

HAMILTON POLICE SERVICES BOARD PUBLIC MINUTES

Thursday, October 26, 2023
1:00 P.M.
Hybrid Meeting

Present: Chair Mandy
Vice Chair Fred Bennink
Member Kroetsch (virtual)
Member Pauls

Absent with Regrets: Member Elms
Member Horwath

Also Present: Chief Frank Bergen
Deputy Chief Ryan Diodati
Acting Deputy Chief Shawn Blaj
Legal Counsel Marco Visentini
Inspectorate of Policing – Police Advisor David Tilley (virtual)
Administrative Director Kirsten Stevenson
Board Assistant Lucia Romano

1. Call to Order

The Chair confirmed quorum and called the meeting to order at 1:00 PM.

The Chair noted regrets from Members Horwath and Elms.

2. Acknowledgements

Vice Chair Bennink provided a land acknowledgement.

3. Approval of the Agenda

The Administrative Director noted the following changes to the agenda:

- Added presentation item 5.2 - Presentation from Hamilton Police Association President Jaimi Bannon With Regards to Member Wellness.
- Added correspondence items listed as:
 - 7.5 - Notice Respecting Posted Regulations Under the Community Safety and Policing Act (CSPA) (October 17, 2023).

- 7.6 - All Chiefs Memo - Risk-Driven Tracking Database 2022 Annual Report 23-0072 (October 16, 2023).
- 7.7 - Correspondence from the City of Hamilton Regarding the 2024 Operating Budget Submission for the Hamilton Police Services Board (October 23, 2023).
- Added consent item 8.4 - Correspondence to the City of Hamilton Regarding Projected Capital Expenditures 2024-2033 (October 18, 2023)
- Added closed session consent items 4.8 through 4.13, pertaining to legal and personnel matters in accordance with Section 35(4) of the *Police Services Act*.
- Closed session consent item 4.2 and closed session discussion item 5.1 were revised and pertain to legal and personnel matters in accordance with Section 35(4) of the *Police Services Act*.

Added or revised items are noted with an '*'.

Resolution Number **231026 - 1**

Moved By: Member Pauls

Seconded By: Vice Chair Bennink

That the agenda be approved, as amended.

CARRIED

4. Declarations of Conflicts of Interest

There were no declarations of conflict of interest.

5. Delegations, Presentations and Verbal Updates

5.1 Members of the Month

Chief Bergen called upon Inspector Jim Callender to present the Member of the Month as follows:

Communications Operator Dan Morris.

***5.2 Presentation from Hamilton Police Association President Jaimi Bannon With Regards to Member Wellness**

Jaimi Bannon, Hamilton Police Association President, provided her presentation and answered questions of the Board.

Resolution Number **231026 - 2**

Moved By: Member Pauls

Seconded By: Member Kroetsch

That the presentation from Jaimi Bannon, President of the Hamilton Police Association, be received.

CARRIED

5.3 Board Chair Verbal Update

The Board Chair provided updates.

Vice Chair Bennink provided an update on the 2SLGBTQIA+ Community Consultation event he attended.

Resolution Number **231026 - 3**

Moved By: Vice Chair Bennink

Seconded By: Member Pauls

That the Board Chair updates be received.

CARRIED

5.4 Chief of Police Verbal Update

The Chief of Police provided updates.

Resolution Number **231026 - 4**

Moved By: Vice Chair Bennink

Seconded By: Member Pauls

That the Chief of Police updates be received.

CARRIED

6. Approval of the Minutes

6.1 Minutes of September 28, 2023

Resolution Number **231026 - 5**

Moved By: Vice Chair Bennink

Seconded By: Member Pauls

That the minutes of September 28, 2023, be approved, as presented.

CARRIED

7. Correspondence

After discussion, the Board approved the following;

Resolution Number **231028 – 6a**

Moved By: Vice Chair Bennink

Seconded By: Member Pauls

That item 7.3 be lifted from correspondence items and placed under motions for discussion.

CARRIED

After discussion, the Board approved the following:

Resolution Number **231026 – 6b**

Moved By: Member Pauls

Seconded By: Vice Chair Bennink

That correspondence listed as items 7.1, 7.2, and 7.4 through 7.7 be received.

CARRIED

- 7.1 All Chiefs Memo - Office of the Chief Coroner's Police Service Member Death by Suicide Review Procedure 23-0068 (September 21, 2023)**
- 7.2 All Chiefs Memo - Criminal Intelligence Service Ontario (CISO) Organized Crime Specialized Training Instructor Secondment Opportunity 23-0070 (September 28, 2023)**
- 7.3 Correspondence from the City of Hamilton Regarding Hamilton Police Service and Hamilton Public Library Surpluses and Deficits (October 12, 2023)**
(Item 7.3 was lifted and placed under Motions)
- 7.4 Thank You from Daren Bedard (September 28, 2023)**
- *7.5 Notice Respecting Posted Regulations Under the Community Safety and Policing Act (CSPA) (October 17, 2023)**
- *7.6 All Chiefs Memo - Risk-Driven Tracking Database 2022 Annual Report 23-0072 (October 16, 2023)**

***7.7 Correspondence from the City of Hamilton Regarding the 2024 Operating Budget Submission for the Hamilton Police Services Board (October 23, 2023)**

8. Consent Agenda

After discussion, the Board approved the following:

Resolution Number **231026 - 7**

Moved By: Member Pauls

Seconded By: Vice Chair Bennink

That consent items listed as 8.1 through 8.4 be received.

