

The Leeds County O.P.P. Detachment Board Governance By-law Index

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LEEDS COUNTY O.P.P. DETACHMENT BOARD

BY-LAW NUMBER 2024-01

A by-law to govern the proceedings of the Leeds County O.P.P. Detachment Board, the conduct of its members and the calling of meetings.

WHEREAS an O.P.P. Detachment Board shall make rules and procedures in performing its duties under the Community Safety and Policing Act, 2019, SO 2019, c 1 and amendments;

AND WHEREAS it is deemed expedient to make and establish rules governing the proceedings of the Leeds County O.P.P. Detachment Board, the conduct of its Members and the calling of meetings, pursuant to the Community Safety and Policing Act, 2019, SO 2019, c 1 and amendments.

THEREFORE the Community Safety and Policing Act, 2019, SO 2019, c 1 enacts as follows:

1. DEFINITIONS

1.1 In this By-law:

- (A) "Act" means the Community Safety and Policing Act, 2019, SO 2019, c 1, as amended from time to time;
- (B) "Acting Chair" means a member required to act from time to time in the place and stead of the Chair, pursuant to section 6 of this by-law;
- (C) "Board" means the Leeds County O.P.P. Detachment Board and shall be composed of such members appointed under Part V of the Act;
- (D) "Chair" means the Chair of the Board;
- (E) "Committee" means a Standing or ad hoc committee and any other similar entity composed of individuals of the Board pursuant to the Act;

- (F) "Council" means each of the councils for the following municipalities:
 - (i) Athens
 - (ii) Elizabethtown-Kitley
 - (iii) Front of Yonge
 - (iv) Frontenac Islands
 - (v) Leeds and the Thousand Islands
 - (vi) Rideau Lakes
 - (vii) Westport
 - (G) "Days" means calendar days exclusive of Saturday, Sundays and Statutory holidays;
 - (H) "Detachment Commander" means an Ontario Provincial Police Detachment Commander reporting to the Leeds County O.P.P. Detachment Board;
 - (H) "Member" means a member of the Leeds County O.P.P. Detachment Board;
 - (I) "Recorded Vote" means the making of a written record of the name and vote of each Member present who votes on a question and of each member present who does not vote; and
 - (J) "Secretary" means the Secretary of the Leeds County O.P.P. Detachment Board.
- 1.2 In this by-law, words importing the singular number include the plural and vice versa, and words importing the masculine gender include the feminine gender.

2. APPLICATION

- 2.1 The rules or procedures contained in this by-law shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business before the Board, and with necessary modifications, in a committee of the Board;
- 2.2 Except as provided elsewhere in this by-law, the Board may temporarily suspend one or more of the rules contained in

this paragraph by a vote of the majority of the Members present:

- Rules with respect to a change in agenda order of proceedings and content;
- Rules respecting notice of delegation status;
- Rules with respect to the increase or decrease of delegation and debate limitations;

2.3 All points of order or procedure for which rules have not been provided in this By-law shall be decided by the Chair.

3. COMPOSITION OF THE BOARD

3.1 The composition of the Board is set by regulation under the Act, the Board consists of eleven (11) members, composed of:

- (A) one (1) Council member appointed by resolution from each Council, for a total of seven (7) Council seats;
- (B) two (2) persons collectively appointed by resolution of the seven Councils, who is neither a member of the Council nor an employee of one of the seven municipalities; and
- (C) two (2) persons appointed by the Lieutenant Governor in Council.

4. SELECTION OF CHAIR AND VICE CHAIR

4.1 In accordance the Act, the members of the Board shall, at the first meeting held in each year, select from amongst its members, a Chair and Vice Chair for one year.

4.2 The election of Chair shall be conducted by the Secretary.

4.3 The election of the Vice Chair shall be conducted by the Chair.

4.4 For any votes required under this section, each member present indicate his/her vote openly and that no vote be taken by ballot or any other method of secret voting.

5. DUTIES AND RESPONSIBILITIES OF THE BOARD

5.1 The Board shall be responsible for those duties as set out in Part V of the Act as applicable, and shall at all times discharge those duties in accordance with the Board's Code of Conduct prescribed by the Code of Conduct for O.P.P. Detachment Board Members, O Reg 409/23.

