

TOWNSHIP OF MELANCTHON POLICE SERVICES BOARD

(Adopted on September 13, 2007)

WHEREAS the Municipality of the Township of Melancthon is required pursuant to Section 4(1) of the Police Services Act to provide adequate and effective police service in accordance with its needs;

AND WHEREAS, the Municipality of the Township of Melancthon has entered into a contract with the Ministry of Community Safety and Correctional Services pursuant to Section 10(1) of the Police Services Act for the provision of police services for the municipality by the Ontario Provincial Police;

AND WHEREAS, the municipality is required pursuant to Section 10(2) of the Police Services Act to have a Police Services Board;

AND WHEREAS the Police Services Board is required pursuant to Section 37 of the Police Services Act to establish its own rules and procedures in performing its duties under the Act

THEREFORE THE Township of Melancthon Police Services Board enacts the following Rules and Procedures:

DEFINITIONS

- (a) "Act" means the Police Services Act, R.S.O. cP.15;
- (b) "Board: means the Township of Melancthon Police Services Board;
- (c) "Chair" means the Chair of the Board;
- (d) "Acting Chair" means a member of the Board required to act from time to time in the place and instead of the Chair or Vice Chair;
- (e) " Detachment Commander" means the member of the Ontario Provincial Police assigned as Detachment Commander reporting to the Township of Melancthon Police Services Board either permanently or in an acting capacity;
- (f) "Council" means the Council of the municipality of the Township of Melancthon;
- (g) "Days" means calendar days exclusive of Saturdays, Sundays, and Statutory holidays;
- (h) "Member" means a member of the Township of Melancthon Police Services Board;
- (i) "Police Service" means policing provided under contract by the Ontario Provincial Police to the municipality of the Township of Melancthon;
- (j) "Quorum" means a majority of the Members of Board in accordance with section 35(2) of the Act;
- (k) "Secretary" means the secretary of the Township of Melancthon Police Services Board

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- (l) “local policies” means written policies established for police services in accordance with section 10(9)(c) of the Act
- (m) “provincial policies” means the written policies contained within OPP Police Orders or directives established by the Ontario Provincial Police for the delivery of police services;

APPLICATION

2.1 The rules and procedures contained herein 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.

The Chair shall decide all points of order or procedure for which rules have not been provided for.

BOARD COMPOSITION **

- 3.1 In accordance with Section 27(5) of the Act shall consist of:
- (a) the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council;
 - (b) one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and
 - (c) one person appointed by the Lieutenant Governor in Council.

4. DUTIES AND RESPONSIBILITIES OF THE BOARD

The Board shall be responsible for those duties as set out in Section 10 of the Act and Section 30 and 32 of the Adequacy and Effectiveness of Police Services Regulation.

5. DUTIES AND RESPONSIBILITIES OF THE CHAIR

It shall be the duty and responsibility of the Chair to:

- (a) Report on the activities of the Board and of the OPP to Council as required;
- (b) Act as the spokesperson for the policy decisions of the Board;
- (c) Set the agenda for all Board meetings;

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- (d) Open meetings of the Board by taking the chair and calling the Members to order;
- (e) Receive and submit all motions presented by the Members;
- (f) Put to vote all resolutions presented by the Members and announce the results;
- (g) Decline to put to vote all motions, which infringe upon the rules and procedures or are beyond the jurisdiction of the Board;
- (h) Enforce the observance of order and decorum at all meetings;
- (i) Adjourn the meeting upon motion duly moved;
- (j) If deemed necessary adjourn, suspend, or recess the meeting;
- (k) Sign all documents for and on behalf of the Board including but not limited to:
 - Policies;
 - Resolutions;
 - Agreements; and
 - protocols,which the Board has approved.
- (a) perform any other additional duties when directed to do so by motion of the Board

6. DUTIES OF THE VICE CHAIR

In the event that the Chair is absent or vacant, the Vice Chair shall act in place of the Chair and shall have the same authority, rights, and powers of the Chair.

7. SELECTION OF CHAIR AND VICE-CHAIR

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

7.2 The election of the Chair shall be conducted by the Secretary;

7.3 The election of the Vice Chair shall be conducted by the Chair;

7.4 Any votes required under this section shall be taken as described by the provision of Section 61(1) and (2) of the Municipal Act, R.S.O. which requires that each member of the Board present shall indicate his or her vote openly, and that no vote be taken by ballot or any other method of secret balloting.

