



## North Bay Police Service Board

By-Law #2: Governing the Conduct of Business of the North Bay Police Service Board

Legislative Reference / Authority

*Community Safety and Policing Act and Regulations, Special Investigations Unit Act and Municipal Freedom of Information and Protection of Privacy Act*

### Preamble

1. As prescribed in the *Community Safety & Policing Act (CSPA)* and through *Regulation* the North Bay Police Service Board shall establish policy(ies) consistent with the *Act, Regulation(s)* and any other applicable legislation.

### 2. Definitions

- a. Board - the North Bay Police Service Board.
- b. Chair - the Member elected to be the Chair of the Board.
- c. Member - A Member of the Board.
- d. Executive Assistant - the Executive Assistant of the Board.
- e. Seriatim - taking one subject after another in regular order; point by point.
- f. Vice Chair - the Member elected as Vice-Chair of the Board.

### 3. Application

- a. The rules of procedure 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 where applicable, in a Committee of the Board; and
- b. The rules of procedure may be suspended by a vote of the majority of the Members present and voting.

### 4. Board Membership

- a. The Board shall consist of:
  - i. The head of the municipal council, or if the head chooses not to be a Member, another council Member appointed by resolution of council;
  - ii. One person of the council appointed by resolution of council;
  - iii. One person appointed by resolution of council, who is neither a Member of council nor an employee of the municipality; and
  - iv. Two persons appointed by the lieutenant governor in council.

### 5. Meetings of the Board

- a. Pursuant to Section 43(1) *CSPA*, the Board shall hold at least four meetings each year.
- b. At its first meeting of each year, the Board shall:
  - i. Elect a Chair and Vice-Chair for that year;



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- ii. Schedule meetings of the Board, which may be amended by a majority of the Members for the following meeting; and
    - iii. Appoint a Board Executive Assistant.
  - c. In addition to regular meetings, the Chair may summon a Special Meeting of the Board at any time.
  - d. The Chair shall summons a Special Meeting of the Board when requested in writing to do so by a majority of its Members.
  - e. In the absence of the Chair, or if the office is vacant, the Vice-Chair shall summon a Special Meeting of the Board when required in writing to do so by a majority of its Members.
6. **Agenda and Meetings**
  - a. The Chair, after consultation with the Chief, shall prepare an agenda for the meeting. Any Member may submit items for the agenda to the Chair before the agenda is sent to the Members. The Chair will also consider additional items at the meeting; and
  - b. In accordance with Section 43 *CSPA*; meetings and hearings conducted by the Board shall be open to the public and notice of them shall be published on the internet at least seven days before the meeting, unless there are extraordinary circumstances. The notice must include:
    - i. The proposed agenda for the meeting;
    - ii. The record of the most recent meeting of the Board that was open to the public, other than the record of the any part of the meeting that was closed to the public; and
    - iii. Instructions on how a Member of the public may access the record in subsection 6.b.ii.
  - c. The Board shall deal with matters in the following order during its regular public meetings, subject to confirmation from the Chair:
    - i. Ceremonial Activities / Announcements;
    - ii. Confirmation of the Agenda;
    - iii. Confirmation or Correction of Minutes;
    - iv. Reports from Committee Chairs & Minutes;
    - v. Declarations of Interest (*Municipal Conflict of Interest Act*);
    - vi. Inquiries;
    - vii. Chair's Verbal Report;
    - viii. Chief's Verbal Report;
    - ix. Consideration of Reports;
    - x. Communications;



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- xi. New Business; and
  - xii. Adjournment.
- d. A separate in-camera meeting will be held prior to the regular public meeting for the consideration of in-camera items.
- e. The Board may, as per Section 44 *CSPA*, exclude the public from all or part of a meeting or hearing if it is of the opinion that matters involving:
- i. The security of the property of the Board;
  - ii. Personal matters about an identifiable individual, including Members of North Bay Police Service or any other employees of the Board;
  - iii. A proposed or pending acquisition or disposition of land by the Board;
  - iv. Labour relations or employee negotiations;
  - v. Litigation or potential litigation affecting the Board, including matters before administrative tribunals;
  - vi. Advice that would be inadmissible in court by reason of any privilege under the law of evidence, including communications necessary for that purpose;
  - vii. Information explicitly supplied in confidence to the Board by Canada, a province or territory of a Crown agency or any of them, a municipality, or a First Nation;
  - viii. 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;
  - ix. A trade secret or scientific, technical, commercial, or financial information that belongs to the Board and has monetary value or potential monetary value;
  - x. A position, plan, procedure, criteria, or instruction to be applied to any negotiations carried on or to the carried on by or on behalf of the Board;
  - xi. Information that Section 8 of *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA) would authorize a refusal to disclose if it were contained in a record; and
  - xii. An ongoing investigation respecting the Board.
- f. A meeting or part of a meeting of a Board, or a committee of the Board, shall be closed to the public if:
- i. The subject matter being considered is requested under *MFIPPA*. If the following conditions are both satisfied;
  - ii. The meeting is held for the purpose of educating or training Members; and or
  - iii. At the meeting, no Member considers or otherwise deals with any matter in a way that materially advances the business or decision-making of the Board.



