

HAMILTON POLICE SERVICES BOARD

BY-LAW 23 – 001

A By-law Governing the Proceedings
of the Board

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BY-LAW NO. 01-2023

A BY-LAW GOVERNING THE PROCEEDINGS OF THE HAMILTON POLICE SERVICES BOARD

1. PREAMBLE

WHEREAS *The Police Services Act*, further referred to as “*The Act*”, provides there shall be a Police Services Board for every municipality that maintains a police force;

AND WHEREAS pursuant to *the Act*, a Board shall hold at least four meeting each year;

AND WHEREAS *The Act* provides a Police Services Board shall establish its own rules and procedures in performing its duties under this *Act*;

AND whereas the Police Services Board deems it expedient to pass such a By-law to make rules and regulations governing the orders and procedures of the Board:

NOW THEREFORE THE CITY OF HAMILTON POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2. DEFINITIONS

For the purposes of this By-law:

2.1 Definitions

Act: [*The Police Services Act*](#) (*PSA*), or any other Act replacing the *PSA*, the Province deems must be adhered to by Police Services Boards in Ontario;

Acting Chair: the Vice Chair who shall act as the Chair if the Chair is absent or if the Chair's position is vacant, pursuant to *the Act* or as prescribed by Section 7 of this By-law;

Administrator: the person appointed to the Administrator position by the Board;

Agenda: the document prepared for distribution as prescribed by Section 15 of this By-law;

Board: the Hamilton Police Services Board;

Chair: the Member elected as Chair of the Board by its Members pursuant to *The Act*;

Chief: the Chief of Police of the Hamilton Police Service;

Committee: a Standing or Ad Hoc Committee of the Board, pursuant to *the Act*;

Closed session: a confidential meeting that is closed to the public in accordance with *the Act*;

Conflicts of Interest: include conflicts related to pecuniary interest, direct or indirect in accordance with the [Municipal Conflicts of Interest Act, R.S.O. 1990, c.M.50](#);

Delegation: a presentation to the Board at the request of a person or group;

Emergency meeting: a meeting that deals with an emergency or extraordinary situation;

Hybrid meeting: a meeting in which Members join both virtually and in-person;

In writing: hand-written, type-written, printed or via email;

Majority vote: an affirmative vote of more than one-half of the Members present and voting (50% of Members plus 1 Member);

Meeting: a meeting of the Board or a Committee;

Member(s): a Member of the Hamilton Police Services Board and includes the Chair and Vice Chair;

Motion to defer: a motion to delay consideration of a matter until later in the same meeting or to a future meeting of the Board or a Committee;

Motion to receive: a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of the Board with no additional action being taken;

Motion to refer: a motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by, and if deemed desirable, one or more reports from the Chief of Police, Administrator, or other official or Committee;

Motion to table: a motion to postpone without setting a definite date as to when the matter will be considered again;

Notice of motion: an oral notice or written motion received by the Administrator, moved by a Member, and seconded by another Member, for inclusion on an agenda of a meeting of the Board or a Committee;

Point of order: a question by a Member with the view to calling attention to any issue relating to this By-law or the conduct of the Board's business or in order to assist the Member in understanding the Board's procedures, making an appropriate motion, or understanding the effect of a motion;

Point of privilege or personal privilege: a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member who considers that his or her integrity or that of a Member has been impugned or questioned by a Member;

Presentation: an address to the Board or Committee;

Quorum: a majority of the Members of the Board in accordance with *the Act*;

Recorded vote: a written record of the name and vote of every Member voting on any matter or question;

Resolution: the decision of the Board on any motion;

Service: the Hamilton Police Service;

Special meeting: a meeting other than a regularly scheduled meeting or emergency meeting;

Two-thirds majority vote: an affirmative vote of at least two-thirds of the Members present and voting;

Vice Chair: the Member elected as the Vice Chair of the Board by its Members pursuant to *the Act*;

Virtual meeting: a meeting where all Members participate remotely.

3. RULES OF PROCEDURE

3.1 General Application

The rules of procedure contained in this By-law shall be observed in all proceedings and shall be the rule for the order and dispatch of business before the Hamilton Police Services Board.

3.2 Committee Rules

The rules of procedure contained in this By-law shall be observed, with necessary modifications, in proceedings of all Committees of the Board.

3.3 Suspension of Rules and Regulations

The rules of procedure may be suspended at such time or times and upon such conditions as may be deemed appropriate by an affirmative vote of at least two thirds (2/3) of the Members of the Board.

