

MINUTES OF THE HAMILTON POLICE SERVICES BOARD

Thursday, December 15, 2022
1:00 P.M.
Hybrid Meeting

Present: Chair Mandy
Vice Chair Bennink
Member Athulathmudali
Member Elms
Member Kroetsch
Member Pauls

Absent with Regrets: Member Horwath

Also Present: Chief Frank Bergen
Deputy Chief Ryan Diodati
Deputy Chief Paul Hamilton
Legal Counsel Marco Visentini
Director of Human Resources Leanne Sneddon
Director of Finance/CFO Sanela Dzaferi
Director of Fleet and Facilities Doris Ciardullo
Director of Strategic Initiatives Matt Lewandowski
Corporate Communicator Jackie Penman
Legal Counsel for the Board Lynda Bordeleau
Board Administrator Kirsten Stevenson
Board Assistant Lucia Romano

1. Call to Order

The Chair called the meeting to order at 1:00 P.M. and confirmed quorum.
A land acknowledgement was provided by Vice Chair Bennink.

2. Approval of the Agenda

The Administrator noted the following changes to the agenda:

- Added Item 4.2 under Presentations, Deputations and Verbal Updates - Board Education Session - Code of Conduct

- Added Item 6.9 under Communications - Correspondence from Jonathan Hesler with regards to the Terryberry Library Anti-LGBTQ Event

Moved By: Member Elms

Seconded By: Member Athulathmudali

That the agenda be approved, as amended.

CARRIED

3. Declarations of Conflict & Pecuniary Interest by Members

There were no declarations of conflict & pecuniary interest by Members.

4. Presentations, Deputations & Verbal Updates

4.1 Members of the Month

The Members of the Month were presented as follows:

August 2022 - Constable Connor Nicklin

September 2022 - Lysha Stack

October 2022 - Constable Kevin Farrell

October 2022 - Acting Sergeant Kevin Jones

November 2022 - Constable David White

4.2 Board Education Session - Code of Conduct

The Board's Legal Counsel, Lynda Bordeleau, provided a presentation with regards to the Police Services Board Code of Conduct.

Moved By: Vice Chair Bennink

Seconded By: Member Elms

That the education session provided by Lynda Bordeleau be received.

CARRIED

4.3 Chief of Police Verbal Update

The Chief provided a verbal update.

Moved By: Vice Chair Bennink

Seconded By: Member Athulathmudali

That the Chief's update be received.

CARRIED

5. Approval of the Minutes**5.1 November 17, 2022**

Moved By: Member Pauls

Seconded By: Vice Chair Bennink

That the minutes of November 17, 2022 be approved, as presented.

CARRIED

5.2 Budget Committee - November 21, 2022

Moved By: Member Elms

Seconded By: Vice Chair Bennink

That the minutes of November 21, 2022 be approved, as presented.

CARRIED

5.3 Budget Committee - November 29, 2022

Moved By: Vice Chair Bennink

Seconded By: Member Elms

That the minutes of November 29, 2022 be approved, as presented.

CARRIED

6. Communications

After discussion, the Board approved the following:

Moved By: Member Kroetsch

Seconded By: Member Elms

That the Communication Items listed as 6.1 through 6.11 be received.

CARRIED

- 6.1 Correspondence from The Office of the Chief Coroner - Implementation of Recommendations - Freeman Inquest Q2022-22 (Dec 1, 2022)**
- 6.2 Correspondence from the Ministry of the Solicitor General - The Use of Force by Police Officers 22-0082 (Nov 16, 2022)**
- 6.3 Correspondence from the Ministry of the Solicitor General - Modernized Use of Force Report 22-084 (Nov 28, 2022)**
- 6.4 Correspondence from the London Police Services Board - Media Release New & Returning Board Members (Nov 29, 2022)**
- 6.5 Correspondence from the Windsor Police Services Board - News Release Appointment of Chief of Police**
- 6.6 Correspondence from Wesley with regards to Thanks for Supporting Annual Golf Tournament (Nov 11, 2022)**
- 6.7 Correspondence from the Ontario Association of Police Services Board (OAPSB) with regards to Your Opinion Matters - Provide your Feedback on Pending Regulations (Nov 30, 2022)**
- 6.8 Correspondence from the Peel Police and Police Services Board with regards to Auto Thefts & Carjackings (November 2022)**
- 6.9 Correspondence from Jonathan Hesler with regards to the Terryberry Library Anti-LGBTQ Event (December 12, 2022)**
- 6.10 Correspondence from Theo Vittore with regards to the Terryberry Library Anti-LGBTQ Event (December 13, 2022)**
- 6.11 Hamilton Police Services Board Media Release - New and Returning Members of the Board (December 8, 2022)**

7. Consent Agenda

Moved By: Member Athulathmudali

Seconded By: Member Elms

That Consent Items listed as 7.1 through 7.4 be approved.

