



OWEN SOUND POLICE SERVICE

BOARD POLICY

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OSPSB GP-003 Board Governance

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1. **Mission Statement:**

To deliver high quality policing services while fostering collaborative partnerships and community engagement that strengthen public safety and community wellbeing.

2. **Preamble:**

a) It is the responsibility of the Board to provide police services for the maintenance of law and order in the City of Owen Sound (the “Municipality”) and to provide and maintain adequate police services in accordance with the policing needs of the Municipality; and

b) It is the duty of the Chief of Police, in the capacity as chief law enforcement officer for the Municipality, to administer the police services of the City in accordance with objectives, priorities and policies established by the Board and to be responsible only to the Board.

3. **Definitions:**

a) "Act" means the *Police Services Act*, R.S.O. 1990 c.P.15, as amended from time to time;

- b) "Agenda" means the document prepared for distribution as prescribed by Section 15 of this Policy;
- c) "Board" means the City of Owen Sound Police Services Board;
- d) "Chair" means the Chair of the Board;
- e) "Vice-Chair" means a member required to act from time to time in the place and stead of the Chair, pursuant to Section 6 of this by-law;
- f) "Member" means a member of the Board;
- g) "Regular Meeting" means the regular monthly meetings of the Board;
- h) "Closed Meeting" means a meeting or part of a meeting that is closed to the public in accordance with the Act;
- i) "Special Meeting" means a meeting called other than a regularly scheduled meeting called pursuant to the Act or the Provisions of this Policy;
- j) "Committee" means a Standing or ad hoc committee and any other similar entity composed of individuals of the Board pursuant to the Act;
- k) "Municipality" means The Corporation of the City of Owen Sound;
- l) "Days" means calendar days exclusive of Saturday, Sundays, and statutory holidays;
- m) "Delegation" means an address to the Board at the request of a person wishing to speak;
- n) "Chief of Police" means the Owen Sound Police Service Chief of Police reporting to Board;
- o) "Deputy" means the Owen Sound Police Service Deputy Chief of Police reporting to the Board;
- p) "Quorum" means a majority of the Members of the Board
- q) "Recorded Vote" means the making of a written record of the name and vote of each Member present who votes on a question and of each member present who does not vote;

- r) "Resolution" means the decision of the Board on any motion, duly passed in accordance with this Procedure.
- s) "Secretary" means the Secretary of the Owen Sound Police Services Board;
and
- t) "Association" means the Owen Sound Police Association.

4. **Policy Statement:**

- a) The rules and procedures herein shall be observed and shall be the rules and procedures for the order and dispatch of business of the Board;
- b) Except as herein provided, Roberts' Rules of Order shall be followed for governing the proceeding and conduct of Board members;
- c) Except as provided herein, no person, except members of the Board, the Chief of Police, the Deputy Chief of Police and the Secretary, shall be allowed the floor to speak during a meeting without the majority consent of the members in attendance at the meeting; and
- d) The rules and regulations contained in this Policy may be suspended by a vote of two-thirds of the whole Board.

5. **Composition of the Board:**

- a) The Board shall consist of five (5) members in accordance with the Act and consist of the following:
 - I. The Mayor of the Municipality or designate;
 - II. A member of the Council of the Municipality;
 - III. Two persons appointed by the Lieutenant Governor in Council; and
 - IV. One person appointed by the Municipality.

6. **Selection of Chair and Vice-Chair:**

- a) In accordance with Section 28 (1) and (2) of the Act, the members of the Board shall, at the first meeting held in January of each year, select from amongst its members, a Chair and Vice-Chair for one year;

- b) The election of Chair shall be conducted by the Secretary; and
- c) The election of the Vice-Chair shall be conducted by the Chair.

7. **Responsibilities of the Chair:**

The Chair Shall:

- a) Preside at all meetings of the Board;
- b) Set and approve the agenda for all meetings of the Board;
- c) Act as the spokesperson for the Board and represent the Board at official functions;
- d) Report on the activities of the Board, to Council as requested;
- e) Commence the meetings of the Board by taking the Chair and calling the meeting to order;
- f) Announce the business before the Board and the order to be acted upon;
- g) To receive and submit, in proper manner, all motions presented by the Members;
- h) Put to a vote all motions, which are moved and seconded, or necessarily arise in the course of a Board meeting, and to announce the result;
- i) To sit as ex-officio as a member of all Committees of the Board and be entitled to participate and vote at the meetings;
- j) Decline to bring forward motions to a vote which do not comply with this Policy, or which are not within the jurisdiction of the Board;
- k) Enforce the Rules of Procedure, maintain order and preserve the decorum of the meeting;
- l) Where it is not possible to maintain order, to adjourn or suspend the meeting to a time specified by the Chair, without any motion being made;
- m) Permit any question to be asked through the Chair of any employee of the Police Service in order to provide information to assist in any debate when the Chair deems it appropriate;

- n) Rule on any points of order raised by Members;
- o) Sign 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;
- p) To adjourn the meeting when business is concluded or upon a motion to adjourn or to recess the meeting as required; and
- q) Subject to Section 18 of this Policy, upon becoming aware of a possible breach of the Code of Conduct, the Act or any Board by-law or Policy by any Board member, shall make inquiries of the Member, Chief of Police or legal counsel as may be appropriate.

