

**POLICE SERVICES BOARD**

**OF THE**

**CITY OF SAULT STE. MARIE**

***BY-LAW NUMBER 68 (AMENDED)***

BEING A BY-LAW TO REGULATE THE GENERAL GOVERNMENT OF THE SAULT STE. MARIE POLICE SERVICES BOARD.

1. Whereas it is the responsibility of the Sault Ste. Marie Police Services Board to provide policing services for the maintenance of law and order in the City of Sault Ste. Marie and to provide and maintain adequate police services in accordance with the needs of the said City; and
2. Whereas it is the responsibility of the Chief of Police of the Sault Ste. Marie Police Service, in his capacity as chief law enforcement officer for the City of Sault Ste. Marie, to administer the policing services of the City of Sault Ste. Marie in accordance with the policies and regulations approved by the Board and to obey lawful orders and direction from the Board or as otherwise specified in the Police Services Act; and
3. Whereas it is deemed expedient to adopt rules governing the order and procedure of the Sault Ste. Marie Police Services Board;

The Police Services Board of the City of Sault Ste. Marie, Ontario pursuant to section 31, subsection 6 of the Police Services Act, enacts as follows:

4. This by-law comes into force on the \_\_\_\_\_ day of \_\_\_\_\_, 1998.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

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CHAIR

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SECRETARY

1.0 **DEFINITIONS**

1.1 In this by-law:

"**Board**" means the Sault Ste. Marie Police Services Board.

"**Board Room**" means the Police Services Board Room situated on the second floor of the Sault Ste. Marie Police Services Building.

"**Chair**" means the person presiding at the meeting.

"**Member**" means a member of the Board.

"**Secretary**" means the Secretary to the Sault Ste. Marie Police Services Board.

2.0 **RESPONSIBILITIES OF THE BOARD**

2.1 Pursuant to Section 31 of the Police Services Act:

- (1) A Board is responsible for the provision of adequate and effective police services in the Municipality and shall:
  - (a) appoint the members of the Municipal Police Service;
  - (b) generally determine, after consultation with the Chief of Police, objectives and priorities with respect to police services in the Municipality;
  - (c) establish policies for the effective management of the Police Service;
  - (d) recruit and appoint the Chief of Police and any Deputy Chief of Police, and annually determine their remuneration and working conditions, taking their submissions into account;
  - (e) direct the Chief of Police and monitor his or her performance;
  - (f) Employment Equity - repealed;
  - (g) receive regular reports from the Chief of Police on disclosures and decisions made under section 49 (secondary activities);
  - (h) establish guidelines with respect to the indemnification of members of the Police Service for legal costs under section 50;
  - (i) establish guidelines for dealing with complaints made under Part V;
  - (j) review the Chief of Police's administration of the complaints system under Part V and receive regular reports from the Chief of Police on his or her administration of the complaints system.

2.2 Before entering on the duties of the office, a member of a Board shall take an oath or affirmation of office in the prescribed form (Police Services Act, section 32).

3.0 **BOARD PROCEEDINGS**

- 3.1 The following rules and regulations shall be observed and shall be the rules and regulations for the order and dispatch of business.
- 3.2 Except as herein provided, Robert's Rules of Order shall be followed for governing the proceedings and conduct of the members.
- 3.3 A person, not being a member of the Board, shall not be allowed to address the Board except upon invitation of the Chair or the Board.
- 3.4 All persons shall adhere to the rules and regulations pertaining to the meeting site.

