

**Municipality Of South Huron Police Services Board**

**By-Law No. 2016-01**

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**A by-law to govern the proceedings of the Municipality of South Huron Police Services Board, the conduct of its members and the calling of meetings**

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Whereas the Police Services Act, R.S.O. 1990, as amended, Section 10(2) provides that in order for a municipality to enter into a contract with the OPP the municipality must have a Police Services Board established; and

Whereas the Police Services Act, R.S.O. 1990, as amended, Part III, Section 37 provides that a board shall establish its own rules and procedures in performing its duties under this Act; and

Whereas it is deemed expedient to make and establish rules governing the proceedings of the Municipality of South Huron Police Services Board, the conduct of its members and the calling of meetings; and

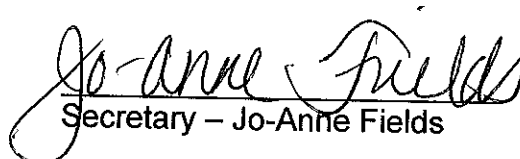
Now therefore the Municipality of South Huron Police Services Board enacts as follows:

1. That the Rules of Procedure for the Municipality of South Huron Police Services Board, identified as Schedule "A" to this by-law and attached hereto form an integral part of this by-law.
2. That the Municipality of South Huron Police Services Board Chair and Secretary are hereby authorized to sign this by-law on behalf of the Board.
3. This By-law shall come into force and takes effect on the date of its final passing.

Read a first and second time this      day of      , 2016.

Read a third time and finally passed this      day of      , 2016.

  
Chair – Jim Dietrich

  
Secretary – Jo-Anne Fields

## **South Huron Police Services Board**

### **Schedule "A" To By-Law 2016-01**

#### **1. DEFINITIONS**

- a) "Act" means the Police Services Act, R.S.O. 1990 c.P. 15, as amended;
- b) "Board" means the Municipality of South Huron Police Services Board;
- c) "Chair" means the chair of the Municipality of South Huron Police Services Board;
- d) "Committee" means a Standing or Ad Hoc committee and any other similar entity composed of individuals of the Board;
- e) "Council" means the Council of the Corporation of the Municipality of South Huron;
- f) "Days" means calendar days exclusive of Saturday, Sunday and statutory holidays;
- g) "Member" means a member of the Municipality of South Huron Police Services Board;
- h) "Municipality" means the Municipality of South Huron;
- i) "Secretary" means the secretary of the Municipality of South Huron Police Services Board.

#### **2. APPLICATION**

2.1 The rules and procedures contained in this by-law shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business before the Board, and with necessary modifications, in a committee of the Board; save and except as superseded by the Act;

2.2 Except as provided elsewhere in this by-law the Board may temporarily suspend one or more of the rules contained in this paragraph by a vote of the majority of the members present;  
Rules with respect to a change in agenda order of proceedings and content;  
Rules respecting notice of delegation status;  
Rules with respect to the increase or decrease of delegation and debate limitations.

2.3 The Chair shall decide all points of order or procedure for which rules have not been provided in this by-law. The Chair's decision on such matters shall be binding on the members.

#### **3. COMPOSITION OF BOARD**

3.1 In accordance with the Act the board shall consist of three (3) members, composed of:  
The head of the municipal council or designated member of the municipal council appointed by resolution of Council;  
One (1) person appointed by resolution of Council who is not a member of Council or an employee of the municipality;

One (1) person appointed by the Lieutenant Governor in Council.

3.2 The term of office shall be as set out in the Act, as follows;

The term of office for a member appointed by resolution of a council shall be as set out by the council in the appointment, but shall not exceed the term of office of the council that appointed the member.

A member appointed by resolution of a council may continue to sit after the expiry of his or her term of office until the appointment of his or her successor and is eligible for reappointment.

If the position of a member who is appointed by the municipal council or holds office by virtue of being the head of a municipal council becomes vacant, the board shall notify the council, which shall forthwith appoint a replacement.