3.4 Procedures Not Covered in By-law

All points of order or procedure for which rules have not been provided in this By-law shall be decided by the Chair in accordance, as far as is reasonably practicable, with the rules of parliamentary procedure as contained in Robert's Rules of Order.

3.5 Statutes of Ontario to Prevail

Should any provision of this By-law be or become in contravention of any legislation of the Province of Ontario, the provincial legislation shall prevail.

3.6 Statutory Requirements

Notwithstanding anything in this By-law, where the Board or a Committee convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the *Statutory Powers of Procedure Act* shall govern the proceedings.

3.7 Amendments to Rules

This By-law shall not be amended or repealed except by the concurring votes of at least two-thirds (2/3) of the Members of the Board and a notice of motion to amend this By-law must be delivered to each Board Member and the Administrator at least two (2) weeks prior to the meeting at which the motion to amend is to be considered.

4. ELECTION OF THE CHAIR AND VICE CHAIR

4.1 Election of Chair

Pursuant to *the Act*, the Board shall elect a Chair at its first public meeting in each year.

4.2 Election of Vice Chair

Pursuant to *the Act*, the Board shall elect a Vice Chair at its first public meeting in each year.

4.3 Deferral

The election of the Chair and Vice Chair shall be held at a meeting where the majority of Members of the Board are present, and an election may be deferred until such meeting.

4.4 Term

The Chair and Vice Chair of the Board shall hold office for a one-year term until their successors are elected in accordance with *the Act* and this By-law.

The Chair and Vice Chair may be elected for more than one term.

4.5 Nominations

The Administrator shall act as presiding officer at the first meeting of the Board in each year until the Chair is elected

4.6 Form of Nomination

Each nomination shall be made openly and shall have the consent of the nominee and be seconded by a Member.

4.7 Eligibility

A nominee is a person whose candidacy for the position of Chair or Vice Chair has been moved and seconded by Members present at the first meeting of the Board in each year.

4.8 Nominations Closed

Where it appears to the Administrator there are no further nominations, the Administrator shall call for a motion declaring nominations closed.

4.9 Speakers

After nominations have closed and prior to the vote being taken, each mover

and seconder of a nominee and each nominee shall be permitted to speak to the nomination for no more than five (5) minutes.

4.10 Order of Speakers

The speakers shall be called upon to address the Board in alphabetical order of the nominees' surnames.

4.11 Withdrawal

A nominee may withdraw their name at any time prior to the vote being called.

4.12 Vote

A public vote shall be taken regardless of the number of nominations.

4.13 No Majority Obtained

If there are more than two nominees who elect to stand the vote will be conducted by ranked ballot.

4.14 Announcement

When voting is complete, the Administrator shall announce the new Chair.

4.15 Election of Vice Chair

The election of the Vice Chair shall follow the procedure set out for the election of the Chair. The election of Vice Chair shall be led by the Chair.

5. DUTIES OF THE CHAIR

5.1 Chair's Duties

It is the duty of the Chair to:

- (a) preside at all meetings of the Board so its 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 Members;
- (g) put to a vote all motions which are moved and seconded or which necessarily arise in the course of the proceedings, and to announce the result;
- (h) sit as ex-officio as a Member of all Committees of the Board and be entitled to participate and vote at the meetings;
- (i) decline to put to vote motions which do not comply with this By-law or which are not within the jurisdiction of the Board;
- (j) maintain order and preserve the decorum of meetings;
- (k) to adjourn or suspend the meeting to a time specified by the Chair where it is not possible to maintain order, without any motion being put forward;
- (l) to permit any question be asked through the Chair or any employee of the Hamilton Police Service in order to provide information to assist in any debate when the Chair deems it proper;
- (m) adjourn the meeting when business is concluded or upon a motion to adjourn or to recess the meeting as required.

5.2 Signature

The Chair and Administrator shall be authorized to sign all documentation for and on behalf of the Board including but not limited to: By-laws, agreements, purchases, resolutions and minutes, which have been approved by the Board.

6. DUTIES OF VICE CHAIR

6.1 Vice Chair's Duties

The duties of the Vice Chair shall be to act in the absence of the Chair and shall have the same authority as the Chair would have if present.

7. ACTING CHAIR

7.1 Appointment of Acting Chair

In case the Chair does not attend within fifteen (15) minutes of the time a quorum is present after the scheduled commencement time for a meeting of

the Board, or after the resumption after an adjournment or recess, the Vice Chair shall serve as Acting Chair. In the absence of the Chair and the Vice Chair, the Administrator shall call the Members to order and an Acting Chair shall be appointed from among the Members present and they shall preside until the arrival of the Chair or the Vice Chair.