#### **4.0 MEETINGS OF THE BOARD**

- 4.1 The Sault Ste. Marie Police Services Board (hereinafter referred to as the "Board") shall hold its meetings on a designated day each month at such time and place as may be determined.
- All regular and special meetings of the Board shall be held in the board room at the Police Services Building, 580 Second Line East or at such other time, day, and place as may be determined by the Chair.
- 4.2 Where the day fixed for the meeting of the Board is a public or civic holiday or municipal election day, the Board shall meet at a location and time as the Chair determines.
- 4.3 The Chair shall preside at all meetings, and may at any time summon a special meeting of the Board, and it shall be the duty of the Chair to summon a special meeting whenever requested to do so by a majority of the members of the Board. The Secretary shall give notice to the members of the Board of all special meetings of the Board whenever required by competent authority, and such notice shall be by telephone, delivery, or mail to each member so as to reach the residence or place of business of the member at least 24 hours before the time fixed for such meeting to be held.
- 4.4 In the absence of the Chair or Vice Chair, a special meeting may be summoned by the Secretary upon a requisition by a majority of the Board.
- 4.5 A special meeting shall not be summoned for a time which conflicts with a regular meeting or a meeting previously called by the Council of the City of Sault Ste. Marie.
- 4.6 The minutes as produced by the Secretary shall be deemed to be the official record of the Board. The direction contained therein shall be conclusive evidence of the actions and decisions of the Board once the minutes have been approved at a subsequent meeting of the Board.

#### **5.0 COMPOSITION OF THE BOARD**

- 5.1 The Board shall consist of five (5) members, the members being:
- (a) the head of a 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 member of the Council appointed by resolution of the Council;
  - (c) one person appointed by resolution of the Council, who is neither a member of the Council nor an employee of the Municipality; and
  - (d) two persons appointed by the Lieutenant Governor in Council.

5.2 The members of the Board shall, in the first meeting held in January of each year, select a member to be the Chair for the year.

5.3 Duties of the Chair:

- a) The member selected as the Chair and hereinafter referred to as the Chair, shall be responsible for setting the Agenda, acting as spokesperson for the Board, preserving order and decorum, and deciding questions of order, subject to an appeal to the Board.
- b) When the Chair is called upon to decide a point of order or practice, the point shall be stated without unnecessary comment and the Chair shall cite the rule or authority applicable to the case.
- c) The Chair (except and unless otherwise disqualified) may vote with the members on all questions, and any questions on which there is an equality of votes shall be deemed to be a negative vote.
- d) If the Chair decides to leave the Chair, the Chair shall call upon the Vice Chair to act as Chair until the position is resumed.

5.4 The members of the Board shall in said January meeting of each year select a member to be the Vice Chair for the year.

5.5 Duties of the Vice Chair:

The Vice Chair shall act in the absence of the Chair and shall have the same authority while presiding at the meetings as the Chair would have had if present.

5.6 Duties of the Secretary:

It shall be the duty of the Secretary:

- a) to attend all meetings of the Board and to record the minutes, orders, and requests of all such meetings;
- b) to notify the members of the Board of each regular and special meeting of the Board called pursuant to paragraphs 4.3 and 4.4 The Secretary shall annually publish a notice of regular meetings of the Board in the local newspaper (The Sault Star);
- c) to give notice to the members of the Board of all meetings thereof other than those fixed by adjournment, such notice to be telephoned, mailed, or delivered to each member at his or her residence or place of business so as to be received not later than 48 hours prior to the meeting. The notice shall be accompanied by the minutes of the previous meeting, the agenda, and any other matter, so far as know, to be brought before such meeting. Lack of receipt of such notice shall not affect the validity of holding the meeting or any action taken there at. The notice calling a special meeting shall state the business to be considered at the special meeting and no business other than that stated in the notice shall be considered at such meeting;
- d) to furnish the Chief of Police with copies of all resolutions, enactments, and orders of the Board as soon as possible after the meeting of the Board at which the action of the Board in respect thereof takes place and in any event not later than ten working days after the Board meeting.

5.7 In the event of the absence of the Secretary, due to illness or otherwise, the Chief of Police shall designate a staff member who shall act as Secretary.

## 6.0 **COMMITTEES OF THE BOARD**

6.1 The following standing committees of the Board may be established, having power to exercise any authority conferred upon the Board in accordance with section 34 of the Police Services Act within the terms of reference of the Committees herein set forth:

a) Finance Committee

having authority to deal with matters relating to the budget of the Police Service and its supervision and control, the purchase of services and equipment, the acquisition of real property including the construction of facilities, the investment of funds, and such other matters as may be assigned to it from time to time by the Board.

b) Personnel and Labour Relations Committee

having 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 under the terms of the collective agreements or arising out of personnel policies, hiring and firing, and other such matters as may be assigned to it from time to time by the Board.

c) Freedom of Information and Protection of Privacy Act Committee

having 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 responding to requests for the release of information of Police Service records to the Chief of Police and/or Chief's delegate.