CARRIED

7.1 Auction Account - Requests for Funding & Support

- 7.2 Budget Variance Report as at September 30, 2022 (22-107)**
- 7.3 Capital Project Status Report as at September 30, 2022 (22-108)**
- 7.4 Outstanding Business List**

8. Discussion Agenda

8.1 Governance Committee - Scheduling of Meetings for 2023 (PSB 22-017)

After discussion, the Board approved the following:

Moved By: Member Elms

Seconded By: Vice Chair Bennink

That regular meetings of the Governance Committee be scheduled every quarter in 2023; and

That the Chair of the Governance Committee be able to call additional meetings as required; and

That Governance Committee meetings occur after regularly scheduled Board meetings; and

That the Committee's first meeting will commence February 23, 2023.

CARRIED

8.2 2023 Hamilton Police Service Operating and Capital Budgets (22-109)

Vice Chair Bennink provided an introduction to the Budget presentation.

The Chief presented the Service's Operating and Capital Budgets.

The Chief answered questions of the Board.

Member Kroetsch noted he was not in favour of approving the budget recommendation.

After discussion, the Board approved the following:

Moved By: Vice Chair Bennink

Seconded By: Member Elms

That the 2023 Hamilton Police Service (HPS) operating and capital budgets resulting in a total combined budget of \$195,851,008 be approved; and

That the 2023 operating and capital budgets be submitted to the City of Hamilton Council for approval.

CARRIED

9. New Business

9.1 Special Meeting of the Board - December 1, 2022

The Board held a special meeting on December 1, 2022 for the purpose of considering a confidential time-sensitive item pertaining to a personnel matter in accordance with Section 35(4) of the *Police Services Act*.

As per the confidential nature of matter being considered, there were no details to report back in the public portion of the meeting.

9.2 Senior Officers Association - Bargaining Committee Nominations

Member Pauls declared a conflict and abstained from the vote.

After discussion, the Board approved the following:

Moved By: Member Kroetsch

Seconded By: Member Athulathmudali

That the following Board Members sit on the Senior Officers Association Bargaining Committee for 2023: Member Athulathmudali, Member Elms, and Vice Chair Bennink.

9.3 Terryberry Library Anti-LGBTQ Event (item included at the request of Member Kroetsch)

Deputy Chief Diodati provided an update on the police's response to the protest.

Chief Bergen read a letter of thanks from the Chief Librarian and spoke to the police's response to the protest.

After discussion, the Board approved the following:

Moved By: Member Athulathmudali

Seconded By: Vice Chair Bennink

That the update regarding the Terryberry Library Anti-LGBTQ event be received.

CARRIED

10. In Camera Meeting

Moved By: Member Athulathmudali

Seconded By: Vice Chair Bennink

That the Board move in camera for the purpose of considering confidential items pertaining to legal and personnel matters in accordance with Section 35(4) of the *Police Services Act*.

CARRIED

The Board moved in camera at 4:07 P.M.

11. In Camera Report Back

The Board returned to public session at 5:13 P.M.

During it's in camera session today, the Board approved the in camera minutes of the November 17, 2022 meeting, and minutes of the special Board meeting of December 1, 2022. The Board also dealt with the consideration of confidential items pertaining to legal and personnel matters in accordance with section 35(4) of the *Police Services Act*.

Moved By: Member Elms

Seconded By: Vice Chair Bennink

That the Chair's report back be approved.

CARRIED

12. Adjournment

Moved By: Member Elms

Seconded By: Vice Chair Bennink

As there was no further business, the meeting was adjourned at 5:18 P.M.

Taken as read and approved.

Chair Pat Mandy

Administrator Kirsten Stevenson