

BY-LAW 01-2024

OF THE AYLMER POLICE SERVICE BOARD

Being a By-Law to govern the proceedings of the Aylmer Police Service Board

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WHEREAS the Aylmer Police Service Board is responsible for the provisions of the police services for law enforcement and crime prevention in the Town of Aylmer pursuant to the Community Safety and Policing Act;

AND WHEREAS The Town of Aylmer Police Service Board may, by by-law, provide guidelines and procedures to aid in the effective management of the police service, the Board enacts as follows:

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1. SHORT TITLE

This By-law shall be cited as the “Police Service Board Procedural By-Law”.

2. DEFINITIONS

In this By-law:

- 2.1 “Act” means the Community Safety and Policing Act, 2019, as amended from time to time.
- 2.2 “Ad Hoc Committee” means a special purpose Committee of limited duration, appointed by the Board to consider a specific matter and which is dissolved automatically upon submitting its final report to the Board, unless otherwise directed by the Board.
- 2.3 “Adjourn” means to end the meeting. This motion requires a second, is not debatable, is not amendable, requires a majority vote for adoption and cannot be reconsidered.
- 2.4 “Advisory Committee” means a Committee established by the Board to advise on matters which the Board has deemed appropriate for the Committee to consider.
- 2.5 “Chair” means the person presiding at a meeting whether it be the appointed member or any other member.
- 2.6 “Committee” means Ad Hoc Committees and Advisory Committees which may be appointed by the Board from time to time.
- 2.7 “Emergency Control Group” means the officials designated to control the emergency operations for the Town of Aylmer when it becomes necessary to activate the Emergency Response Plan.
- 2.8 “Correspondence” includes, but is not limited to, the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, etc.
- 2.9 “Board” means the Aylmer Police Service Board

- 2.10 “Defer” means to postpone all discussion on the matter until later in the same meeting or to a future date which is established as part of the motion.
- 2.11 “Delegation” means a person or group of persons who address the Board on behalf of an individual or a group for the purpose of making a presentation to the Board
- 2.12 “Vice Chair” means the Vice Chair member of the Board who shall preside at all meetings of the Board in the absence of the Chair.
- 2.13 “Emergency” means situations, or the threat of impending situations caused by forces of nature, accidents or an intentional act that constitutes a danger of major proportions to life and property that affect public safety; meaning health, welfare and property, as well as, the environment and economic health of the Town of Aylmer, as defined in the municipality's Emergency Response Plan.
- 2.14 “Head of the Board” means the Chair and who shall preside at all meetings of the Board.
- 2.15 “Majority” means more than half of the votes cast by members entitled to vote.
- 2.16 “Meeting Closed to the Public” means a meeting, or portion thereof, closed to the public in accordance with Section 44 of the Community Safety and Policing Act, 2019 and Section 5.6 of this By-Law.
- 2.17 “Meeting” means any regular, special or other meetings of the Board, of a local board or of a committee of either of them, where
- (a) A quorum of members is present; and
  - (b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the board, local board or committee.
- 2.18 “Member” means a Member of Board as defined in this By-law.
- 2.19 “Minutes” mean a record of the proceedings of the Board or Committee, that includes the place, date, time, name of Presiding Officer, list of members in attendance, evidence of quorum, the confirmation and correction of the minutes of the previous meeting, declarations of conflict of interest or pecuniary interest, and all other proceedings of the Board without note or comment.

- 2.20 “Pecuniary Interest” includes a direct or indirect financial interest of a Member, and a financial interest deemed to be that of a Member, in accordance with Sections 2 and 3 of the *Municipal Conflict of Interest Act, 1990*. See Appendix B.
- 2.21 “Presiding Officer” means the person designated to Chair a Board or Committee meeting.
- 2.22 “Quorum” means the minimum number of required members (fifty percent plus one of the membership) to be in attendance to conduct the business of the meeting and vote on any matter or question to achieve a simple majority.
- 2.23 “Recess” means a short break taken during a meeting and is of a duration established by the Chair.
- 2.24 “Recorded Vote” means the recording of the name and vote of every Member of the Board who is present when the vote is called on any matter of question.
- 2.25 “Refer” means to direct a matter under discussion by the Board or Committee to a Staff Member for further examination.
- 2.26 “Regular Meeting” means a scheduled meeting held in accordance with Section 5.3 of this By-law.
- 2.27 “Reports” means written documents by municipal employees, committees, consultants, solicitors, or other individuals appointed at the pleasure of the Board for the purpose of providing advice, alternatives, and/or recommendations on various matters.
- 2.28 “Resolution” means a formal state of opinion adopted by the Board in accordance with these rules.
- 2.29 “Rules and Regulations” means the applicable regulations contained in this By-law.
- 2.30 “Special Meeting” means a meeting not scheduled in accordance with the approved schedule of meetings.

### 3. AUTHORITY

- 3.1 *The Community Safety and Policing Act, 2019* provides that a police service board shall establish its own rules and procedures in performing its duties under this Act and the regulations. The following set of rules

shall be in effect upon their adoption by the Aylmer Police Service Board until such time as they are amended, or new rules adopted.

#### 4. GENERAL RULES

- 4.1 The Rules and Regulations contained in this By-law shall be observed in all proceedings of the Aylmer Police Service Board and shall be the Rules and Regulations for the order and dispatch of business in meetings.
- 4.2 Any procedure under this By-law that is discretionary and not mandatory under statute may be suspended with the consent of a two-thirds vote of the members present at the meeting.
- 4.3 In any case for which provision is not made in these Rules and Regulations, the procedure to be followed shall be as near as may be that followed in Roberts Rules of Order.
- 4.4 If a member has any pecuniary interest, direct or indirect, in any matter in which the Board or Committee is concerned and if they are present at a Meeting at which the matter is the subject of consideration, they shall disclose their interest and the general nature thereof and leave the room and shall not take part in the consideration or the discussion of the matter nor vote on any motion in regard to the matter. As soon as possible, after declaring the member shall submit a written declaration of interest upon the form provided by the Secretary.
- 4.5 These Rules and Regulations shall also apply to all Committees, Advisory Committees, Sub-Committees, Ad-Hoc Committees, where applicable, and similar entities of which at least fifty (50%) percent of the members are also members of the Board.
- 4.6 Where the term "Committee" is used in this By-law, the provision applies only to Committee meetings and related Committee matters.
- 4.7 The use of cameras, electric lighting equipment, television cameras, and any other device of mechanical, electronic, or similar nature used for transcribing or recording proceedings by auditory or visual means by accredited and other representatives of any news media may be permitted with the approval of the Chair.
- 4.8 Cell phones are required to be either turned off or placed on vibrate during Police Service Board meetings. Members of the Board and Municipal Staff shall not communicate by electronic means during a meeting.
- 4.9 Should the Police Service Board be requested to provide a document or information to a person with a disability, the Board will take into consideration the communication needs of the person with a disability and

endeavor to provide the information to the person in a format that takes into account the person's disability.

- 4.10 The Board shall be composed of such members as prescribed by the *Community Safety and Policing Act, 2019*. For the Aylmer Police Service Board, this means two (2) members from Municipal Council, two (2) members that are provincially appointed, and one (1) member representing the community and so appointed by Town Council.