In addition, bring to the attention of the Board any information which may be construed as being a breach of the Code of Conduct or this Policy;

8. **Responsibilities of Vice-Chair**

- a) The Vice-Chair shall act in the absence of the Chair and shall have the same authority as the Chair would have if present.

9. **Responsibilities of Secretary:**

Secretary shall:

- a) Organize meetings, prepare agendas for the meeting in consultation with the Chair, and ensure their timely distribution;
- b) Attend all Board meetings and Committee meetings;
- c) Record the minutes of the proceedings at the meetings of the Board and Committees of the Board; and
- d) Receive and circulate all communication addressed to the Board.

10. **Responsibilities of the Board:**

The Board shall be responsible for those duties as set out in Section 10 and Section 31 (1) of the Act as applicable and shall at all times discharge those duties in accordance with the Board's Code of Conduct *O.Reg 421/97* (attached as Appendix A).

a) Individual Board Members shall:

- I. Uphold the intent and spirit of the Code of Conduct, this policy and any other Board by-laws or policies;
- II. Conduct their interaction with members of the Police Service with integrity and impartiality;
- III. Prior to initiating contact with any member of the Police Service below the rank of Inspector inform the Chief of Police or designate, or the Board Chairman of their intention and reason for the contact;
- IV. Not accept fees, gifts or personal benefits that are connected directly or indirectly with the performance of their duties as a Member of the Police Services Board, except any compensation authorized by law.

This section does not apply to tokens of appreciation; that are received as an incident of protocol or social obligations that may accompany the responsibilities of their appointment to the Board;

- V. Not become involved in any application for employment with the Police Service; and
- VI. Not access any non-public portion of a police facility or operations area, except by invitation of the Chief of Police or designate.

11. Committees of the Board:

- a) The Board may at any time by motion appoint one or more Members to a Committee of the Board to inquire into any matter within the jurisdiction of the Board;
- b) The Committee shall report upon its work to the Board at the meeting of the Board next following the date of the Committee meeting; and
- c) The following standing committees of the Board are established to give recommendations to the Board for the Board's approval:
 - I. Negotiation Committee – having, subject to the approval of the Board, authority to deal with matters relating to negotiations with the Association;

- II. Space Utilization Committee – having, subject to approval of the Board, authority to deal with matters related to renovations to the Police Services building; and
- III. Labour/Management Committee - The Officers Agreement and Civilian Branch Agreement require a committee of two (2) Association members (1-Uniform & Civilian) and two (2) representatives of management shall meet twice a year to discuss matters related to the Collective Agreement.

12. **Regular Meetings of the Board:**

- a) The Board shall hold its regular meetings on the 4th Wednesday of each month or on such other date as may be determined by the Board;
- b) All public meetings shall start at 10:00 AM in the morning, in the 2nd Floor Public meeting room, unless directed otherwise;
- c) Regular meetings shall commence with the Closed Agenda followed by the Public Agenda;
- d) Closed Agenda Items shall be:
 - I. Financial or personnel matters involving employees, prospective employees;
 - II. Negotiations on salaries or working conditions of employees and matters arising out of the administration of the Collective Agreement;
 - III. Property matters in which premature public disclosure could cost the public money or be prejudicial to the interest of a property owner or the Municipality;
 - IV. Matters in which public discussion could prejudice the Board's legal position or be detrimental to the Board in proceedings before the court;
 - V. Matters that are specifically restricted by legislation regarding the protection of privacy; and
 - VI. Matters, the revelation of which would endanger the security of the Municipality's property or Police Services.
- e) All regular meetings of the Board, except for Closed items, shall be open to the public;

- f) The Board shall hold at least four (4) regular meetings during each calendar year;
- g) At least 72 hours; notice shall be given to the public and the media before regular meetings of the Board. Such notice shall be by placement of the Agenda on the Municipalities and/or Police Services website;
- h) The Board may cancel the next regular meeting or may change any one or more of its dates, or its time upon the concurring votes of a majority of the Members; and
- i) The Chair or in the absence of the Chair, the Vice-Chair as the case may be, may cancel a regular meeting of the Board, where the Chair or Vice-Chair deems such meeting is not warranted.

