

# TOWNSHIP OF SMITH-ENNISMORE POLICE SERVICES BOARD

## By-Law No. 2009-1

### A BY-LAW TO AMEND BY-LAW NO. 2000-1 BEING A BY-LAW TO PROVIDE RULES GOVERNING THE PROCEEDINGS OF THE SMITH-ENNISMORE POLICE SERVICES BOARD

**WHEREAS** the *Police Services Act*, R.S.O. 1990, Chapter P.15, Section 31(6) provides that the Board may, by by-law, make rules for the effective management of the Police Service.

**AND WHEREAS** the Township of Smith-Ennismore Police Services Board adopted By-law No. 2000-1 being a by-law to provide rules governing the proceedings of the Smith-Ennismore police services board.

**AND WHEREAS** the Township of Smith-Ennismore Police Services Board desires to repeal By-law No. 2000-1.

**NOW THEREFORE** the Smith-Ennismore Police Services Board hereby enacts as follows:

#### 1.0 **DEFINITIONS**

For the purpose of this by-law:

- a) "**BOARD**" means the Smith-Ennismore Police Services Board.
- b) "**CHAIR**" means the person presiding over the Smith-Ennismore Police Services Board.
- c) "**DETACHMENT COMMANDER**" means the member of the Ontario Provincial Police assigned as Detachment Commander reporting to the Smith-Ennismore Police Services Board either permanently or in an acting capacity.
- d) "**IN-CAMERA**" means the meeting of Members in closed session without the presence of the press and unauthorized persons – R.S.O. 1990, c. P.15, s. 35. (4)(b).
- e) "**MEMBER**" means a Member of the Smith-Ennismore Police Services Board.
- f) "**MOTION**" is the means by which a matter is formally brought before the Board.
- g) "**PLACE OF MEETING**" means the location designated by the Board for the purpose of holding a meeting.
- h) "**RESOLUTION**" is an expression of the decisions or wishes of the Board, which has been adopted by majority vote of the Members:
- i) "**SECRETARY**" means the Secretary to the Smith-Ennismore Police Services Board.
- j) "**VICE-CHAIR**" means the Vice-Chair of the Smith-Ennismore Police Services Board.

#### 2.0 **COMPOSITION OF THE BOARD**

The Board shall consist of three (3) Members, the Members being:

- a) One (1) person appointed by the Lieutenant Governor in Council.
- b) The "Head" of Council, or another Council Member, as appointed by resolution of the Council; and,
- c) One (1) person appointed by resolution of the Council, who is neither a member of the council nor an employee of the municipality.

#### 3.0 **OFFICERS OF THE BOARD**

##### 3.1 **SELECTION OF OFFICERS OF THE BOARD**

###### a) **SELECTION OF CHAIR:**

The Members of the Board shall, in the first meeting held in January of each year, select a Member to be the Chair of the Smith-Ennismore Police Services Board for the year.

# TOWNSHIP OF SMITH-ENNISMORE POLICE SERVICES BOARD

## By-Law No. 2009-1

### b) **SELECTION OF VICE-CHAIR:**

The Members of the Board shall, in the first meeting held in January of each year, select a member to be the Vice-Chair of the Smith-Ennismore Police Services Board for the year.

