



BY-LAW NUMBER 2020-1

TO GOVERN BOARD MEETING PROCEDURES

1. PREAMBLE

1.1 Section 27(1) of the Police Services Act (Act) provides that there will be a police services board for every municipality that maintains a police force.

1.2 Section 37 of the Police Services Act provides that a Board will establish its own rules and procedures in performing its duties under the Act.

Therefore the Halton Police Board enacts as follows:

2. INTERPRETATION

2.1 This By-law will be interpreted to be consistent with the following principles:

- (a) The majority of Members have the right to decide;
- (b) The minority of Members have the right to be heard;
- (c) All Members have the right to information to help make decisions, unless otherwise prevented by law;
- (d) Members have a right to an efficient meeting;
- (e) All Members have the right to be treated with respect and courtesy; and
- (f) All Members have equal rights, privileges and obligations, subject to additional rights, privileges and obligations granted to the Chair under this By-law.

3. DEFINITIONS

3.1 In this By-law:

- (a) "Act" means the *Police Services Act*, R.S.O. 1990, c.P.15, as amended from time to time; or the *Community Safety and Policing Act*, S.O. 2019, c. 1, Sched. 1;
- (b) "Acting 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;
- (c) "Board" means the Halton Police Board and is composed of such members appointed under Part III of the Act;
- (d) "Board Secretary" means the Secretary to the Halton Police Board;
- (e) "Board staff" refers to all personnel whose role is to support the Board directly, including but not limited to Chief Administrative Officer, Strategic Advisor, Human Resources Advisor, Board Secretary, Executive Director, and Administrative Assistant;
- (f) "Chair" means the Member elected as Chair of the Board pursuant to Section 28(1) of the Act;
- (g) "Chief of Police" means the Chief of the Halton Regional Police Service;
- (h) "Committee" means a Standing or ad hoc committee and any other similar entity composed of individuals of the Board pursuant to the Act;
- (i) "Consent Agenda" means a listing of reports on an agenda which are considered routine, non-contentious and self-explanatory;
- (j) "Council" means the Council of the Regional Municipality of Halton;
- (k) "Days" mean calendar days exclusive of Saturdays, Sundays and Statutory holidays in the Province of Ontario;
- (l) "Delegation" means an address to the Board or its Committees at the request of a person or representative of a group or organization wishing to speak;
- (m) "Ex officio" means by virtue of office or official position;
- (n) "Improper Conduct" means behaviour which offers any obstruction to the deliberations or proper conduct of a meeting;
- (o) "Member" means a member appointed to the Halton Police Board;
- (p) "Quorum" means the number of Members to be present at a Meeting to legally conduct business at the Meeting.
- (q) "Recorded Vote" means a vote for which the Secretary records all Members present and how they voted;

- (r) “Region” means the Regional Municipality of Halton;
- (s) “Regional Chair” means the Chair of the Regional Municipality of Halton;

3.2 In this by-law, words imparting singular numbers include the plural and vice versa, and all references to gender should be read as gender neutral.

4. APPLICATION

4.1 The Board will observe the rules of procedure in this By-law in all proceedings of the Board and, with necessary modifications, in its committees.

4.2 Subject to Section 4.3, a motion to waive, or not to follow a rule of procedure established by this By-law on a one-time basis requires a two-thirds vote of the Members present.

4.3 Notwithstanding the above – the Board cannot waive the following rules:

- (a) Meetings open to the public (Section 21)
- (b) Quorum necessary for Board and committee meetings (Section 11)
- (c) Closed meetings (Section 21);
- (d) Reconsidering decisions (Section 19.9-19.12);
- (e) Amending the Procedural By-law (Section 25); and
- (f) Two-thirds vote required to waive the rules (Section 4.2).

4.4 All points of order or procedure for which rules have not been provided in this By-law will be decided by the Chair, as far as is reasonably possible, in accordance, with the rules of parliamentary procedure as contained in Robert’s Rules of Order.