13. **Quorum:**

A quorum at any meeting shall consist of at least three (3) members of the Board. The Chair, or the Vice-Chair in the absence of the Chair, must be one of the members in attendance.

14. **Special Meetings of the Board:**

- a) The Chair, or in absence of the Chair, the Vice-Chair, may at any time summon a special meeting of the Board and shall do so whenever requested by a majority of the Members of the Board;
- b) The Secretary shall give notice to the Members of the Board of all special meetings of the Board whenever required by competent authority to do so. Such notice shall be by telephone, electronically, or other means deemed appropriate by the Secretary;
- c) No special meeting of the Board may be held with less than 24 hours notice to the Members;
- d) Notification of the public will be deemed complete with online posting of the Agenda on the Municipalities or Police Service's website made 24 hours in advance of a meeting called under Section (a); and
- e) No business may be transacted at a special meeting of the Board other than that specified in the notice or Agenda.

15. Calling a Meeting Order:

- a) As soon as possible after the hour of the meeting, and where a quorum is present, the Chair shall take the chair and call the meeting to order.
- b) Quorum:
 - I. If no quorum is present to enable a meeting to commence one-half hour after the time appointment for a meeting of the Board, the Secretary will, at the request of those Members present, call the roll, and record the names of the Members present and the Members will stand discharged from waiting further;
 - II. If a meeting does not take place because of a lack of quorum the Chair may announce a rescheduled date, time, and place for such a meeting to occur; and
 - III. The Secretary will attempt to give notice of any meeting so rescheduled by telephone or electronic mail of as in otherwise practical within the time available.

16. Board Agenda:

- a) The Secretary shall cause an agenda to be prepared, in the following order, for the use of the Members at the regular meetings of the Board:
 - I. Call to Order;
 - II. Land Acknowledgement;
 - III. Approval of the Agenda;
 - IV. Declarations of Conflict/Pecuniary Interest by Members;
 - V. Presentations/Delegations;
 - VI. Confirmation of minutes from previous meeting
 - VII. Business arising out of the minutes
 - VIII. Correspondence Received;
 - IX. Chairman's Report;
 - X. Governance;
 - XI. Reports from staff;
 - XII. Financial Reports;
 - XIII. Operating Reports from Chief;
 - XIV. Other Items and New Business; and

XV. Termination of Meeting.

- b) The Secretary shall meet or consult with the Chief of Police or designate to receive all reports and supporting materials for the agenda seven (7) days prior to the date for the Board Meeting and shall consult with the Chair. An item which is not included in the agenda may not be introduced at the meeting, without the consent of a majority of the Members present;
- c) Every letter, petition and other communication addressed to the Board shall be received by the Secretary of the Board who shall:
 - I. Where, in the opinion of the Secretary, the subject matter of any communication is properly within the jurisdiction of the Board, add it to the Agenda for the next regular meeting of the Board to be dealt with; and
 - II. Where, in the opinion of the Secretary, and confirmed by the Chair, the subject matter of any communication within the jurisdiction of the Police Service, shall refer it to the Chief of Police for necessary action and a report presented at the next Board meeting if required.
- d) The Secretary shall deliver the agenda for each regular meeting to each Member of the Board not less than seventy-two (72) hours prior to the hour appointed for holding of the meeting via electronic mail or other method(s) accepted by the Board.

17. Disclosure – Conflict of Interest:

- a) The Chair and Members shall be governed by the *Municipal Conflict of Interest Act, R.S.O, 1990* and the agenda shall include a provision for Members to declare a conflict or conflicts of interest or a pecuniary interest in a matter;
- b) Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Board at which the matter is the subject of consideration, the Member shall:
 - I. Prior to any consideration of the matter at the meeting, disclose the interest and the general nature of the matter;
 - II. Not take part in the discussion of, or vote on any question in respect of the matter; and

- III. Not attempt in anyway whether before, during or after the meeting to influence the voting on any such question
- c) Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration;
- d) Where the interest of a Member has not been disclosed by reason of his or her absence from the particular meeting, the Member shall disclose his or her interest and otherwise comply at the first meeting of the Board attended by him or her after the particular meeting; and
- e) The Secretary shall record in reasonable detail, the particulars of any disclosure of conflict of interest, and the particulars shall appear in the minutes of that meeting of the Board.