CARRIED

8.1 Auction Account Requests for Support

Based on past practice and in accordance with the Board's Auction Account Policy:

That tickets at a cost of \$125 each be purchased to attend the 75th Anniversary Fundraiser of BGC Hamilton-Halton (formerly Boys & Girls Clubs of Hamilton), on November 14, 2023, in support of services and programs for youth in need; and

**That tickets at a cost of \$150 each be purchased to attend the Association of Black Law Enforcers 31st Annual Scholarship and Awards Gala 'Our People, Our Purpose', on Saturday, November 4, 2023; and

*That tickets at a cost of \$150 each be purchased to attend the Holiday Handbags event of St. Joseph's Villa Foundation, on November 29, 2023, to benefit their Campus of Care, including the Villa and Margaret's Place Hospice services; and

That these donations and ticket purchases be taken from the Auction Account Fund.

**This item was previously approved by the Chair and Vice Chair as per Procedural By-law 23-001, Section 8 – Delegation of Authority.

8.2 Community Safety and Policing Act Summit - February 27-28, 2024

8.3 Outstanding Business List as of October 26, 2023

***8.4 Correspondence to the City of Hamilton Regarding Projected Capital Expenditures 2024-2033 (October 18, 2023)**

9. Recommendations

9.1 Amendment to Procedural By-law 23-001 - Process for Board Members to Request Items be Included on Upcoming Agendas (PSB 23-030)

After discussion, the Board approved the following:

Resolution Number **231026 - 8**

Moved By: Member Kroetsch

Seconded By: Member Pauls

a) That Board members requesting an item be added to an upcoming agenda shall include the following information along with their request:

Title of agenda item;

Brief synopsis and purpose of the request, including relevant background documents if applicable;

Any additional information that will provide Board members and the Service with further understanding of the matter up for discussion; and

b) That these submissions be forwarded to the Administrative Director for review with the Board Chair; and

c) That By-law 23-002, a by-law to amend Procedural By-law 23-001 with the above recommendations and attached to this report as Appendix A, be enacted as of October 26, 2023.

CARRIED

10. Motions

10.1 Correspondence from the City of Hamilton Regarding Hamilton Police Service and Hamilton Public Library Surpluses and Deficits (October 12, 2023).

The Board dealt with item 7.3, which was lifted from correspondence items and placed under motions for discussion.

After discussion, the Board approved the following:

Resolution Number **231028 – 6c**

Moved By: Vice Chair Bennink

Seconded By: Member Pauls

That the Administrative Director prepare correspondence to the City of Hamilton in response to their request for comments by November 10, 2023, regarding Hamilton Police Services Surpluses and Deficits; and

That the correspondence contain the following information:

- The Police Services Act (PSA) sets out how budget matters related to policing in Ontario are managed.
- Section 4 of the PSA provides that municipalities have the obligation to ensure adequate and effective policing and to approve the allocation of funds necessary for the provision of policing as required by the PSA.
- Section 39(4) of the PSA states that Council does not have the authority to approve or disapprove of specific items when the Board submits its draft budget for Council's approval.
- The Board has had a policy in place since 2015 with respect to how police reserves related to operating budget surplus/deficits are managed. This policy was prepared in collaboration with the City's finance department.
- The Board believes the recommendation to amend the year-end closing process is in contravention of the PSA, as a municipality does not have the general power of financial management of a police services board.

CARRIED

Member Kroetsch was noted as being opposed.

11. Closed Meeting

Resolution Number **231026 - 9**

Moved By: Vice Chair Bennink

Seconded By: Member Pauls

That the Board move into closed session 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 into closed session at 2:02 P.M.

12. Closed Meeting Report Back

The Board returned to public session at 3:00 P.M.

The Chair provided a report back and noted the following:

- The Board approved its minutes of September 28, 2023, and dealt with personnel and legal matters in accordance with Section 35(4) of the *Police Services Act*.
- Due to time constraints and Board member shortage, the Budget Committee will not be able to meet before the draft budget deadline; therefore, the Board as a whole will review and approve the draft budget at the November 23, 2023 meeting.

Resolution Number **231026 - 15**

Moved By: Member Pauls

Seconded By: Member Kroetsch

That the Board receive the Chair's report back.

CARRIED

13. Adjournment

Resolution Number **231026 - 16**

Moved By: Member Pauls

Seconded By: Vice Chair Bennink

As there was no further discussion, the Board adjourned at 3:02 P.M.

CARRIED

Taken as read and approved.

Chair Pat Mandy

Administrative Director
Kirsten Stevenson