



**Police Services Board
Of the
City of Kawartha Lakes**

Procedural By-law No. 002-97

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| Section: By-Law | City of Kawartha Lakes Police Services Board | Date Issued: 18 March 1997 |
| Subsection: | PROCEDURAL BY-LAW | Date Revised: ___ June 2012 |
| Title: | No. 002-97 | |

**POLICE SERVICES BOARD
OF THE
CITY OF KAWARTHA LAKES
BY-LAW NO. 002-97**

Being a By-law to regulate the general government of the City of Kawartha Lakes Police Services Board.

1. WHEREAS it is the responsibility of the City of Kawartha Lakes Police Services Board to provide policing services for the maintenance of law and order in the Town of Lindsay and the former Township of OPS and to provide and maintain an adequate police service in accordance with the needs of the said municipality; and
2. WHEREAS it is the responsibility of the Chief of Police of the City of Kawartha Lakes Police Service, in his/her capacity as Chief Law Enforcement Officer for the Town of Lindsay and the former Township of OPS, to administer the policing services of the Town of Lindsay and the former Township of OPS in accordance with the policies and regulations approved and established by the City of Kawartha Lakes Police Services Board and report to the Board and obey the lawful orders and direction of the Board or as otherwise specified in the Police Services Act, R.S.O. 1990, Chapter P.15; and
3. WHEREAS it is deemed expedient to adopt rules governing the order and procedure of the City of Kawartha Lakes Police Services Board;

The Police Services Board of the City of Kawartha Lakes, Ontario, pursuant to Section 31, Subsection 6 of the Police Services Act, R.S.O. 1990, Chapter P.15, enacts the following procedural bylaw as amended:

4. Such By-law comes into force on the ___ day of _____ 20__.

ENACTED AND PASSED this ___ day of _____ 20__.

CHAIRPERSON

SECRETARY

1.0 DEFINITIONS

1.1 In this By-law:

"Board" means the City of Kawartha Lakes Police Services Board;

"Chair" means the person presiding at the meeting;

"Member" means a member of the Board;

"Secretary" means the Secretary to the City of Kawartha Lakes Police Services Board;

"Vice Chair" means the Vice Chair of the City of Kawartha Lakes Police Service

"Motion to Defer" means a motion made for the purpose of disposing of a matter with or without any proposed amendment, by delaying its consideration indefinitely or until some specified time or event;

"Motion to Receive" means a motion made for the purpose of acknowledging receipt of a particular item and placing the item in the records of the City of Kawartha Lakes Police Services Board for future reference;

"Motion to Refer the Matter" means a motion made for the purpose of calling attention to any departure from the terms of this by-law or the customary modes of proceedings in debate or in the conduct of the business of the City of Kawartha Lakes Police Services Board;

"Point of Order" means the raising of a question for the purpose of calling attention to any departure from the terms of this by-law or the customary modes of proceedings in debate or in the conduct of the business of the City of Kawartha Lakes Police Services Board;

"Point of Procedure" means a question directed to the Chair to obtain information on the rules of the City of Kawartha Lakes Police Services Board bearing on the business at hand in order to assist a Member to make an appropriate motion, raise a point of order or understand the effect of a motion;

2.0 RESPONSIBILITIES OF THE BOARD

2.1 Pursuant to Section 31 of the Police Services Act (1990):

- (l) A Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
 - (a) appoint the members of the municipal Police Service;
 - (b) generally determine, after consultation with the Chief of Police, objectives and priorities with respect to police services in the Municipality;
 - (c) establish policies for the effective management of the Police Service;

- (d) recruit and appoint the Chief of Police and any Deputy Chief of Police and annually determine their remuneration and working conditions, taking their submissions into account;
- (e) direct the Chief of Police and monitor his or her performance;
- (f) receive regular reports from the Chief of Police on disclosures and decisions made under Section 49 (secondary activities);
- (g) establish guidelines with respect to the indemnification of members of the Police Service for legal costs under Section 50;
- (h) establish guidelines for the administration by the Chief of Police of the public complaints system under Part VI;
- (i) review the administration by the Chief of Police of the public complaint system and receive regular reports from him or her on that subject;