18. Delegations:

- a) Any person desiring to be heard as a delegation shall submit a written request to the Secretary through the Board, on the prescribed form, Appendix B;
- b) The completed prescribed form must be received by the Secretary not later than noon (12:00 pm) on the Wednesday of the week preceding the day of the meeting;
- c) Delegations addressing the Board shall confine their remarks to the business stated in their request to be heard and shall present same in a respectful and temperate manner;
- d) The Board may at its discretion, expressed by resolution adopted by two thirds (2/3) vote of its members present hear any person in attendance;
- e) Delegations shall be limited to a maximum often (10) minutes of presentation time and ten (10) minutes of Board questions unless preauthorized by the Chair or Secretary. Additional preauthorized time will be indicated on the agenda.

A delegation will be permitted a maximum of two spokespeople to address the Board during the permitted time;

- f) Should there be more than one delegation requested representing the same topic position at any meeting, the person requesting same shall be advised of the earlier request.

The second and any additional requests for a delegation on the same meeting representing the same topic position shall be denied. If a delegation is requested representing a different position on the same issue the delegation will be permitted;

- g) A delegation once heard, shall not be entitled to be heard on substantially the same matter for a period of three (3) months from the date of first being heard, unless new information is being provided to assist the Board in its decision making. It will be determined by the Chair and/or Secretary if the information being provided shall be deemed to be new;
- h) Refusal of a request to appear as a delegation may be appealed to the Chair. The ruling of the Chair shall be final;
- i) Delegations will not be scheduled whose subject relates to a matter currently before the courts or administrative tribunals.

No appeal to the Chair will be heard for refusal of delegation requests whose subject matter is before the courts or administrative tribunals;

- j) Upon the completion of a presentation to the Board by a delegation, any discourse between Members of the Board and the delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members of the Board shall not enter into debate with the delegation respecting the presentation;
- k) No delegation shall:
 - I. Speak disrespectfully of any person;
 - II. Use offensive words or unparliamentary language;
 - III. Speak on any subject other than the subject for which they have received approval to address the Board; or
 - IV. Disobey the rules of procedure or a decision of the Chair.
- l) The Chair may curtail any delegation, any questions of a delegation or debate during a delegation for disorder or any other breach of this Procedure and, where the Chair rules that the delegation is concluded, the person or persons appearing shall immediately withdraw.

19. **Conduct of Members:**

No Member shall:

- a) Use offensive words or unparliamentary language in meetings of the Board or against any Member;
- b) Speak on any subject other than the subject in debate;
- c) Criticize any decision of the Board except for the purpose of moving that the question be reconsidered;
- d) Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
- e) Disobey the rules as set out in this Policy or a decision of the Chair, on questions of order or procedure as set out in this Policy;
- f) Resolution of the Board, or upon the interpretation of the rules of the Board; and
- g) If a Member persists in disobedience after having been called to order by the Chair, the Chair shall forthwith put the question, no amendment, adjournment, or debate being allowed: "That such Member be ordered to leave their seat for the duration of the meeting of the Board."

If a Member who has been ordered to leave their seat apologizes to the Chair and the other Members, they may, by vote of the Members, be permitted to retake their seat.

20. **Conduct Complaints:**

- a) The Chair, or any member of the Board, will be required to bring forward all complaints about the conduct of the Chair or any other member of the Board to the entire Board, at a Board meeting, for review;
- b) All complaints will be received in writing with the complainant's name and return address identified;
- c) The Chair (or the Vice-Chair in the Chair's absence or if the Chair is the subject of the complaint) will make a recommendation as to how the Board should review the complaint;
- d) In reviewing the complaint, the Board will consider the following options:

- I. The complaint is of a minor nature and the affected Board Member should be asked to provide a written response to the complaint;
 - II. The complaint is of such a significant nature that external legal counsel should be retained; or
 - III. The complaint is of a serious nature and the Board should request that the Ministry of Solicitor General (“the Ministry”) conduct an investigation into the member’s conduct; or request that the Ontario Civilian Police Commission (OCPC) conduct an investigation into the member’s conduct under s. 25 of the Act.
- e) The affected Board Member will be permitted to provide a written response to the Board regarding the allegations contained in the complaint;
 - f) The Board will determine whether to hold its review in-camera in accordance with the Act and whether the affected Board Member should be present during the review;
 - g) Upon Board review of the complaint, the Board will follow one of the following courses of action:
 - I. Receive the complaint and take no action;
 - II. Require the member to appear before the Board and be reprimanded (as per s.15 of the Code of Conduct); or
 - III. Request the Ministry to conduct an investigation into the member’s conduct or request that OCPC conduct an investigation into the member’s conduct under s. 25 of the Act.
 - h) The Board will be aware of its duty of public accountability and provide a public reporting of its review and any actions taken;
 - i) That upon completion of a review of a complaint, the Chair (or Vice-Chair if the Chair is the subject of the complaint) will be authorized to communicate the Board’s decision to the complainant and affected Board Member. Furthermore, that OCPC be copied on this correspondence; and
 - j) Board members will also reference **By-Law No. 2008-08**, a by-law to establish the way in which Board members should conduct themselves in the performance of their duties.