5. ELECTION OF CHAIR AND VICE-CHAIR

5.1 In accordance with Section 28(1) and (2) of the Act, the Members of the Board will, at the first meeting of each calendar year, elect from among its Members, a Chair and Vice-Chair for the year, in the following manner:

- (a) The election of Chair will be conducted by the Board Secretary, unless otherwise determined by the Board;
- (b) Nominations require a mover and seconder;
- (c) Where more than one nominee stands for election, a vote will be taken;

- (d) Prior to the vote being taken, each nominee will be given 5 minutes to speak to the nomination. Candidates will be called upon in alphabetical order of their surname;
- (e) After the nominees have completed their speeches, a vote will be taken;
- (f) If there are more than two nominees who choose to stand and upon the first vote no nominee receives the majority of the members present, the name of the nominee receiving the least number of votes will be dropped and the Board will proceed to vote again and continue to do so until either:
 - (1) A nominee receives the majority of the members present; or
 - (2) it becomes apparent by reason of an equality of votes that no nominee can be elected.
- (g) Where the votes cast in a vote under this Section are equal for all the candidates:
 - (1) If there are 3 or more nominated or remaining, the Board Secretary will by lot select the candidates who advance to the next ballot; or
 - (2) If only 2 candidates remain, the tie will be broken and the position of Chair filled by the candidate selected by lot conducted by the Board Secretary.
- (h) For the purposes of Subsection (1) and (2) above, lot means the method for determining the candidates who advance to the next ballot or the candidate to fill the position, as the case may be, by placing the names of the candidates on equal sizes of paper placed in a box and name(s) being drawn by the Board Secretary.
- (i) No votes required under this Section will be taken by ballot or any other form of secret voting.

6. DUTIES OF THE CHAIR

6.1 The Chair of the Board:

- (a) Presides at all meetings of the Board
- (b) Sets the agenda for all meetings of the Board, as set out in Section 12.1
- (c) Opens meetings of the Board by taking the chair and calling the Members to order;
- (d) Puts to vote all questions, which are duly made and to announce the result;
- (f) Declines to put to a vote, motions which infringe upon the rules of procedure or which are beyond the jurisdiction of the Board;

- (g) Ensures that the Members, when engaged in debate, act within the rules of procedure;
- (h) Maintains order and preserves the decorum of the meeting;
- (i) Calls by name, any Member persisting in breach of the rules of procedure and orders him or her to vacate the room in which the meeting is being held and if necessary to proceed as provided in Section 16.2;
- (j) Informs the Board on any point of order as necessary;
- (k) Adjourns the meeting upon motion duly made when the business is concluded;
- (l) Adjourns the meeting or recess the meeting for a time to be specified by the Chair, if considered necessary;
- (m) Acts as the spokesperson for the Board;
- (n) Represents the Board at public or official functions or designates another member to do so;
- (o) Signs 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) Performs any and all other duties when directed to do so by decision of the Board;
- (q) Where appropriate, expels or excludes from a meeting any person for Improper Conduct.

7. DUTIES OF THE VICE-CHAIR

7.1 When the Chair is absent, or refuses to act, or the chair is vacant, the Vice- Chair will act in their place, and while acting, will have the authority, rights, duties and powers of the Chair.

8. COMMITTEES OF THE BOARD

8.1 The Board may appoint two or more Members to a Committee of the Board to consider or inquire into any matter within the jurisdiction of the Board.

8.2 The Chair will be an ex-officio member of any Committee established pursuant to Section 8.1.

8.3 The Board will assign duties to a Committee, and the Committee will report on its work to the Board, as directed by the Board.

8.4 The Committee will deal directly with the Chief of Police, or their designate, or the Deputy Chiefs or their designates, when the Committee requires the assistance of the Halton Regional Police Service.

9. REGULAR MEETINGS OF THE BOARD

9.1 The Board will hold its regular meetings at least four times each year pursuant to the Act and according to the schedule set annually and approved by the Board, or at such other place and time as determined by the Board.

9.2 The Chair will preside at all meetings and as soon as possible after the appointed time of the meeting, and where a quorum is present pursuant to Section 11, will call the meeting to order.

9.3 In the event the Chair does not attend a meeting within fifteen (15) minutes after the time appointed for the meeting, the Vice-Chair will call the meeting to order and preside until the arrival of the Chair. If the Chair or Vice-Chair are not in attendance, then those members in attendance will, by resolution, appoint one of themselves to act as Acting Chair for that meeting or until the arrival of the Chair or Vice-Chair.

9.3 The Chair may cancel and/or reschedule a regular Meeting of the Board or call a Special Meeting of the Board as necessary.

