



SOUTH BRUCE O.P.P. DETACHMENT BOARD

Procedural By-Law

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South Bruce O.P.P. Detachment Board Procedural By-law

1 Definitions

Act means the *Community Safety and Policing Act, 2019*, as amended.

Board means the South Bruce O.P.P. Detachment Board.

By-Laws means any by-laws passed by the South Bruce O.P.P. Detachment Board.

Closed Meetings means meetings that may or shall be held in the absence of the public in accordance with s. 44 of the *Community Safety and Policing Act, 2019*.

Detachment Commander means an Ontario Provincial Police Detachment Commander, or designate, reporting to the South Bruce O.P.P. Detachment Board.

Member(s) means a person appointed to sit on the South Bruce O.P.P. Detachment Board, or on a Committee established by the South Bruce O.P.P. Detachment Board.

Municipalities means the Municipality of Arran-Elderslie, the Municipality of Brockton, the Township of Huron-Kinloss, the Municipality of Kincardine and the Municipality of South Bruce who receives policing from the South Bruce O.P.P. Detachment.

O.P.P. means the Ontario Provincial Police.

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.

Regulations means the regulations under the *Community Safety and Policing Act, 2019*.

Secretary means the secretary for the South Bruce O.P.P. Detachment Board.

2 Authority

The *Community Safety and Policing Act, 2019* requires an O.P.P. detachment board, in accordance with the regulations, for each detachment of the Ontario Provincial Police that provides policing in a municipality.

3 Application

- a. The rules or 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. In the case for which provision is not made in this by-law, the current edition of "Robert's Rules of Order" shall be the parliamentary authority, which governs the proceedings. In such cases the decision shall be determined by the Chair, without debate.

- b. 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:
 - i) Rules with respect to a change in agenda order of proceedings and content;
 - ii) Rules respecting notice of delegation status;
 - iii) Rules with respect to the increase or decrease of delegation and debate limitations;
- c. The following procedures or rules cannot be suspended:
 - i) Any items directed in the Community Safety and Policy Act;
 - ii) Rules regarding quorum and voting.

4 Membership

4.1 Composition

The composition of the O.P.P. detachment board shall be as follows and provided in the regulations:

Board	Communities Served	Council Seats	Community Representative Seat(s)	Provincial Appointment Seat(s)	Total Seat(s)
1	Municipality of Arran-Elderslie, Municipality of Brockton, Township of Huron- Kinloss, Municipality of Kincardine, Municipality of South Bruce	1 1 1 1 <u>1</u> 5	2	2	9

4.2 Term of office

The term of office of the members of the O.P.P. detachment board shall be as provided in the regulations.

4.3 Oath of office

A member of the Board shall, at the time of their appointment as a member, take an oath or affirmation of office in the form prescribed by the Minister.

4.4 Election of chair and vice-chair

The Members **shall** elect a chair at the board's first meeting in each year. The Members may also elect a vice-chair at the first meeting in each year, and the vice-chair shall act as the chair if the chair is absent or if the chair's position is vacant. The election of the chair, and vice-chair, if applicable, shall be conducted by the Board Secretary. Any votes required under this section, shall be taken with each member

present indicating their vote openly and that no vote be taken by ballot or any other method of secret voting and every vote so taken is of no effect.

4.5 Training

4.5.1 Required training

A member of the Board or of a committee of the board shall successfully complete the following training:

- a. The training approved by the Minister with respect to the role of an O.P.P. Detachment Board and the responsibilities of members of a board or committee.
- b. The training approved by the Minister with respect to human rights and systemic racism.
- c. The training approved by the Minister that promotes recognition of and respect for,
 - i) the diverse, multiracial and multicultural character of Ontario society, and
 - ii) the rights and cultures of First Nation, Inuit and Métis Peoples.
- d. Any other training prescribed by the Minister.

4.5.2 If training not completed

A member of an O.P.P. Detachment Board or committee shall not:

- a. exercise the powers or perform the duties of a board or committee member until the member has successfully completed the training described above; or
- b. continue to exercise the powers or perform the duties of their position after the period prescribed by the Minister following their appointment until the member has successfully completed the training described above.

4.6 Seat vacated by ineligibility

A member of the Board shall vacate their seat if they become ineligible to be on the board.