Vacancies for the public representative position shall be advertised in the local newspaper(s) and on the municipal website.

3.3 Prior to undertaking the duties of a Board Member, each appointee is required to take an Oath or Affirmation Office, as attached hereto and identified as Appendix "B" to this schedule.

#### 4. SELECTION OF CHAIR AND VICE-CHAIR

4.1 The Board, at the first meeting of each year, shall select from amongst its members a Chair and a Vice Chair for a one year term.

4.2 The Secretary shall conduct the election for the Chair and Vice Chair.

4.3 Any votes required under this section shall be taken openly and no vote shall be taken by ballot or any other method of secret voting.

#### 5. DUTIES AND RESPONSIBILITIES

5.1 The Board shall be responsible for those duties as set out in Section 10 of the Act, as applicable, and shall at all times discharge those duties in accordance with the Board's Code of Conduct, identified as Appendix "A" to this Schedule, attached hereto and forming an integral part of this by-law. Section 10 of the Police Services Act is identified as Appendix "C" to this Schedule, attached hereto for the convenience of Board Members.

#### 6. DUTIES OF CHAIR

6.1 Report on activities of the South Huron Police Service and those of its Board to the municipal council as requested.

6.2 Act as sole spokesperson for the policy decisions of the Board.

- 6.3 Represent and support the Board, declaring its will and implicitly obeying its decision in all things.
- 6.4 Open the meeting of the Board by taking the chair and calling the members to order.
- 6.5 Receive and submit, in the proper manner, all motions presented by the members.
- 6.6 Put to vote all questions duly moved and to announce the result thereof.
- 6.7 Decline to put to vote motions which infringe upon the rules of procedure or which are beyond the jurisdiction of the Board.
- 6.8 Restrain the members, when engaged in debate, within the rules of procedure.
- 6.9 Enforce on all occasions the observance of order and decorum among the members.
- 6.10 Inform the Board on any point of order as deemed necessary.
- 6.11 Adjourn the meeting upon motion duly moved when the business is concluded.
- 6.12 Adjourn the sitting without a question being put or suspend or recess the sitting for a time to be specified by him/her if considered necessary.
- 6.13 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.
- 6.14 Perform any and all other duties when directed to do so by motion of the Board.

## 7. DUTIES OF VICE CHAIR

- 7.1 Act in place of the Chair when the Chair is absent, refuses to act or the Chair is vacant and while so acting the Vice Chair shall have the same authority, rights and powers of the Chair.

## 8. REGULAR MEETINGS OF THE BOARD

- 8.1 The Board shall meet a minimum of nine (9) times per year. Each year a regular meeting schedule for the year shall be approved by the Board and posted on the municipal website. Amendments to this schedule shall be approved by the Board and posted on the municipal website.

8.2 The Board shall hold its regular meetings at the hour of 4:05 p.m. on the second Tuesday of the month, or at the call of the Chair in the Verity Room at the South Huron municipal office, or at such other place or time as may be determined by the Board from time to time.

8.3 The Chair shall preside at all meetings. In the absence of the Chair the Vice Chair, or in the absence of the Vice Chair the next senior member of the Board shall preside at the meeting.

8.4 The Chair or in the absence of the Chair the Vice Chair, may cancel a meeting when the meeting is deemed not warranted, in accordance with the notice provisions set out in this by-law.

8.5 Notice for Regular Meetings, Special Meetings or for the cancellation of a previously scheduled meeting shall be posted on the Municipality of South Huron website 72 hours prior to the meeting time. In the instance where the website is unavailable notice shall be posted at the municipal office.

## 9. SPECIAL MEETING OF THE BOARD

9.1 The Chair, or in his/her absence 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.

9.2 The Secretary shall give notice to members of the Board of all Special Meetings of the Board whenever required. Such notice shall be by telephone, email or any other means deemed appropriate.