(II) The members of the Police Service, whether they were appointed by the Board or not, are under the Board's jurisdiction;

(III) The Board may give orders and directions to the Chief of Police, but not to other members of the Police Service and no individual member of the Board shall give orders or directions to any member of the Police Service;

(IV) The Board shall not direct the Chief of Police with respect to specific operational decisions or with respect to the day-to-day operation of the Police Service;

(V) The Board shall ensure that its members undergo any training that the Solicitor General may provide or require;

(VI) The Board may, by By-law, make rules for the effective management of the Police Service;

(VII) The Board may establish guidelines consistent with Section 49 for police officers' disclosure of secondary activities to the Chief of Police and for the decisions of the Chief of Police under subsection 49(4).

2.2 Before entering on the duties of office, a member of the Board shall take an oath or affirmation of office in the prescribed form.

3.0 BOARD PROCEEDINGS

3.1 The following rules and regulations shall be observed and shall be the rules and regulations for the order and dispatch of business;

- 3.2 Except as herein provided, Robert's Rules of Order shall be followed for governing the proceedings and conduct of the members;
- 3.3 A person, not being a member of the Board, shall not be allowed to address the Board except upon invitation of the Chair or the Board, or pursuant to provisions of its By-law with respect to deputations;
- 3.4 All persons shall adhere to the rules and regulations pertaining to the meeting site;
- 3.5 When the Board conducts a hearing pursuant to a By-law enacted by the Council of the Corporation of the City of Kawartha Lakes, the hearing shall be open to the public, except where the Board determines that all or a part of the matter should be heard in the absence of the public. The Board shall afford the parties to the matter an opportunity, either personally or by agent, to give evidence and make submissions.

4.0 MEETINGS OF THE BOARD

- 4.1 The Board shall hold its meetings on a designated day each month at such time and place as may be determined. All regular and special meetings of the Board shall be held in the Board Room at the Police Services Building, or at such other time, day and place as may be determined by the Chair;
- 4.2 The Chair may summon a special meeting of the Board, or upon receipt of a request from a majority of the members of the Board, the Secretary shall summon a special meeting of the Board for a specific purpose and at the time requested. At least twenty-four (24) hours notice shall be given of any such meeting unless the consent of all members is obtained for less than such notice;
- 4.3 In the absence of the Chair or Vice-Chair, a special meeting may be summoned by the Secretary upon a requisition by a majority of the Board;
- 4.4 A special meeting shall not be summoned for a time which conflicts with a regular meeting or a meeting previously called by the Council of the Corporation of the City of Kawartha Lakes;
- 4.5 The minutes, as produced by the Secretary, shall be deemed to be the official record of the Board. The direction contained therein shall be conclusive evidence of the actions and decisions of the Board once the minutes have been approved at a subsequent meeting of the Board.
- 4.6 Where all the members of the Board present at or participating in a meeting have consented thereto, members may participate in a meeting of the Board or of a Committee of the Board by means of conference telephone, electronic or other communications devices as facilities permit, provided that a quorum of members is physically in attendance. All persons participating are to communicate with each other simultaneously and instantly and a member(s) participating in such a meeting by such means shall be considered for the purposes of the Police Services Act and the By-laws to be present in person at such meeting.

5.0 COMPOSITION OF THE BOARD

PLEASE SEE ATTACHED RE: *POLICE SERVICE ACT* REQUIREMENTS

5.1 The Board shall consist of five (5) members, the members being:

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.
1990, c. 10, s. 27(5); 1997, c. 8, s. 19(1), part; 2002, c. 17, Sch. F, Table.