6.2 Each committee shall be comprised of three persons who are members of the Board; one of such persons shall be the Chair of the Board, ex officio.

6.3 Each committee shall determine its own procedures and shall elect a Chair from among its membership; provided that a majority of the members shall constitute a quorum.

6.4 The principal function of each committee shall be to make recommendations to the Board for its consideration.

6.5 There shall be delegated by the Board to one of the members of the Personnel and Labour Relations Committee, authority to bargain and such person shall report to the Board through the said Committee.

6.6 Committee members shall deal directly with the Chief of Police, or in his absence, the Deputy Chief of Police when services are required from a member of the Sault Ste. Marie Police Service to assist the Committee. The Chief of Police shall assign persons from amongst his staff to provide administrative and secretarial services in support of the work of the said committees as required.

6.7 Each committee shall report its work to the Board at the meeting of the Board next following the holding of committee meetings.

## 7.0 **AGENDA FOR THE MEETINGS**

7.1 The Secretary shall in collaboration with the Chief of Police and the Chair prepare, for the use of the members, an agenda with supporting material to be delivered to the members in advance of the meeting at which the agenda is to be considered. No item not included in the agenda can be introduced without the unanimous consent of the members present.

## 8.0 **QUORUM, OPENING, AND CONDUCTING OF PROCEEDINGS**

- 8.1 A quorum shall be a majority of the members of the Board.
- 8.2 As soon after the regular commencement time of the meeting as there shall be a quorum present, the Chair shall call the members to order.
- 8.3 If a quorum is not present within 30 minutes after the time established for the meeting, the Secretary shall record the names of the members then present and the meeting shall stand adjourned until the next regular meeting.
- 8.4 In case the Chair or Vice Chair does not attend within 30 minutes after the time appointed, the Secretary shall call the members to order, and if a quorum is present, a Chair shall be chosen, who shall preside during the meeting as the Chair until the arrival of the Chair or Vice Chair.
- 8.5 Members of the Police Service who attend a meeting as a member of the Sault Ste. Marie Police Service shall be appropriately dressed as if attending a court session.
- 8.6 Delegations will be heard at regular meetings provided that the delegation shall give four (4) days notice to the Secretary of his or her wish to appear. Delegations shall be restricted to presentations of ten (1) minutes which may be extended an additional five (5) minutes at the discretion of the Board.
- 8.7 All meetings of the Board shall be open to the public subject to paragraph 8.8.
- 8.8 The following subjects may be discussed at properly constituted closed meetings of the Board upon agreement by the majority of the Board members present, unless otherwise prohibited by law:
  - a) intimate financial and/or personnel matters, where a named employee or prospective employee is involved, or where employee relations or reputations could be damaged, unless the employee or employees involved have requested that the matter be discussed in a meeting open to the public and the majority of the Board concurs;
  - b) negotiations on salaries or working conditions of employees and matters arising out of the administration of collective agreements;
  - c) property matters, in which premature public disclosure could cost the public money or be prejudicial to the interests of a property owner of the City, when the acquisition or sale of property is being investigated or negotiated;
  - d) matters in which public discussion could prejudice the Board's legal position or be detrimental to the Board in proceedings before any court civil litigation or administrative tribunal;
  - e) consideration of awards, commendations, or other outstanding achievements;
  - f) matters that are specifically restricted by legislation regarding the protection of privacy;
  - g) matters, the revelation of which would endanger the security of City property, or the operations of the Police Service.
- 8.9 No person other than Board members, the Chief of Police and/or Deputy Chief of Police and persons invited by the Chair shall attend closed meetings of the Board. Persons other than Board members shall vacate such meetings if requested to do so by the Chair.
- 8.10 Members of the media shall be provided with copies of the agenda for all public meetings of the Board, together with the explanatory material relative to the items contained therein, provided the same does not disclose information relating to the matters described in paragraph 8.8 thereof; such material shall be made available at the Office of the Secretary to the Board or the Chief not later than the day preceding the day upon which the meeting is to be held.