8. COMMITTEES OF THE BOARD

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

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- 8.2 The Committee shall report upon its work to the Board at the meeting of the Board immediately following the date of the Committee meeting or at a specified time agreed to by the Board

9. REGULAR MEETINGS OF THE BOARD

- 9.1 The Board shall hold at least four regular meetings each year at such place and time as may be determined by the Board
- 9.2 The Chair shall preside at all meetings or in the absence of the Chair, the Vice Chair
- 9.3 The Chair or in the absence of the Chair, the Vice Chair may cancel a regular meeting of the Board where the Chair or Vice Chair deems such meeting not warranted however such cancellation shall not permit the Board to hold less than four regular meetings each year.

10. SPECIAL MEETINGS OF THE BOARD

- 10.1 The Chair, or in the absence of the Chair, the Vice Chair, may at any time summon a special meeting of the Board and shall do so whenever requested by the majority of the Board.
- 10.2 The Secretary shall give notice to all Members of such special meetings by whatever means deemed expedient by the Secretary.
- 10.3 No special meeting of the Board shall be held with less than 24 hours notice to the Members.
- 10.4. Notification to the public of a special meeting will be deemed complete with notification to the print media (or other means as determined by the Board) 24 hours in advance of the meeting.
- 10.5 A meeting deemed to be In-Camera, will not require public notification.
- 10.6 No business may be transacted at a special meeting other than that specified in the notice or agenda.

11. THE CALLING OF THE MEETING TO ORDER

- 11.1 The Chair shall call the meeting to order as soon as possible after the time announced for the commencement of the meeting and a quorum is present.
- 11.2 If a quorum for either a regular or special meeting of the Board is not present within 30 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 or such time as determined by the Chair.

12. BOARD AGENDA

12.1 The secretary shall cause an agenda to be prepared for the use of the Members at the regular meetings of the Board in the following order:

- Call to order
- Attendance
- Declaration of Pecuniary interest
- Approval of Agenda
- Approval of Minutes
- Issues arising from the Minutes
- Presentations/Delegations
- Correspondence
- Financial
- Detachment Commander's Report
- Committee Reports
- Other Business
- Public Discussion
- Date of Next Meeting
- Adjournment

12.2 The Secretary shall receive all reports and supporting materials for the agenda at least 2 days prior to the regular Board Meeting and shall consult with the Chair prior to the completion of the agenda. An item that is not included in the agenda may not be introduced at the meeting without the consent of a majority of the Members present.

12.3 The Secretary shall receive every letter, petition and other communication addressed to the Board and shall:

- a) If in the opinion of the Secretary the subject matter is properly within the jurisdiction of the Board, place it upon the agenda to be dealt with; or
- b) If in the opinion of the Secretary, and confirmed by the Chair, the subject matter is properly within the jurisdiction of the OPP Detachment Commander, shall refer the matter to him or her for necessary action and subsequent report to the Board.

12.4 The Secretary shall provide the agenda for each regular meeting to each Member of the Board not less than two days prior to the meeting.

13. CONDUCT OF MEMBERS

- a) Board members shall attend and actively participate in all board meetings.
- b) 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.
- c) Board members shall undergo any training that may be provided or required for them by the Solicitor General.

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- d) 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.
- e) No board member shall purport to speak on behalf of the board unless he or she is authorized by the board to do so.
- f) 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.
- g) 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.
- h) Board members shall uphold the letter and spirit of this Code of Conduct and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
- i) 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).
- j) 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.
- k) Board members shall not use their office to obtain employment with the board or the police force for themselves, their family member,¹ or their same-sex partner.
- l) 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.
- m) Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police force.
- n) A board member whose conduct or performance is being investigated or inquired into by the Ontario Civilian Commission On Police Services (OCCPS) under section 25 of the Act or is the subject of a hearing before the Commission under that section shall decline to exercise his or her duties as a member of the board for the duration of the investigation or inquiry and hearing.
- o) 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,
 - l. require the member to appear before the board and be reprimanded;

¹
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*.

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- II. request that the Ministry of the Solicitor General conduct an investigation into the member's conduct; or
- III. request that the Commission conduct an investigation into the member's conduct under section 25 of the Act.

14. CONFLICT OF INTEREST

14.1 Where a Member, either on his or her own behalf or while acting for another, has any pecuniary interest, either direct or indirect, in any matter which is the subject of consideration at a meeting of the Board shall:

- (a) prior to any consideration of the matter at the meeting, disclose the conflict of interest and general nature thereof;
- (b) not take part in any discussion of, or vote on any question in respect of the matter; and
- (c) not attempt in any way to influence the voting on any such matter either before, during or after the meeting
- (d) forthwith leave the meeting for that part of the meeting during which the matter is under consideration

14.2 Where the conflict of interest has not been disclosed by reason of the Member's absence from the meeting, the Member shall disclose his or her interest and otherwise comply at the first meeting of the Board immediately following the meeting in which the matter was considered.