## 5. MEETINGS

### 5.1 Location of Meetings/Seating at Board Meetings

- (a) All meetings of the Police Service Board shall take place in the Council Chambers at the Aylmer Town Hall, 46 Talbot Street West, in Aylmer. Notwithstanding the foregoing that meetings be held in the Council Chambers, the Chair and Secretary shall determine, at their discretion, other locations from time to time for meetings as deemed necessary.

The Board shall ensure that meeting locations are accessible to persons with disabilities. Also, the Board shall ensure that any Members with disabilities are adequately accommodated to ensure their participation.

### 5.2 First Regular Meeting of Each Year

The members of the Board will elect a Chair and Vice-Chair at the Board's first regular meeting of each year.

The election of these positions will be conducted by the Board Secretary in the following manner:

- (a) Call for nominations;
- (b) Each nomination shall be regularly moved and seconded and will be followed by the consent of the nominee;
- (c) Following the third and final call for nominations and where more than one nominee stands for election, a ballot vote shall be taken;
- (d) If there is a tie vote, ballots continue to be cast for the tied nominees until such time as a nominee receives the majority of the votes.

### 5.3 Regular Meeting

- a) Regular meetings shall be held in the Council Chambers on the second Friday of the month at 9 a.m. unless:
  - i. It is the month of July or August in which case no meeting will be held.
- b) The Board may, by resolution, alter the date and/or time of a Regular Meeting provided that adequate notice of such change has been posted and/ or published.
- c) The Secretary, with the approval of the Chair, may cancel a Regular Meeting of the Board when, in their opinion, there is sufficient cause to do so.

#### 5.4 Special Meetings

- (a) The Chair may, at any time call a special meeting of the Board or upon receipt of a petition of the majority of the Members, the Secretary shall call a special meeting of the Board for the purpose and at the time mentioned in the petition.
- (b) No business may be transacted at a special meeting other than that specified in the Notice or Agenda.

#### 5.5 Emergency Meetings

- (a) In the event of a bona fide emergency as determined by the Chair of the Board, a meeting may be held as soon as practical following receipt of a summons. The summons may be given in a manner as determined by the Secretary.
- (b) The Chair of the Board or the Chair of the local Emergency Control Group may ask the Secretary to call a special meeting of the Board within twenty-four (24) hours of a declared emergency in order to brief the Board on the status of the emergency measures taken by the Community Control Group.

#### 5.6 Meetings Closed to the Public

All meetings of the Board shall be open to the public except as provided for in Section 44 of the *Community Safety and Policing Act, 2019*.

- (a) A meeting or part of a meeting may be closed to the public if the subject matter being considered is:
  - (i) The security of the property of the board;

- (ii) Personal matters about an identifiable individual, including members of the police service or any other employees of the board;
  - (iii) A proposed or pending acquisition or disposal 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 a 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 or a Crown agency of 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 municipality or local 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 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 be carried on by or on behalf of the municipality or local board;
  - (xi) Information the 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
  - (xii) An ongoing investigation respecting the police service board.
- (b) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Chair is designated as head of the institution for the purposes of that Act.
- (c) A meeting of the Board may be closed to the public if the following conditions are both satisfied:
- (i) The meeting is held for the purpose of educating or training the members.
  - (ii) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Board.

- (d) For the purposes of this section, a meeting not open to the public shall be called a "Meeting Closed to the Public."
- (e) Before holding a meeting or part of a meeting that is to be closed to the public, the Board shall state by resolution the fact of the holding of the meeting closed to the public and the general nature of the matter to be considered; or in the case of a meeting that is an educational or training session, the fact of the holding of the meeting closed to the public, the general nature of its subject matter and that it is to be closed as an educational or training session.
- (f) A meeting shall not be closed to the public during the taking of a vote except when the meeting is for a purpose as outlined in Section 5.6(a) or 5.6(b) and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Board or persons retained by or under contract with the Board.
- (g) When a meeting is closed to the public is necessary, it will be a requirement that the Minutes shall be prepared and be approved during the meeting closed to the public.
- (h) Upon completion of the meeting closed to the public, the Members shall immediately reconvene in Open Session and the Chair or Secretary shall report the results of the meeting closed to the public.
- (i) The Secretary shall be responsible for maintaining a confidential copy of all original documentation distributed relating to meetings closed to the public and for keeping confidential Minutes of all meetings closed to the public.
- (j) Subject to the provisions of this section, the Board may hear delegations in a meeting closed to the public.
- (k) It shall be the responsibility of the Board and Members to respect the confidentiality of all matters disclosed to them and materials provided to them during meetings closed to the public that are required to be kept confidential.

#### 5.7 Education and Training Sessions

- (a) The Board may decide, at a meeting open to the public, to convene an informal gathering of its members to receive and discuss information or advice of a general nature involving subject matters of interest to the members, at a time and place designated at that time by the Board.

- (b) The Board, in deciding to convene an Education and Training Session, shall designate the general purpose or purposes for which the session is to be held.
- (c) An Education and Training Session may be held at any place designated by the Board at the time at which it makes its decision to convene the session, whether or not it is within the boundaries of the Town or elsewhere.
- (d) All Members of the Board respectively are entitled to attend the session, together with designated Municipal Staff or consultants retained by the Board, but the Board, in deciding to convene the session, may decide to exclude the public therefrom.
- (e) No motion, resolution, by-law, debate, agreement in principle, consensus, straw-vote, report, recommendation, or other action or decision may be proposed, discussed, decided upon, adopted, taken or made at an Education & Training Session.
- (f) The Secretary shall take notes describing in general terms each subject matter dealt with at the Education & Training Session.
- (g) The notes taken pursuant to Section 5.7 (f) shall, after the conclusion of the session, be maintained as a public record under the control of the Secretary.

#### 5.8 Electronic Participation in Meetings

- (a) Any member of Board may participate in any open or closed Board or Committee meeting electronically and be counted for the purpose of establishing quorum.
- (b) Any member of the Board intending to participate in any open or closed Board or Committee meeting electronically shall inform the Secretary at least (24) hours in advance of the meeting start time. Exemptions to this notice requirement may be made from time to time with the joint approval of the Chair and Secretary. There may be instances from time to time where it is not possible to accommodate electronic participation as a result of technical limitations.
- (c) A member who joins a meeting via electronic participation partway through the meeting shall advise the Chair and Secretary of their attendance at the meeting.
- (d) A member who is participating electronically in a meeting who, for any reason, will no longer be attending the meeting prior to

adjournment, shall advise the Chair and Secretary of their absence from the meeting.

- (e) In accordance with Section 4.5 and pursuant to the Municipal Conflict of Interest Act, R.S.O. 1990, c. M. 50, as amended, members who have declared a pecuniary interest regarding a matter being discussed, and are participating electronically, shall disconnect and leave the electronic meeting and not participate in any way with respect to the matter in question.
- (f) Delegations may participate in an electronic meeting via telephone, videoconferencing software and/or other technology methods deemed appropriate by the Secretary or designate.
- (g) Any member of an advisory committee, local board, agency, commission or association may participate in meetings electronically and be counted for the purpose of establishing quorum with the advance permission and authorization of the Secretary or designate.