5.2 The members of the Board shall, in the first meeting held in January of each year, select a member to be the Chair for the year;

5.3 Duties of the Chair:

(a) The member selected as the Chair and hereinafter referred to as the Chair, shall be responsible for setting the agenda, acting as spokesperson for the Board, preserving order and decorum and deciding questions of order, subject to an appeal to the Board;

(b) when the Chair is called upon to decide a point of order or practice, the point shall be stated without unnecessary comment and the Chair shall cite the rule or authority applicable to the case;

(c) The Chair (except and unless otherwise disqualified) may vote with the members on all questions, and any question on which there is an equality of votes, shall be deemed to be the negative vote;

(d) If the Chair decides to leave the Chair, the Chair shall call upon the Vice-Chair to act as Chair until the position is resumed.

5.4 The members of the Board shall in said January meeting of each year select a member to be the Vice-Chair for the year.

5.5 Duties of the Vice-Chair:

The Vice-Chair shall act in the absence of the Chair and shall have the same authority while presiding at the meetings as the Chair would have had if present.

5.6 Duties of the Secretary:

It shall be the duty of the Secretary:

- (a) to attend all meetings of the Board and to record the minutes, orders and requests of all such meetings, and to forward the minutes of such Board meetings to each member of the Board;
- (b) to notify the members of the Board of each regular and special meeting of the Board called pursuant to paragraphs 4.3 and 4.4;
- (c) to give notice to the members of the Board of all meetings thereof other than those fixed by adjournment, such notice to be telephoned, mailed, or delivered to each member at his or her residence or place of business so as to be received not later than forty-eight (48) hours prior to the meeting if not earlier circulated. The notice shall be accompanied by the minutes of the previous meeting, the agenda and any other matter, so far as known, to be brought before such meeting. Lack of receipt of such notice shall not affect the validity of holding the meeting or any action taken thereat. The notice calling a special meeting shall state the business to be considered at the special meeting and any business other than that stated in the notice shall be considered at such meeting at the discretion of the Board;
- (d) No item not included in the agenda can be introduced without the unanimous consent of the members present;
- (e) to furnish the Chief of Police with copies of all resolutions, enactments and orders of the Board as soon as possible after the meeting of the Board at which the action of the Board in respect thereof takes place, in any event, not later than ten working days after the Board meeting.

5.7 In the event of the absence of the Secretary, due to illness or otherwise, the Chief of Police shall designate a staff member who shall act as Secretary.

6.0 COMMITTEES OF THE BOARD

6.1 The Board may, from time to time, establish committees to deal with specific matters on an ad hoc basis;

6.2 Each committee shall determine its own procedures and shall elect a Chair from among its membership, provided that a majority of the members shall constitute a quorum;

6.3 The principal function of each committee shall be to make recommendations to the Board for its consideration;

6.4 Each committee shall report its work to the Board at the meeting of the Board next following the holding of committee meetings.

7.0 AGENDA FOR THE MEETINGS

7.1 The Secretary shall, in collaboration with the Chair and the Chief of Police, cause to be prepared for the use of the members an agenda with supporting material to be delivered to the members in advance of the meeting at which the agenda is to be considered.

7.2 Every letter, petition, resolution and other communication to the Board shall be received by the Chair of the Board who shall deal with each as follows:

- (a) Where, in the opinion of the Chair of the Board, the subject matter is properly within the jurisdiction of the Board, the communication shall be placed on the agenda for the next regular meeting of the Board and be dealt with during such meeting;
- (b) Where, in the opinion of the Chair of the Board and the Chief of Police, the subject matter is properly within the jurisdiction of the Police Service, the communication shall become the responsibility of the Chief of Police for the necessary action without prior reference to the Board.

7.3 The general code of business for open and in-camera sessions shall be as follows:

- (a) Opening of meeting by the Chair;
- (b) Declaration of Pecuniary Interest;
- (c) Minutes of previous Board meeting(s);
- (d) Consent agenda;
- (e) Deputations;
- (f) Presenting, referring or passing of accounts;
- (g) Statistical Reports;
- (h) Old business;
- (i) New business;
- (j) Report of Chief of Police;
- (k) Closed session (in-camera);
- (l) Confirmation by-law;
- (m) Adjournment.