4.7 Notice of vacancies

If a seat becomes vacant, the Board shall notify the person or body responsible for appointing a replacement.

4.8 Remuneration

Remuneration and expenses of the members of the Board shall be as paid per the Board's Remuneration Policy.

4.9 Code of conduct

Every member of the Board shall comply with the prescribed code of conduct as set out in Ontario Regulation 409/23, as amended.

4.10 Liability

An O.P.P. detachment board is not liable for the acts or omissions of members of the Ontario Provincial Police committed in the course of their employment.

No action or other proceeding shall be instituted against a member of an O.P.P. Detachment board for any act done in good faith in the execution or intended execution of any duty imposed or power conferred by the Act, the regulations or the by-laws, or for any alleged omission in the execution in good faith of that duty or power.

5 Roles and Reporting

5.1 Board

The Board shall,

- a. consult with the Commissioner regarding the selection of a detachment commander and otherwise participate, in accordance with the regulations, in the selection of the detachment commander;
- b. determine objectives and priorities for the detachment, not inconsistent with the strategic plan prepared by the Minister, after consultation with the detachment commander or his or her designate;
- c. advise the detachment commander with respect to policing provided by the detachment;
- d. monitor the performance of the detachment commander;
- e. review the reports from the detachment commander regarding policing provided by the detachment; and
- f. on or before June 30 in each year the Board shall provide an annual report to each municipality regarding the policing provided by the detachment in their municipalities, per the Act.

5.1.1 Consideration of community safety and well-being plan

In exercising its functions, the Board shall consider any community safety and well-being plan adopted by a municipality or First Nation that receives policing from the detachment.

5.2 Budgets and Estimates

5.2.1 Estimates, O.P.P. detachment boards

The Board shall prepare estimates, in accordance with the regulations, of the total amount that will be required to pay the expenses of the Board's operation, other than the remuneration of board members.

5.2.2 Submit to Municipalities

By September 30th of each year, the Board shall submit the estimates to every municipality that receives policing from the detachment along with a statement of the

municipality's share of the costs, which are to be determined in accordance with the regulations.

5.2.3 Budget

Per the Regulations, the municipalities shall contribute their share of the costs to the Board's budget in accordance with the estimates.

5.2.4 Disputes

Estimate/budget disputes will be dealt with in accordance with s.71(4)-(7) of the Act.

5.3 Duties of the Chair

It shall be the duty of the Chair to:

- a. represent and support the Board, declaring its will and implicitly obeying its decision in all things;
- b. set the agenda, in consultation with the Secretary, for all meetings;
- c. receive and submit, in the proper manner, all motions presented by the Members;
- d. put to vote all questions, which are duly moved and to announce the result thereof;
- e. decline to put to a vote, motions which infringe upon the rules of procedure or which are beyond the jurisdiction of the Board;
- f. restrain the Members, when engaged in debate, within the rules of procedure;
- g. enforce on all occasions the observance of order and decorum among the Members;
- h. inform the Board on any point of order as deemed necessary;
- i. adjourn the meeting upon motion duly moved when the business is concluded;
- j. adjourn the sitting without a question being put or suspend or recess the sitting for a time to be specified by him or her, if considered necessary;
- k. 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;
- l. perform any and all other duties when directed to do so by motion of the Board;
- m. as soon as possible after the hour of the meeting, and where a quorum is present, the Chair shall call the meeting to order.
- n. if a quorum for either the regular or special Board meeting is not present within ten (10) minutes of the time fixed for the commencement of the meeting, the Secretary shall indicate that no quorum was present and the meeting shall stand adjourned until the next regular meeting of the Board.

5.4 Detachment commander

The detachment commander, or their designate shall provide the O.P.P. detachment board with reports regarding policing provided by the detachment at the board's request.

6 Meetings

6.1 Number of Annual Meetings

The Board shall hold at least one meeting per quarter in each calendar year.

6.2 Location of Meetings

The Board shall meet at participating Municipalities on a rotating basis, or an alternate meeting location may be arranged at the discretion of the Board Chair.

6.3 Quorum

A majority of the members of the Board constitutes a quorum.