21. Rules of Debate:

- a) Every Member, before speaking to a question or motion shall first receive recognition from the Chair and then the Member shall address the Chair;
- b) When a Member wishes to speak to any question, motion, or item, they shall in an orderly fashion attempt to obtain the Chair's attention to indicate that such Member wishes to speak, and the Chair shall keep a list of those Members who have so indicated a desire to speak;

The Chair shall then recognize the Members who wish to speak in the order in which their intentions have come to the Chair's attention and appear on the list;

- c) When two or more Members indicate their intention to speak, the Chair shall recognize the Member who, in his or her opinion, first indicated their intention to speak, and that Members may speak to the question or motion first;
- d) When a Member is speaking no other Member shall pass information between any Member or the Chair or interrupt that Member except to raise a point of order;
- e) A Member may require the question or motion under discussion to be read at any time during the debate, but so as not to interrupt a Member who is speaking;
- f) No Member shall speak more than twice to the same question or motion without consent of the Chair, except to explain a part of his or her speech which the Member feels may have been misunderstood, but in no instance, shall the Member be permitted to introduce any new matter;
- g) Notwithstanding Section 20 (f), a reply may be made by the Member who has presented a motion to the Board, following the conclusion of the speeches of the other Members;
- h) No Member shall speak to the same question or motion, or in reply, for more than ten minutes, without leave of the Chair;
- i) After a question is put by the Chair, no Member shall speak to the question, nor shall any other motion be made until after the vote is taken and the result has been declared; and

- j) If a Member considers that a ruling by the Chair is not in order, an appeal may be made. When challenged, the Chair may give a brief explanation of the ruling and ask the Members "Is the ruling of the Chair upheld?" In the event of a tie vote, the ruling is upheld. The decision of the Board under this Section is final.

22. Motions:

- a) All motions, except a motion to adjourn, shall be in writing, duly moved and seconded and passed to the Chair before being discussed or being put to a vote;
- b) The Board Chair shall read a motion before a vote is taken if required to do so by a Member;
- c) After a motion has been moved, it may be withdrawn by the mover at any time before a vote is taken;
- d) A motion properly before the Board for decision must receive disposition before any other motion can be received, except motions:
 - I. To adjourn;
 - II. To amend;
 - III. To refer;
 - IV. To suspend the rules of procedure;
 - V. To table the question; and
 - VI. To vote on the question.
- e) A motion to adjourn the meeting may be made at any time except:
 - I. When a Member is speaking or during the taking of a vote;
 - II. When the question has been called; and
 - III. When a Member has already indicated to the Chair that they desire to speak on the question;And, when resolved in the negative, cannot be made again until the Board has conducted further proceedings.
- f) A motion to amend:
 - I. Shall be relevant to the question to be decided; and

- II. Shall not be received if it in essence constitutes a rejection of the main questions;

And only one motion to amend such amendment shall be permitted, and any further amendment shall be made to the main questions.

- g) A motion to refer the question shall include:

- I. The name of the Committee, or other body or official to whom the question is to be referred; and

- II. The terms upon which the question is to be referred;

And any debate will only be permitted with respect to the desirability of referring the question and the terms of the referral, and no discussion of the main question or an amendment thereto shall be allowed until after its disposition.

- h) After any question, except one of indefinite deferment has been decided by the Board, any Member who was present and who voted in the majority may, at a subsequent meeting of the Board, move for the reconsideration thereof, provided due notice of such intention is given as required by this Policy, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted; and

- i) No question shall be reconsidered more than once at a meeting of the Board.

23. Voting on Motions:

- a) A motion shall be deemed to have been carried when a majority of the Members present, and voting have expressed their agreement with the questions;
- b) When the Chair is satisfied that a question contains distinct proposals, he or she may divide the question or upon the request of a Member, shall divide the question, and the vote upon each proposal shall be taken separately;
- c) Every Member present at a meeting of the Board when a question is put shall vote thereon unless prohibited by statute, in which case the Secretary shall record the name of the Member and the reason that he or she is prohibited from voting;

- d) If a Member present does not vote when a question is placed, he or she shall be deemed to have voted in the negative, except where the Member is prohibited from voting by statute;
- e) When a recorded vote is permitted and required the Secretary shall conduct the vote in a counter-clockwise direction, starting on the Chair's right hand, asking the Members in favour to indicate with "yes", asking the Members opposed to indicate with "no", and recording each vote as it is cast;
- f) The Secretary will advise the Chair of the count of the vote, and the Chair will announce the results; and
- g) Where on any question on which there is a tie vote, the motion shall be deemed to have been lost.

