

HALDIMAND O.P.P. DETACHMENT BOARD

By-law Number XXXX/24

Being a by-law to govern the proceedings of the Haldimand O.P.P. Detachment Board

WHEREAS Section 46(1) of the *Community Safety and Policing Act, 2019*, S.O. 2019, c. 1, Sched. 1 (the Act) provides that subject to the regulations made by the Minister, if any, a police service board shall establish its own rules and procedures in performing its duties under this Act and the regulations;

AND WHEREAS Section 67(6) of the Act states that the following provisions apply to O.P.P. detachment boards, with necessary modifications, as if they were police service boards and include 8. Section 46 (Rules and procedures),

NOW THEREFORE, the Haldimand O.P.P. Detachment Board enacts as follows:

THAT for the purposes of this by-law:

PART 1 Definitions

- 1.1 “**Act**” shall mean the *Community Safety and Policing Act, 2019*, as amended or replaced from time to time.
- 1.2 “**Administrator**” shall mean the Administrator of the Board.
- 1.3 “**Board**” shall mean the Haldimand O.P.P. Detachment Board.
- 1.4 “**Chair**” shall mean the Member selected as Chair of the Board.
- 1.5 “**Closed Session**” shall mean a meeting or part of a meeting that is closed to the public in accordance with Section 44 of the Act.
- 1.6 “**Electronic Participation**” shall mean a Member of the Board taking part in a Meeting through the use of telephone, video conference, or any other technology that provides for audio and/or visual participation, in place of attending in person.
- 1.7 “**Inspector**” shall mean the Haldimand Detachment Commander, Ontario Provincial Police (O.P.P.).
- 1.8 “**Land Acknowledgement**” shall mean a statement adopted by Council to recognize the traditional territories of Indigenous peoples.
- 1.9 “**Meeting**” shall mean any regular, special or other Meeting of the Board.

- 1.10 **“Member”** shall mean a Member of the Board.
- 1.11 **“Quorum”** shall mean a majority (more than half) of appointed Members of the Board in accordance with Section 43(2) of the Act. Members attending virtually shall count towards Quorum.
- 1.12 **“Recorded Vote”** shall mean documenting in the minutes of a Board Meeting the name and vote of every Member voting on any matter or question during a Meeting of the Board.
- 1.13 **“Rules of Procedure”** shall mean the rules and regulations provided in this by-law.
- 1.14 **“Vice Chair”** shall mean the Member selected as Vice Chair of the Board.
- 1.15 **“Year”** shall mean calendar year, January 1 to 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 the latest version of Roberts’ Rules.
- 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 not less than a two-thirds majority vote of the Members present at a Meeting.
- 2.4 No person, except the Administrator, Inspector and Staff Sergeants shall be permitted to address the Board without its permission.

PART 3 Role Of The Chair

- 3.1 It is the 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. 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

4.1 Location

All Meetings of the Board shall be held in the Council Chamber at the Haldimand County Administration Building located at 53 Thorburn Street South, Cayuga, unless otherwise determined.

4.2 Regularly Scheduled Meetings

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

4.2.2 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.

4.2.3 The Board shall meet a minimum of four times annually, in accordance with Section 43 (1) of the CSPA, with allowances for summer and Christmas breaks.

4.2.4 The Board shall meet monthly, on the fourth Thursday of each month except for the months of July and December, unless otherwise determined. The Board may, by resolution, alter the time, date, or place of any Meeting.

4.2.5 At least seven (7) days advance written notice of every regularly scheduled Meeting shall be sent to each Member. The notice will consist of an agenda and all supporting material, whether provided in hard copy or electronically. Such notice shall be considered as adequate notice of all regularly scheduled Meetings. Lack of receipt of an agenda for such Meeting by any Member shall not affect the validity of the Meeting or any action taken at the Meeting.

4.2.6 Pursuant to Section 4.1 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.

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

4.3 **Special Meetings**

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

4.3.2 The Chair shall summon a special Meeting when requested in writing to do so by a majority of its Members.

4.3.3 A special Meeting shall be scheduled for such singular or time-sensitive matters as necessary (i.e. consideration of a budget, by-law to be enacted immediately).

4.3.4 The only business to be dealt with at a special Meeting is that which is identified in the agenda for the Meeting.

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

4.3.6 The lack of receipt of a notice or of an agenda for a special Meeting by any Member shall not affect the validity of the Meeting or any action taken at the Meeting.

4.4 **Commencement of Meetings**

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

4.4.2 If, at the time appointed for the start of any Meeting, there is not a Quorum of Members in attendance, after fifteen (15) minutes, the Administrator shall record the names of the Members present and the Meeting shall stand adjourned.