5.2 The Board shall appoint an individual to serve as Secretary to the Board and whose duration of employment shall be at the discretion of the Board.

6. DUTIES OF THE CHAIR

6.1 It shall be the duty of the Chair to:

- (A) report on the activities of the Leeds County O.P.P. Detachment and those of its Board, to the Councils as requested by any Council;
- (B) act as the sole spokesperson for the major policy decisions of the Board;
- (C) represent and support the Board, declaring its will and implicitly obeying its decision in all things;
- (D) set the agenda for all meetings;
- (E) open the meeting of the Board by taking the chair and calling the Members to order;
- (F) receive and submit, in the proper manner, all motions presented by the Members;
- (G) put to vote all questions, which are duly moved and to announce the result thereof;
- (H) decline to put to a vote, motions which infringe upon the rules of procedure or which are beyond the jurisdiction of the Board;
- (I) restrain the Members, when engaged in debate, within the rules of procedure;

- (J) enforce on all occasions the observance of order and decorum among the Members;
- (K) call by name, any Member persisting in breach of the rules and procedure and to order him or her to vacate the room in which the meeting is being held;
- (L) inform the Board on any point of order as deemed necessary;
- (M) adjourn the meeting upon motion duly moved when the business is concluded;
- (N) adjourn the sitting without a question being put or suspend or recess the sitting for a time to be specified by him or her, if considered necessary;
- (O) sign 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; and
- (P) perform any and all other duties when directed to do so by motion of the Board.

7. DUTIES OF THE VICE CHAIR

- 7.1 When the Chair is absent or refuses to act or the Chair is vacant, the Vice Chair shall act in his or her place and stead and while so acting, shall have the same authority, rights and powers of the Chair.

8. COMMITTEES OF THE BOARD

- 8.1 The Board may at any time by motion appoint at least two Members to a Committee of the Board to inquire into any matter within the jurisdiction of the Board.
- 8.2 The Board may appoint other persons to be members of a Committee as long as the majority of the Committee is composed of Members.
- 8.3 The Committee shall report upon its work to the Board at the meeting of the Board next following the date of the Committee meeting.

9. REGULAR MEETINGS OF THE BOARD

- 9.1 The Board shall hold at least four regular meetings each year at such place and time as may be determined by the Board.
- 9.2 The Chair shall preside at all meetings. In the absence of the Chair, the Vice Chair or in the absence of the Vice Chair, the next senior member of the Board, shall preside at the meeting in accordance with Section 7 of this by-law.
- 9.3. The Chair or in the absence of the Chair, the Vice Chair as the case may be, may cancel a regular meeting of the Board, where the Chair or Vice Chair deems such meeting is not warranted.
- 9.4 A regular or special meeting of the Board may be cancelled in any of the following circumstances:
 - (A) the Secretary determines in advance that quorum will not be achieved;
 - (B) the meeting is cancelled by Board resolution; or
 - (C) with 48 hours' notice, in the event of exceptional circumstances, at the discretion of Chair, Detachment Commander and Secretary.
- 9.5 Electronic participation in regular, special and Committee meetings is permitted for a Member and:
 - (A) Members participating electronically may count toward determining whether a quorum of members is present and therefore may vote;
 - (B) Members may participate electronically in a meeting which is closed to the public. It is the Member's responsibility to take all reasonable measures to ensure confidentiality and security of all close meeting content;
 - (C) Notice shall be given to the Secretary as soon as possible or within 12 hours of the start of the meeting if a Member wishes to participate electronically.

10. SPECIAL MEETINGS OF THE BOARD

- 10.1 The Chair or, in his or her absence, the Vice Chair, may at any time summon a special meeting of the Board and shall do so whenever requested by a majority of the Members of the Board.
- 10.2 The Secretary shall give notice to the Members of the Board of all special meetings of the Board whenever required by competent authority to do so. Such notice shall be by telephone, or other means deemed appropriate by the Secretary.
- 10.3 No special meeting of the Board may be held with less than 48 hours notice to the Members.
- 10.4 Notification of the public will be deemed complete with posting of the notice of meeting on the internet meeting portal 48 hours in advance of a meeting called under Section 10.1.
- 10.5 Notwithstanding 10.4, a meeting deemed to be In Camera, will not require notification of the public.
- 10.6 No business may be transacted at a special meeting of the Board other than that specified in the notice or Agenda.