## 3.2 **DUTIES OF OFFICERS**

### a) **DUTIES OF THE CHAIR**

- 1) To act as the spokesperson for the policy decisions of the Board.
- 2) To open the meetings of the Board, by taking the Chair and calling the members to order.
- 3) To announce the business before the Board in the order in which it is to be acted upon.
- 4) To receive and submit, in the proper manner, all motions presented by the Members.
- 5) To put to vote all questions which are regularly moved and seconded or necessarily arise in the course of the proceedings and to announce the result.
- 6) To restrain the Members when engaged in debate within the rules of order.
- 7) To enforce, on all occasions, the observance of order and decorum among the Members.
- 8) To do all matters to permit the meetings to proceed in an orderly and efficient manner.
- 9) To authenticate by signature, when necessary, all by-laws, resolutions, and minutes of the Board.
- 10) To adjourn the meeting when the business is concluded.
- 11) To adjourn the meeting without question, or put or suspend the meeting for a time to be named by him/her, when considered necessary because of grave disorder.
- 12) The Chair shall conduct and direct the daily business of the Board and, as necessary, give direction to the Secretary.
- 13) The Chair shall implement the decisions and wishes of the Board, as carried by resolution.
- 14) The chair usually does not vote unless a tie breaker is required in order to provide a majority vote.
- 15) the Chair may be a Member, ex officio, of all other committees of the Board and shall not be entitled to vote on questions.

### b) **DUTIES OF THE VICE-CHAIR**

- 1) 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 if present, in accordance with the "Duties of the Chair" as identified in Section 3.2. a) of this by-law.

### c) **DUTIES OF THE MEMBERS**

- 1) Members shall not speak out on any subject other than the subject in debate.
- 2) Members shall not criticize any decision of the Board, except for the purpose of moving in accordance with the provisions of Section 12.7. j) of this by-law that a motion be reconsidered.
- 3) Members shall obey the rules of the Board, or a decision of the Chair or of the Board, on a question of order or practice or upon the interpretation of the rules of the Board.
- 4) Members may vote on any questions, in accordance with the provisions of Section 12.4 of this by-law, except unless disqualified to vote by reason of interest or otherwise.

# TOWNSHIP OF SMITH-ENNISMORE POLICE SERVICES BOARD

## By-Law No. 2009-1

### **4.0 COMMITTEES OF THE BOARD**

#### **4.1 ESTABLISHMENT AND SIZE OF COMMITTEES**

- a) The Board may establish, as it deems necessary, various committees to deal with specific matters, as directed by the Board, and with full authority of the Board.
- b) All committees shall be comprised of two (2) or more Board Members, one of whom may be the Chair, in accordance with Section 3.2. a) 15) of this by-law.

#### **5.0 REGULAR BOARD MEETINGS**

Regular meetings of the Board shall not be summoned for a time which conflicts with regular meetings or meetings scheduled for the Council of the Corporation of the Township of Smith-Ennismore-Lakefield; and,

- a) The Board shall hold at least one (1) regular meeting every second month.
- b) The meetings shall be held at such times, dates, and locations as determined by the Board and the board shall hold at least four meetings each year - R.S.O. 1990, c. P.15, s. 35. (1).
- c) The "Resolution of Adjournment" shall identify the time, date, and location of the next regular meeting of the Board.

#### **6.0 SPECIAL REGULAR BOARD MEETINGS**

Special Regular Board meetings shall not be summoned for a time which conflicts with regular meetings or meetings scheduled for the Council of the Corporation of the Township of Smith-Ennismore-Lakefield; and/or,

- a) The Chair may, at any time, summon a special regular meeting of the Board on twenty-four (24) hours written or oral notice to the members.
- b) Upon a receipt of a petition of the majority of the Members, the Chair shall summon a special regular meeting for the purpose and at the time mentioned in the petition.

### **7.0 PUBLIC AND IN CAMERA MEETINGS**

#### **7.1 PUBLIC MEETINGS**

- a) Meetings conducted by the Board shall be open to the public, subject to Subsection 7.2 of this by-law, and notice of public meetings shall be published in the manner that the Board determines.
- b) Members of the media may request copies of the agenda for all public meetings of the Board, together with copies of the minutes of the previous public meeting of the Board.
- c) Materials relative to the items contained in the agenda shall be provided, upon prior request, to any member of the public and/or media, provided these materials do not disclose information relating to the matters described in Section 7.2 of this by-Law or any items protected under the Municipal Freedom of Information and Protection of Privacy Act.
- d) All agendas, minutes, and/or materials requested by members of the public and/or media shall be provided at the meeting of the Board.