10. SPECIAL MEETINGS OF THE BOARD

10.1 The Chair, may at any time call a special meeting of the Board on forty-eight hours' notice and will do so whenever requested in writing by a majority of the members of the Board.

10.2 The Board staff will give notice to the Members of the Board of all special meetings by electronic mail or hand delivery, at least forty-eight hours before the scheduled time of such meeting.

10.3 The notice calling a special meeting will state the business to be considered at the special meeting and no business may be considered at a special meeting of the Board other than that specified in the notice.

10.4 Notwithstanding any other provision contained in this Section, the Chair, may cancel a special meeting of the Board if they called the meeting. The Chair may only cancel a special meeting that was requested by the Members if a majority of the Members' consent.

11. QUORUM

11.1 A quorum is a majority of the members pursuant to Section 35(2) of the Act.

11.2 If no quorum is present thirty (30) minutes after the time appointed for a regular or special meeting, the Board Secretary will record the names of the Members present and the meeting will stand adjourned until the next scheduled day of Meeting, or the next regular meeting, or at the call of the Chair in accordance with Section 10.

11.3 Absence of Quorum – If Quorum is lost during a meeting or after the resumption of a recess, the Chair will, upon determining that a Quorum is not present, ask the Board Secretary to call for a Quorum and if a quorum is not present within fifteen (15) minutes, the Board Secretary will record the names of the Members present and the meeting will stand adjourned until the next scheduled day of Meeting, or the next regular meeting, or at the call of the Chair in accordance with Section 10.

12. BOARD AGENDA

12.1 Board staff will, after consultation with the Board Chair and Chief of Police, prepare an agenda that includes the following:

1. General
 - 1.1 Regrets
 - 1.2 Conflict of Interest/Pecuniary Interest Disclosure
 - 1.3 Confirmation of Minutes
2. Presentations/Delegations
3. Consent Agenda
4. Discussion Items
5. Operational Verbal Updates
6. Action Registry
7. New Business
8. Move Into Closed Session
9. Closed Session Report
10. Adjournment.

12.2 The Board Chair may adjust the order of agenda items set out in Section 12.1.

12.3 All reports and supporting materials for the agenda will be delivered to the Board staff not less than five (5) working days prior to the date for the Board Meeting.

12.4 Every letter, petition, request and other communication addressed to the Board will be received by the Board staff who will:

- (a) where, in the opinion of the Board staff, the subject matter of any communication is properly within the jurisdiction of the Board, circulate it to the Members;
- (b) where, in the opinion of the Board staff, the subject matter of any communication is properly within the jurisdiction of the Police Service, will refer it to the Chief for necessary action and a report presented at the next Board meeting if required.

12.5 Board staff will provide each Member of the Board with the agenda for each regular meeting on the Friday morning preceding the day of the meeting, or earlier if materials are available and ready.

12.6 Any Member may add new business to the agenda after the Agenda Deadline if it relates to an urgent matter and the Board consents to the addition by majority vote.

13. MINUTES

13.1 The Board Secretary prepares the minutes of every Board Meeting for submission to the Board for confirmation at the next Meeting, or as soon as is reasonably practicable, and after the Board adopts the minutes, the Chair signs them.

14. CONFLICT OF INTEREST DISCLOSURE

14.1 The Members are governed by the *Municipal Conflict of Interest Act*, R.S.O 1990, c. M.50, as amended.

14.2 To fulfill the Board's function pursuant to Part V (Complaints and Disciplinary Proceedings) of the Act, Members should not take part in the administration of Part V matters if they have a personal interest or where they may be perceived as having a personal interest or bias.

14.3 The Board Secretary will record in reasonable detail, the particulars of any disclosure of conflict of interest made by a Member and the particulars will appear in the minutes of that meeting of the Board.

15. HEARING OF DELEGATIONS

15.1 Delegations wishing to address the Board regarding an item not on the agenda will only be heard at regular meetings and the person(s) requesting a delegation must make their request in writing at least five (5) working days before the date of the Board meeting. The request will include the subject matter, a list of person(s) who will be addressing the Board and a copy of the materials that will be presented.

15.2 Upon receipt of notice requesting a delegation subject to Section 15.1, the request will be listed on the next appropriate meeting agenda, provided the Board has jurisdiction over the subject matter as outlined in the request, and the matter is not under police or police oversight agency investigation nor before the courts.