7.2 Designation

The Chair may designate the Vice Chair, or in the absence of the Vice Chair, another Member as Acting Chair during any part of a Board meeting if they vacate the Chair for any reason.

7.3 Authority of Acting Chair

The Acting Chair shall have and may exercise all the rights, powers and authority of the Chair under this By-law.

8. DELEGATION OF AUTHORITY

8.1 Items to be Approved

To accommodate matters requiring the Board's approval prior to its next meeting taking place, the Board Chair and Vice Chair may jointly approve the following items by means of the Board's delegated authority as provided for in Section 37 of *the Act*:

- (a) the hiring of civilian & sworn members of the Hamilton Police Service;
- (b) the hiring and re-appointment of Special Constables;
- (c) Memorandums of Understanding;
- (d) auction account funding requests
- (e) any other item the Chair and Vice Chair deem necessary to be signed prior to the next regularly scheduled meeting taking place.

8.2 Reporting Approved Items

All documents requiring signing by the Chair and Vice Chair under the Board's delegated authority shall be reported back at the next meeting of the Board and listed under the consent agenda.

9. CONDUCT OF MEMBERS

9.1 Conduct of Members

Members will adhere to Ontario Regulation 421/97 Members of Police Services Boards – Code of Conduct (set out in Appendix "A" to this By-law),

and any other rules of conduct as set forth by *the Act* or other relevant legislation.

10. DUTIES OF THE ADMINISTRATOR

10.1 Duties of Administrator

The duties of the Administrator pertaining to meetings of the Board shall be to:

- (a) serve as the administrative link between the Board, the Chief, the Board's legal counsel and labour negotiator, Committees of the Board, the media, and members of the community;
- (b) prepare and finalize agendas and materials for all Board and Committee meetings, in consultation with the Chair
- (c) attend all Board and Committee meetings;
- (d) record the minutes of the proceedings at meetings of the Board and Committees of the Board;
- (e) receive and process all communications addressed to the Board;
- (f) prepare reports for Board and Committee meetings related to Board matters requiring consideration;
- (g) prepare and issue all communications arising from the proceedings of the Board and Committees of the Board, unless otherwise directed by the Board;
- (h) maintain a record of Board resolutions requiring further or future actions and keep the Board informed of these matters.

11. MEETINGS OF THE BOARD

11.1 Regular Meetings

Regular meetings of the Board shall be held at least four times each year pursuant to *the Act*.

11.2 Location, Time and Frequency

The Board shall hold its regular meetings at 1:00 p.m. on a Thursday of the month. Meetings may be held in person with all Members physically present, virtually with all Members participating by video or teleconference, or by a combination of both in person and virtual attendance (considered a hybrid meeting). The Board will hold its meetings in the City of Hamilton's Council

Chambers located at 71 Main Street West, Hamilton, Ontario in accordance within the schedule adopted annually by the Board.

11.3 Public Access to Virtual Meetings

In the case of a virtual meeting, the public shall be provided with access to those portions of the meeting taking place in open public session through a live stream link provided on the Board's website. Except for registered delegations, the public's participation in a virtual meeting shall be observation only.

11.4 Alternative Date and Time

The Board may cancel regularly scheduled meetings or may change any of its dates, time or place of meetings, upon the concurring votes of a majority of the Members.

11.5 Notice to Members

Notice to Members of all meetings, agendas, agenda items, cancellations and postponements shall be provided by the Administrator in the most expedient manner available.

11.6 Timing of Notice to Media and Public

The Board shall post notice of meetings that are open to the public on the Internet at least seven (7) days before the meeting, except in extraordinary circumstances, and shall include the proposed agenda for the meeting as well as record of the previous public meeting.

11.7 Meeting Attendees

Every person attending Board meetings, except for Board Members and Board staff, authorized police staff, and others authorized by the Chair or the Board, shall remain in the audience portion of the boardroom before, during, and after any meeting.

11.8 Expulsion

The Chair may cause any member of the public who creates a disturbance or acts improperly to be expelled from the meeting.

12. LIVE-STREAM AND VIDEO RECORDED MEETINGS

In the event the Board live streams and/or video records its meeting(s) the following shall apply:

12.1 Announcement

At the start of the meeting, the Chair shall advise all in attendance the meeting is being video recorded and/or live-streamed.

12.2 Presentations

The Administrator will advise all delegates in advance of Board meetings their presentation may be live-streamed and the recording archived for public viewing.

12.3 Delegate Opinions

Opinions of delegates are their own and the Board is not responsible for delegate comments or any materials delegates choose to provide.