24. Public and In-camera Meetings:

- a) Meetings of the Board shall be open to the public except as provided for in Section 35(4) of the Act;
- b) A meeting or part of a meeting may be closed to the public if the Board is of the opinion that:
 - I. 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 the proceedings be open to the public; or;
 - II. 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 a person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.
- c) Notwithstanding Subsection 23 (b), a meeting or part of a meeting shall be closed to the public if the subject matter to be considered cannot be disclosed pursuant to the *Municipal Freedom of information and Protection of Privacy Act, R.S.O. 1990. C. M.56 as amended*; and
- d) No persons other than Board Members and those persons authorized by the Board from time to time, shall attend closed meetings of the Board, and all other persons other than the Board members shall vacate the meetings if requested to do so by the Chairman.

25. **Availability of Information:**

- a) Information relating to matters described in Section 23 (b) of this Policy, shall be marked "Confidential"; and
- b) Immediately following the distribution of the agenda information to all Members of the Board, the public agenda materials may be made available to the media and to any other members of the public requesting such information, provided the disclosure of such information does not relate to matters described in subsection 23 (b). Such materials shall be made available at the Municipal Office no earlier than the Monday preceding the day upon which the meeting is to be held.

26. **Adjournments:**

- a) The Chair may adjourn a meeting without a majority vote of the members in attendance at the meeting, only if:
 - I. Discussion and conduct has degenerated to the point where order cannot be restored;
 - II. An emergency exists, such as fire or flood; or
 - III. All business on the approved agenda for the meeting has been concluded.
- b) Any member may move adjournment at any time during a Board meeting except when another motion is being discussed. Unless all business on the approved agenda for the meeting has been concluded, such motion, to affect the adjournment, must be seconded by another member and must receive a majority vote in favour of the motion by the members in attendance at the meeting.

27. **Recess:**

The Chair may declare a recess during a meeting whenever the Chair considers it prudent to do so.

A member may interrupt during a meeting to move that a short recess be declared. Such a motion is fully debatable and must be decided by a majority vote.

28. Challenging the Chair:

Every member in attendance at a meeting has the right to challenge any decision or ruling of the Chair.

Those proposing a challenge to the Chair shall do so by stating: "I challenge the Chair", and then, briefly, stating the reason(s).

The Chair shall recognize the challenge. Debate on a challenge is not permitted.

The Chair, upon being challenged, has the option of immediately:

- a) Revising their decision or ruling to the satisfaction of the challenger, or
- b) Putting the matter to a vote of the members in attendance at the meeting.

Only a majority vote of the members in attendance at the meeting can reverse a decision or ruling of the Chair. In the event of a tie vote, the decision or ruling of the Chair is sustained.

29. By-Laws:

a) Proposed by-laws and amendments – 1st and 2nd readings:

- I. Proposed by-laws will come before the Board in draft form at the regular meeting occurring immediately before the regular meeting during which the first and second readings are to occur. All stakeholders will be informed of any by-law changes;
- II. A resolution that leave be granted to introduce any by-law and that such by-law be read a first and second time shall be read by a member, other than the Chair, then by the Chair and voted upon;
- III. The resolution would read as follows:

"That leave be granted to introduce by-law number (year - By-law number) and the same be hereby deemed to have been read a first and second time"

Moved by _____ Seconded by _____
- IV. Any member wishing to vote against any one or more of the proposed by-laws may do so;
- V. When there is more than one by-law being voted on and the Chair calls for a vote on the resolution and a member has voted against one or more of the proposed by-laws, the Chair shall ask the member to state which by-

laws the member is voting in favour of and which by-laws the member is voting against;

- VI. The Chair will then ask the Secretary to record the vote on each proposed by-law; and
- VII. This procedure shall apply mutatis mutandis to all proposed by-law amendments.

b) Proposed by-laws and amendments – 3rd reading:

- I. All proposed by-laws and amendments thereto, passed by the Board on first and second reading, shall be given a third and final reading at a regular meeting of the Board before such by-laws or amendments thereto shall be finally passed;
- II. The resolution to be read by a member, other than the Chair, and then by the Chair would read as follows:

“That By-law (year - By-law number) be hereby deemed to have been read a third time and be finally passed, signed and sealed”;
- III. Any member wishing to vote against any one or more of the proposed by-laws may do so;
- IV. When there is more than one by-law being voted on and the Chair calls for a vote on the resolution and a member has voted against one or more of the proposed by-laws, the Chair shall ask the member to state which by-laws the member is voting in favour of and which by-laws the member is voting against;
- V. The Chair will then ask the Secretary to record the vote on each proposed by-law; and
- VI. This procedure shall apply after all necessary changes having been made to all proposed by-law amendments.