15.3 Delegations wishing to address the Board regarding an item listed on the agenda may be heard with permission of the Board. Requests are to be made to Board staff in writing no later than 4:30 p.m. on the working day prior to the meeting, setting out the particulars of the matter on which the person wishes to speak.

15.4 Delegations will be restricted to presentations of up to ten (10) minutes and will address their remarks to the stated business. The time allotted for any delegation may be extended an additional five (5) minutes at the discretion of the Chair.

15.5 Upon the completion of a presentation to the Board by a delegation, Members may ask questions of the delegation for up to five (5) minutes. Members of the Board will not enter into debate with the delegation.

15.6 No Delegation will:

- (a) speak disrespectfully of any person;
- (b) use offensive words or unparliamentary 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.

15.7 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 will immediately withdraw.

16. CONDUCT OF MEMBERS

16.1 No Member will:

- (a) Use offensive words or unparliamentary language in meetings of the Board;
- (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 identity, gender expression, sexual orientation, age, colour, marital status, family status or disability;
- (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 on the interpretation of the rules of the Board.

16.2 If a Member persists in disobedience after having been called to order by the Chair, the Chair will put the question with 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.

16.3 If the Member does not leave their seat as requested in Section 16.2, the Chair will adjourn the meeting.

16.4 Members will conduct themselves in accordance with Ontario Regulation No. 421/97 – Members of Police Services Boards Code of Conduct and any Board Policy that may be approved.

17. RULES OF DEBATE

17.1 Every Member, before speaking to a question or motion, or asking questions, will first receive recognition from the Chair and then the Member will address the Chair.

17.2 For each matter under consideration, the Chair will maintain a list of Members who have requested to speak or ask questions and will designate members to speak in accordance with that list.

17.3 When a Member is speaking, no other Member will interrupt that Member except to raise a point of order.

17.4 A Member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Member who is speaking.

17.5 A Member may ask a question only for the purpose of obtaining information relating to the matter then under discussion. Questions must be clear and concise and may not be used to make statements or assertions.

17.6 The Chair may rule a question out of order if a Member has already asked substantially the same question in the same form.

17.7 No Member will speak more than once to the same question or motion, until every Member who wishes to speak has done so; and no member will speak more than twice to the same question or motion, except with permission from the Chair, to explain a part of their speech, which the Member feels may have been misunderstood.

17.8 Notwithstanding Section 17.7, 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.

17.9 After a question is put by the Chair, no Member will speak to the question nor will any other motion be made until after the vote is taken and the result declared.

18. POINTS OF ORDER AND PROCEDURE

18.1 If the Chair agrees, a Member may present a point of order or procedure and request the Chair's ruling.

18.2 The Chair will rule upon points of order and points of procedure without debate or comment, other than to state the applicable rule, and subject to being overruled by a majority vote of the Members, the decision of the Chair will be final.

18.3 Immediately following a Chair's ruling, a Member may make a motion to appeal that ruling, despite another Member having the floor. 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.

19. MOTIONS

19.1 A Member may make a motion that:

- (a) Affects the Meeting's procedures, as set out in the Procedural By-law; or
- (b) Takes action on the matter that is currently before the Board for debate.

19.2 A motion will be moved and seconded before being discussed or being put to a vote. The motion being moved must be clearly stated.

19.3 The Board Secretary will read a motion before a vote is taken if required to do so by a Member.

19.4 After a motion has been moved and seconded, it may be withdrawn by the mover at any time before a vote is taken.

19.5 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.

19.6 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 they desire to speak on the question.

When a motion to adjourn the meeting is defeated, the motion to adjourn cannot be made again until the Board has conducted further proceedings.

19.7 A motion to amend:

- (a) will be relevant to the question to be decided;
- (b) will not be received if it in essence constitutes a rejection of the main questions;

and only one motion to amend such amendment will be permitted, and any further amendment will be made to the main question.

19.8 A motion to refer the question will include;

- (a) the name of the Committee, 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 will be allowed until after its disposition.

19.9 After any matter has been decided, any Member who voted on the prevailing side may, at a subsequent meeting of the Board, move a motion for reconsideration of the matter, provided notice is given as required by this By-law, but no discussion of the matter will occur until the motion to reconsider is adopted.