6.4 Notice

The Board or the committee, as applicable, shall publish notice of a meeting that is open to the public on the Internet, subject to the regulations made by the Minister, if any.

6.4.1 Timing of notice

The notice shall be published at least seven days before the meeting, except in extraordinary circumstances.

6.4.2 Contents of notice

The notice must include:

- a. the proposed agenda for the meeting; and
- b. either,
 - i) the record/Minutes of the most recent meeting of the Board that was open to the public, other than the record/Minutes of any part of the meeting that was closed to the public, or
 - ii) instructions on how a member of the public may access the record/Minutes referred to in subclause (i).

6.5 Special Meetings

- a. The Chair, may at any time summon a special meeting of the Board and shall do so whenever requested by a majority of the Members.
- b. The Secretary shall give notice to the Members of all special meetings of the Board whenever required by competent authority to do so. Such notice shall be by email, or other means deemed appropriate, such as but not limited to telephone call by the Secretary.

- c. No special meeting of the Board may be held with less than 7 days' Notice in accordance with the Notice section below, except in extraordinary circumstances.
- d. No business may be transacted at a special meeting of the Board other than that specified in the notice or Agenda.

6.6 Board Agenda

- a. At the direction of the Chair, the Board Secretary shall prepare an agenda for the use of the Members at the regular meetings of the Board which shall generally consist of the following headings, the order of which may change as the Chair deems appropriate.
 - 1. Call to Order
 - 2. Disclosure of Conflict of Interest and/or Pecuniary Interest and General Nature Thereof
 - 3. Approval of Agenda
 - 4. Approval of Past Minutes
 - 5. Presentations/Delegations
 - 6. Business from Previous Meetings
 - 7. Reports
 - 7.1. Inspector's Report
 - 7.2. Financial Report
 - 8. Correspondence
 - 9. Closed Session
 - 10. Next Meeting
 - 11. Adjournment
- b. 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.

6.7 Conflict of Interest Disclosure

The Chair and Members shall be governed by the *Municipal Conflict of Interest Act, 1990*, as amended, and the agenda shall include a provision for Members to declare a conflict or conflicts of interest or a pecuniary interest in a matter.

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. complete the Disclosure of Pecuniary Interest and General Nature Thereof Form available from the municipal clerk or appropriate local board official;
- c. not take part in the discussion of, or vote on any question in respect of the matter; and

- d. not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

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.

Where the interest of a Member has not been disclosed by reason of their 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 them after the particular meeting.

The Board 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.

6.8 Record of meeting/Minutes

The Board shall record without note or comment all resolutions, decisions and other proceedings at the meeting, whether it is open to the public or not, ("Minutes").

Draft minutes shall be presented at the next regular meeting of the Board and the Chair shall ask the Board if there are any objections to the minutes so delivered or any motion to correct, and after correction and/or change, shall declare the minutes adopted.

Adopted minutes shall be distributed by the Board Secretary to the Clerk of each municipality for distribution to Council in accordance with the municipality's standard practices.

6.9 Hearing of Delegations

- a. Delegations wishing to address the Board shall submit a request to the Board Secretary no later than ten (10) business days before the scheduled regular Board meeting. The purpose of the delegation shall be clearly stated and it shall be contained in the agenda delivered to Board Members prior to the 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.
- b. Delegations will not be permitted to appear before the Board to present the same information on more than one occasion, nor shall multiple delegations be permitted to repeat the same information as previous delegations, and the ruling of the Chair with respect to this matter shall be final.
- c. Delegations shall be restricted to presentations of ten (10) minutes and shall address their remarks to the stated business.

- d. The Board Secretary shall record the name and address of every person who speaks as a member of a delegation to the Board and the proceedings and outcome of the delegation shall be recorded in the Minutes of the Board meeting.
- e. The number of delegations or petitions to be heard at a Board Meeting shall not exceed three (3).
- f. 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.
- g. 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.
- h. 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.

6.10 Recorded Vote

- a. Any member present at a meeting may request a recorded vote. The request that the vote be recorded should be made immediately before or after the taking of the vote.
- b. Each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Secretary shall record each vote.
- c. The Voting shall start with the person who requested the recorded vote and proceed alphabetically, except the Chair who shall vote last, unless he or she requested the recorded vote.
- d. If any member refuses to vote, except where the member has declared a pecuniary interest, direct or indirect, they shall be recorded as voting in the negative on the question.
- e. The Board Secretary shall announce the results after the vote has been called.
- f. Any vote resulting in a tie vote, is deemed to be negative.