12.4 Video Posting

The Administrator will post the recorded meeting online within one week of the meeting taking place.

12.5 Not Official Record

A recorded video of a Board and/or Committee meeting is not an official record of that meeting. The official record of the Board or Committee meeting shall consist solely of the minutes approved by the Board.

13. SPECIAL MEETINGS OF THE BOARD

13.1 Special Meetings

The Chair may at any time summon a special meeting.

The Administrator may summon a special meeting at the request of the majority of the Members of the Board.

13.2 Notice of Special Meeting

Written notice of special meetings of the Board or its Committees, other than one summoned by verbal notice, setting out the time and place of the meeting and detailing the matters to be considered, shall be delivered to all Members not less than twenty-four (24) hours prior to the meeting in accordance with Section 10.4 of this By-law. Notice of all special public meetings shall be provided in accordance with Section 11.5 of this By-law.

13.3 Process to Summons

A special meeting may be summoned by verbal notice provided at least two-

thirds (2/3) of the Members of the Board consent to the time, place, manner, and the matter to be considered. The decision to summon the meeting shall be ratified at the Board's next regularly scheduled meeting.

13.4 Matters Decided at Special Meetings

At special meetings of the Board, the Board shall not decide upon any matter unless the matter has been specified in the notice calling the special meeting. This provision may be waived only where all Members are present to vote upon a motion to waive it and only with a two-thirds (2/3) majority vote. The Board's decision must be reported back at the next regularly scheduled meeting for ratification.

14. EMERGENCY MEETINGS

14.1 Emergency Meeting

Notwithstanding any other provision of this By-law, an emergency meeting may be called by the Chair without written notice to deal with an emergency or extraordinary situation, provided an attempt has been made by the Administrator to notify the Members about the meeting as soon as possible and in the most expedient manner available.

14.2 Agenda Items

The only matters to be dealt with at an emergency meeting shall be business relating to the emergency or extraordinary situation.

14.3 Member Polling

At the discretion of the Chair and with the consent of the majority of the Members of the Board, an emergency or extraordinary situation may be dealt with by means of virtual polling, or other communication methods as to permit all people participating to communicate adequately with each other. The Board's decision must be reported back at the next regularly scheduled meeting for ratification.

15. QUORUM

15.1 Board Quorum

A majority of the Members of the Board constitutes a quorum. All Members participating virtually shall be counted in determining whether or not a quorum of Members is present.

15.2 Call Meeting to Order

As soon after the hour of the meeting as a quorum is present, the Chair shall

call the meeting to order.

15.3 No Quorum at Beginning

If a quorum is not present within thirty (30) minutes after the scheduled time of a meeting, the Administrator shall record the names of the Members of the Board present and the meeting shall stand adjourned until the date of the next meeting of the Board.

15.4 Loss of Quorum During Meeting

If a quorum is lost during a meeting of the Board, the Chair shall, upon determining that a quorum is not present, request the Administrator to call for a quorum for a period of fifteen (15) minutes, or until a quorum is present, whichever is sooner.

15.5 Idem

If there is still no quorum of the Board after fifteen (15) minutes, the meeting shall stand adjourned, and the Administrator shall record the names of the Members present. In this case, all unfinished business shall be carried forward to the next meeting of the Board.

16. BOARD AGENDAS

16.1 Agenda Materials

Except as otherwise provided by this By-law, all correspondence, notices of motion, and other communication addressed to the Board which is received by the Administrator at least ten (10) days prior to a regular meeting shall be placed on the agenda and shall be dealt with at the next regular monthly meeting.

16.2 Redirection of Police Operational Matters

Where, in the opinion of the Administrator, the subject matter of any communication is properly within the jurisdiction of the Hamilton Police Service, such communication shall be referred to the Chief of Police for necessary action without prior reference to the Board.

16.3 Order of Items

The Administrator shall prepare the agenda, under the direction of the Chair, for distribution with the routine order of business for regular meetings of the Board to be as follows:

1. Call to Order

2. Acknowledgements
3. Approval of the Agenda
4. Declarations of Conflicts of Interest
5. Delegations, Presentations and Verbal Updates
6. Approval of the Minutes
7. Correspondence
8. Consent Agenda
9. Recommendations
10. Motions
11. Closed Meeting
12. Closed Meeting Report
13. Adjournment

16.4 Availability of Agendas

The agendas for regular meetings shall be available to Members ten (10) days preceding the day appointed for holding the meeting.

16.5 Order of Business

The business of the Board shall, in all cases, be taken up in the order in which it appears on the agenda, unless otherwise decided by the Board. Any matter on the agenda not decided by the Board shall be placed on the agenda of the next regular meeting of the Board.