#### **7.2 IN CAMERA MEETINGS**

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

# TOWNSHIP OF SMITH-ENNISMORE POLICE SERVICES BOARD

## By-Law No. 2009-1

- 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 of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public. R.S.O. 1990, c. P.15, s. 35.

### 8.0 **DUTIES OF THE SECRETARY**

The Secretary shall fulfill the responsibilities of;

- a) ORGANIZER - to organize the agenda items, which may come from a variety of sources - the Detachment Commander or Designate, legal counsel, other municipal departments, members of the community, other Board Members, and the Chair. The Secretary shall schedule deputations when such are required, in accordance with Section 12.6 of this by-law.
- b) COMMUNICATOR - to assess and record accurate decisions of the Board in the minutes of regular Board meetings. The Secretary shall liaise between the Board and other parties through correspondence and other forms of communication, under the direction of the Board.

### 9.0 **THE AGENDA**

#### 9.1 **REGULAR BOARD MEETING AGENDAS**

- a) The Secretary shall prepare, for the use of the Board Members, an agenda under the following heading as:
  - 1) CALL TO ORDER
  - 2) DECLARATION OF PECUNIARY INTEREST
  - 3) ADOPTION OF AGENDA ITEMS
  - 4) MINUTES
  - 5) DELEGATIONS/GUESTS
  - 6) REPORTS
  - 7) NEW BUSINESS AND/OR UNFINISHED BUSINESS
  - 8) CORRESPONDENCE
  - 9) IN CAMERA
  - 10) ADJOURNMENT/NEXT MEETING
- b) No item, not included on the agenda, may be introduced at the meeting without the unanimous consent of all Members present.
- c) All letters, petitions, and/or other communications, addressed to the Board shall be included on the agenda.
- d) The agenda is to be prepared and provided to the Members, with supporting materials, one week prior to the meeting at which the agenda is to be considered.

### 10. **CONDUCT OF MEMBERS**

- (a) Board members shall attend and actively participate in all board meetings.
- (b) Board members shall not interfere with the police force's operational decisions and responsibilities or with the day-to-day operation of the police force, including the recruitment and promotion of police officers.
- (c) Board members shall undergo any training that may be provided or required for them by the Solicitor General.
- (d) 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.

# TOWNSHIP OF SMITH-ENNISMORE POLICE SERVICES BOARD

## By-Law No. 2009-1

- (e) No board member shall purport to speak on behalf of the board unless he or she is authorized by the board to do so.
- (f) A board member who expresses disagreement with a decision of the board shall make it clear that he or she is expressing a personal opinion.
- (g) Board members shall discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law, as provided in their oath or affirmation of office.
- (h) Board members shall uphold the letter and spirit of this Code of Conduct and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
- (i) Board members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the *Human Rights Code* and the *Charter of Rights and Freedoms* (Canada).
- (j) Board members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.
- (k) Board members shall not use their office to obtain employment with the board or the police force for themselves, their family member (meaning the parent, spouse or child of the person, as those terms are defined in section 1 of the *Municipal Conflict of Interest Act*), or their common-law partner.
- (l) A board member, who applies for employment with the police force, including employment on contract or on fee for service, shall immediately resign from the board.
- (m) Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police force.
- (n) A board member whose conduct or performance is being investigated or inquired into by the Ontario Civilian Commission on Police Services (OCCPS) under Section 25 of the *Act* or is the subject of a hearing before the Commission under that section shall decline to exercise his or her duties as a member of the board for the duration of the investigation or inquiry and hearing; and
- (o) If the board determines that a board member has breached the Code of Conduct set out in this *Regulation*, the board shall record that determination in its minutes and may:
  - I. Require the member to appear before the board and be reprimanded.
  - II. Request that the Ministry of the Solicitor General conduct an investigation into the member's conduct; or
  - III. Request that the Commission conduct an investigation into the member's conduct under Section 25 of the *Act*.