4.4.3 In the absence of the Chair and the Vice Chair, the Administrator shall call the Meeting to order fifteen (15) minutes 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.

4.5 **Electronic Participation**

4.5.1 At any time,

- A Member who is participating electronically in a Meeting may be counted in determining whether or not a Quorum of Members is present at any point in time; and

- A Member can participate electronically in a Meeting that is closed to the public.
- 4.5.2 Members shall advise the Administrator of their intent to participate electronically in advance of the Meeting so that appropriate arrangements can be made.
- 4.5.3 If a member participates electronically, it will be indicated that they were electronic in the minutes.
- 4.5.4 All votes will be by show of hands or verbal consent.
- 4.5.5 Video must be turned on during all votes.
- 4.5.6 Delegations may participate electronically, when requested and where technology can accommodate.

PART 5 Public Access To Meetings

5.1 Public Notice

- 5.1.1 In accordance with Section 43 of the Act, notice of a Meeting and the agenda shall be published on the Haldimand County and Mississaugas of the Credit First Nation websites at least seven (7) days before the Meeting date (except in extraordinary circumstances).

5.2 Open Meetings

Except as provided in Section 5.3, all Meetings shall be open to the public.

5.3 Closed Meetings

- 5.3.1 In accordance with Section 44 of the Act, the Board may exclude the public from all or part of a Meeting if the subject matter being considered is:
- a) the security of the property of the board;
 - b) personal matters about an identifiable individual, including members of the police service or any other employees of the board;
 - c) a proposed or pending acquisition or disposition of land by the board;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation affecting the board, including matters before administrative tribunals;
 - f) advice that would be inadmissible in a court by reason of any privilege under the law of evidence, including communications necessary for that purpose;

- g) information explicitly supplied in confidence to the board by Canada, a province or territory or a Crown agency of any of them, a municipality or a First Nation;
 - h) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - i) a trade secret or scientific, technical, commercial or financial information that belongs to the board and has monetary value or potential monetary value;
 - j) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the board;
 - k) information that section 8 of the Municipal Freedom of Information and Protection of Privacy Act would authorize a refusal to disclose if it were contained in a record; or
 - l) an ongoing investigation respecting the police service board.
- 5.3.2 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.
- 5.3.3 In accordance with Section 15(1) of Ontario Regulation 409/23 Code of Conduct for O.P.P. Detachment Board Members under the Act, Members shall not disclose to the public information obtained or made available in the course of the member's duties except as authorized by the O.P.P Detachment Board or as required by law.

PART 6 Order Of Proceedings

6.1 Agendas

- 6.1.1 The Administrator or their designate shall prepare the agenda for all regularly scheduled Meetings consisting of the following order of business:
- a) Call to Order
 - b) Land Acknowledgement
 - c) Roll Call
 - d) Disclosures of Pecuniary Interest
 - e) Approval of Previous Meeting Minutes
 - f) Delegations and Presentations
 - g) Items for Consideration
 - a. Report from the Detachment Commander
 - b. Review of Operational Budget

- h) Unfinished Business
 - i) Other Business
 - j) By-laws
 - k) Announcements
 - l) Closed Session
 - m) Motions Arising from Closed Session
 - n) 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 The agenda for regularly scheduled Meetings will be available on the Haldimand County and Mississaugas of the Credit First Nation websites on the Thursday prior to the Meeting.
- 6.2 Disclosures of Pecuniary Interest**
- 6.2.1 If a Member has a 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 promptly disclose any pecuniary interest to the Chair of the Board 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 a 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 Board to present information verbally at a Meeting shall give notice to the Administrator by noon, at least seven (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 delegation/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 and Presentations to the Board shall only present new information or information not previously presented to the Board.
- 6.3.4 Delegations and Presentations shall be permitted to speak not more than ten (10) minutes in total per person, per group or per organization.

6.3.5 In the case of extenuating circumstances, the 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 Board may refuse to hear a delegation when, in the opinion of the Board, the subject of the presentation is beyond the jurisdiction of the Board.

6.3.7 Delegations concerning labour relations, union negotiations and employee relations will not be heard at Meetings. All written submissions received by the Administrator concerning these matters shall be circulated to the Chair and the Inspector.

6.3.8 No person shall be permitted to appear as a delegation to address the Board relating to any litigation matter with respect to the Board, and/or Haldimand County, Mississaugas of the Credit First Nation, or the O.P.P.