16.6 Circulation to Public

Seven (7) days before the meeting takes place, the proposed agenda, including draft minutes, will be made available to the public on the Board's website.

16.7 Communications

Every communication intended to be presented to the Board or its Committees must be provided in a legible format to the Administrator and must contain the full name and contact address of at least one person and preferably the addresses and contacts of all signatories. For all

communications submitted, there shall be a designated contact person to whom the Administrator can communicate with on behalf of the Board or Committee.

16.8 Consent Agenda

Multiple agenda items for a meeting containing recommendations to "receive for information" or that fall within a consent agenda may be adopted by a single motion. Any specific item of business will be provided individual deliberation and debate upon the request of any Member.

16.9 Introduction of Business Not Included on Agenda

No business shall be introduced at a meeting which has not been included on the agenda for such meeting unless the person seeking to introduce the business obtains the approval of a majority of the Members of the Board present at the meeting.

17. BOARD MINUTES

17.1 Minutes

The Administrator is responsible for recording minutes of each meeting of the Board and its Committees, which shall include:

- (a) the place, date and time of the meeting;
- (b) the names, titles, and attendance of the following: Board Members, Board Staff, Chief of Police, Deputy Chiefs, Police Service Legal Counsel and Inspectorate of Policing Advisors;
- (c) approval of the minutes of the previous meeting;
- (d) declarations of conflicts of interest;
- (e) all other proceedings of the Board without note or comment.

17.2 Approval

The minutes of each Board meeting shall be presented to the Board for approval at the next regular meeting.

17.3 Signature

After the minutes have been approved by the Board, they shall be signed by the Chair and the Administrator.

18. DECLARATIONS OF CONFLICTS OF INTEREST

18.1 *Conflict of Interest Act & Board Policy on Conflicts of Interest*

Members of the Board shall adhere to the *Municipal Conflict of Interest Act*, the Board's Declarations of Conflicts of Interest Policy P-001 and any other Act or Regulation that may apply to this subject matter.

18.2 Method of Disclosure

Where a Member has any conflict of interest, direct or indirect, in any matter and is present at a Board or Committee meeting 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;
- (c) not attempt in any way, whether before, during or after the meeting, to influence the voting on any such question; and
- (d) complete and submit details of their conflict(s) using the Board's Conflict of Interest and Pecuniary Interest Declaration Form (refer to Policy P-001). Whenever possible, these forms will be submitted to the Administrator in advance of meetings or as soon as possible thereafter.

18.3 Closed Sessions

Where a meeting is not open to the public, in addition to complying with the requirements set out above, the Member shall leave the meeting for that part during which the matter is under consideration if they have declared a conflict of interest (as provided for in the [*Municipal Conflicts of Interest Act, R.S.O. 1990, c.M.50*](#)).

18.4 Absence - Disclosure at Next Meeting

Where the interest of a Member has not been disclosed by reason of their absence from the particular meeting, the Member shall disclose their interest at the next meeting at which such Member attends.

18.5 Record of Disclosure

The Administrator shall record the particulars of any disclosure of pecuniary interest made by a Member, and this record shall appear in the Minutes of that particular meeting of the Board or of Committee.

18.6 Conflict of Interest Registry

The Administrator shall post and maintain a Conflict of Interest Registry publicly on the Board's website.

19. RULES OF DEBATE

19.1 General

All Members of the Board shall exercise their right to debate within the framework set out in these rules.

19.2 Recognition of Member

To address the Board, a Member shall indicate their request to speak either by raising their hand or by selecting 'speak' on the tablets provided in Council Chambers. The Member will be recognized by the Chair and direct all comments through the Chair.

19.3 Order of Speakers

When two or more Members indicate their desire to speak at the same time, the Chair shall follow the order of speakers as listed.

19.4 Addressing the Chair

Every Board Member, prior to speaking, must address the Chair, and all remarks must be directed through the Chair.

19.5 Relevancy

All remarks and comments must be relevant to the question under consideration and the Chair shall be the judge of such relevancy.

19.6 Interruptions

When a Member is speaking, no other Member shall interrupt the Member except to raise a point of order, privilege, or personal privilege.

19.7 Read Motion

A 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 who is speaking.

19.8 Speaking to a Question

No Member shall speak more than once to the same question or motion

without approval of the Board.

19.9 Reply

Notwithstanding section 18.8, 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.

19.10 Speaking Time

No Member shall speak to the same question or motion, or in reply, for more than five (5) minutes at a time.