## 6. NOTICE OF MEETINGS

- 6.1 The Secretary shall provide a Regular Board Meeting Schedule for those meetings to be held during the following year, in November of each year. The schedule shall include the date, time, and location of the meetings and shall be posted on the municipal website ([www.aylmer.ca](http://www.aylmer.ca)) after being approved by the Board. The meeting schedule is subject to change as necessary. The Police Service Board shall hold at least four meetings each year.
- 6.2 Notwithstanding the above, the published agenda shall be considered as adequate notice of Regular Meetings of the Board, except for meetings held on a day or at a time other than as provided for in this By-law. The Agenda shall include the date, time, and place of commencement of the meeting.
- 6.3 The Secretary shall ensure that a copy of the Agenda for each Regular Meeting of the Board is posted for public viewing on the municipal website ([www.aylmer.ca](http://www.aylmer.ca)) no later than 12:00 noon on the Monday preceding the scheduled meeting, unless circumstances prevent this from occurring whereby the Secretary will post the Agenda as soon as practicable.
- 6.4 The Secretary shall ensure that notice of each Special Meeting of the Board is provided to each Member at least forty-eight (48) hours in advance of the said meeting or as soon as practicable. The Secretary shall provide notice of such meeting by posting for public viewing on the municipal website ([www.aylmer.ca](http://www.aylmer.ca)) a copy of the Agenda for the Special Meeting and/or updating the meeting schedule that is posted on the municipal website.

- 6.5 Once the Agenda for a meeting has been prepared, the Secretary shall place a copy of such Agenda in the designated area for Public Notices at the Municipal Office for public viewing.
- 6.6 The forty-eight (48) hour notice required by Section 6.4 may be waived in the case of emergency as may be determined by the Chair (or alternate).
- 6.7 Lack of receipt of the notice by any member shall not affect the validity of holding the meeting nor any action taken at the meeting.
- 6.8 The business of such meeting shall be taken upon the order in which it stands in the Agenda, unless otherwise decided by the Board.
- 6.9 The notice requirements set out in this By-law are minimum requirements only, and the Secretary may give notice in an extended manner if, in the opinion of the Secretary, the extended manner is reasonable and necessary in the circumstances.
- 6.10 The Secretary shall provide notice of cancellation to the Board, Municipal Staff, the local media, and all other interested parties, a minimum of three (3) hours in advance of any Board, Committee, Public Meeting, Hearing, or Information Session in the case of severe inclement weather. The public shall receive notice by posting notice on the municipal website ([www.aylmer.ca](http://www.aylmer.ca)) and/or by posting notice on the Town Hall entrance doors; or in the event that the meeting is being held at another location, the entrance door of the meeting location.

6.11 Postponement of Meetings

Any regular meetings of the Board may be postponed to a day named in:

- (a) A notice by the Chair or the Deputy Vice Chair given through the Secretary and twenty-four (24) hours in advance of the regular meeting; or
- (b) A resolution of the Board passed by the majority of the Members.

7. CALLING OF MEETINGS TO ORDER AND QUORUM

- 7.1 The Chair or Presiding Officer shall call the Members to order as soon after the hour fixed for holding of the meeting that a quorum is present.
- 7.2 A majority of all Members shall constitute a quorum and be necessary for the transaction of business. A majority of all Members shall be determined as three (3) Members of the Board.

- 7.3 If a quorum is not present fifteen (15) minutes after the time appointed for the commencement of the meeting, the Secretary or his/her designate shall indicate that no quorum is present and record the names of those Members in attendance and they shall adjourn to the appointed time for the next scheduled meeting.
- 7.4 Where the number of Members who are unable to participate in a meeting by reason of the provisions of the *Municipal Conflict of Interest Act, R.S.O. 1990*, such that, at that meeting the remaining members are insufficient to constitute a quorum, the remaining members shall be deemed to constitute a quorum, provided such number is not less than two (2).
- 7.5 If, during the course of a Board meeting, a quorum is lost, the Chair shall declare that the meeting shall stand recessed temporarily or be adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this By-law.
- 7.6 If Members are not going to be in attendance or are going to be late for a meeting, they shall contact the office of the Secretary in advance of the meeting.
- 7.7 The seat of a member of the Board shall be declared vacant if the member is absent from a meeting of the Board for three (3) consecutive months without being authorized to do so. The Board shall notify the municipality and the municipality shall appoint a replacement.
- 7.8 Clause 7.7 does not apply to vacate the office of a member of the Board of a municipality who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

## 8. ROLE OF THE BOARD

- 8.1 It is the role of the Board, per Section 37 of the *Community Safety and Policing Act, 2019* to:
- (a) provide adequate and effective policing in the area for which it has policing responsibility as required;
  - (b) employ members of the police service;
  - (c) appoint members of the police service as police officers;
  - (d) recruit and appoint the chief of police and any deputy chief of police and determine their remuneration and working conditions, taking their submissions into account;

- (e) prepare and adopt a diversity plan to ensure that the members of the police service reflect the diversity of the area for which the board has policing responsibility;
- (f) monitor the chief of police's performance;
- (g) conduct a review of the chief of police's performance at least annually in accordance with the regulations made by the Minister, if any;
- (h) monitor the chief of police's decisions regarding the restrictions on secondary activities set out in section 89 of the *Community Safety and Policing Act, 2019* and review the reports from the chief of police on those decisions;
- (i) monitor the chief of police's handling of discipline within the police service;
- (j) ensure that any police facilities, including police lock-ups, used by the board comply with the prescribed standards, if any; and
- (k) perform such other duties as are assigned to it by or under the *Community Safety and Policing Act, 2019* or any other Act, including any prescribed duties.

8.2 Members of the Board shall come prepared to every meeting by having read all the material supplied, including agendas and Staff reports, to facilitate discussion and the determination of action at the meeting. Whenever possible, the Members shall make technical inquiries of the Staff regarding materials supplied in advance of the meeting.

8.3 Requests for substantive reports shall be by Board resolution which shall identify the appropriate Department or Department Head and objectives of the report.

8.4 No Member of the Board shall have the authority to direct or interfere with the performance of any work for the Aylmer Police Services.

## 9. ROLE OF THE CHAIR

### 9.1 The Chair shall:

- (a) preside over Board meetings so that business can be carried out efficiently and effectively;
- (b) be the spokesperson for the Board;
- (c) represent the Board at official functions;

- d) commence the meetings of the Board by taking the Chair and calling the meeting to order, as soon as a quorum is present;
- e) announce the business before the Board and the order in which it is to be acted upon;
- f) receive and submit, in proper manner, all motions presented by the Members;
- g) put to a vote all motions which are moved or which necessarily arise in the course of the proceedings, and to announce the result;
- h) announce the results of the vote on any motions presented for a vote;
- i) sit as ex-officio as a Member of all Committees of the Board and be entitled to participate and vote at the meetings;
- j) decline to put to a vote on motions which do not comply with this by-law or which are not within the jurisdiction of the Board;
- k) maintain order and preserve the decorum of the meeting;
- l) where it is not possible to maintain order, to adjourn or suspend the meeting to a time specified by the Chair, without any motion being put forward;
- m) permit any question to be asked through the Chair or any employee of the Aylmer Police Service in order to provide information to assist in any debate when the Chair deems it proper;
- n) adjourn the meeting when business is concluded or upon a motion to adjourn or to recess the meeting as required.

## 10. PRESIDING OFFICER

10.1 The Chair, if present, shall preside at all meetings of the Board. In the event that the Chair is absent; has a conflict under the *Municipal Conflict of Interest Act*; refuses to act; or the office becomes vacant, the Vice Chair shall act in the place and stead of the Chair, and while so acting the Vice Chair may exercise all the rights, powers and authority of the Chair, while presiding at meetings.