8.11 When a member desires to address a matter that concerns the rights or privileges of the Board collectively or as a member thereof, the member shall be permitted to raise such matter of privilege and a matter of privilege shall take precedence over other matters.

8.12 Rules of procedure and appeals:

- a) When a member desires to call attention to a violation of the rules of procedure, the member shall ask leave of the Chair to raise a point of order and after leave is granted, shall state the point of order with a concise explanation and resume the member's seat until the Chair has made a decision on the point of order;
- b) Unless a member immediately appeals, the decision of the Chair shall be final;
- c) If the decision is appealed, the Board shall decide the question without debate and its decision shall be final.

8.13 When the Chair calls a member to order, such member shall immediately sit down and shall not speak again without the permission of the Chair unless to appeal the ruling of the Chair that he or she come to order. The order and manner of voting shall be at the direction of the Chair.

8.14 The Chair and the Secretary are authorized to sign and seal 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.

#### 9.0 **CONFLICTS OF INTEREST**

9.1 The Board shall be governed by the Municipal Conflict of Interest Act and the agenda shall include provision for members to declare a pecuniary interest.

#### 10.0 **COLLECTIVE BARGAINING - DELETED**

#### 11.0 **FINANCIAL MATTERS**

11.1 The Chief of Police is authorized and empowered to make expenditures of funds not previously approved by the Board to a maximum of \$10,000.00 on each occasion, provided that the Chief reports therein to the Board at its next meeting following such expenditure.

11.2 Tenders:

- a) All tenders called and specifications pertaining thereto, issued by the Board, shall be prepared by the Chief of Police and all responses thereto shall be addressed and delivered to the Office of the Chief of Police.
- b) Except in cases of emergency, a minimum of five (5) days shall elapse from the date of the first insertion of an advertisement or other action taken to the closing date of all tenders called for the supplying of work, labour, material, goods, wares, or merchandise required by the Sault Ste. Marie Police Service.
- c) Tenders shall be opened as soon as practical after the closing date and time and the general public may be present. Any one of the following persons are authorized to open tenders:

- i) the Chair,
- ii) the Chief of Police or his Designate.

There must be two persons representing the Board and/or the Police Service present at the opening of the tenders. A staff member may be called upon to witness the opening of the tenders.

When tenders are opened, they shall be numbered consecutively and initialed by the persons opening the tender.

11.3 The Commissioner of Finance and Treasurer for the City of Sault Ste. Marie is authorized to make payments on all contract Progress Estimates in accordance with the terms of the contract when certified by the Chief of Police, except for payment of any holdback or any subsequent payment under the contract which shall be referred to the Board for approval before payment is made. The Treasurer is also authorized to make payments for goods and equipment which have been purchased by tender and accepted by the Board if the Chief of Police has certified satisfactory delivery.

11.4 Budget:

- a) The Board shall review policy issues relating to the budget for each fiscal year.

#### 12.0 **CONFERENCES, CONVENTIONS, SEMINARS, WORKSHOPS**

12.1 The Board shall, from time to time, by resolution determine policies for the attendance of its members at conferences, conventions, seminars, and workshops and the payment of appropriate travel and other expenses necessarily incurred.

12.2 Travel expenses shall be at the economy rate and mileage reimbursement shall not exceed economy airfare and hotel transfer equivalent. Per diem rates shall be the rates in effect at the time for the Corporation of the City of Sault Ste. Marie employees.

#### 13.0 **GENERAL**

13.1 At the first meeting of each year, the Police Services Board shall appoint the Board Secretary, Legal Counsel, and Auditors (as applicable) to be used for the coming year.

13.2 In this by-law, words importing the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse.