

HALDIMAND COUNTY POLICE SERVICES BOARD

By-law Number 20/21

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 of 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 Chief Administrative Officer or 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 not less than a two-thirds majority vote of the Members present at a Meeting.
- 2.4 No person, except the Administrator, County General Manager, Inspector and Staff Sergeant 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. 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

- 4.1 Regularly Scheduled Meetings:
 - 4.1.1 At its first Meeting of each year, the Board shall determine by open vote, a Chair.
 - 4.1.2 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.
 - 4.1.3 The Board shall meet a minimum of four times annually.
 - 4.1.4 The Board shall meet bi-monthly, on the fourth Thursday. The Board may, by resolution, alter the time, date, or place of any Meeting.
 - 4.1.5 Meetings of the Board shall be held in the Council Chambers at the Haldimand County Administration Building located in Cayuga, unless determined otherwise.
 - 4.1.6 Forty-eight (48) hours 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 thereat.
 - 4.1.7 Notwithstanding Section 4.1.6, new business and supporting material to the agenda may be tabled at the meeting under Additions to the Agenda.
 - 4.1.8 Pursuant to Section 4.1.6 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.
 - 4.1.9 Members shall inform the Administrator of all planned absences, late arrivals, and early departures from a Meeting.
- 4.2 Special Meetings:
 - 4.2.1 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.
 - 4.2.2 The Chair shall summon a special Meeting when requested in writing to do so by a majority of its Members.
 - 4.2.3 The only business to be dealt with at a special Meeting is that which is identified in the agenda for the Meeting.
 - 4.2.4 The Administrator shall give notice to all Members of the special Meetings by whatever means deemed expedient by the Administrator.

- 4.2.5 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 thereat.
- 4.3 Commencement of Meetings:
- 4.3.1 Every regularly scheduled Meeting shall commence at 9:30 a.m.
- 4.3.2 In the event that there is not a Quorum one half-hour (30 minutes) 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.
- 4.3.3 In the absence of the Chair and the Vice Chair, the Administrator shall call the Meeting to order one half-hour (30 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.

PART 5 PUBLIC ACCESS TO MEETINGS

- 5.1 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.
- 5.2 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 In accordance with Section 4 of Ontario Regulation 421/97 Members of Police Services Boards – Code of Conduct made under the Police Services Act, Members shall keep confidential any information disclosed or discussed at a Meeting, or part of a Meeting, that was closed to the public.

PART 6 ORDER OF PROCEEDINGS – AGENDAS & MINUTES

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) Disclosures of Pecuniary Interest
- c) Additions to the Agenda
- d) Approval of Previous Meeting Minutes
- e) Delegations and Presentations
- f) Correspondence
- g) Reports
- h) Unfinished Business
- i) New Business
- j) By-laws
- k) Closed Session
- l) Date and Time of Next Meeting
- m) 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 for regularly scheduled Meetings will be 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 public at the commencement of the 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 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 Board to present information verbally at a Meeting shall give notice to the 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 Board shall only present new information or information not previously presented to the 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.
- 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, County General Manager 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 the County, or the O.P.P.

6.4 Minutes:

- 6.4.1 The Minutes of every Meeting, including Closed Sessions, 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 CODE OF CONDUCT

- 8.1 Members 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.

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:

- 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.

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.

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 When called for by any Member or when required by legislation, a Recorded Vote shall be taken and the results declared by the Administrator.

11.9 A Member may call for a Recorded Vote immediately prior to the taking of the vote.

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 shall receive three (3) readings before being enacted by the Board. The first and second reading shall be a combined reading.
- 12.2 Unless otherwise provided by legislation, every by-law shall receive three (3) readings at the same Meeting.
- 12.3 A motion to amend a by-law shall be introduced after the combined first and second reading.
- 12.4 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.
- 12.5 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 13 BOARD/DETACHMENT RELATIONSHIP AND ROLES

- 13.1 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 Inspector;
 - b) generally determine, after consultation with the Inspector, objectives and priorities with respect to police services in the municipality;
 - c) establish local policies for the effective management of the detachment after consultation with the Inspector;
 - d) monitor the performance of the Inspector;
 - e) receive regular reports from the Inspector or their designate on disclosures and decisions made regarding restrictions on secondary activities as described in the Police Services Act, Section 49;
 - f) review the Inspector's administration of the complaints system under Part V of the Police Services Act and receive regular reports from the Inspector on their administration of the complaints system;
 - g) receive a monthly report from the Inspector or their designate on the detachment's statistics and other items of interest.
- 13.2 Except as limited by Section 12.2., the Board may give direction to the Inspector 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 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 REPEAL

15.1 By-law Number 19/19 adopted on February 27, 2019 is hereby repealed.

PART 16 SHORT TITLE

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

READ a first and second time this 24th day of November, 2021.

READ a third time and finally passed this 24th day of November, 2021.

CHAIR

ADMINISTRATOR