11. THE CALLING OF THE MEETINGS TO ORDER

- 11.1 As soon as possible after the hour of the meeting, and where a quorum is present, the Chair shall take the chair and call the meeting to order.
- 11.2 If a quorum for either the regular or special Board meeting is not present within thirty (30) minutes of the time fixed for the commencement of the meeting, the Secretary shall indicate that no quorum was present and the meeting shall stand adjourned until the next regular meeting of the, Board.

12. QUORUM

- 12.1 A quorum shall be a majority of the Members according to Section 43(2) of the Act.

13. BOARD AGENDA

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

- (A) Minutes of the Previous Meeting(s);
- (B) Conflict of Interest/Pecuniary Interest Disclosure;
- (C) Presentations/Delegations;
- (D) Items for Discussion/Reports;
- (E) Correspondence;
- (F) New Business;
- (G) Notice of Motions
- (H) In Camera Agenda; and,
- (I) Adjournment.

13.2 The Secretary shall contact the Detachment Commander to receive all reports and supporting materials for the agenda twelve (12) days prior to the date for the Board Meeting and shall consult with the Chair. An item which is not included in the agenda may not be introduced at the meeting, without the consent of a majority of the Members present.

13.3 Every letter, petition and other communication addressed to the Board shall be received by the Secretary who shall:

- (A) where, in the opinion of the Secretary, the subject matter of any communication is properly within the jurisdiction of the Board, place it upon the Agenda for the next regular meeting of the Board to be dealt with during such meeting; and
- (B) where, in the opinion of the Secretary, and confirmed by the Chair, the subject matter of any communication is properly within the jurisdiction of the Leeds County O.P.P. detachment, shall refer it to the Detachment Commander for necessary action and a report presented at the next Board meeting if required.

13.4 The Secretary shall post electronically the agenda and related documentation for each regular meeting to each Member of the Board not less than three (3) days prior to the date of the meeting.

14. CONFLICT OF INTEREST DISCLOSURE

- 14.1 The Chair and Members shall be governed by the Municipal Conflict of Interest Act, and the agenda shall include a provision for Members to declare a conflict or conflicts of interest or a pecuniary interest in a matter.
- 14.2 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 Board at which the matter is the subject of consideration, the Member shall:
- (A) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - (B) not take part in the discussion of, or vote on any question in respect of the matter; and
 - (C) not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- 14.3 Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
- 14.4 Where the interest of a Member has not been disclosed by reason of his or her absence from the particular meeting, the Member shall disclose his or her interest and otherwise comply at the first meeting of the Board attended by him or her after the particular meeting.
- 14.5 The Secretary shall record in reasonable detail, the particulars of any disclosure of conflict of interest, and the particulars shall appear in the minutes of that meeting of the Board.

15. HEARING OF DELEGATIONS

- 15.1 Delegations will only be heard at regular meetings and provided that the person(s) requesting a delegation has provided written notice of their request at least five (5) days before the date of the Board meeting. The request shall also

include a list of person(s) who will be appearing before the Board and a copy of the materials that will be presented. Delegations shall be restricted to presentations of ten (10) minutes and shall address their remarks to the stated business. Notwithstanding the foregoing the time allotted for any delegation may be extended an additional five (5) minutes at the discretion of the Chair.

15.2 Upon receipt of the written notice requesting a delegation, the Secretary shall list the delegation on the next appropriate meeting agenda.

15.3 Upon the completion of a presentation to the Board by a delegation, any discourse between Members of the Board and the delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members of the Board shall not enter into debate with the delegation respecting the presentation.

15.4 No delegation shall:

- (A) speak disrespectfully of any person;
- (B) use offensive words or unparliamentary language;
- (C) speak on any subject other than the subject for which they have received approval to address the Board; or
- (D) disobey the rules of procedure or a decision of the Chair.

