authority to sign all documents for and on behalf of the Board including but not limited to by-laws, motions, orders and agreements which have been approved by the Board; and

- l) adjourn the Meeting when business has concluded.

PART 4 MEETINGS

43.1 Regularly Scheduled Meetings:

43.1.1 At its first Meeting of each year, the Board shall determine by open vote, a Chair.

43.1.2 At its first Meeting of each year, the Board shall determine by open vote, a Vice Chair, to act as the Chair if the Chair is absent or the position of Chair is vacant.

43.1.3 The Board shall meet a minimum of four times annually.

43.1.4 The Board shall meet monthly, on the fourth Wednesday. The Board may, by resolution, alter the time, ~~day date~~ or place of any Meeting.

43.1.5 Meetings of the Board shall be held ~~at at such place within the Haldimand O.P.P. Detachment Community Board Room, unless determined otherwise Haldimand County as the Board from time to time appoints.~~

43.1.6 Forty-eight (48) hours advance written notice of every regularly scheduled Meeting shall be sent to each Member of the Board. The notice will ~~include~~ consist of an agenda and all supporting material. Such notice shall be considered as adequate notice of all regularly scheduled Meetings. Lack of receipt of an agenda for such Meeting by any ~~Board~~ Member shall not affect the validity of the Meeting or any action taken thereat.

4.1.7 Notwithstanding Section 3.1.6, new business and supporting material to the agenda may be tabled at the meeting under Additions to the Agenda.

43.1.87 Pursuant to Section 3.1.6 and with the endorsement of a majority of Members, the Chair may, under extenuating circumstances, alter the prescribed date, time and place at which to hold the next regularly scheduled Meeting of the Board.

4.1.9 Members shall inform the Administrator of all planned absences, late arrivals, and early departures from a Meeting.

43.2 Special Meetings:

34.2.1 In addition to regularly scheduled Meetings, the Chair may, at any time, ~~may~~ summon the Board to a Special Meeting ~~at any time~~, with reasonable notice if possible. The Chair shall advise the Administrator who shall notify all Members.

43.2.2 The Chair shall summon a Special Meeting of the Board when requested in writing to do so by a majority of its Members.

43.2.3 The only business to be dealt with at a Special Meeting is that which is identified in the ~~notice of agenda for~~ the ~~Special~~ Meeting.

43.2.4 The Administrator shall give notice to all Members of the Special Meetings by whatever means deemed expedient by the Administrator.

43.2.5 The lack of receipt of a notice or of an agenda for a Special Meeting by any Board Member shall not affect the validity of the Meeting or any action taken thereat.

43.3 Commencement of Meetings:

43.3.1 Every regularly scheduled Board Meeting shall commence at 9:30 a.m.

43.3.2 In the event that there is not a quorum one half-hour after the time appointed for the Meeting, the Administrator shall record the names of the Members present and the Meeting shall stand adjourned until the date of the next regularly scheduled Meeting.

43.3.3 In the absence of the Chair and the Vice Chair, the Administrator shall call the Meeting to order one half-hour after the time appointed for the Meeting, and the Members shall, by resolution, elect a Member to preside during the Meeting or until the arrival of the Chair or Vice Chair.

PART 5 PUBLIC ACCESS TO MEETINGS

45.1 Meetings and hearings conducted by the Board shall be open to the public, however, the Board may exclude the public from all or part of a Meeting or hearing if it is of the opinion that:

- a) matters involving public security may be disclosed and having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or
- b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances that the desirability of avoiding their disclosure in the interest any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.

54.2 Before holding a Meeting or part of a Meeting that is to be closed to the public, a resolution shall be passed stating:

- a) the fact of the holding the Meeting in Closed Session; and
- b) the general nature of the matter(s) to be considered in the Closed Session of the Meeting.

54.3 In accordance with Section 4 of Ontario Regulation 421/97 Members of Police Services Boards – Code of Conduct made under the Police Services Act, R.S.O. 1990, as amended, Board 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.

PART 6 ORDER OF PROCEEDINGS – AGENDAS & MINUTES

6.1 Agendas:

6.1.1 The Administrator or ~~his~~their designate shall prepare the agenda for all regularly scheduled Meetings of the Board consisting of the following order of business:

- ~~a)~~ a) Call to Order
- ~~a)b)~~ a)b) Roll Call
- ~~b)c)~~ b)c) Disclosures of Pecuniary Interest
- ~~d)e)~~ d)e) Additions to the Agenda
- ~~e)d)~~ e)d) ~~Adoption of Approval of Previous~~ Meeting Minutes
- ~~f)e)~~ f)e) ~~Business Arising from Minutes~~
- ~~f)g)~~ f)g) Delegations and Deputations/Presentations
- ~~h)g)~~ h)g) Correspondence
- ~~i)h)~~ i)h) Reports
- ~~i)~~ i) Unfinished Business
- ~~ii)~~ ii) New Business
- ~~jk)~~ jk) Other Business
- ~~l)~~ l) By-laws (if required)
- ~~km)~~ km) Closed Session (~~As R~~if required)
- ~~ln)~~ ln) ~~Next Meeting Date/Location~~Date and Time of Next Meeting
- ~~m)q)~~ m)q) Adjournment

6.1.2 The business of each Meeting shall be taken up in the order in which it stands in the agenda, unless otherwise decided by a majority vote of the Members present.