19.10 No question will be reconsidered more than once at a meeting of the Board.

19.11 A motion to reconsider suspends action on the motion to which it applies until it has been decided.

19.12 If the action approved in the main motion cannot be reversed, the motion cannot be reconsidered.

20. VOTING ON MOTIONS

20.1 Except as provided elsewhere in this By-law, a motion will be deemed to have been carried when a majority of the Members present and voting have expressed their agreement with the question.

20.2 When the Chair is satisfied that a question contains distinct proposals, they may divide the question or on the request of a member, will divide the question, and the vote on each proposal will be taken separately.

20.3 Every Member present at a meeting of the Board when a question is put will vote on the question unless legally prohibited in which case the fact of the prohibition will be recorded in the Minutes of the meeting.

20.4 If a Member present does not vote when a question is put, they will be deemed to have voted in the negative, except where the Member is prohibited from voting by statute or declared conflict.

20.5 A Member may request a recorded vote on any matter and must make the request immediately before or after the vote is taken. If the request for a recorded vote is made immediately after the vote is taken, the first vote is nullified and a second, recorded vote must be held. When a recorded vote is requested the Board Secretary records the name and vote of each Member on the matter.

20.6 Any motion on which there is a tie vote will be deemed to be lost.

21. PUBLIC AND CLOSED MEETINGS

21.1 Meetings of the Board will be open to the public except as authorized by Subsection 35(4) of the Act or as may be legally permitted or required.

21.2 No people other than Members and those permitted by the Board will attend confidential meetings, and all others will vacate the meetings when asked by the Chair.

21.3 All information pertaining to a confidential meeting will be treated as confidential by all persons in attendance unless the Board agrees to disclose it publicly.

21.4 During a confidential meeting, the Board may move any item from the confidential agenda to a public agenda.

21.5 Social and electronic discussions about board business involving a majority of the board technically constitute a meeting, and must conform to these guidelines or cease immediately.

22. AVAILABILITY OF INFORMATION

22.1 Information relating to matters described in Section 21.1 of this By-law, will be marked "Confidential".

22.2 Immediately following the distribution of the agenda information to all Members of the Board, the public agenda materials will be made available to the media and to any member of the public requesting such information, provided the disclosure of such information does not relate to matters described in Section 21.1.

22.3 The Action Registry will contain tasks assigned by the Board to either the Chief of Police, Board committees or Board staff. All such tasks will be assigned by Board decision which may identify priorities and include deadlines.

22.4 The Action Registry will contain the requirements for each task as set out in the Board decision, the date of the Board decision, the person/body responsible for the task, the scheduled reporting meeting and task status. The Action Registry will be maintained by Board staff, who will coordinate scheduling of reports related to assigned tasks, and distribute an updated version along with each Board agenda.

22.5 Once items are complete, they will be removed from the Action Registry.

23. BY-LAWS

23.1 Every by-law will be introduced by motion by a Member, and any number of by-laws may be introduced together in one motion, but the Chair may, at the request of a Member, deal separately with any by-law.

23.2 Every by-law when introduced, will be in typewritten form and contain no blanks except as may be required to conform to accepted procedure or to comply with the provisions of any Act, and will be complete with the exception of the number and date of the by-law.

23.3 Every by-law which has been passed by the Board will be numbered, dated and signed by the Chair and Board staff, and filed in the Board office.

24. RECORDING DEVICES

24.1 The use of cameras, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for recording the proceedings of a meeting that is open to the public by members of the public, including the news media, are permitted.

25. AMENDMENTS TO BY-LAW

25.1 To pass a motion to amend or repeal this By-law requires a two-thirds vote of Members present.

25.2 The Board will only consider amendments or repeal of this By-law at a Board meeting if a previous regular Board meeting received notice of the proposed amendment or repeal.

26. ADMINISTRATION

26.1 That By-law No. 2017-004, as amended by By-law No. 2018-001 is repealed.

26.2 This By-law will come into force upon the date of its passage.

27. EFFECTIVE DATE

1. This By-law is enacted by the Halton Police Board on the 25th day of June, 2020.

APPROVED THIS 25th DAY OF JUNE, 2020.

CHAIR

BOARD SECRETARY