9.3 Notice of a Special Meeting of the Board shall be in accordance with the notice provisions set out in this by-law.

9.4 No business may be transacted at a special meeting of the Board other than that specified in the notice or agenda.

## 10. CALLING TO ORDER

10.1 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.

10.2 If a quorum is not present within fifteen (15) minutes of the time fixed for the commencement of the regular or special meeting the Secretary shall indicate that no quorum was present and the meeting shall stand adjourned until the next regular meeting of the Board.

## 11. QUORUM

11.1 A quorum shall be a majority of the members.

## 12. BOARD AGENDA

- 12.1 The Secretary shall prepare an agenda in the following order, for the use of the members at the regular meetings of the Board;
1. Call to Order
  2. Disclosure of Pecuniary Interest and General Nature Thereof
  3. Delegations
  4. Minutes
  5. Business Arising From Minutes
  6. Items Carried Forward
  7. Correspondence Received
  8. New Business
  9. Detachment Commander's Report
  10. Closed Session, if required
  11. Report Out From Closed Session
  12. Adjournment
- 12.2 The Secretary shall consult with the Detachment Commander or designate to receive all reports and supporting materials for the agenda three (3) days prior to the date of the Board Meeting.
- 12.3 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, unless such item is deemed to be of significant urgency by the Chair or Detachment Commander in which case it may be included as an extra item on the agenda.
- 12.4 Every letter, petition and other communication addressed to the Board shall be received by the Secretary of the Board who shall;
- a) Place it on the Agenda for the next regular meeting of the Board, if the subject matter of the communication is properly within the jurisdiction of the Board.
- 12.5 The Secretary shall deliver the agenda for each regular meeting to members of the Board not less than seventy-two (72) hours prior to the hour appointed for holding of the meeting. The method of delivery will be predetermined by consultation with the Board.

## 13. CONFLICT OF INTEREST

- 13.1 The Municipal Conflict of Interest Act, as amended, shall govern the Chair and members of the Board and the agenda shall include a provision for members to declare a pecuniary interest in a matter.
- 13.2 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:

- a) Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - b) Not take part in the discussion of, or vote on any question in respect of the matter; and
  - c) Not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- 13.3 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.
- 13.4 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.
- 13.5 The Member shall provide in writing to the Secretary the particulars of any disclosure and the general nature thereof to be recorded in the minutes of that meeting of the Board.

#### 14. HEARING OF DELEGATIONS

- 14.1 Delegations will only be heard at regular meetings and provided that the person(s) requesting a delegation has provided written notice of their request at least seven (7) days before the date of the Board meeting. The request shall also include a list of person(s) who will be appearing before the Board and a copy of the materials that will be presented. Delegations shall be restricted to presentations of ten (10) minutes and shall address their remarks to the stated business.
- 14.2 Upon receipt of the written notice requesting a delegation, the Secretary shall list the delegation on the next appropriate meeting agenda.
- 14.3 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.
- 14.4 No delegation shall:
- a) Speak disrespectfully of any person;
  - b) Use offensive words or language;
  - c) Speak on any subject other than the subject for which they have received approval to address the Board; or

- d) Disobey the rules of procedure or a decision of the Chair.
- 14.5 The Chair may curtail any delegation, any questions of a delegation or debate during a delegation for disorder or any other breach of this by-law and, where the Chair rules that the delegation is concluded, the person or persons appearing shall immediately withdraw.

The secretary shall, where possible, provide a copy of Section 14 of this by-law to the person seeking status as a delegation at a Board meeting.

## 15. CONDUCT OF MEMBERS

### 15.1 No member shall:

- a) Use offensive words or disrespectful 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, as per the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code;
- e) Disobey the rules as set out in this by-law or a decision of the Chair, on questions of order or procedure as set out in this by-law or resolution of the Board, or upon the interpretation of the rules of the Board.