10.2 In the absence of both the Chair and the Vice Chair of the Board and if a quorum is present, the Board shall elect a Chair from amongst its members present. While presiding, the Member appointed by the Board shall have all the powers of the Chair for the purpose of conducting the meeting.

## 11. COMMITTEES

11.1 Special or Ad Hoc Committees may be established from time to time by the Board to consider a specific matter. The Committee shall report directly to the Board. Minutes of the Committee meetings shall be circulated to the Board on a regular basis, and once the Ad Hoc Committee has completed its work, the Committee shall be deemed to be dissolved, unless otherwise determined by the Board.

11.2 The Board may appoint representatives to serve on Local Boards, Advisory Committees, or any other body to which the Board is required or empowered to appoint a representative. Appointments to such Boards/Committees may be a Member of the Board or may be a person appointed from amongst its residents. Keeping in mind the obligations outlined in the Board and Committee Code of conduct, which stipulates that “members are expected to conduct themselves at all times in a manner that is consistent with the municipality’s interest in transparency and accountability”, the following conditions shall be reasonably satisfied by all bodies for which appointments are made to:

- a) A predetermined meeting schedule that is posted publicly and kept up to date;
- b) Agendas are posted at least 48 hours prior to any meeting and are publicly posted. It is the Board’s expectation that meeting proceedings and discussions are strictly guided by and limited to the items listed on the agenda;
- c) Recordings of proceedings (minutes) are provided to the Secretary so that they can be included on Regular Board Agendas to be received by Board.

11.3 Advisory Committees shall be composed of appropriate Board Members and Members from the community at large, appointed by the Board. Advisory Committees act in accordance with a mandate, are created by by-law, are not able to act independently, and advise the Board, through the appointed member of the Board, for matters related to the mandate. Advisory Committees must report at least once per year and continually provide updates to the Board through the submission of agendas and minutes. They exist indefinitely, however, during its first year of office, the Board shall review the mandates of the various Advisory Committees and the performance of the Committee members. At the end of that first year, the Committee appointments shall be reviewed, and they may be either renewed or terminated at the discretion of the Board. The Committee mandate shall be adopted by By-Law of the Board but related policies may be adopted by resolution of the Board.

11.4 The meetings of Board Committees shall be held at the Aylmer Town Hall, on a date and time determined by the Committee.

11.5 The Chair shall be appointed by the Committee at the commencement of the Committee’s term, or from time to time as may be required, and shall act as the Presiding Officer at Committee meetings. If the Chair does not attend by the start of the time appointed for a meeting of the Committee, the Vice Chair, if one is appointed by the Committee, shall act in place of the Chair until the arrival of the Chair. Should both the Chair and Vice-Chair be absent, or there is no Vice-Chair appointed, the Committee

Members present shall decide by consensus from amongst themselves a Chair to preside over the meeting until the arrival of the Chair.

- 11.6 The Committee Chair may at any time summon a special meeting of the Committee on forty-eight (48) hours' notice, or reasonable notice in the case of an emergency, to the members of the Committee, or upon receipt of the petition of the majority of the Committee Members, the Committee Secretary, shall summon a special meeting for the purpose and at the time mentioned in the petition. Such reasonable notice of all Committee meetings shall be given to the members through the Committee Secretary. The only business to be dealt with at a special meeting is that which is listed on the agenda/notice of the meeting.
- 11.7 The Committee Secretary, with the approval of the Committee Chair, may cancel a meeting when there is sufficient cause to do so in their opinion.
- 11.8 All Committee meetings shall be open to the public except for those reasons outlined in Section 5.6 of this By-law.
- 11.9 The Committee Secretary shall distribute the agenda package for Regular and Special Committee meetings via the Board Secretary who will arrange for the agenda to be posted on the Town's website. If the notice-related obligations set out in Section 11.2 of this By-law are not satisfied, the Board Secretary may cancel a scheduled meeting authorization from the Chair or Vice Chair.
- 11.10 No meeting of a Committee is a constituted meeting unless a quorum is present.
- 11.11 The rules and regulations contained in this By-law, with necessary modifications, shall be observed in all proceedings of the Committee for the order and conduct of business therein.

## 12. CONDUCT OF PROCEEDINGS

- 12.1 As soon after the hour of the meeting as there shall be a quorum present, the Chair or Presiding Officer shall call the Members to order.
- 12.2 The Chair or Presiding Officer shall announce the business before the Board in the order in which it is to be acted upon.
- 12.3 The Chair or Presiding Officer shall receive and submit, in the proper manner, all motions presented by the Members of Board.

- 12.4 The Chair or Presiding Officer shall preserve order and decorum and decide questions of order subject to an appeal to the Board and this decision may be overruled by a majority vote thereof.
- 12.5 The Chair or Presiding Officer shall put to vote all questions which are regularly moved and seconded or necessarily arise in the course of proceedings, and announce the result.
- 12.6 The Chair or Presiding Officer shall authenticate by signature, when necessary, all By-laws, Minutes, and documents authorized by the Board.
- 12.7 The Chair or Presiding Officer shall represent and support the Board declaring its will and obeying its decision in all things.
- 12.8 The Chair or Presiding Officer shall ensure that the decisions of the Board are in conformity with the laws and By-laws governing the activities of the Board.
- 12.9 The Chair or Presiding Officer shall adjourn the meeting when business is concluded.
- 12.10 The Chair or Presiding Officer shall adjourn the meeting without question in the case of grave disorder arising in the Council Chamber.
- 12.11 The Chair or Presiding Officer shall ensure that the members of the public who constitute the audience in the Council Chamber or Meeting Rooms:
  - (a) maintain order and quiet;
  - (b) address the Board only with the permission of the Chair;
  - (c) do not interrupt any speech or action of the Members of the Board or any other person addressing the Board; and
  - (d) cease and desist any behaviour which disrupts the order and decorum of the meeting and vacate the Council Chambers where such behaviour persists.

### 13. BOARD CODE OF CONDUCT

- 13.1 Ontario Regulation 408/23, Code of Conduct for Police Service Board Members, made under the Community Safety and Policing Act, 2019, shall govern the actions and behaviour of the Members of the Board. See Appendix A.

### 14. AGENDAS

#### 14.1 Regular Board Meeting Agendas

- (a) The Secretary or his/her designate shall prepare the Agenda for all Regular Board Meetings consisting of the following “Order of Business”:
  - (1) Roll Call
  - (2) Declaration of Pecuniary Interest
  - (3) Confirmation of Agenda
  - (4) Minutes
  - (5) Delegations
  - (6) Unfinished Business
  - (7) New Business
  - (8) Reports
  - (9) Correspondence
  - (10) Closed Session
  - (11) Adjournment
  
- (b) The Agenda shall be available to Members of the Board in accordance with Section 6 of this By-law.
  
- (c) The business of the Board shall be taken in the order in which it stands upon the Agenda, unless otherwise decided by the majority of the Board.

#### 14.2 Special Board Meeting Agendas

- (a) The Secretary, where reasonably possible, shall cause an agenda to be prepared, in the following order, for the use of members at Special Meetings of the Board:
  - (1) Roll Call
  - (2) Declaration of Pecuniary Interest
  - (3) Confirmation of Agenda
  - (4) Consideration of Business for Which Notice is Given
  - (5) Adjournment
  
- (b) The Agenda for Special Board Meetings shall be available at least forty-eight (48) hours preceding the meeting to which it pertains, if possible and if necessary.
  