14.3 The Secretary shall record the particulars of any disclosure of interest in the minutes of the meeting.

15. HEARING OF DELEGATIONS

15.1 Delegations will only be heard at regular meetings of the Board provided that the person(s) representing the delegation has provided at least 5 days written notice of the request.

15.2 A request for a delegation shall include a list of the person(s) who will be appearing before the Board and information as to the content of the presentation.

15.3 Unless approved by the Chair delegations shall be restricted to presentations of no more than 10 minutes.

15.4 Upon receipt of the written notice the Secretary shall list the delegation on the appropriate meeting agenda.

15.5 The Chair may curtail any delegation, any questions, or debate during a delegation for disorder or any other breach of this policy and, where the Chair rules that the delegation is concluded, the person(s) appearing shall immediately withdraw.

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16. RULES OF DEBATE

- 16.1 Every Member, before speaking to a question or motion, shall first receive recognition from the Chair.
- 16.2 When a Member wishes to speak on any question, motion, or item, they shall in an orderly manner obtain the Chair's attention and the Chair shall keep a list of those Members who wish to speak. The Chair then shall recognize the Members in the order in which they came to the Chair's attention.
- 16.3 When a member is speaking, no other Member shall pass information between any Member or the Chair, or interrupt that Member except to raise a point of order.
- 16.4 No member shall speak to the same question or motion for more than 10 minutes, without leave of the Chair.
- 16.5 After a question is put by the Chair, no Member shall speak to the question, nor shall any other motion be put forward until after the vote has been taken and the results declared.
- 16.6 If a Member considers that a ruling by the Chair is not in order, an appeal may be made. In the event of an appeal, 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 shall be duly moved and seconded before being discussed or put to a vote.
- 17.2 The Chair shall read a motion before a vote is taken.
- 17.3 After a motion has been moved, the mover may withdraw it at any time prior to a vote being taken.
- 17.4 A motion properly before the Board for decision must receive disposition before any other motion can be received, except motions to:
- (a) adjourn;
 - (b) amend;
 - (c) refer;
 - (d) suspend the rules of procedure;
 - (e) vote on the question.
- 17.5 A motion to adjourn the meeting may be made at any time except when:
- (a) a Member is speaking;
 - (b) the question has been called;

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(c) a Member has indicated to the Chair his or her desire to speak on the question;

17.6 A motion to amend shall:

(a) be relevant to the question to be decided;

(b) not be received if it in essence constitutes a rejection of 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 referred;
and

(b) the terms upon which the question is to be deferred

17.8 Debate upon a motion to refer shall only be permitted on 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 permitted until dealt with.

17.9 No question shall be considered more than once at a meeting of the Board.

18. VOTING ON MOTIONS

18.1 A motion shall be deemed to be carried when a majority of the Members present and voting have expressed their agreement.

18.2 When, in the opinion of the Chair or upon the request of a Member, a question contains distinct proposals, the Chair may 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 unless prohibited by statute, and the secretary shall record the name of the Member and the reason for prohibition.

18.4 The secretary shall conduct the vote in a counter-clockwise direction starting on the Chair's right hand, asking the Members to indicate in favor with "yea" and opposed with "nay."

18.5 The secretary will advise the Chair of the count of the vote who in turn will announce the results.

18.6 Where on any question there is a tie vote, the motion shall be deemed to have been lost.

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19. PUBLIC AND IN-CAMERA MEETINGS

19.1 Meetings and hearings conducted by the board shall be open to the public, subject to subsection (2), and notice of them shall be published in the manner that the board determines.

19.2 The Board may exclude the public from all or part of a meeting or hearing if it is of the opinion that,

(a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or

(b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.

19.3 No person other than the Members, Secretary, Detachment Commander, and other persons invited by the Chair shall attend in-camera meetings of the Board.

20. POLICIES

20.1 Every policy shall be introduced upon written motion by a Member, and any number of policies may be introduced together in one motion, but the Chair may, at the request of a Member, deal separately with each.

20.2 Every policy when introduced shall be in typewritten form and shall be complete with the exception of the number and the date of the policy.

20.3 Every policy 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 a secure and proper facilities.