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

16. CONDUCT OF MEMBERS

16.1 No Member shall:

- (A) use offensive words or unparliamentary language in meetings of the Board or against any Member;
- (B) speak on any subject other than the subject in debate;
- (C) criticize any decision of the Board except for the purpose of moving that the question be reconsidered;

- (D) speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability; or
- (E) disobey the rules as set out in this by-law or a decision of the Chair, on questions of order or procedure as set out in this bylaw or resolution of the Board, or upon the interpretation of the rules of the Board.

16.2 If a Member persists in disobedience after having been called to order by the Chair, the Chair shall forthwith put the question, no amendment, adjournment or debate being allowed: "That such Member be ordered to leave his or her seat for the duration of the meeting of the Board." If a Member who has been ordered to leave his or her seat apologizes to the Chair and the other Members, he or she may, by vote of the Members, be permitted to retake his or her seat.

17. RULES OF DEBATE

- 17.1 Every Member, before speaking to a question or motion shall first receive recognition from the Chair and then the Member shall address the Chair.
- 17.2 When a Member wishes to speak to any question, motion or item, they shall in an orderly fashion attempt to obtain the Chair's attention to indicate that such Member wishes to speak, and the Chair shall keep a list of those Members who have so indicated a desire to speak. The Chair shall then recognize the Members who wish to speak in the order in which their intentions have come to the Chair's attention and appear on the list.
- 17.3 When two or more Members indicate their intention to speak, the Chair shall recognize the Member who, in his or her opinion, first indicated their intention to speak, and that Members may speak to the question or motion first.
- 17.4 When a Member is speaking no other Member shall pass information between any Member or the Chair, or interrupt that Member except to raise a point of order.

- 17.5 A Member may require the question or motion under discussion to be read at any time during the debate, but so as not to interrupt a Member who is speaking.
- 17.6 No Member shall speak more than twice to the same question or motion without leave of the Chair, except to explain a part of his or her speech which the Member feels may have been misunderstood, but in no instance, shall the Member be permitted to introduce any new matter.
- 17.7 Notwithstanding Section 17.6, a reply may be made by the Member who has presented a motion to the Board, following the conclusion of the speeches of the other Members.
- 17.8 No Member shall speak to the same question or motion, or in reply, for more than ten minutes, without leave of the Chair.
- 17.9 After a question is put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 17.10 If a Member considers that a ruling by the Chair is not in order, an appeal may be made. When challenged, the Chair may give a brief explanation of the ruling and ask the Members "Is the ruling of the Chair upheld?" In the event of a tie vote, the ruling is upheld. The decision of the Board under this Section is final.

18. MOTIONS

- 18.1 All motions shall be duly moved and seconded to be accepted by the Chair for discussion and for being put to a vote.
- 18.2 The Chair shall repeat a motion before a vote is taken if required to do so by a Member.
- 18.3 After a motion has been moved, it may be withdrawn by the mover at any time before a vote is taken.
- 18.4 A motion properly before the Board for decision must receive disposition before any other motion can be received, except motions:
 - (A) to adjourn;
 - (B) to amend;
 - (C) to refer;

- (D) to suspend the rules of procedure;
- (E) to table the question; or
- (F) to vote on the question.

18.5 A motion to adjourn the meeting is a non-debatable motion and may be made at any time except;

- (A) when a Member is speaking or during the taking of a vote;
- (B) when the question has been called;
- (C) when a Member has already indicated to the Chair that he or she desires to speak on the question;

And, when resolved in the negative, cannot be made again until the Board has conducted further proceedings.

18.6 A motion to amend:

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

And only one motion to amend such amendment shall be permitted, and any further amendment shall be made to the main questions.

18.7 A motion to refer the question shall include:

- (A) the name of the Committee, or other body or official to whom the question is to be referred; and
- (B) the terms upon which the question is to be referred;

And any debate will only be permitted with respect to the desirability of referring the question and the terms of the referral, and no discussion of the main question or an amendment thereto shall be allowed until after its disposition.

18.8 After any question, except one of indefinite deferment has been decided by the Board, any Member who was present and who voted in the majority may, at a subsequent meeting of the Board, move for the reconsideration thereof, provided due notice of such intention is given as required by this By-law, but no discussion of the main

question by any person shall be allowed unless the motion to reconsider has first been adopted.