- (c) The Minutes of a Special Meeting shall be approved at the next Regular Meeting of the Board or when practicable.

### 15. MEETINGS – AGENDA - PROCEDURE

#### (1) Roll Call

The Chair shall take a Roll Call of all Board members present and the Secretary shall record the names of the members present in the Minutes. The Secretary will make note of those absent in the Minutes.

(2) Declaration of Pecuniary Interest

Members to declare any conflict of pecuniary interest regarding matters on the Agenda for the session.

(3) Confirmation of Agenda

The Chair shall request that any additions to or deferrals of Agenda items be put forward at this time, be considered by the Board and be adopted by the passing of a resolution confirming the Agenda as presented or as amended.

(4) Adoption of Board and Committee Minutes

- (a) Minutes of the Board, whether it is closed to the public or not, shall record:
- (i) the date, time, and place of the meeting;
  - (ii) the record of attendance of the Members;
  - (iii) the correction and adoption of the Minutes of prior meeting(s);
  - (iv) all resolutions and decisions;
  - (v) all the other proceedings of the meeting without note or comment, whether it is closed to the public or not.
- (b) After the Minutes have been adopted, they will be signed by the Chair/Presiding Officer at that meeting and by the Secretary or designate.
- (c) The Secretary shall ensure that the Minutes of the preceding Regular Meeting and any Public Meetings or Special Meetings are circulated along with the agenda package
- (d) The onus shall be upon members attending after commencement of the meeting to inform the Secretary of their arrival in order that the same may be recorded in the Minutes.
- (e) The Minutes of Regular and Special Meetings shall be posted on the municipal website ([www.aylmer.ca](http://www.aylmer.ca)) for public inspection, following approval by the Board.
- (f) The Minutes shall be filed once approved by the Board.

- (g) (i) Minutes of Committees of the Board will be placed on the Agenda under “Minutes to Approve”. Should said Minutes include a recommendation from the respective Committee which requires the Board’s approval, such recommendation shall be provided to the Secretary by the Chair of the Committee, separate from the respective Minutes, and dealt by the Board under “Action Items” of the Agenda.
- (ii) Minutes from outside Boards/Committees will be placed on the Agenda under “Minutes to Receive”. The Board will not debate nor approve such Minutes but may ask questions on any matter arising from the Minutes. These Minutes will be received by the Board.

#### (5) Delegations and Public Meetings

- (a) Any person wishing to appear before the Board on business shall notify the Secretary, in writing, no later than 10:30 a.m. on the day of the Board Meeting, accompanied by a written brief outlining the subject matter of the presentation.
- (b) The inclusion of a delegation on the agenda shall be determined on a first come, first served basis and regard shall be given to the length of the agenda.
- (c) Any communication or correspondence that is to be presented to the Board shall be legibly written, typed, or printed and shall not contain any obscene or defamatory language, shall be signed by at least one person, and shall be filed with the Secretary no later than 4:30 p.m. on the Wednesday preceding the Regular Board meeting.
- (d) If a request to be heard is received after 4:30 p.m. on the Wednesday preceding the regular Board meeting, it must be approved by the Chair or Secretary as an urgent matter before it will be added to the agenda. Otherwise, it will be placed on the Agenda of the next Regular Board meeting.
- (e) Any communication or correspondence as referred to in Subsection (c) above includes electronic mail provided it contains the computer address and full name of the sender and is received by the Secretary no later than 4:30 p.m. on the Wednesday preceding the Regular Board meeting.
- (f) The Secretary may, upon receipt, refer any communication or petition to a Department Head without the prior consideration of the Board.

- (g) After a delegation has been heard at a Board meeting and it is felt that a further hearing on the same topic is warranted, the Board may so recommend and shall determine the time and date of such further hearing.
- (h) The Chair has the discretion to limit delegations on repetitive topics, or topics that are deemed to be frivolous.
- (i) Any person desiring to address the Board by oral communication as a delegation shall give notice to the Secretary by 4:30 p.m. on the Wednesday immediately preceding the Board meeting, at which time their name will be placed on the Agenda and recognized by the Chair or Presiding Officer without further action.
- (j) Each person addressing the Board shall step up, shall give his/her name and address in an audible tone of voice for the record and, unless further time is granted by the Board, shall limit their address to ten (10) minutes, including questions. All remarks shall be addressed to the Board as a body and not to any member or staff thereof. No person, other than Members of the Board and the person having the floor shall be permitted to enter into any discussion, either directly or through the Members of the Board. No questions shall be asked of the Board Members, except through the Chair or Presiding Officer.
- (k) A delegation requesting to speak for more than 10 minutes will only be permitted by prior approval of the Chair, Secretary, or Vice Chair.
- (l) If an organization wishes to address the Board, it is recommended that one person be chosen to speak on behalf of the group/organization.
- (m) Delegations appearing before the Board with respect to the same matter on the Agenda will be requested to limit their presentation to reduce repetition of the same points.
- (n) Interested parties, or authorized representatives, may address the Board by written communication about any matter concerning the Board's business or over which the Board has control at any time by direct mail or by addressing the Secretary and such written communication will be distributed to the Board Members, by way of being placed on a Board Agenda.
- (o) The Secretary shall provide Delegations with a copy of the excerpt from this By-law relating to these procedures about delegations to the Board.
- (p) Public Meetings required to be held under municipal by-laws or provincial or federal legislation will be held at this point in the Agenda. If other legislated rules or procedures apply to those meetings, those procedures will be used. In the absence of other defined rules or procedures, public

meetings will be chaired by the Presiding Officer who will hear from each member of the public who wishes to speak. Each person will be allowed no more than five (5) minutes to speak and shall speak only once. Following the public input, Board members may ask questions of the public presenters or Staff, but the topic shall not be debated until all public input and questions have been received.

(6) Unfinished Business

All items requiring consideration by and/or the action of Board shall be listed under this item. It shall include items specifically referred from any Committee or Board, petitions or requests from the public (which are not dealt with as Delegations at the meeting), Staff Reports, etc. Every communication shall be legibly written, typed, or printed, shall not contain any obscene or defamatory language and shall be signed by at least one person. All Staff Reports shall contain pertinent information including options for the Board's action. Reports of Departments shall be received by the Secretary not later than 12:00 noon on the Wednesday preceding the Board meeting. Additional reports outside of this deadline are discouraged; however, they may be added to the Agenda should it be deemed a matter of urgency by the Secretary and/or Vice Chair. The added item will be distributed at the meeting.

(7) New Business

This item on the Agenda may contain new business which has been introduced by the Chair. Other matters of urgency may also be considered under this section, subject to the approval of the Chair or the majority of the members present.

(8) Reports

The Chief of Police shall report on matters regarding budgets, police data, and the chief's hours.

(9) Correspondence

Correspondence includes any information addressed directly to the Aylmer Police Service Board that is to be received for information or contains a general or repetitive request. Members may make a brief statement about any of the items in the Correspondence section or request a simple clarification.

Items can be pulled for further discussion from the correspondence section if a Board member wishes to alter the action required for a specific item, or if a longer discussion is required on an item. The correspondence section is then disposed of with the exception of any items that had been pulled and voted on separately. Items pulled from the correspondence section are addressed immediately following approval of the correspondence section.