19.11 After Question Is Put by Chair

After the 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.

19.12 Points of Order

When a Member desires to address a point of order they shall do so through the Chair. The Member shall state the point of order to the Chair and the point of order shall forthwith be decided by the Chair.

19.13 Chair to Rule on Point of Order

Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Board.

19.14 Decision Final

If no Member appeals, the decision of the Chair is final.

19.15 Idem

The Board's decision is final if the Chair is challenged.

20. RULES OF VOTING

20.1 General

All voting, except with respect to the election of the Chair and Vice Chair, shall be conducted in the manner prescribed by the rules in this section.

20.2 Put Question to Vote

When the Chair is putting a question to vote, no Member of the Board may leave the room or cause any disturbance.

20.3 Every Member Votes

Every Member of the Board, including the Chair, who is present when a question is put, shall vote thereon, unless disqualified by a conflict of interest.

20.4 Refusal to Vote

The refusal to vote by a Member who is not disqualified by a conflict of interest shall be deemed to be a negative vote.

20.5 Manner of Vote

The manner of determining the decision of the Board on a question shall be at the discretion of the Chair and may be by show of hands, voice, or otherwise.

20.6 Tied Votes

Where there is a tied vote on any decision, the question shall be deemed defeated.

20.7 Virtual Voting

Any Member participating virtually at a meeting of the Board shall be counted in the quorum for such meeting and entitled to vote.

21. MOTIONS AND NOTICES OF MOTIONS

21.1 Introduction of Additional Items

No Member shall introduce any item to the Board for its consideration unless:

- (a) the item relates to a matter on the agenda for that meeting;
- (b) the matter is of an urgent nature; or
- (c) approval is granted on a two-thirds majority vote.

21.2 Oral Motions

The following may be introduced orally without written notice and without leave of the Board:

- (a) a point of order or privilege;
- (b) presentation of petitions;
- (c) a motion to waive or suspend the rules of procedure;

- (d) any other procedural motion;
- (e) a motion to recess;
- (f) a motion to adjourn;
- (g) a motion to call the question;
- (h) a motion to retire into a closed session;
- (i) a motion to receive an item;
- (j) a motion to table an item;
- (k) a motion to refer;
- (l) a motion to defer;
- (m) a simple amendment;
- (n) a motion to adopt a recommendation; or
- (o) a motion relating to a report which was distributed with the agenda.

21.3 Wording

All motions or notice of motions shall be worded in the affirmative, where possible, and shall express fully and unambiguously the intention of the mover.

21.4 Emergency Motion

Notwithstanding the above, any motion may be introduced for consideration by the Board in a situation deemed to be an emergency by the Chair.

21.5 Substantive Motion

There may be only one substantive motion before the Board at any time.

21.6 Motion to Amend

A motion may be amended during debate provided that the motion to amend is relevant and not in direct opposition to the main question.

21.7 Withdrawal

After a motion has been seconded, it may be withdrawn by the mover at any time before a vote is taken.

21.8 Refer to Question

A motion to refer a question shall include the name of the Committee, body, or official to whom the question is to be referred.

21.9 Direction to Chief

A direction to the Chief of Police by the Board shall be authorized by resolution of the majority of the Members present.

21.10 Deemed Carried

A motion is deemed carried where a majority of the quorum votes in the affirmative.

21.11 Procedure on Motions

The procedure on a motion is as follows:

- (a) the Chair shall read aloud each motion presented for the Board's consideration;
- (b) should the Chair deem the wording of a motion to be lengthy and not necessary to be read in full for comprehension, they may choose to condense the wording of the motion;
- (c) the motion must be moved and seconded;
- (d) once the motion has been moved and seconded, the Chair may restate the motion prior to opening the debate;
- (e) the motion shall be debated in accordance with Section 18 of this By-law;
- (f) once the debate has concluded, the Chair shall put the motion to a vote;
- (g) the vote shall be taken in accordance with Section 19 of this By-law;
- (h) the motion shall be declared carried or defeated.

21.12 Chair Moving a Motion

The Chair may move a motion after they have passed the role of the Chair over to the Vice Chair or other designate.

21.13 Motion to Reconsider

A motion to reconsider a matter previously decided by the Board shall be permitted within twelve (12) months of the original motion where a Board Member, who voted in the majority, gives notice in writing which is included in the agenda that they will move at the next meeting that a matter be reconsidered.

21.14 Idem

A motion to reconsider is not required after the expiration of twelve (12) months from the date the matter was previously decided, or if new material facts respecting the previously decided matter arise. In those cases, the motion procedures of 20.15 apply.