6.4 **Unfinished Business**

Any item of business which has been considered by the Board at a prior Meeting, but has not yet been resolved, may be raised at a subsequent regularly scheduled Meeting when “Unfinished Business” is called for under the Order of Proceedings.

6.5 **Other Business**

Any item of business which has not been previously considered by the Board during the Meeting and not listed on the agenda, may be raised when “Other Business” is called for under the Order of Proceedings. When action of the Board is required, the matter shall be referred to a future Meeting agenda. Should immediate action be required, the Board may, by a two-thirds majority vote of the Board, waive the notification requirements of this by-law to deal with the matter at that time.

6.6 **Closed Session**

If no item is listed under Section 6.1.1 I) Closed Session, the Board shall dispense of this category.

6.7 **Minutes**

6.7.1 The Minutes of every Meeting, including Closed Sessions, will record:

- The date, place and time of the Meeting;
- The record of attendance of the Members;
- All other proceedings of the Meeting without note or comment; and
- Any declared disclosures of pecuniary interest.

6.7.2 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 decisions of the Board.

6.7.3 The minutes shall be posted once approved by the O.P.P. Detachment Board, in a timely fashion, on Haldimand County's and Mississaugas of the Credit First Nation website.

6.7.4 The approved minutes, signed by the Chair and Board Administrator, shall be provided to the Municipal Clerk of Haldimand County for official record keeping.

PART 7 Committees

7.1 The Board may, at any time, appoint a Committee to inquire 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 Code Of Conduct

8.1 Members shall follow the Code of Conduct for O.P.P. Detachment Board Members as prescribed in Ontario Regulation 409/23.

PART 9 Rules Of Debate

9.1 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 through the Chair.

9.2 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 10 Motions And Reconsideration

10.1 Motions

10.1.1 Motions shall be moved and seconded before being debated or put to a vote.

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

10.1.3 A motion to amend shall:

- Be moved and seconded;
- Be relevant to the main motion;

- Not propose a direct negative to the main motion;
- Itself only be subject to one amendment; and
- Be disposed of before a previous amendment or the main motion.

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

10.2 **Reconsideration**

10.2.1 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.

10.2.2 No discussion of the question proposed for reconsideration shall be permitted unless the motion for reconsideration is carried.

10.2.3 No decided matter may be reconsidered more than once in the proceeding twelve (12) months of the original motion, nor shall a vote to reconsider be reconsidered.

10.2.4 A Motion to Reconsider a decided matter shall require the approval of at least two-thirds majority vote of the Board.

PART 11 Voting Procedures

11.1 A motion shall be put to vote by the Chair.

11.2 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.

11.3 Every Member present at a Meeting when a question is put to vote shall vote, 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.

11.4 Any Member who declines to vote shall be deemed to have voted in the negative.

11.5 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.

11.6 The Chair shall announce the outcome of every vote.

11.7 Motions on which there is a tie vote shall be deemed to have been negative.

- 11.8 Any Member may call for a Recorded Vote immediately prior to the taking of the vote.
- 11.9 When called for by any Member or when required by legislation, a Recorded Vote shall be taken and the results declared by the Administrator.
- 11.10 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 12 Enactment Of By-Laws

- 12.1 Every by-law enacted by the Board shall be signed by the Chair and the Administrator, numbered, and show the date of enactment.
- 12.2 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 the Board.

PART 13 O.P.P. Detachment Board Roles

- 13.1 Per Section 68(1) of the Act, the O.P.P. Detachment Board's roles shall include:
- a. Consulting with the Commissioner regarding the selection of a detachment commander and otherwise participate in accordance with the regulations in the selection of the detachment commander;
 - b. Determining objectives and priorities for the detachment, not inconsistent with the strategic plan prepared by the Minister, after consultation with the detachment commander or his or her designate;
 - c. Advising the detachment commander with respect to policing provided by the detachment;
 - d. Monitoring the performance of the detachment commander;
 - e. Reviewing the reports of the detachment commander regarding policing provided by the detachment; and
 - f. On or before June 30 in each year, providing an annual report to Haldimand County and MCFN Councils regarding the policing provided by the detachment in their communities.
- 13.2 The Board may give direction to the Inspector or their designate, but not to other members of the detachment, and no individual Member shall give orders or direction to any member of the detachment.

13.3 The Board shall not direct the Inspector or their designate with respect to specific operational decisions or with respect to the day-to-day operation of the detachment.

PART 14 Amendment

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

PART 15 Short Title

15.1 This by-law shall be known as the "Procedure By-law" for the Board.

ENACTED this ____ day of Month, 2024.

CHAIR

ADMINISTRATOR