8.0 QUORUM, OPENING, AND CONDUCT OF PROCEEDINGS

8.1 A quorum shall be a majority of the members of the Board;

8.2 As soon after the regular commencement time of the meeting as there shall be a quorum present, the Chair shall take the chair and call the members to order;

8.3 If a quorum is not present within thirty (30) minutes after the time established for the meeting, the Secretary shall record the names of the members then present and the meeting shall stand adjourned until the next regular meeting;

8.4 In case the Chair or Vice-Chair do not attend within thirty minutes after the time appointed, the Secretary shall call the members to order, and if a quorum is present, a Chair shall be chosen, who shall preside during the meeting as the Chair until the arrival of the Chair or Vice-Chair;

8.5 Members of the Police Service who attend a meeting as a member of the City of Kawartha Lakes Police Service on duty shall be appropriately dressed as if attending a court session;

8.6 Deputations

When a person or persons, not being a member of the Board or the Chief of Police, or Senior Officer desires to be present at a meeting to address the Board, that person or persons shall be permitted to do so at the discretion of the Chair of the Board, subject to the following guidelines:

- (a) Upon receipt of such a request, the Secretary shall confirm with the delegation the time and the place at which the delegation will address the Board, and shall also inform the delegation of the rules and procedures relating to delegations;
- (b) A delegation may address the Board through one speaker for a period not exceeding ten (10) minutes during any Board meeting, except that any delegation consisting of more than five (5) persons, shall be limited to two (2) speakers, each limited to speaking not more than ten (10) minutes;
- (c) Delegations initiating an application to the Board shall be heard in the order of their receipt. In each case, after any delegations in opposition are heard, the Chair, at his/her discretion, may grant the right to reply to the original petitioner. The time for reply shall be limited to five (5) minutes and may be made by the original speaker or by another speaker then chosen by the delegation;
- (d) Whenever possible, delegations shall file a written submission with the Secretary for prior distribution to the members of the Board. Submissions must be filed with the Secretary of the Board seven (7) days prior to the next scheduled meeting of the Board to be included in the agenda;
- (e) No item or delegation not included in the agenda can be introduced at the meeting of the Board without the unanimous consent of the Board members present;
- (f) A majority of the members of the Board who are present, may make an exception to these guidelines where such is deemed advisable. The exception provision should not be used should the matter be of such a nature that it could be properly placed on the agenda before the next scheduled meeting of the Board.

8.7 All meetings of the Board shall be open to the public subject to paragraph 8.8;

8.8 The following subjects may be discussed at properly constituted closed meetings of the Board upon agreement by the majority of the Board members present, unless otherwise prohibited by law:

- (a) intimate financial and/or personnel matters, where a named 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;
- (b) negotiations on salaries or working conditions of employees and matters arising out of the administration of collective agreements;
- (c) property matters, in which premature public disclosure could cost the public money or be prejudicial to the interests of a property owner or the Municipality, when the acquisition of or sale of property is being investigated or negotiated;
- (d) matters in which public discussion could prejudice the Board's legal position or be detrimental to the Board in proceedings before any Court Civil litigation or administrative tribunal;
- (e) matters in which public discussion could prejudice the City's legal position or deemed to be detrimental to the Town in proceedings before any Court or Administrative Tribunal;
- (f) consideration of awards, commendations or other outstanding achievements;
- (g) matters that are specifically restricted by legislation regarding the protection of privacy;
- (h) matters, the revelation of which would endanger the security of Municipal property, or the operations of the police services.