6.11 Proceedings open to the public

Subject to section 43 (3) of the Act, meetings conducted by the Board, or by a committee of the board, shall be open to the public.

6.12 When meetings **may** be closed to public

6.12.1 Consideration

Before holding a meeting, the Board, or a committee of the board, shall,

- a. consider whether to close the meeting or part of the meeting to the public, having regard to the matters listed below under “Subject Matter”; and
- b. if the Board or committee decides to close the meeting or part of the meeting, state by resolution,
 - i) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting, or
 - ii) in the case of a meeting for training or education, the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection.

6.12.2 Subject matter

In accordance with s.44 (2) of the Act, the meeting or part of the meeting may be closed to the public if the subject matter being considered is,

- a. the security of the property of the board;
- b. personal matters about an identifiable individual, including members of the police service or any other employees of the board;
- c. a proposed or pending acquisition or disposition of land by the board;
- d. labour relations or employee negotiations;
- e. litigation or potential litigation affecting the board, including matters before administrative tribunals;
- f. advice that would be inadmissible in a court by reason of any privilege under the law of evidence, including communications necessary for that purpose;
- g. information explicitly supplied in confidence to the board by Canada, a province or territory or a Crown agency of any of them, a municipality or a First Nation;
- h. a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- i. a trade secret or scientific, technical, commercial or financial information that belongs to the board and has monetary value or potential monetary value;
- j. a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the board;
- k. information that section 8 of the *Municipal Freedom of Information and Protection of Privacy Act* would authorize a refusal to disclose if it were contained in a record; or

- I. an ongoing investigation respecting the O.P.P. Detachment Board.

6.12.3 Educational or training sessions

(6) A meeting of a O.P.P. Detachment Board, or of a committee of the board, may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members of the board or of the committee.
2. At the meeting, no member of the board or committee considers or otherwise deals with any matter in a way that materially advances the business or decision-making of the board.

6.13 When meetings **must** be closed to the public

In accordance with s 44. (3) of the Act, a meeting or part of a meeting of a O.P.P. Detachment Board, or of a committee of the board, shall be closed to the public if the subject matter being considered is a request under the Municipal Freedom of Information and Protection of Privacy Act.

6.14 Duty of confidentiality

In accordance with s. 44 (4) of the Act, the Members of the board or committee shall keep any matter considered in a Closed Meeting confidential, including by keeping confidential any information obtained for the purpose of considering the confidential matter, except,

- a. for the purpose of complying with an inspector exercising their powers or duties under this Act;
- b. as may otherwise be required in connection with the administration of this Act, the *Special Investigations Unit Act, 2019* or the regulations made under either of them;
- c. as may be required for a law enforcement purpose; or
- d. where disclosure is otherwise required by law.

6.15 Disclosure by resolution

Despite s.44 (4) of the Act, the Board may, by resolution, disclose or authorize a board member to disclose any matter considered under s.44 (2) or (3) of the Act, which may include disclosing information obtained for the purpose of considering the confidential matter.

7 General

7.1 O.P.P. Detachment Board may contract, sue and be sued

In accordance with s. 49 (1) of the Act, the Board may contract, sue and be sued in its own name.

7.2 Members not liable for O.P.P. Detachment Board's contracts

The members the Board are not personally liable for the board's contracts.

7.3 Prescribed standards

The Board shall comply with the prescribed standards, if any, with respect to the exercise of its powers and the performance of its duties under this Act.

7.4 Local policies

The Board may establish local policies in accordance with the Act.

7.5 Committees of the Board

The Board may establish a committee and delegate any of the Board's powers under the Act to the committee.

All committees of the Board shall be formed by by-law, the provision of which may govern the name, powers, duties and quorums of the committee and may, subject to provisions of the Act, govern the composition and appointment of individuals to the committee.

A committee shall be composed of, at least two members of the Board, unless otherwise provided for in the Act, and may have any number of additional members, if a majority of the committee is composed of members of the Board.