For example, Member A advises they wish to pull item b) on the correspondence section for further discussion. The Secretary makes note and the Chair inquires if any other members have items they wish to pull. Hearing none, the Chair requests a mover and seconder to approve the remaining items on the consent agenda as such:

Moved by xxx, Seconded by xxx;

Be it resolved that the Board approve the items on the consent agenda dated

Month X, 2024, save and except item b), and direct staff to proceed with all necessary administrative actions.

The Chair asks for discussion on the resolution (at this point members may make brief statements on any item) then calls for the vote. Once the vote is taken, the Chair calls on Member A to discuss item b). Member A moves

“That the Board receive item b for information; and That the Board direct staff to send the XYZ meeting minutes to the ABC Municipality for their information.” The item now becomes its own item and would be dealt with like any other motion before the Board and would require a seconder for further discussion.

#### (10) Closed Session

Pursuant to Section 5.6 of this By-law, the Board may pass a resolution to proceed into Closed Session, at a specified time, for the purpose of considering items as outlined under the said Section. A resolution is required to be passed to rise into Open Session, at a specified time. The Board will then report upon and endorse any matters which it is able to, from the Closed Session, in Open Session.

#### (11) Adjournment

The Board shall adjourn when the business is concluded

## 16. RESOLUTIONS/MOTIONS

- 16.1 A motion must be formally seconded before the question can be put on a motion and recorded in the Minutes.
- 16.2 When a motion is presented to the Board, in writing, it shall be read, or, if it is an oral motion, stated by the Chair or Presiding Officer.
- 16.3 After a motion is read or stated by the Chair or Presiding Officer, it shall be deemed to be in possession of the Board but may, with the permission of the Board, be withdrawn at any time before decision or amendment.
- 16.4 After a motion has been read, a Member may propose a friendly amendment. A friendly amendment is an amendment that is perceived by all parties as an enhancement to the original motion and is to provide clarification of the intent of the motion. Friendly amendments may be permitted by the Chair after consent by the original Mover of the motion, and then by all the Members.
- 16.5 A motion to amend shall:
  - (i) be dealt with by the Board before a previous amendment or the main motion;
  - (ii) not be further amended more than once provided that further amendment may be made to the main motion;
  - (iii) be relevant to the main motion;
  - (iv) not propose a direct negative to the main motion.
- 16.6 After a motion is finally put to a vote, no member shall speak to the motion, nor shall any other motion be made until after the vote is taken and the result declared.
- 16.7 Members shall not speak more than once to the same question without the consent of the Chair or Presiding Officer.
- 16.8 Every Member of the Board shall have one vote.
- 16.9 The Chair or Presiding Officer may vote with the other Members of the Board on all questions.
- 16.10 All votes shall be announced openly, as Carried or Defeated, by the Chair or Presiding Officer. The Secretary shall record the results of the votes as follows:
  - (a) if passed "Carried";
  - (b) if not passed "Defeated"; and
  - (c) if tied "Motion Lost".
- 16.11 On an unrecorded vote, the manner of determining the decision on a motion shall be at the discretion of the Chair or Presiding Officer and may be by voice or show of hands.

- 16.12 The Chair or Presiding Officer shall require a recorded vote to be taken on any question upon request of a member if such request is made prior to commencement of the voting or immediately thereafter. When a member present requests a recorded vote, all members present at the meeting shall vote, unless otherwise prohibited by statute. The Members shall respond YEA or NAY when called upon. The names of those who voted for and those voted against shall be noted in the Minutes.
- 16.13 Failure to vote by a qualified member shall be deemed to be a negative vote.
- 16.14 Except where expressly provided in Statute, any question on which there is an equality of votes shall be deemed to be defeated.
- 16.15 The Chair or Presiding Officer shall declare the vote on all questions and should his/her declaration be stated by any Member to be in doubt, the Chair or Presiding Officer shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.
- 16.16 Members shall not speak to the same motion without the consent of the Chair or Presiding Officer, and at the end of the debate, a motion for closure may be made by the Chair or Presiding Officer.
- 16.17 When the matter under consideration contains distinct recommendations or propositions, any Member may request that a vote upon each recommendation or proposition be taken separately, or a recommendation(s) be removed from the original motion and a new motion created and the Board shall comply with the request for the purpose of dealing with the matter.
- 16.18 Any 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 while speaking.
- 16.19 Amendments shall be put in the reverse order to that in which they are moved. Only one amendment shall be allowed to an amendment.
- 16.20 A Member of the Board may present a motion to recess in order to take a short break during a meeting. The duration shall be established by the Chair or Presiding Officer.

## 17. RECONSIDERATION

- 17.1 A "Motion to Reconsider" means a motion requesting to bring back, for further consideration, a motion which has already been voted on by the Board

- 17.2 Within one year after a matter has been decided by the Board and within that term of office, a member who voted in the majority may present a Notice of Motion to reconsider that matter. Such Notice of Motion to Reconsider shall be referred to the next available Meeting of the Board and shall be included on the Agenda under Unfinished Business.
  - 17.3 Actions of the Board that have already been acted upon and cannot be reversed or suspended cannot be reconsidered.
  - 17.4 Before accepting a Notice of Motion to Reconsider, the Chair may ask the Member to confirm that he or she voted with the majority on the issue in question.
  - 17.5 A Motion to Reconsider a decided matter shall require the approval of at least two-thirds majority vote of the Members present.
  - 17.6 No Motion to Reconsider any decided matter shall be permitted more than once during the term of the Board.
  - 17.7 No Motion to Reconsider may, itself, be the subject of a Motion to Reconsider.
  - 17.8 No debate on a Motion to Reconsider a decided matter shall be permitted; however, the mover of a Motion to Reconsider may provide or may make a brief and concise statement outlining the reasons for proposing such reconsideration.
  - 17.9 If a Motion to Reconsider is decided in the affirmative at a Meeting, then consideration of the original motion shall become the next order of business and debate on the question to be reconsidered shall proceed as though it had never previously been considered.
18. RESCIND OR AMEND SOMETHING PREVIOUSLY ADOPTED
- 18.1 A two-thirds (2/3) majority vote of the Members of the Board without notice or a majority of the members with notice is required to rescind or amend something previously adopted by the Board.
  - 18.2 The motion to amend something previously adopted cannot go beyond the scope of notice, otherwise 2/3 vote of the Members is required.
  - 18.3 When an action of a resolution has been done, such resolution cannot be rescinded or amended.

## 19. RULES OF DEBATE

- 19.1 The following matters and motions may be introduced orally without written notice and without leave except as otherwise provided by these rules:
- (a) a point of order or personal privilege;
  - (b) presentation of petitions;
  - (c) to lay on the table (to defer temporarily);
  - (d) to postpone indefinitely or to a specific day; and
  - (e) to move the previous question (immediate vote on the main motion).
- 19.2 The following motions may be introduced without notice and without leave:
- (a) to refer;
  - (b) to adjourn;
  - (c) to amend; and
  - (d) to suspend the rules of procedure.
- 19.3 Every Member prior to speaking to any question or motion shall raise their hand and obtain permission from the Presiding Officer to speak. When two or more members wish to speak, the Presiding Officer shall name the Member who has the floor and that shall be the Member, who, in the opinion of the Presiding Officer, raised their hand first.
- 19.4 When a Member is called to order, they shall cease speaking unless allowed to explain, and the ruling of the Presiding Officer shall be obeyed, subject to the appeal to the Board, but without debate.
- 19.5 No Member of the Board shall speak more than once to the same question without the leave of the Board or until all other Members have had the opportunity to speak to the question a first time, except in explanation of a material part of their speech which may have been misconstrued, and in doing so, they are not to introduce a new matter.
- 19.6 If the Head of the Board desires to leave the Chair for the purpose of taking part in the debate or for any other reasons, the Deputy Head of the Board shall assume the Chair in their place until they resume the Chair.