6.1.3 Copies of the agenda ~~facer~~ for regularly scheduled Meetings will be ~~faxed to local news media~~available on the County website on the Friday prior to the Meeting.

6.1.4 Copies of agendas, complete with all public documentation, will be available for members of the news media and the public at the commencement of the Board Meeting.

6.2 Disclosures of Pecuniary Interest:

6.2.1 If a Member has any pecuniary interest, direct or indirect, in any matter in which the Board is concerned and if that Member is present at a Meeting at which the matter is the subject of consideration, the Member shall verbally disclose the pecuniary interest ~~and its general nature~~ and shall not take part in the consideration or the discussion of the matter nor vote on any motion in regard to the matter.

6.2.2 If a Member is not present at a Meeting and has any pecuniary interest in any matter which is the subject of consideration at that Meeting, the Member shall disclose the interest at the next Meeting in attendance.

6.3 Delegations/ and Presentations:

- 6.3.1 Any person or group who wishes to appear before the ~~Police Service Board (PSB)~~ to present information verbally at a ~~PSB Meeting~~ shall give notice to the ~~PSB Administrator~~ by twelve o'clock (12:00 p.m.) noon, at least 1 week (7 days) prior to the Meeting, in order to be included on the agenda.
- 6.3.2 A written brief, outlining the subject matter and intent of the presentation, shall be provided to the Administrator at the time of the request to appear, will form part of the Official Record of the proceedings and therefore will be considered to be a public document.
- 6.3.3 Delegations to the ~~PSB Board~~ shall only present new information or information not previously presented to the ~~Police Services Board~~.
- 6.3.4 Delegations shall be permitted to speak not more than ten (10) minutes in total per person, per group or per organization, ~~whether that be allocated to one person, or that ten minutes in total is divided to multiple speakers per group or per organization.~~
- 6.3.5 In the case of extenuating circumstances, the ~~PSB Board~~ may, by a majority vote, permit a person to appear as a delegation who does not appear on the agenda.
- 6.3.6 The ~~PSB Board~~ may refuse to hear a delegation when, in the opinion of the ~~PSB Board~~, the subject of the presentation is beyond the jurisdiction of the Haldimand County Police Services Board.
- 6.3.7 Delegations concerning labour relations, union negotiations and employee relations will not be heard at ~~PSB Meetings~~. All ~~signed~~ written submissions received by the ~~PSB Administrator~~, concerning these matters, shall be circulated to the ~~PSB Chair~~, County General Manager and the Haldimand County O.P.P. Detachment Commander.
- 6.3.8 No person shall be permitted to appear as a delegation to address the ~~PSB Board~~ relating to any litigation matter with respect to the ~~PSB Board~~, and/or the County, or the O.P.P.
- 6.4 Minutes:
- 6.4.1 The Minutes of every Meeting, including Closed Sessions, shall reflect will record:
- a) the place, date and time of the Meeting;
 - b) the name of the presiding officer and the record of attendance of the Members;
 - c) the adoption, with amendments where appropriate, of the minutes of prior Meetings;
 - d) all resolutions, direction and other proceedings of the Meeting without note or comment;
 - e) every disclosure of pecuniary interest pursuant to the Municipal Conflict of Interest Act.

6.4.2 The Administrator may make such minor corrections to any motion noted in the minutes, resulting from technical or typographical errors, which may be required for the purpose of ensuring correct and complete implementation of the actions of the Board, as approved by resolution.

PART 7 COMMITTEES

- 7.1 The Board may, at any time, appoint a Committee to enquire into and report on any matter.
- 7.2 The rules governing the proceedings of the Board shall be observed by any and all appointed Committees except that no vote shall be recorded.

PART 8 MEMBERS CODE OF CONDUCT

- 8.1 Members of the Board shall follow the Code of Conduct as prescribed in Ontario Regulation 421/97 Members of Police Services Boards – Code of Conduct made under the Police Services Act, R.S.O. 1990, as amended.

PART 9 MOTIONS AND RECONSIDERATION

9.1 Motions:

9.1.1 ~~All m~~Motions shall be moved and seconded before being debated or put to a vote.

9.1.2 Every motion before the Board shall be disposed of before any other motion, except an amending motion, ~~or~~ a motion to refer or defer, a motion ~~or~~ to adjourn or a point of order.

9.1.3 A motion to amend shall:

- a) be moved and seconded;
- b) be relevant to the main motion;
- c) not propose a direct negative to the main motion;
- d) itself only be subject to one amendment;
- e) be disposed of before a previous amendment or the main motion.