21.15 Idem

A motion to reconsider requires an affirmative vote of at least two-thirds (2/3) of the Members of the Board to pass.

22. OUTSTANDING MOTIONS

22.1 General

Motions made at a meeting of the Board may be introduced orally or in writing and shall be recorded in the Minutes of the meeting.

22.2 Follow-up

Following each Board meeting, the Administrator will forward in writing any motions requiring action or a subsequent report to the Chief of Police or other person assigned responsibility for responding.

22.3 Written Response

The response shall be submitted in writing to the Administrator for inclusion in an upcoming Board agenda.

22.4 Record Keeping

The Administrator shall keep a record of all motions requiring a response and shall submit this record to the Board at each of its meetings.

23. PUBLIC AND CLOSED MEETINGS

23.1 Meetings Open to Public

Meetings of the Board shall be open to the public except as provided for in Section 35(4) of *the Act* and this Section of the By-law. No person shall be excluded from a meeting open to the public except for improper conduct as

determined by the Chair.

23.2 Public Access

The public shall be allowed access into the meeting area fifteen (15) minutes before the scheduled start time of the meeting.

23.3 Recording Equipment

The use of recording equipment or any other device used for recording the proceedings of a meeting by members of the public, including the news media, may be permitted and shall be subject to the approval and/or direction of the Chair unless otherwise decided by the Board.

23.4 Closed Sessions

A meeting may be conducted in Closed Session pursuant to 35(4) of the *Act* if the Board is of the opinion that:

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

23.5 Idem

Without limiting the intent of 23.4 (a) and (b) above, the following circumstances are deemed to be matters that permit a meeting, or part of a meeting, to be closed to the public if the subject matter being considered is:

- (a) the security of the property of the City;
- (b) personal matters about an identifiable individual, including Hamilton Police Service employees;
- (c) labour relations or employee negotiations;
- (d) litigation or potential litigation, including matters before administrative tribunals, affecting the Board or Police Service;
- (e) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- (f) any other matter in respect of which a council, board, committee or other body may deem confidential or has provided on a confidential basis;
- (g) relates to the consideration of a request under the [Municipal Freedom of Information and Protection of Privacy Act](#), if the Board is designated as head of the institution for the purposes of that Act;
- (h) education or training session for the benefit of Members.

24. DELEGATIONS

24.1 Delegation Requests and Criteria

Any person, group of people, or organization wishing to address the Board regarding a matter within the Board's jurisdiction shall submit a request to the [Administrator](#) as outlined in the [Delegation Policy](#).

25. MEDIA RELATIONS

25.1 Board Spokesperson

Unless otherwise specified, the spokesperson for the Board is the Chair of the Board. Should the Chair be unavailable, the Vice Chair shall be the spokesperson for the Board.

25.2 Administrator as Resource

On matters of factual information, administration of the Board, or communicating a decision of the Board in response to an enquiry, the Administrator may act as a resource person on behalf of the Board.

25.3 Special Circumstances

In special circumstances, such as labour relations, or where a Board Committee has been established on a specific issue, the Board may designate the Member leading the negotiations, or the Chair of the Committee, to act as spokesperson for the Board.

25.4 Communication by Board Members

Board Members may communicate a position of the Board; however, should a Board Member publicly disagree with a position of the Board, or should a Board Member comment upon a matter not yet before the Board, they will clearly identify they are speaking as an individual and not on behalf of the Board. A Board Member shall not state the Board has taken a position on a matter, until the matter has been voted upon.

25.5 Media Releases

Media releases shall be prepared by the Administrator and approved by the Chair or the Vice Chair prior to release. Board Members shall receive a copy of the release as soon as possible once it has been approved.

25.6 News Conferences

News conferences on matters within the jurisdiction of the Board shall be called at the discretion of the Chair or the Vice Chair. Whenever possible, Board Members shall be advised of the event prior to its taking place.

25.7 Idem

For additional information please refer to the Hamilton Police Services Board [Media Relations Policy](#).

26. COMMITTEES

26.1 Establishing Committees

Subject to provisions of *the Act*, committees may be established within the jurisdiction of the Board at any time to assist in fulfilling its purpose, without interfering with or replacing the Board. As such, committees have no authority unless expressly conferred upon them by the Board. Committee Members shall not speak or act for the Board except when formally given such authority.

26.2 Standing Committees

The Board may establish standing committees to focus on a particular area of ongoing Board business. The Board shall assign duties to standing committees, and these committees shall report on its work to the Board, as directed by the Board. Current standing committees of the Board are the Governance and Budget Committees.