30. Board Members – Media:

- a) Board Members will fully uphold the Code of Conduct, *O. Reg. 421/97* for Board Members, specifically the sections pertaining to media relations:

Section (4):

Board members will 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.

Section (5):

No Board member will purport to speak on behalf of the Board unless authorized by the Board to do so.

Section (6):

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;

- b) The Chair will be considered the Board spokesperson for all media inquiries. When the Chair is unavailable, the Vice-Chair will be considered the Board spokesperson for all media inquiries;
- c) In special circumstances, such as during contract negotiations or where a Board subcommittee has been established on a specific issue, the Board may designate the member leading the negotiations, or the Chair of the subcommittee, as the case may be, to act as spokesperson for the Board on the subject in question;
- d) Board Members may communicate a position of the Board. However, should a Board Member publicly disagree with a position of the Board, or wish to comment on a matter not yet before the Board, the Board Member will clearly identify that he or she is speaking as an individual and not on the Board's behalf.

A Board Member will not state that the Board has taken a position on a matter until the matter has been formally considered by the Board;

- e) When a media inquiry is made directly to Board Members regarding sensitive or confidential matters, Board Members will not comment but will advise the Chair or if applicable to the Chief of Police so that it may be directed to the most appropriate person;
- f) When a media inquiry is made by a member of the media with respect to factual information, administration of the Board, or decisions made by the Board during a public meeting, a designated Board member may provide information to the member of the media; and
- g) Media releases will be approved prior to release by the Chair, or in the Chair's absence, by the Vice-Chair. Board Members will receive a copy of the release as soon as possible once it has been approved.

31. Board Property:

- a) Upon completion of a Board Member's term, the Board Member will return any Board or Service property that may be in their possession within 30 days; and
- b) Each Board Member who is issued a Police Service identification will be required to sign for their identification and will return both upon the termination or expiry of their appointment to the Board within 30 days.

32. Board Training:

- a) Each new Board Member will participate in a mandatory training session as determined by the Board;
- b) This training must be completed within two months of the member being appointed to the Board; and
- c) The training will, at a minimum, consist of:
 - I. Mandate of the Police Services Board;
 - II. Policy Making Role;
 - III. Code of Conduct;
 - IV. Role of Board;
 - V. Board Meeting Procedures;
 - VI. Labour Relations;
 - VII. Overview of Police Service; and
 - VIII. Internal External Stakeholders.

33. Budgets:

- a) The Chief shall prepare the annual operating estimates and the annual capital estimates for submission to the Board, that show the amounts required to maintain the Police Service and provide it with equipment and facilities in order to provide adequate and effective policing, in such format and at such time as determined by Council and the Board;

- b) The Chair shall prepare the annual operating estimates for submission to the Board that show the amounts required to pay the expenses of the operation of the Board, in such format and at such time as determined by Council and the Board;
- c) As part of the preparation and submission of the annual capital estimates, the Chief shall prepare and submit the Capital Projects intended to be undertaken for that year or other multi-year period as requested by the Board or Council;
- d) Each Capital Project and its funding must be individually approved by the Board as part of the Capital budget;
- e) After adopting the operating and capital estimates, the Board shall submit the estimates to Council in accordance with the requirements of Section 39 of the Act or a similar provision under its successor legislation;
- f) The operating Budget adopted by Council and the Board establishes the spending authority for the Police Service and the Board;
- g) The Chief shall operate within the approved Budget and ensure that the Police Service's Net Expenditure does not exceed the approved Budget;
- h) The Chief shall report any anticipated over-expenditure to the Board as soon as such potential over-expenditure is known, but not less than quarterly, and, where possible, shall advise on how best to address the over-expenditure;
- i) Any expenditure that would result in the net operating Budget being exceeded requires the Board's approval prior to incurring such expenditure; and
- j) The obligations of the Chief identified in this section also apply to the Chair in respect to the Budget required to pay the expenses of the operation of the Board.
- k) **Capital Budget Spending Authority:**
 - I. The Capital Budget adopted by Council and the Board establishes the spending authority for the Capital Expenditures in the Budget year. The Chief shall ensure that the Police Service's Net Expenditures do not exceed the approved Budget;
 - II. The Chief shall report any anticipated over-expenditure to the Board as soon as such potential over-expenditure is known;