The Chair or Presiding Officer may answer questions and comment in a general way without leaving the Chair, but if they wish to make a motion or speak to a motion taking a definite position and endeavoring to persuade the Board to support that position, then they shall first leave the Chair.

The Head of the Board or Presiding Officer does not need to vacate the Chair to simply state support or opposition to a motion on the floor.

- 19.7 When the Chair or Presiding Officer calls for the vote on a question, each Member shall occupy their seat until the result for the vote has been declared by the Chair or Presiding Officer, and during such time no Member shall walk across the room to speak to any other Member or make any noise or disturbance.
- 19.8 When a Member is speaking, no other Member shall pass between them and the Chair or interrupt them except to raise a point of order.
- 19.9 Any 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 while speaking.

## 20. POINTS OF ORDER AND PRIVILEGES

- 20.1 No vote shall be taken by ballot or any other method of secret voting, and every vote so taken is of no effect.
- 20.2 Unless otherwise authorized by the Chair or Presiding Officer, all Members, Staff and guests shall address the Board through the Chair or Presiding Officer and only when recognized to do so.
- 20.3 When two or more members indicate simultaneously that they wish to speak, the Chair or Presiding Officer shall name the Member who is to speak first.
- 20.4 The Chair or Presiding Officer shall preserve order and decide questions of order.
- 20.5 The Board, if appealed to, shall decide the question without debate and its decision shall be final.
- 20.6 If the Member who made the motion claims the floor and has not already spoken on the question, they are entitled to be recognized in preference to other Members.

## 21. PROCEDURAL APPEAL

- 21.1 Any member may raise a point of order.
- 21.2 The Chair or Presiding Officer shall decide all questions of order and the decision of the Chair or Presiding Officer shall be final, subject to appeal, with the Chair or Presiding Officer retaining the option of putting any question or order to the Board and in such instances the decision of the Board shall be final. Upon appeal of any decision of the Chair or Presiding Officer the question of order shall be decided by the Board and the decision shall be final.

## 22. RULES OF ORDER

22.1 "Roberts Rules of Order" shall govern the proceedings of the Board in all cases, unless they are in conflict with these rules.

## 23. SUSPENSION AND AMENDMENT OF THESE RULES

### 23.1 Suspension of these Rules

Any provision of these rules may be temporarily suspended by two-thirds vote of the Board. The vote on any such suspension shall be taken by YEAS and NAYS and entered in the Minutes.

### 23.2 Amendment to these Rules

These rules may be amended, or new rules adopted by a two-thirds vote of all Members of the Board provided that the proposed amendments or new rules shall have been introduced into the record at a prior Board meeting.

## 24. ADMINISTRATIVE AUTHORITY OF THE SECRETARY

24.1 The Secretary shall be authorized to make minor corrections to any by-law, Minutes or other Board document to eliminate technical or typographical errors prior to the by-law/document being signed.

## 25. VALIDITY AND SEVERABILITY

25.1 It is hereby declared that notwithstanding any section, subsections, clause, paragraph or provision of this By-law or parts thereof, that may be declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of the Board to enact, such section or sections or parts thereof shall be deemed to be severable and shall not affect the validity or enforceability of any other provisions of this By-law as a whole or part thereof and all other sections of this By-law shall be deemed to be separate and independent therefrom and enacted as such.

## 26. EFFECTIVE DATE

26.1 By-law No. 01-2022, as adopted on February 8<sup>th</sup>, 2022, is hereby repealed in its entirety.

26.2 Any other by-laws or provisions in other by-laws found to be inconsistent with this By-law are hereby deemed to be repealed.

26.3 This By-law comes into force and takes effect on the final passing thereof.



## APPENDIX A

ONTARIO REGULATION 408/23  
Made under the  
COMMUNITY SAFETY AND POLICING ACT, 2019

## CODE OF CONDUCT FOR POLICE SERVICE BOARD MEMBERS

## APPLICATION AND INTERPRETATION

1. (1) This Regulation sets out the code of conduct with which every member of a police service board must comply.  
(2) For greater certainty, the existence of a good faith exception in this code of conduct does not limit the grounds on which it may be determined that a member of a police service board has not contravened this code of conduct.
2. In this regulation,  
“conflict of interest” means a situation in which a member of a police service board’s private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their duties as a member of the police services board;  
“personal relationship” includes, but is not limited to, a relationship with any of the following persons:
  1. A current or former spouse or common-law partner of the board member;
  2. A current or former intimate partner of the board member;
  3. The board member’s children, including biological and adoptive children and stepchildren;
  4. The legal dependants of the board member;
  5. A child in the board member’s care;
  6. The board member’s grandparents, parents or siblings, including grandparents-in-law, parents-in-law and siblings-in-law.

## CONDUCT BECOMING OF A BOARD MEMBER

3. (1) A member of a police service board shall not conduct themselves in a manner that undermines or is likely to undermine the public’s trust in the police service board maintained by the police service board.  
(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, their conduct was in the good faith performance of their duties as a board member.
4. A member of a police service board shall comply with the Act and the regulations made under it.
5. A member of a police service board shall not, by act or omission, conduct themselves in a manner that is likely to cause the board to fail to comply with the Act or the regulations made under it.
6. A member of a police service board shall comply with any rules, procedures and by-laws of the police service board.
7. A member of a police service board shall not substantially interfere with the conduct of police service board meetings.

8. A member of a police service board contravenes this code of conduct if they are found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada) that was committed after they were appointed as a member of the police service board.
9. (1) A member of a police service board shall not, in the course of their duties, treat any person in a manner that the member, at the time, knows or reasonably ought to know would contravene the *Human Rights Code*.  
(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, the member's conduct was in the good faith performance of their duties.
- 10.(1) A member of a police service board shall conduct themselves in a professional and respectful manner in the course of their duties including, without limitation, not using abusive or insulting language in the course of their duties.  
(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, the member's conduct was in the good faith performance of their duties.

#### STATEMENTS AND ATTENDANCE

11. A member of a police service board shall not knowingly make false statements pertaining to the duties of a member of a police service board.
12. A member of a police service board shall not purport to speak on behalf of the police service board unless authorized by the board to do so.
13. A member of a police service board shall clearly indicate when they are expressing a person opinion when commenting on an action or omission of the police service board, the police service maintained by the board or a member of the police service.
14. A member of a police service board shall not access, collect, use, alter, retain, destroy, or disclose to any person information that has been obtained by or made available to the member in the course of their duties if doing so would be contrary to law.
15. (1) A member of a police service board shall not disclose to the public information obtained or made available in the course of the member's duties except as authorized by the police service board or as required by law.  
(2) Subsection (1) does not apply to information that was already made available to the public by a person who was authorized to do so prior to the member's disclosure.
16. A member of a police service board shall attend all police service board meetings unless able to provide a reasonable explanation for the absence.