9.1.4 Any motion containing distinct proposals may, with the leave of the Chair, be divided and voted on separately.

9.2 Reconsideration:

9.2.1 After a matter has been decided, any member of the Board who voted in the majority, may at a subsequent Meeting within one year of the date in which the matter was originally decided, present a motion to reconsider the matter.

- 9.2.2 No discussion of the question proposed for reconsideration shall be ~~allowed~~ permitted unless the motion for reconsideration is carried.
- 9.2.3 No ~~question-decided matter may~~ shall be reconsidered more than once in the proceeding twelve months of the original motion, nor shall a vote to reconsider be reconsidered.

PART 10 VOTING PROCEDURES

- 10.1 A motion shall be put to vote by the Chair of the Board.
- 10.2 After the Chair has put the motion to vote, no Member shall speak on that motion, nor shall any other motion be made until after the result of the vote is announced by the Chair.
- 10.3 Every Member of the Board present at a Meeting when a question is put to vote shall vote ~~thereon~~, except where the Member is disqualified to vote by reason of a disclosure of pecuniary interest or is absent from the Meeting when the question is put to vote.
- 10.4 Any Member who declines to vote shall be deemed to have voted in the negative.
- 10.5 All votes shall be by show of hands, except when a Recorded Vote is requested. The manner of determining the decision of the Board on a motion shall not be by secret ballot or by any other method of secret voting.
- 10.6 The Chair shall announce the outcome of every vote.
- 10.7 Motions on which there is a tie vote~~an equality of votes~~ shall be deemed to have been negative.
- 10.8 When called for by any Member or when required by legislation, a Recorded Vote shall be taken and the results declared by the Administrator.
- 10.9 A Member may call for a Recorded Vote immediately prior to the taking of the vote.
- 10.10 When a Recorded Vote is taken, the names of those who voted for and those who voted against the motion shall be entered in the minutes.

PART 11 ENACTMENT OF BY-LAWS

- 11.1 Every by-law shall receive three (3) readings before being enacted by the Board. The first and second reading shall be a combined reading.
- 11.2 Unless otherwise provided by legislation, every by-law shall receive three (3) readings at the same Meeting.
- 11.3 A motion to amend a by-law shall be introduced after the combined first and second reading.

11.4 Every by-law enacted by the Board shall be signed by the Chair and the Administrator, numbered, and show the dates of the three (3) readings.

11.5 The Administrator may make such minor corrections to any by-law resulting from technical or typographical errors, which may be required for the purpose of ensuring correct and complete implementation of the actions of Board.

PART 142 RULES OF DEBATE

142.1 Before a Member may speak to any matter, that Member shall first be recognized by the Chair. Once recognized, the Member shall address all comments ~~to the Board~~ through the Chair.

142.2 A Member may require a motion under debate to be read at any time during the debate, but not so as to interrupt a Member who is speaking.

PART 123 BOARD/~~POLICE FORCE~~DETACHMENT RELATIONSHIP AND ROLES

123.1 ~~A~~The Board is responsible for the provision of adequate and effective police services in the municipality and shall:

- a) participate in the selection of the Detachment Commander of the Haldimand Detachment;
- b) generally determine, after consultation with the Detachment Commander, objectives and priorities with respect to police services in the municipality;
- c) establish local policies for the effective management of the ~~police force~~detachment after consultation with the Detachment Commander;
- d) monitor the performance of the Detachment Commander;
- e) receive regular reports from the Detachment Commander or ~~his~~ their designate on disclosures and decisions made regarding restrictions on secondary activities as described in the Police Services Act, Section 49, ~~R.S.O. 1990 Chapter P.15, as amended;~~
- f) review the Detachment Commander's administration of the complaints system under Part V of the Police Services Act, ~~R.S.O. 1990 Chapter P.15, as amended~~ and receive regular reports from the Detachment Commander on ~~his or her~~their administration of the complaints system;
- g) receive a monthly report from the Detachment Commander or ~~their~~his designate on the Detachment's statistics and other items of interest.

13.22.1 Except as limited by Section 12.2., The Board may give direction to the Detachment Commander but not to other members of the ~~police force~~detachment, and no individual Member of the Board shall give orders or direction to any member of the ~~police force~~detachment.

13.32.2 The Board shall not direct the Detachment Commander with respect to specific operational decisions or with respect to the day-to-day operation of the ~~police force~~detachment.

PART 134 ENACTMENT

143.1 Any amendment to this By-law shall require an affirmative vote of two-thirds of the entire Board.

PART 154 REPEAL

154.1 By-law No. 13/11 adopted on April 27, 2011.

~~**PART 15 NUMBER AND GENDER**~~

~~15.1 For the purposes of this by-law, unless the context otherwise requires, words imparting the singular shall include the plural, and words imparting the masculine gender shall include the feminine, and vice versa.~~

PART 16 SHORT TITLE

16.1 This by-law shall be known as the "The Procedural By-law" for the Haldimand County Police Services Board.

READ a first and second time this 27th day of ~~April~~February, 20194.

READ a third time and finally passed this 27th day of ~~April~~February, 20194.

CHAIR

SECRETARYADMINISTRATOR