- 18.9 No question shall be reconsidered more than once at a meeting of the Board.

19. VOTING ON MOTIONS

- 19.1 The Chair shall ensure that all Members who wish to speak on a matter have spoken and that the Members are ready to vote and shall then put the matter to a vote. After a question has been put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
- 19.2 The matter put to a vote shall be in the form of a motion addressing the matter under consideration.
- 19.3 A motion shall be deemed to have been carried when a majority of the Members present and voting have expressed their agreement with the question.
- 19.4 No vote shall be taken by ballot or by any other means of secret voting.
- 19.5 Before the question is decided, any Member may require that the vote be recorded; in this case, the Chair shall call the vote and announce the division, and the Secretary shall record the names and votes of every Member on the question.
- 19.6 If a Member disagrees with an announcement of the Chair that a question is carried or lost, the Member may, but only immediately after the declaration by the Chair, object to the declaration and require a recorded vote to be taken.
- 19.7 When the Chair is satisfied that a question contains distinct proposals, the Chair may divide the question or shall do so upon the request of a Member, and the vote upon each proposal shall be taken separately.
- 19.8 Every Member present at a meeting of the Board when a question is put, including the Chair and Vice-Chair, shall vote thereon unless prohibited by statute (in which case the fact of the prohibition shall be recorded in the minutes). Any Member who refuses to vote shall be recorded as abstaining.

19.9 Any question on which there is an equality of votes shall be deemed to have been decided in the negative.

20. PUBLIC & IN CAMERA MEETINGS

20.1 All meetings of the Board shall be open to the public subject to subsection (20.2) of this section.

20.2 The following subject matters may be discussed in a closed meeting of the Board, unless prohibited by law:

- (A) the security of property of the Board;
- (B) personal matters about an identifiable individual, including members of the O.P.P.;
- (C) labour relations or employee negotiations;
- (D) a proposed or pending acquisition of land for Board purposes;
- (E) litigation or potential litigation affecting the Board, including matters before an administrative tribunal;
- (F) advice that would be inadmissible in a court by reason of any privilege under the law of evidence, including communications necessary for that purpose;
- (G) 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
- (H) the subject matter being considered is a request under the Municipal Freedom of Information and Protection of Privacy Act;
- (I) information that 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;
- (J) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in

confidence to the Board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

- (K) a trade secret or scientific, technical, commercial or financial information that belongs to the board and has monetary value or potential monetary value;
- (L) 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 Board; or
- (M) an ongoing investigation respecting the police service board.

20.3 No person other than Board Members, Secretary, Detachment Commander and other persons invited by the Chair, shall attend closed meetings of the Board, and persons other than the Board Members shall vacate the meetings if requested to do so by the Chair.

21. AVAILABILITY OF INFORMATION

21.1 Information relating to matters described in Section 20.2 of this by-law, shall be marked "Confidential".

21.2 Immediately following the distribution of the agenda information to all Members of the Board, the public agenda materials shall be posted publicly, provided the disclosure of such information do not relate to matters described in subsection 20.2 herein.

22. BY-LAWS

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

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

- 22.3 Every by-law which has been passed by the Board shall be numbered, dated and signed by the Chair and Secretary and files with the records of the Board.
- 22.4 The Secretary shall provide the clerk of the respective member municipalities with duplicate copies of all by-laws duly passed under Section 22.

23. GENERAL

- 23.1 For purposes of interpreting this by-law or determining a proper course of action for matters that may arise that are not specifically contemplated by this by-law, the most recent edition of Robert's Rules of Order in existence at the time shall be referred to.
- 23.2 As required by the Act, on or before June 30th in each year, the Board shall provide an annual report to the member municipalities regarding the policing provided by the Leeds County Detachment in their municipalities.

24. ADMINISTRATION

- 24.1 This by-law shall come into force upon the day it is passed.

25. EFFECTIVE DATE

This by-law is hereby enacted by Leeds County O.P.P. Detachment Board and shall take effect on this date.

THIS BY-LAW PASSED THIS 11 DAY OF JULY, 2024.

Chair

Secretary