- 15.2 If a Member persists in disobedience after having been called to order by the Chair, the Chair shall forthwith put the question "That such Member be ordered to leave his or her seat for the duration of the meeting of the Board." If a Member who has been ordered to leave his or her seat apologizes to the Chair and the other Members, he or she may, by vote of the Members, be permitted to retake his or her seat.

## 16. RULES OF DEBATE

- 16.1 Every Member, before speaking to a question or motion shall first receive recognition from the Chair and then the Member shall address the Chair.
- 16.2 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.



- 16.3 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.
- 16.4 When a Member is speaking no other Member shall pass information between any Member and the Chair, or interrupt that Member except to raise a point of order.
- 16.5 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.
- 16.6 No Member shall speak more than twice to the same question or motion without leave 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.
- 16.7 Notwithstanding Section 16.6, 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.
- 16.8 No Member shall speak to the same question or motion, or in reply, for more than five minutes, without leave of the Chair.
- 16.9 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.
- 16.10 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.

## 17. MOTIONS

- 17.1 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.
- 17.2 The Board Chair shall read a motion before a vote is taken if required to do so by a Member.
- 17.3 After a motion has been moved, it may be withdrawn by the mover at any time before a vote is taken.

- 17.4 A motion properly before the Board for decision must receive disposition before any other motion can be received, except motions:
- a) To adjourn;
  - b) To amend;
  - c) To refer;
  - d) To suspend the rules of procedure;
  - e) To table the question;
  - f) To vote on the question.

17.5 A motion to adjourn the meeting may be made at any time except;

- a) When a Member is speaking or during the taking of a vote;
- b) When the question has been called;
- c) When a Member has already indicated to the Chair that he or she desires to speak on the question;

And, when resolved in the negative, cannot be made again until the Board has conducted further proceedings.

17.6 A motion to amend:

- a) Shall be relevant to the question to be decided;
- b) 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.

17.7 A motion to refer the question shall include:

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

## 18. VOTING ON MOTIONS

18.1 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.

18.2 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.

- 18.3 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.
- 18.4 If a Member present does not vote when a question is put, he or she shall be deemed to have voted in the negative, except where the Member is prohibited from voting by statute.
- 18.5 When a recorded vote is required the Secretary shall conduct the vote, calling for each Member's vote, in random order, and recording each vote as it is cast.
- 18.6 The Secretary will advise the Chair of the count of the vote, and the Chair will announce the results.
- 18.7 Where on any question on which there is a tie vote, the motion shall be deemed to have been lost.

## 19. PUBLIC & CLOSED SESSION MEETINGS

- 19.1 All meetings of the Board shall be open to the public, except to address;
  - a) matters involving public security that the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or
  - b) financial or personal matters of other matters of such a nature 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;
- 19.2 No person other than Board Members, Secretary, Detachment Commander and/or Detachment Commander's designate and other persons invited by the Chair, shall attend closed meetings of the Board, and persons other than the Board Members shall vacate the meetings if requested to do so by the Chair.

## 20. AVAILABILITY OF INFORMATION

- 20.1 Information relating to matters described in Section 19.1 of this by-law, shall be marked "Confidential" and shall be provided at meeting time, and returned to the Secretary at the conclusion of the closed session meeting.

## 21. BY-LAWS

- 21.1 Every by-law shall be introduced by a motion by a Member, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act, and shall be complete with the exception of the number and the date of the by-law.
- 21.2 Every by-law 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 the Municipality of South Huron Municipal Office, in secure and proper facilities provided by the Municipal Clerk.

## Appendix "A"

### MEMBERS OF POLICE SERVICES BOARDS - CODE OF CONDUCT

#### O. 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. (1) Board members shall not use their office to obtain employment with the board or the police force for themselves or their family members.  
  