## 11.0 **MINUTES**

### 11.1 **REGULAR BOARD MEETINGS**

- a) The minutes of a meeting shall record, without note or comment:
  - The time, date, and location of the Board meeting.
  - The record of attendance of the Members.
  - The reading, if requested, correction and adoption of the minutes of prior meetings.
  - All the other proceedings of the meeting; and, provide a concise and accurate record of the decisions of the Board, without including verbatim.

### 11.2 **IN-CAMERA MEETINGS**

- a) The Secretary shall record in the minutes of the regular meeting the reason for the Board to retire into "In-Camera".
- b) The Secretary shall record the minutes of "In-Camera" sessions noting the subject discussed and any direction by the Board.

# TOWNSHIP OF SMITH-ENNISMORE POLICE SERVICES BOARD

## By-Law No. 2009-1

- c) Upon coming out of "In-Camera", the Chair shall verbally report the progress made.

### **12.0 MEETING RULES AND REGULATIONS**

#### **12.1 GENERAL**

The following rules and regulations shall be observed and shall be the rules and regulations for the order and dispatch of business for all Board meetings:

- a) Except as herein provided, "**ROBERTS RULES OF ORDER**" shall be followed for governing the proceedings and conduct of the members.
- b) No person, except Members of the Board, the Detachment Commander or Designate, and the Secretary, shall be allowed to address the Board without permission and/or invitation by the Chair, or the Board.

#### **12.2 QUORUM, OPENING AND CONDUCT OF PROCEEDINGS**

- a) A quorum shall be two (2) Members of the Board.
- b) As soon after the hour of the meeting as there shall be a quorum present, the Chair shall call the meeting to order.
- c) If a quorum is not present within fifteen (15) minutes after the time established for the meeting, or the time fixed for a special regular meeting, the Secretary shall record the names of the Members present and the meeting shall stand adjourned until the next regular meeting.

#### **12.3 QUESTIONS OF PRIVILEGE AND POINTS OF ORDER**

- a) The Chair shall preserve order and decide questions of order.
- b) A Member can rise on a point of order when he/she considers that:
  - 1. There has been a breach of the rules of order of the Board.
  - 2. A meeting is not properly constituted.
  - 3. Improper, offensive, or abusive language has been used.
  - 4. The matter under discussion is not within the scope of the resolution; or,
  - 5. There has been any other irregularity in the proceedings of the Board.
- c) When a Member rises on a point of order, he/she shall ask leave of the Chair to raise a point of order and, after leave is granted, shall state the point of order to the Chair and then remain silent until the Chair has decided the point of order.
- d) Thereafter, a Member shall only address the Chair for the purpose of appealing to the Board from the Chair's decision.
- e) If no Member appeals, the decision of the Chair shall be final.
- f) If appealed, the members shall decide the question without debate and their decision shall be final.
- g) When a Member considers that his/her integrity or the integrity of the Board as a whole has been impugned, he/she may, as a matter of personal privilege, rise at any time, with the consent of the Chair, for the purpose of drawing the attention of the Board to the matter.

#### **12.4 METHOD OF VOTING**

- a) 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.
- b) In considering recorded votes, the Secretary shall record the names of those Members who voted for and the names of those Members who voted against the matter in the minutes and announce the results.

# TOWNSHIP OF SMITH-ENNISMORE POLICE SERVICES BOARD

## By-Law No. 2009-1

### 12.5 DECLARATIONS OF PECUNIARY INTEREST

The Board shall be governed by the Municipal Conflict of Interest Act, and the agenda shall include provision for Members to declare pecuniary interests.

### 12.6 DELEGATIONS

- a) When a person or persons, not being Members of the Board, wish to address the Board, they shall be permitted to do so, subject to approval under Section 12.1, b) of this by-law, provided that such person or persons notify the Secretary to the Board, in writing, at least eight (8) days prior to the regular scheduled meeting.
- b) Delegations shall provide written notice that shall outline the subject matter of their address to the Board.
- c) The Secretary to the Board shall confirm, in writing, to the person or delegation, the time and place at which the delegation may address the Board; and, such written confirmation shall include the rules and procedures relating to delegations.
- d) A delegation may address the Board, through one (1) spokesperson, for a period not exceeding ten (10) minutes, unless the subject matter, in the opinion of the Board, warrants further time; and
- e) All persons initiating an application to the Board shall be heard first, then any delegations in opposition of the subject matter shall be heard; and, the Chair may grant limited time, to the original petitioner, for a reply on the subject matter.

