

# APPENDIX 'B'

## HAMILTON POLICE SERVICE BOARD

### BY-LAW 24 – 001

A By-law Governing the Proceedings  
of the Board

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## BY-LAW 24-001

### A BY-LAW GOVERNING THE PROCEEDINGS OF THE HAMILTON POLICE SERVICE BOARD

#### 1. PREAMBLE

WHEREAS *The Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*, further referred to as "*The Act*", provides there shall be a Police Service Board for every municipality that maintains a police service;

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

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

AND whereas the Police Service 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 HAMILTON POLICE SERVICE BOARD ENACTS AS FOLLOWS:

#### 2. DEFINITIONS

For the purposes of this by-law:

##### 2.1 Definitions

**Act:** the *Community Safety and Policing Act (CSPA)* or any other Act replacing the CSPA, the Province deems must be adhered to by Police Service 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;

**Administrative Director:** the person hired by the board to fulfill the role of Board Administrative Director;

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

**Board:** the Hamilton Police Service 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:** a situation in which a member of a police service board's private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their duties as a member of the police service board;

**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;

**Hate speech:** the use of extreme language or a form of communication that expresses detestation for or vilifies an individual or group of individuals based on colour, ethnicity, place of origin, race, creed, gender, or sexual orientation, among other grounds of discrimination under Ontario's *Human Rights Code*;

**Hybrid meeting:** a meeting in which members participate 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 Service 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, Administrative Director, 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:** advanced written notice given by a member, received by the Administrative Director, advising board members that a motion will be brought forward at a future meeting that may be included in the agenda;

**Personal relationship:** includes, but is not limited to, a relationship with any of the following people:

1. A current or former spouse or common-law partner of the board member.
2. A current or former intimate partner of the board member.
3. The board member's children, including biological and adoptive children and stepchildren.
4. The legal dependants of the board member.
5. A child in the board member's care.
6. The board member's grandparents, parents or siblings, including grandparents-in-law, parents-in-law and siblings-in-law.

**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 of the board;

**Quorum:** a majority of the members of the police 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 Service 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, provincial legislation shall prevail.

### **3.6 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 Administrative Director 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 Administrative Director 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 Administrative Director there are no further nominations, the Administrative Director 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 when two (2) or more nominations have been put forward.

#### **4.13 No Majority Obtained**

If there are more than two nominees who elect to stand and, if upon the first obtained vote no nominee receives the majority required for election, the name of the nominee receiving the least number of votes shall be dropped and the board shall proceed to vote again and continue until either:

- (a) a nominee receives the majority required for election at which time such nominee shall be declared or elected; or
- (b) it becomes apparent by reason of an equality of votes that no nominee can be elected.

In this case, each nominee shall address the board for a maximum of five (5) minutes, followed by a ten-minute recess, and another vote. If no nominee is

elected at this time, the board shall rely on seniority of a board member (i.e. date of appointment) to elect the Chair.

#### **4.14 Announcement**

When voting is complete, the Administrative Director 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) decline to put to vote motions which do not comply with this by-law or which are not within the jurisdiction of the board;
- (i) sit as ex-officio as a member of all committees of the board and be entitled to participate, vote at the meetings and be counted in quorum;
- (j) maintain order and preserve the decorum of meetings;
- (k) 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) 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 Administrative Director 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 Administrative Director 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 Chair and Vice Chair may jointly approve the following items by means of the board's delegated authority By-law 24-002:

- (a) the hiring of civilian & sworn members of the Hamilton Police Service;
- (b) the appointment and re-appointment of Special Constables;
- (c) Memorandums of Understanding;
- (d) 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 By-law 24-002 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 408/23 Code of Conduct for Police Service Board Members (set out in Appendix "A" to this by-law), the board's policy on the Code of Conduct for Police Service Board Members, and any other rules of conduct as set forth by *the Act* or other relevant legislation.

## **10. DUTIES OF THE ADMINISTRATIVE DIRECTOR**

### **10.1 Duties of Administrative Director**

The duties of the Administrative Director pertaining to meetings of the board or its committees shall be to:

- (a) serve as the administrative contact between the board, the Chief of Police, the board's legal counsel and labour negotiator, committees of the board, the City of Hamilton, 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 manage 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). Whenever possible, the board will hold its meetings in the City of Hamilton's Council Chambers located at 71 Main Street West, Hamilton, Ontario in accordance with the schedule adopted annually by the board.

### **11.3 Public Access to Virtual Meetings**

In the case of a virtual meeting and whenever possible, the public shall be provided with access to the 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, times or place of meetings, upon the concurring votes of a majority of the members. In exceptional circumstances and when it may not be possible to obtain the concurring votes of the majority of members, the Chair or Vice Chair of the board may cancel or change the date, time or place of the board's regularly scheduled meetings.



### **11.5 Notice to Members**

Notice to members of all meetings, agendas, agenda items, cancellations and postponements shall be provided by the Administrative Director 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 of the board, shall remain in the audience portion of the boardroom.

### **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 live-streamed and/or video recorded.

### **12.2 Delegations**

The Administrative Director will advise all delegates in advance of board meetings their delegation 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. Delegations containing hate speech presented in verbal or written form will not be allowed.