(2) For the purpose of subsection (1), "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 Public Safety and Security 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"

The oath or affirmation of office to be taken by a member of the board shall be in one of the following forms set out in the English or French version of this section:

I solemnly swear (affirm) that I will be loyal to Her Majesty the Queen and to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, discharge my duties as a member of the *(insert name of municipality)* Police Services Board faithfully, impartially and according to the *Police Services Act*, any other Act, and any regulation, rule or by-law.

So help me God. *(Omit this line in an affirmation.)*

or

I solemnly swear (affirm) that I will be loyal to Canada, and that I will uphold the Constitution of Canada and that I will, to the best of my ability, discharge my duties as a member of the *(insert name of municipality)* Police Services Board faithfully, impartially and according to the *Police Services Act*, any other Act, and any regulation, rule or by-law.

So help me God. *(Omit this line in an affirmation.)*

## Appendix "C"

### **Police Services Act, R.S.O. 1990, as amended, Section 10;**

(10) The amount owed by a municipality for the police services provided by the Ontario Provincial Police, if not collected by other means, may be deducted from any grant payable to the municipality out of provincial funds or may be recovered by a court action, with costs, as a debt due to Her Majesty. 1997, c. 8, s. 9 (3).

### **Municipal agreements for provision of police services by O.P.P.**

10. (1) The Solicitor General may enter into an agreement with the council of a municipality or jointly with the councils of two or more municipalities for the provision of police services for the municipality or municipalities by the Ontario Provincial Police.

### **Board required**

(2) In order for a municipality to enter into an agreement under this section, the municipality must have a board.

### **Same**

(3) In order for two or more municipalities to enter into an agreement under this section, the municipalities must have a joint board.

### **Transition**

(4) If an agreement under this section was entered into, before section 10 of the *Police Services Amendment Act, 1997* comes into force, by a municipality that did not have a board at the time, the agreement remains valid and enforceable despite subsection (2), but the agreement may not be renewed unless the municipality has a board.

### **Collective bargaining**

(5) No agreement shall be entered into under this section if, in the Solicitor General's opinion, a council seeks the agreement for the purpose of defeating the collective bargaining provisions of this Act.

### **Duties of O.P.P.**

(6) When the agreement comes into effect, the Ontario Provincial Police detachment assigned to the municipality or municipalities shall provide police services for the municipality or municipalities, and shall perform any other duties, including by-law enforcement, that are specified in the agreement.



## **Payment into Consolidated Revenue Fund**

(7) The amounts received from municipalities under agreements entered into under this section shall be paid into the Consolidated Revenue Fund.

## **Collection of amounts owed**

(8) The amount owed by a municipality under the agreement, if not collected by other means, may be deducted from any grant payable to the municipality out of provincial funds or may be recovered by a court action, with costs, as a debt due to Her Majesty.

## **Role of board**

(9) If one or more municipalities enters into an agreement under this section, the board or joint board shall advise the Ontario Provincial Police detachment commander assigned to the municipality or municipalities, or his or her designate, with respect to police services in the municipality or municipalities and shall,

- (a) participate in the selection of the detachment commander of the detachment assigned to the municipality or municipalities;
- (b) generally determine objectives and priorities for police services, after consultation with the detachment commander or his or her designate;
- (c) establish, after consultation with the detachment commander or his or her designate, any local policies with respect to police services (but the board or joint board shall not establish provincial policies of the Ontario Provincial Police with respect to police services);
- (d) monitor the performance of the detachment commander;
- (e) receive regular reports from the detachment commander or his or her designate on disclosures and decisions made under section 49 (secondary activities);
- (f) review the detachment commander's administration of the complaints system under Part V and receive regular reports from the detachment commander or his or her designate on his or her administration of the complaints system.

## **Non-application of certain sections**

(10) If one or more municipalities enters into an agreement under this section, section 31 (responsibilities of board), section 38 (municipal police force) and section 39 (estimates) do not apply to the municipality or municipalities. 1997, c. 8, s. 10.