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- g. Members 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:
    - i. For the purpose of complying with an inspector exercising their powers under the *CSPA*;
    - ii. As may otherwise be required in connection with the administration of the *CSPA*, the *Special Investigations Unit Act*, or the *Regulations* made under them.
    - iii. As may be required for a law enforcement purpose; and
    - iv. Where disclosure is otherwise required by law.
  - h. The Board will set aside for scheduled deputations, the first half-hour of each regular Board Meeting. Deputations shall be limited to a maximum of 10 minutes each, such time limits to be extended with the consent of the Board.
  - i. The Police Service Board shall publish any directions given to the Chief of Police.
- 7. **Absence of Quorum**
  - a. A majority of the Members present constitutes a quorum; and
  - b. If a quorum is not present within 30 minutes after the time appointed to commence a Board Meeting, the Executive Assistant shall record the names of the Members present and the meeting shall be adjourned until the next meeting.
- 8. **Absence of Chair**
  - a. If the Chair does not attend a meeting of the Board within 10 minutes of the appointed time of the meeting, the Vice-Chair shall preside until the arrival of the Chair;
  - b. When the Chair is absent for any reason, the Vice-Chair shall act in their place until such time as the Chair returns and is able to resume their duties; and
  - c. While presiding over a Board Meeting, the Vice-Chair has and may exercise all the rights, powers and authority of the Chair under this by-law.
- 9. **Calling of Meeting to Order**
  - a. As soon as the hour fixed for the Board Meeting and a quorum is present, the Chair shall call the Members to order.
- 10. **Order of Proceedings**
  - a. As a general rule, the Board shall deal with matters in the order shown on the agenda. The Chair may, with the approval of a majority of the Board, alter the order established to facilitate the business of the meeting.



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### 11. **Motions**

- a. A motion shall be moved and seconded before being discussed or being put to a vote;
- b. The Executive Assistant shall read a motion before a vote is taken if requested to do so by a Member.
- c. After a motion has been seconded, it may be withdrawn by the mover and seconder at any time before a vote is taken;
- d. The Chair does not normally vote on a motion; however, they may elect to do so at their discretion:
- e. A motion shall be deemed to have been carried when a majority of the Members present and voting have expressed their agreement with the question;
- f. When the Chair is satisfied that a question contains distinct proposals, they 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;
- g. When a recorded vote is requested by a Member, the Executive Assistant shall record the name and vote of every Member on the question. The Chair votes on a recorded vote;
- h. The Chair is expected to vote to break a tie in a non-recorded vote;
- i. A tie in a recorded vote shall mean that the motion is defeated; and
- j. If a Member does not vote when the question is put forward, they shall be deemed to have voted in the negative, except where the Member is prohibited from voting by statute.

### 12. **Rules of Debate/Procedure**

- a. Before speaking to a question or motion, a Member shall address the Chair;
- b. When two or more Members indicate their intention to speak, the Chair shall recognize the Member who, in their opinion, first indicated the intention to speak to the question or motion;
- c. A Member may require the question or motion under discussion to be read at any time during the debate but not as to interrupt a Member who is speaking;
- d. The Chair may take part in any debate without leaving the chair. If the Chair desires to introduce a motion or by-law, they shall leave the chair for that



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purpose and shall call on another Member to fill their place until they resume the chair;

- e. If a question of procedure should arise during the course of a meeting not covered by this policy, it shall be determined by the Chair with reference to Robert's Rule of Order; and
- f. The provision of this policy is intended to govern the conduct of the business at meetings of the Board. Any variation from it shall not invalidate any action taken at a regularly constituted meeting of the Board.

### 13. **Appeal**

- a. A Member may appeal the decision of the Chair to the Board on a question of order or on a question on how the business of a meeting should be conducted;
- b. The Member appealing may state the reason for the appeal and be present and that the Member must be from the prevailing side;
- c. The Chair will then rule on the appeal, briefly stating their reasons;
- d. The Chair's decision will be voted upon by the Board, with a majority determining the appeal;
- e. Once the Board has voted on the appeal the decision is final and cannot be reconsidered; and
- f. All motions and resolutions shall be in writing.

### 14. **Amendments**

- a. Amendments will be decided or withdrawn prior to the main questions being put to the vote;
- b. Secondary amendments shall be voted on before primary amendments (this is in reverse order in which they are accepted);
- c. Amendment of this Procedural By-Law shall require a simple majority of the Members present at a regular meeting subject to a notice of motion to amend the procedural policy having been given in writing at the regular meeting prior to the regular meeting when the amendment is to be considered; and
- d. All amendments shall be in writing.