#### **12.4 Video Posting**

The Administrative Director will post the video-recorded meeting online within one week of the meeting taking place.

#### **12.5 Not Official Record**

A video recording 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 Administrative Director 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. 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 Administrative Director 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 email polling, or other communication methods so 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 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 Administrative Director 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 Administrative Director

call for a recess 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 Administrative Director 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, motions, and other communication addressed to the board which is received by the Administrative Director at least ten (10) days prior to a regular meeting may be placed on the agenda at the next regular monthly meeting.

### **16.2 Requests to Add Items to Agendas**

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 documents if applicable, and any other additional information that will provide board members and the service with further understanding of the matter up for discussion. These submissions shall then be forwarded to the Administrative Director for review with the board Chair.

### **16.3 Redirection of Police Operational Matters**

Where, in the opinion of the Administrative Director, 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.

### **16.4 Order of Items**

The Administrative Director shall prepare the agenda, under the direction of the Chair, for distribution with the routine order of business for regular meetings of the board 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

#### **16.5 Availability of Agendas**

Agendas for regular meetings shall be available to members seven (7) days preceding the day appointed for holding the meeting.

#### **16.6 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.

#### **16.7 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.

#### **16.8 Communications**

Every communication intended to be presented to the board or its committees must be provided in a legible format to the Administrative Director, must be addressed to the board, and must contain the full name and email and/or contact address of at least one person and preferably the emails and/or addresses and contacts of all signatories. For all communications submitted, there shall be a designated contact person to whom the Administrative Director can communicate with on behalf of the board or committee. Anonymous correspondence and/or correspondence containing hate speech will not be accepted or presented to the board. Should

correspondence items be approved for placement on a public board agenda, personal information such as street and email addresses, as well as personal phone numbers will be redacted (not included) prior to publishing on the board's website for public viewing. First and last names included on correspondence placed on board agendas will be published for public viewing.

### **16.9 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.

### **16.10 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 Administrative Director is responsible for recording minutes without note or comment for each meeting of the board and its committees, which shall include:

- (a) the location, 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 Advisor;
- (c) approval of the minutes of the previous meeting;
- (d) declarations of conflicts of interest;
- (e) all resolutions, decisions and other proceedings at the meeting, whether it is open to the public or not.

### **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 Administrative Director.

## **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, CSPA O.Reg. 408/23 Code of Conduct for Police Service Board Members, 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 Administrative Director 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 O. Reg. 408/23 Code of Conduct for Police Service Board Members).the

### **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 Administrative Director shall record the particulars of any disclosure of 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 Administrative Director 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 respectful debate within the framework set out in these rules, in accordance with the CSPA Code of Conduct for Police Services Board Members and the board's policy on Code of Conduct for Police Service Board Members.

## **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 shall 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**

Prior to speaking, every board member shall address the Chair and all remarks shall 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 request the question or motion under discussion 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 19.8, a reply may be made by the member who has presented a motion to the board following the conclusion of the comments 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 be 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 clearly express 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 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) the Chair shall decline to put to vote motions which do not comply with this by-law or which are not within the jurisdiction of the board;
- (c) 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;
- (d) the motion must be moved and seconded;
- (e) once the motion has been moved and seconded, the Chair may restate the motion prior to opening the debate;
- (f) the motion shall be debated in accordance with section 19 of this by-law;
- (g) once the debate has concluded, the Chair shall put the motion to a vote;

- (h) the vote shall be taken in accordance with section 20 of this by-law;
- (i) 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 section 21.15 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 Administrative Director 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**

A response shall be submitted in writing to the Administrative Director for inclusion in an upcoming board agenda.

## **22.4 Record Keeping**

The Administrative Director shall keep a record of all motions requiring a response and shall submit this record to the board at each of its meetings. This record shall be referred to as 'The Outstanding Business List'.

## **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 44(2) 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**

23.4.1 Pursuant to section 44(2) of *the Act*, a meeting or part of a meeting may be closed to the public if the subject matter considered is:

- (a) the security of the property of the board;
- (b) personal matters about an identifiable individual, including members of the police service or any other employees of the board;
- (c) a proposed or pending acquisition or disposition of land by the board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation affecting the board, including matters before administrative tribunals;
- (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) 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;
- (i) a trade secret or scientific, technical, commercial or financial information that belongs to the board and has monetary value or potential monetary value;
- (j) 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;
- (k) 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; or
- (l) an ongoing investigation respecting the police service board.

23.4.2 Pursuant to section 44(3) of *the Act*, a meeting or part of a meeting of a police service board, or of a committee of the board, shall be closed to the public if the subject matter being considered is a request under the *Municipal Freedom of Information and Protection of Privacy Act*.

23.4.3 Pursuant to section 44(6) of *the Act*, a meeting of the board, or of a committee of the board, may be closed to the public if the following conditions are both satisfied:

- (a) The meeting is held for the purpose of education or training the members of the board or committee.
- (b) At the meeting, no member of the board or committee considers or otherwise deals with any matter in a way that materially advances the business or decision-making of the board.