26.2 Ad Hoc Committees

The Board may establish ad hoc committees of limited duration, to inquire and report on a particular matter or concern. The Board shall assign ad hoc committees with specific roles, assigned outcomes and identified completion dates. An ad hoc committee shall dissolve automatically once the matter or issue has been resolved.

26.3 Committee Membership

The Board may appoint two (2) or more Members to a committee of the Board. The Chair, as ex-officio, is a Member of every committee.

26.4 Role and Responsibilities of Committees

Notwithstanding the deliverables assigned to committees by the Board, the roles and responsibilities of committees shall generally be to:

- (a) make recommendations to the Board on matters which are in their jurisdiction by way of preparing policy alternatives and implications for Board deliberation;
- (b) deal directly with the Chief of Police, or their designate, or the Deputy Chiefs or their designates, when the committee requires the assistance of the Hamilton Police Service.

26.5 Committee Chair

Each committee shall appoint a Chair at its first meeting of the year.

26.6 Committee Proceedings

The rules governing the procedure of the Board and the conduct of Members shall be observed in all committees so far as they are applicable. The committee Chair, in collaboration with the Administrator, will set and schedule meeting dates and agendas. Minutes, information, and recommendations resulting from committee meetings will be included in the Board's next scheduled meeting for consideration.

26.8 Members' Rights

Members who are not appointed to a specific committee may attend meetings of that committee and may, with the consent of the Chair of that committee, participate in discussion, but shall not be counted in the quorum or entitled to make motions or vote at these meetings.

26.9 Sub-Groups

No sub-groups of committees shall be established without approval by the Board.

27. BY-LAWS

27.1 One Motion

Every By-law shall be introduced upon motion by a Member, and any number of By-laws may be introduced together in one motion. The Board may, at the request of a Member, deal separately with any By-law.

27.2 Form

Every By-law, when introduced shall comply with the provisions of any relevant legislation.

27.3 Reading

Every By-law of the Board requires one reading before it may be passed.

27.4 Authentication

Every By-law which has been passed by the Board shall be printed, numbered and dated and shall be sealed with the seal of the Board and signed by the Chair and the Administrator and shall be archived in the Administrator’s office.

28. ENACTMENT

28.1 Repeal

By-laws 19-001, 01-001 and 96-001 as amended, and all other By-laws, sections of By-laws and procedural policies of the Board inconsistent with the provisions of this By-law are hereby repealed.

28.2 Effective Date

This By-law shall come into force on the date of its enactment.

ENACTED AND PASSED this 27th day of July, 2023
THE CITY OF HAMILTON POLICE SERVICES BOARD

Chair: _____

Administrator: _____

APPENDIX "A"

Ontario Regulation No. 421197 Members of Police Services Board - Code of Conduct

1. Board Members shall attend and actively participate in all board meetings.
2. Board Members shall not interfere with the police force's operational decisions and responsibilities or with the day-to-day operation of the police force, including the recruitment and promotion of police officers.
3. Board Members shall undergo any training that may be provided or required for them by the Solicitor General.
4. Board Members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public.
5. No board Member shall purport to speak on behalf of the board unless they have been authorized by the board to do so.
6. A board Member who expresses disagreement with a decision of the board shall make it clear that they are expressing a personal opinion.
7. Board Members shall discharge their duties loyally, faithfully, impartially and according to *the Act*, any other Act and any regulation, rule or By-law, as provided in their oath or affirmation of office.
8. Board Members shall uphold the letter and spirit of the Code of Conduct set out in this regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
9. Board Members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the Human Rights Code and the Charter of Rights and Freedoms (Canada).
10. Board Members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.
11. (1) Board Members shall not use their office to obtain employment with the board or the police force for themselves or their family Member.

(2) For the purpose of subsection (1), "Family Member" means the parent, spouse or child of the person, as those terms are defined in Section 1 of the *Municipal Conflict of Interest Act*.
12. A board Member who applies for employment with the police force, including employment on contract or on fee for service, shall immediately resign from the board.
13. Board Members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police force.
14. A board Member whose conduct or performance is being investigated or inquired into by the Commission under Section 25 of *the Act* shall decline to exercise his or her duties as a Member of the board for the duration of the investigation or inquiry.
15. If the board determines that a board Member has breached the Code of Conduct set out in this Regulation, the board shall record that determination in its minutes and may:
 - (a) require the Member to appear before the board and be reprimanded;
 - (b) request that the Ministry of the Solicitor General conduct an investigation into the Member's conduct; or
 - (c) request that the Commission conduct an investigation into the Member's conduct under Section 25 of *the Act*.