### 12.7 MOTIONS

- a) All motions, except for motions in respect to matters listed in Section 12.7, m) of this by-law, shall be moved and seconded, and read before being debated. Immediately preceding the taking of a vote, the Chair may state the Question in the form introduced and in which it is to be recorded in the minutes and shall, if required by a Member, restate the question in the precise form.
- b) After a motion is read or stated by the Chair, it shall be deemed to be in possession of the Board, but may, with the permission of the Board, be verbally withdrawn by the mover and the seconder at any time before decision or amendment.
- c) A motion properly before the Board for decision must receive disposition before any other resolution can be received, except motions in respect of matters listed in Section 12.7, m) of this by-law.
- d) A motion to refer or defer a matter under discussion by the Board shall preclude all amendments of the main question until it is decided.
- e) A motion to amend.
  1. May be introduced orally and put to a vote by the Chair.
  2. Shall be disposed of by the Board before a previous amendment or the question.
  3. Shall not be further amended more than once, provided that further amendment may be made to the main question.
  4. Shall be relevant to the question to be received.
  5. Shall not be received if it is directly negative to the question.
  6. May propose a separate and distinct disposition of a question; or,
  7. Shall be put in the reverse order to that in which it is moved.
- f) A motion to adjourn shall always be in order except.
  1. When resolved in the negative, it cannot be made again until after some intermediate proceedings shall have been completed by the Board; or,
  2. When a Member is speaking or during the period immediately after a vote is called and the disposition declared by the Chair.
- g) A motion on a matter of privilege shall receive disposition of the Board forthwith upon receipt and, when settled, the question so interrupted shall be resumed from the point where it was suspended.

# TOWNSHIP OF SMITH-ENNISMORE POLICE SERVICES BOARD

## By-Law No. 2009-1

- h) A motion to refer a subject back to a committee, with or without instructions, may be amended, but must be disposed of by the Board before the question on an amendment to any other motion on the subject.
- i) A motion containing distinct proposals shall be divided, at the oral request of any Member, and a separate vote shall be taken upon each proposal contained in a question divided.
- j) No resolution or decision, once voted on or made by the Board, may be reconsidered at the same meeting, unless approved by a majority of the Members present.
- k) No discussion of the main question shall be allowed upon an accepted resolution to reconsider unless and until the Board shall have voted to reconsider the main question, but the Member who moves the motion may have the privilege of stating his/her reasons for doing so.
- l) No resolution or decision shall be reconsidered more than once at the same meeting.
- m) The following matters and motions with respect thereto may be introduced orally without written notice and without leave, except as otherwise provided by these rules of procedure:
  - 1. A point of order or matter of personal privilege.
  - 2. To table or defer.
  - 3. To postpone indefinitely or to a certain day.
  - 4. To refer.
  - 5. To suspend the rules of procedure; or,
  - 6. To receive and file.
- n) Resolutions to defer, to adjourn, to refer, or to table are not debatable.
- o) Other than as otherwise specified in Section 12.7, n), of this by-law, the vote on a motion may only be called after each Member who wished to speak on the question has been given that opportunity.

### **13. POLICIES**

**13.1** Every policy shall be introduced upon written motion by a member, and any number of policies may be introduced together in one motion, but the chair may, at the request of a member, deal separately with each.

**13.2** Every policy when introduced shall be in typewritten form and shall be complete with the exception of the number and the date of the policy.

**13.3** Every policy which has been passed by the board shall be numbered, dated and signed by the chair and secretary, and shall be filed by the secretary in a secure and proper facilities.