8.9 No person other than Board members, the Chief of Police and Senior Officers and persons invited by the Chair shall attend closed meetings of the Board. Persons other than Board members shall vacate such meetings if requested to do so by the Chair;

8.10 Members of the media shall be provided copies of the agenda for all public meetings of the Board;

8.11 When a member desires to address a matter that concerns the rights or privileges of the Board collectively or as a member thereof, the member shall be permitted to raise such matter of privilege and a matter of privilege shall take precedence over other matters;

8.12 (a) When a member desires to call attention to a violation of the rules of procedure, the member shall ask leave of the Chair to raise a point of order and after leave is granted, shall state the point of order with a concise explanation and resume the member's seat until the Chair has made a decision on the point of order;

- (b) Unless a member immediately appeals, the decision of the Chair shall be final;
- (c) If the decision is appealed, the Board shall decide the question without debate and its decision shall be final;

8.13 When the Chair calls a member to order, such member shall immediately sit down and shall not speak again without the permission of the Chair unless to appeal the ruling of the Chair that he or she come to order. The order and manner of voting shall be at the direction of the Chair;

8.14 The Chair and the Secretary are authorized to sign and seal all documents for and on behalf of the Board, including but not limited to by-laws, resolutions, orders, and agreements which have been approved by the Board.

9.0 CONFLICT OF INTEREST

9.1 The Board shall be governed by the Municipal Conflict of Interest Act and the agenda shall include provision for members to declare a pecuniary interest.

10.0 COLLECTIVE BARGAINING

10.1 The Negotiating Committee for the Board shall be made up of one or more members of the Board and the Board's consultant or such other person as the Board deems necessary in accordance with the Police Services Act.

11.0 FINANCIAL MATTERS

11.1 The Chief of Police is authorized and empowered to make expenditures of funds not previously approved by the Board to a maximum of \$5,000.00 on each occasion, provided that the Chief shall report therein to the Board at its next meeting following such expenditure.

11.2 Tenders:

- (a) No work or expenditure, the cost of which will exceed the amount that the Chief of Police was authorized to expend as outlined in the budget approved by the Board, or which will exceed a relevant appropriation determined by the Board, shall be undertaken without previous authorization by the Board;
- (b) All tenders called and specifications pertaining thereto, issued by the Board, shall be prepared by the Chief of Police and all responses thereto shall be addressed and delivered to the Office of the Chief of Police;
- (c) Except in cases of emergency, a minimum of five days shall elapse from the date of an advertisement or other action taken to the closing date of all tenders called for the

supplying of work, labour, material, goods, wares, or merchandise required by the City of Kawartha Lakes Police Service;

- (d) Tenders shall be opened as soon as practical after the closing date and time and the general public may be present. Any one of the following persons are authorized to open tenders:
- (i) the Chair;
 - (ii) the Chief of Police or his designate;

There must be two persons representing the Board and/or the Police Service present at the opening of tenders. A staff member may be called on to witness the opening of the tenders;

When the tenders are opened, they shall be numbered consecutively and initialled by the persons opening the tenders;

- 11.3 (a) The Board shall review policy issues relating to the budget for each fiscal year;
- (b) The Board may appoint a Committee of two members of the Board to consider the budget proposals of the Chief prior to their submissions to the Board.

12.0 CONFERENCES, CONVENTIONS AND SEMINARS

- 12.1 The Board shall, from time to time, by resolution determine policies for the attendance of its members at conferences, conventions, and seminars, and the payment of appropriate travel and other expenses necessarily incurred.

13.0 GENERAL

- 13.1 At the first meeting of each year, the Police Services Board shall appoint the Board Secretary, legal counsel (as applicable), and auditors (as applicable) to be used for the coming year, along with the establishment of per diem and expense rates for the Board;
- 13.2 The retention period of notes made by the Board Secretary is limited to the period of time required to prepare the formal minutes;
- 13.3 In this By-law, words importing the singular number or the masculine gender only shall include more persons, parties or things of the same kind than one, and females as well as males, and the converse.
- 13.4 Notwithstanding anything else written in this bylaw, a recorded vote may be requested by any member of the Board and all members present and eligible shall vote.