- III. No expenditure shall be made for a Capital Project in excess of the funding approved for such project in the Capital Budget without the approval of the Board;
- IV. The Board must approve any reallocation of funds between Capital Projects for which funds have been allocated within the Capital Budget and advise the Municipality of such reallocation;
- V. The Board and the Municipality must approve any reallocation of funds between Capital Projects within the Capital Budget for which funds have not yet been allocated;
- VI. In preparing the annual capital estimates, the Chief shall include a cash flow forecast which indicates the entire capital expenditure for each Capital Project, including those Capital Projects approved in previous years;
- VII. Any Capital Project approved in a previous year for which a cash flow forecast is not included in subsequent capital estimates shall be considered to be completed and may be closed by the Municipality after consultation with the Chief; and
- VIII. The Municipality shall close any Capital Project that is considered to be complete and shall report on such closure to the Board for subsequent submission by the Board to the Municipality.

34. General:

- a) The procedures for the investigation of complaints concerning the policies of the Owen Sound Police Services Board shall be in accordance with the Act;
- b) The procedures for the investigation of complaints against members of this Police Service shall be in accordance with the provisions of the Act; and
- c) It is the policy of this Board that City Councillors/Mayor who are appointed by the Board, cannot seek, or accept the endorsement of the Association.

Chair

Date

Appendix "A"

MEMBERS OF POLICE SERVICES BOARDS - CODE OF CONDUCT 0. Reg. 421/97

1. Board members shall attend and actively participate in all board meetings.
2. 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.
3. Board members shall undergo any training that may be provided or required for them by the Solicitor General.
4. 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.
5. No Board member shall purport to speak on behalf of the Board unless he or she is authorized by the Board to do so.
6. 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.
7. 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.
8. Board members shall uphold the letter and spirit of the Code of Conduct as set out in this Regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
9. 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).
10. 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.
11. a) Board members shall not use their office to obtain employment with the Board or the police force for themselves or their family members.

b) For the purpose of subsection (11.a), "family member" means the parent, spouse, or child of the person, as those terms are defined in Section 1 of the *Municipal Conflict of Interest Act*.

12. 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.

13. Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the Board or the police force.

14. A Board member whose conduct or performance is being investigated or inquired into by the Commission under s. 25 of the Act shall decline to exercise his or her duties as a member of the Board for the duration of the investigation or inquiry.

15. 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,

- a) Require the member to appear before the Board and be reprimanded;
- b) Request that the Ministry of Solicitor General conduct an investigation into the member's conduct; or,
- c) Request that the Commission conduct an investigation into the member's conduct under Section 25 of the Act.

Appendix B

OWEN SOUND POLICE SERVICES BOARD-INFORMATION RE: DEPUTATIONS

The following information is compiled to assist person(s) with their Deputation before the Board.

Location

2nd Floor Public Meeting Room, Owen Sound Police Service
922 2nd Ave. West

***Report to the main desk at the Police Service to announce your arrival.**

Call to the Podium

At the appropriate time, the Chair will invite the person(s) to address the Board.

How to address the Board?

When addressing comments to the Board, it is proper to make your comments through the Chair instead of directly to the Board members. When addressing the Chair, it is quite proper to identify the Chair as Mr./Mrs. Chair.

When addressing comments to a Board Member, it is proper to make your comments through the Chair instead of directly to the Board Member. You should say "Through you Mr./Mrs. Chair to Member _____".

Time Limit on Deputations?

Police Services procedural by-law indicates deputations have a 10-minute time limit followed by question from the Board.

Should person(s) identify themselves?

Yes, it is important for the purposes of record keeping. It is important that it is indicated to the Chair and Board members the name of the person speaking and if they are representing an organization, the name of the organization.

What should the person(s) do when finish their deputation?

When the Board has heard your deputation and questions asked have been dealt with you are free to leave the building.

Does the person(s) need to provide any written information?

It is appropriate and desirable to have written information provided to the Board one week prior to your deputation for inclusion into the Board agenda package. This gives the Board an opportunity to prepare any questions they may have regarding the deputation

Request for Deputation

- **First name:**
- **Last name:**
- **Company/Group being represented:**
- **Address:**
- **Postal code:**
- **E-mail address:**
- **Telephone:**
- **Please select the meeting type you would like to make a deputation at:**
- **Requested Committee/Council meeting date:**
- **Subject/Description of the deputation:
Will you be asking Council for support?**
- **Will you have PowerPoint presentation or other documentation?**
- **Date**