### **14.0 GENERAL**

#### **14.1 COMPLAINTS PROCEDURES**

All complaints against the Peterborough County Ontario Provincial Police, by a member of the public, shall be made in accordance with Part VI "Public Complaints" of the Police Services Act, 1990, Bill 107.



# TOWNSHIP OF SMITH-ENNISMORE POLICE SERVICES BOARD

## By-Law No. 2009-1

### 14.2 SIGNING OF DOCUMENTS

The Chair and/or Vice Chair 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.

### 14.3 CONTRACTS

The Board shall advise the Solicitor General and/or the senior officer of the Ontario Provincial Police in the municipality with respect to police services in the municipality, and may generally determine priorities in the municipality with respect to police services, in accordance with the agreement and with provincial policies affecting the Ontario Provincial Police, in accordance with Section 10(6) of the Police Services Act.

### 14.4 EXPENDITURES AND BUDGETS

- a) The Board shall prepare a Budget for each fiscal year, outlining the expenses for the Board's operations for submission to Council.
- b) The Secretary shall prepare reports in relation to authorized budget figures and actual expenditures, and shall present such reports to the Board.
- c) The Board shall review the Budget proposals of the Peterborough County Ontario Provincial Police, with the Detachment Commander or Designate and/or Contract Policing Branch designates, in order to provide recommendations and to ensure that adequate policing levels are maintained within the municipality, prior to their submission to Council for approval.
- d) The Detachment Commander or Designate shall prepare reports in relation to authorized budget figures and actual expenditures, and shall present such reports to the Board.

### 14.5 ACCOUNTING AND PAYROLL SERVICES

The Accounts Payable Department for the Corporation of the Township of Smith-Ennismore-Lakefield shall provide accounting and payroll services for the Board, as follows:

- a) The Board shall be, for accounting purposes, handled as a Department in the Township's general ledger accounts and all Board expenses shall be paid on "The Corporation of the Township of Smith-Ennismore-Lakefield" cheques, out of the Township's general bank account, and such expenses shall be debited to the Board's general ledger accounts.
- b) At each year end, the difference between the Board's total revenue and expenses (surplus or deficit) shall be calculated and the corresponding amount set up on the Township's balance sheet.
- c) All revenues of the Board shall be forwarded to the Township's Account Receivable Department along with the required details, including general ledger accounts to be debited.
- d) The Board shall comply with the Township's procedures for accounts payables.

### 14.6 MEETINGS, CONFERENCES AND TRAINING SEMINARS

- a) The Board shall comply with the Township's procedures for meeting, conferences and training seminars.

### 14.7 CASES NOT PROVIDED FOR

In all cases not provided for in this by-law, the question shall be decided by the Chair of the Board and, in making his/her ruling, shall base his/her decision on "Robert's Rules of Order".

**TOWNSHIP OF SMITH-ENNISMORE POLICE SERVICES BOARD**

**By-Law No. 2009-1**

**14.8 SUSPENSION OR WAIVER OF RULES**

- a) Except as otherwise provided, anyone (1) or more of these rules of procedure may be temporarily suspended if a majority of the Members present at the meeting vote to do so; and,
- b) The Board may, by resolution or by-law, waive any and all provisions of this by-law.

**14.9 WORDING**

In this By-Law, words importing the singular number or the masculine gender only, shall include more persons, parties, and/or things of the same kind than one (1), and females as well as males, and the converse.

**15.0 REPEAL**

That the Smith-Ennismore Police Services Board By-law 2000-1, being a by-law to provide rules governing the proceedings of the Smith-Ennismore police services board be and is hereby repealed in its entirety.

**16.0 EFFECTIVE DATES**

That this By-law shall come into full force and effect on the date of passage thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED BY RESOLUTION NO.**

**23/09 ON THIS 25TH DAY OF MAY A.D., 2009.**

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Sherry Senis, Chair

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Suzanne Kirk, Secretary