#### MISCONDUCT AND CONFLICTS OF INTEREST

17. A member of a police service board shall disclose any conduct of another member of the police service board that the member reasonably believes constitutes misconduct,
  - a. To the chair of the board; or
  - b. If the misconduct involves the chair, to the Inspector General

18. (1) A member of a police service board shall disclose any charges laid against the under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada) and any finding of guilt made in relation to those charges.
- (2) Subsection (1) only applies to charges or findings that were made after the member's appointment to the police service board.
- (3) The disclosure required by subsection (1) must be made to the person or body that appointed the individual as a member of the police service board or, in the case of a member appointed by the Lieutenant Governor in Council, to the Minister.
19. A member of a police service board shall not apply for employment with the police service maintained by the police service board unless they resign from the board before applying.
20. (1) A member of a police service board shall promptly disclose any conflict of interest,
- a. To the chair of the board; or
  - b. If the conflict of interest involves the chair, to the Inspector General
- (2) After making the disclosure required by subsection (1), the member shall disclose the conflict at the next meeting of the police service board.
21. A member of the police service board shall not use their position as a police service board member to:
- a. Benefit themselves;
  - b. Benefit one or more persons with whom they have a personal relationship; or
  - c. Interfere with the administration of justice.
22. A member of a police service board shall not participate in discussion of or voting with respect to matters at police service board meetings if the member has a conflict of interest in the matter.

## APPENDIX B

MUNICIPAL CONFLICT OF INTEREST ACT  
R.S.O. 1990, CHAPTER M. 50

## Definitions

## 1. In this Act,

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family; (“enfant”)

“controlling interest” means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding;

“council” means the council of a municipality;

“elector” means,

(a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and

(b) in respect of a school board, a person entitled to vote at the election of members of the school board;

“interest in common with electors generally” means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part;

“judge” means a judge of the Superior Court of Justice;

“local board” means a school board, board of directors of a children’s aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a home for the aged, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board;

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” is amended by the Statutes of Ontario, 2007, chapter 8, section 219 by striking out “home for the aged” and substituting “long-term care home”. See: 2007, c. 8, ss. 219, 232 (2).

“meeting” includes any regular, special, committee or other meeting of a council or local board, as the case may be;

“member” means a member of a council or of a local board;

“municipality” includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board;

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

“school board” means a board as defined in subsection 1 (1) of the Education Act, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the Education Act;

“senior officer” means the chair or any vice-chair of the board of directors, the president, any vice president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. (“conjoint”) R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2); 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 10.

#### Indirect pecuniary interest

2. For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

(a) the member or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body,

that has a pecuniary interest in the matter; or

(b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

Interest of certain persons deemed that of member

3. For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

Exceptions

Where s. 5 does not apply

4. Section 5 does not apply to a pecuniary interest in any matter that a member may have,

(a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;

(b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;

(c) by reason of the member purchasing or owning a debenture of the municipality or local board;

(d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;

(e) by reason of having an interest in any property affected by a work under the Drainage Act or by a work under a regulation made under Part XII of the Municipal Act, 2001 or Part IX of the City of Toronto Act, 2006, as the case may be, relating to local improvements;

(f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the Assessment Act;

(g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is

empowered or required by any general or special Act to fill such vacancy, office or position;

(h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;

(i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;

(j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or

(k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1).

#### Duty of Member

##### When present at meeting at which matter considered

5. (1) 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 council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

##### Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

##### When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

#### Record of Disclosure

##### Disclosure to be recorded in minutes

6. (1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be. R.S.O. 1990, c. M.50, s. 6 (1).

##### Idem

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public. R.S.O. 1990, c. M.50, s. 6 (2).

#### Remedy for Lack of Quorum

##### Quorum deemed constituted

7. (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

##### Application to judge

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

##### Power of judge to declare s. 5 not to apply

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to

such conditions and directions as the judge may consider appropriate and so order. R.S.O. 1990, c. M.50, s. 7 (3).

#### Action where Contravention Alleged

Who may try alleged contravention of s. 5 (1-3)

8. The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge. R.S.O. 1990, c. M.50, s. 8.

Who may apply to judge

9. (1) Subject to subsection (3), an elector may, within six weeks after the fact comes to his or her knowledge that a member may have contravened subsection 5 (1), (2) or (3), apply to the judge for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (1).

Contents of notice of application

(2) The elector in his or her notice of application shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (2).

Time for bringing application limited

(3) No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occurred. R.S.O. 1990, c. M.50, s. 9 (3).

Power of judge to declare seat vacant, disqualify member and require restitution

10. (1) Subject to subsection (2), where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), the judge,

(a) shall, in the case of a member, declare the seat of the member vacant; and

(b) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and

(c) may, where the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, where such party is not readily ascertainable, to the municipality or local board of which he or she is a member or former member. R.S.O. 1990, c. M.50, s. 10 (1).

Saving by reason of inadvertence or error

(2) Where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), if the judge finds that the contravention was committed through inadvertence or by reason of an error in judgment, the member is not subject to having his or her seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1). R.S.O. 1990, c. M.50, s. 10 (2).

#### Member not to be suspended

(3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member. R.S.O. 1990, c. M.50, s. 10 (3).

#### Transition: disqualification

(4) A disqualification of a member of a school board under this section that would have continued after December 31, 1997 but for the dissolution of the school board continues for its duration with respect to membership on any board whose members are elected by members of the electoral group who elected the member. 1997, c. 31, s. 156 (2).

#### Definition

(5) In subsection (4),

“electoral group” has the same meaning as in Part VIII of the Education Act as the Part read on January 1, 1997. 1997, c. 31, s. 156 (2).

#### Appeal to Divisional Court

11. (1) An appeal lies from any order made under section 10 to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. M.50, s. 11 (1).

#### Judgment or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal. R.S.O. 1990, c. M.50, s. 11 (2).

#### Appeal from order or new trial

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section. R.S.O. 1990, c. M.50, s. 11 (3).

#### Proceedings not invalidated but voidable

12. The failure of any person to comply with subsection 5 (1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 12.

#### Other procedures prohibited

13. Proceedings to declare a seat vacant or to disqualify a member or former member for conflict of interest, or to require a member or former member to make restitution where a contravention has resulted in personal financial gain, shall be had and taken only under this Act. R.S.O. 1990, c. M.50, s. 13.

#### General Insurance

14. (1) Despite section 279 of the Municipal Act, 2001 or section 218 of the City of Toronto Act, 2006, as the case may be, the council of every municipality may at any time pass by-laws,

(a) for contracting for insurance;

(b) despite the Insurance Act, to enable the municipality to act as an insurer; and

(c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or interinsurance in accordance with Part XIII of the Insurance Act,

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (2).

#### Insurance Act does not apply

(2) The Insurance Act does not apply to a municipality acting as an insurer for the purposes of subsection (1). R.S.O. 1990, c. M.50, s. 14 (2).

#### Surplus funds

(3) Despite section 387 of the Insurance Act, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in such securities as a municipality may invest in under the Municipal Act, 2001 or the City of Toronto Act, 2006, as the case may be. R.S.O. 1990, c. M.50, s. 14 (3); 1996, c. 32, s. 76 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (3); 2007, c. 7, Sched. 27, s. 1.

#### Reserve funds

(4) The money raised for a reserve fund of a municipal reciprocal exchange may be expended or pledged for, or applied to, a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the Insurance Act is complied with. R.S.O. 1990, c. M.50, s. 14 (4).

#### Local boards

(5) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. R.S.O. 1990, c. M.50, s. 14 (5).

#### Former members

(6) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member. R.S.O. 1990, c. M.50, s. 14 (6).

#### Conflict with other Acts

15. In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. M.50, s. 15.