### 15. **Appointment to Committees**

- a. The Board may appoint two or more Members to a committee of the Board to inquire into and report to the Board;



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- b. Any number of additional Members, as long as a majority of the committee is composed of Members of the Board; and
  - c. Pursuant to the *CSPA* only one Member of the Board is required to sit on a committee if the Board's power to bargain under Part XIII of the *Act* is the only power that has been delegated to the committee. No more than two Board Members can attend a negotiation session.
16. **Personnel and Labour Relations Committee and Freedom of Information and Protection of Privacy Act Committee**
- a. The Personnel and Labour Relations Committee has the authority to deal with matters relating to the negotiation and administration of Collective Agreements, the administration of employee benefit plans, the hearing of formal and informal grievances and under the terms of the collective agreements or arising out of personnel policies, hiring and termination, the supervision of the employment equity plan and such matters as may be assigned to it from time to time from by the Board;
  - b. The Labour Relations Committee and Freedom of Information and Protection to Privacy Committee has the authority to make final decisions pertaining to requests for the release of Board records under the *Act* and to act as "Head of the Institution" as specified in the *Act*. This Committee may delegate the functional responsibility of the responding to requests for release of information of Police Service records to the Chief of Police and/or Chief's designate; and
  - c. The Negotiating Committee for the Board shall comprise of one or more Board Members, the Chief of Police or designate and the Board's consultant or other such person the Board deems necessary.
17. **Duties of the Chair**
- a. It shall be the duty of the Chair to:
    - i. Open the Board Meeting by calling the Members to order;
    - ii. Announce the business before the Board in the order it is to be acted upon;
    - iii. Receive and submit, in the proper manner, all motions presented by the Members;
    - iv. Put to a vote all questions, that are duly moved and seconded and to announce the results;
    - v. Decline to put to a vote, motions that infringe upon the rules of procedure or that are beyond the jurisdiction of the Board;
    - vi. Guide the debate according to the rules of procedure;
    - vii. Remind the Board on points of order as necessary; and
    - viii. Adjourn the meeting upon motion duly moved and seconded when the business is concluded. A motion to adjourn is not debatable.



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- b. The Chair shall be the sole spokesperson for the Board unless another Member is designated by the Board.
18. **Duties of the Executive Assistant to the Board**
- a. The Executive Assistant to the Board shall take minutes of each Board Meeting and shall include:
    - i. The place, date, and time of the meeting;
    - ii. The names of presiding Officer or Officers and record the attendance of Members; and
    - iii. All other proceedings of the Board without note or comment.
  - b. The Executive Assistant to the Board shall:
    - i. Ensure that the minutes of the last regular Board Meeting are delivered to all Members and are included in the agenda for the next regular Board Meeting;
    - ii. Receive all communications addressed to the Board and prepare and issue under their signature all communication arising from the proceedings of the Board unless otherwise directed by the Board;
    - iii. Assist the Chair with the preparation and distribution of the agenda for the Board Meetings;
    - iv. Submit the details of the agenda including any direction the Board has provided to the Chief of Police for inclusion on the internet; and
    - v. Perform all other duties as directed by the Board.
19. **Special Meetings**
- a. Special Meetings of the Board may be held in person or by electronic means. (e.g. email, other internet-based communications systems, telephone conferences, video conferences, etc.);
  - b. Special Meetings of the Board may be called to deal with matters that would otherwise form part of either the Board's public agenda or the Board's in-camera agenda;
  - c. The Chair shall call for a Special Meeting by attempting to contact all otherwise available Members via their preferred contact method. There is no minimum notice required to Members to conduct a Special Meeting;
  - d. In order for a Special Meeting to be properly constituted, a quorum of the Board must be participating in the meeting. All participating Members must have access to the required technology or otherwise be present in order to fully participate in the meeting;
  - e. Participating Members are assumed to be present throughout the entire Special Meeting unless they advise the Chair to the contrary. A quorum of the Board must be present at all times;





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- f. In limited circumstances, the polling of Members seriatim by the Chair will be sufficient to conduct a Special Meeting provided that no participating Member objects to this approach. A quorum of the Board must be contacted in order for the Special Meeting to be properly conducted;
  - g. The affirmative vote of the majority of the quorum of the Members shall be the minimum vote requirement for the adoption of any motion. A motion properly adopted at a Special Meeting is a decision of the Board;
  - h. The Chair shall ensure that minutes are prepared following all Special Meetings;
  - i. In the case of any part of a Special Meeting that considered matters that would otherwise form part of the Board's public agenda, the minutes of that portion of the Special Meeting shall be tabled as part of the public agenda at the Board's next regular Public Meeting; and
  - j. In the case of any part of a Special Meeting is considered matters that would otherwise form part of the Board's in-camera agenda, the minutes of that portion of the Special Meeting shall be tabled as part of the in-camera agenda at the Board's next regular in-camera meeting.
20. **By-Laws**
- a. A By-Law will be considered by the Board only after a resolution is passed to authorize preparation of the By-law;
  - b. Any draft By-Law shall be circulated to the Members of the Board with the Notice of Meeting; and
  - c. The Board shall pass By-Laws from time to time by way three resolutions to address each three readings of the By-Law.
21. **Financial Report**
- a. The Board shall receive from the Chief of Police or designate a monthly financial report to the Board either oral or written, as directed by the Board.

Read the first time this 21 day of March, 2024

Read the second time this 21 day of March, 2024

Read the third time this 21 day of March, 2024

R. Stivrins

Board Chair