## **23.5 Consideration**

If the board or committee decides to close the meeting or part of the meeting to the public, the Chair shall state by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.

## **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 [Administrative Director](#) as outlined in the board's Delegation Policy.

Delegation requests relating to unsolicited proposals by vendors or contractors will not be accepted.

Delegation requests and/or materials containing hate speech will not be accepted.

## **25. MEDIA RELATIONS**

### **25.1 Board Spokesperson**

Unless otherwise specified, the spokesperson for the board is the Chair of the board.

### **25.2 Administrative Director as Resource**

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

### **25.3 Special Circumstances**

In special circumstances, or where a committee has been established on a specific issue, the board may designate 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 either verbally or in writing, they will clearly identify in the same manner in which they are providing their comments they are expressing themselves 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 Administrative Director and approved by the Chair or the Vice Chair prior to release. Board members shall receive a copy of the release once it has been approved and prior to being distributed to the local media.

### **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 Service 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 through a delegation of authority by-law. 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 finance committees.

### **26.3 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.

#### **26.4 Committee Membership**

A committee shall be composed of,

- (a) at least two (2) members of the police service board; and
- (b) any number of additional members, as long as the majority of the committee is composed of members of the police service board.

Committee members shall be appointed at the board's first meeting of the year.

#### **26.5 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.

#### **26.6 Committee Chair**

Each committee shall appoint a chair at its first meeting of the year. The date, time and location of each committee's first meeting of the year shall be set, in consultation with committee members, by the Chair of the committee from the previous year and the Administrative Director.

#### **26.7 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 Administrative Director, 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, shall comply with the provisions of 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, dated and shall be sealed with the seal of the board and signed by the Chair and the Administrative Director and shall be archived in the Administrative Director's office.

## **28. ENACTMENT**

### **28.1 Repeal**

By-laws 23-001, 23-002, 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 28<sup>th</sup> day of March, 2024  
**THE HAMILTON POLICE SERVICE BOARD**

Chair:

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Pat Mandy

Administrative Director:

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Kirsten Stevenson

## APPENDIX “A” TO BY-LAW 24-001

### CODE OF CONDUCT FOR POLICE SERVICE BOARD MEMBERS

O. Reg. 408/23 under *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1*

#### Application and Interpretation

1. (1) This Regulation sets out the code of conduct with which every member of a police service board must comply.

(2) For greater certainty, the existence of a good faith exception in this code of conduct does not limit the grounds on which it may be determined that a member of a police service board has not contravened this code of conduct.

2. In this Regulation,

“conflict of interest” means a situation in which a member of a police service board’s private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their duties as a member of the police service board; (“conflit d’intérêts”)

“personal relationship” includes, but is not limited to, a relationship with any of the following persons:

1. A current or former spouse or common-law partner of the board member.
2. A current or former intimate partner of the board member.
3. The board member’s children, including biological and adoptive children and stepchildren.
4. The legal dependants of the board member.
5. A child in the board member’s care.
6. The board member’s grandparents, parents or siblings, including grandparents-in-law, parents-in-law and siblings-in-law. (“rapports personnels”)

#### Conduct Becoming of a Board Member

3. (1) A member of a police service board shall not conduct themselves in a manner that undermines or is likely to undermine the public’s trust in the police service board or the police service maintained by the police service board.

(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, their conduct was in the good faith performance of their duties as a board member.

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

#### **Statements and Attendance**

11. A member of a police service board shall not knowingly make false statements pertaining to the duties of a member of a police service board.
12. A member of a police service board shall not purport to speak on behalf of the police service board unless authorized by the board to do so.
13. A member of a police service board shall clearly indicate when they are expressing a personal opinion when commenting on an action or omission of the police service board, the police service maintained by the board or a member of the police service.
14. A member of a police service board shall not access, collect, use, alter, retain, destroy or disclose to any person information that has been obtained by or made

available to the member in the course of their duties if doing so would be contrary to law.

- 15.** (1) A member of a police service board shall not disclose to the public information obtained or made available in the course of the member's duties except as authorized by the police service board or as required by law.
- (2) Subsection (1) does not apply to information that was already made available to the public by a person who was authorized to do so prior to the member's disclosure.
- 16.** A member of a police service board shall attend all police service board meetings unless able to provide a reasonable explanation for the absence.

### **Misconduct and Conflicts of Interest**

- 17.** A member of a police service board shall disclose any conduct of another member of the police service board that the member reasonably believes constitutes misconduct,
- (a) to the chair of the board; or
- (b) if the misconduct involves the chair, to the Inspector General.
- 18.** (1) A member of a police service board shall disclose any charges laid against them under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada) and any finding of guilt made in relation to those charges.
- (2) Subsection (1) only applies to charges or findings that were made after the member's appointment to the police service board.
- (3) The disclosure required by subsection (1) must be made to the person or body that appointed the individual as a member of the police service board or, in the case of a member appointed by the Lieutenant Governor in Council, to the Minister.
- 19.** A member of a police service board shall not apply for employment with the police service maintained by the police service board unless they resign from the board before applying.
- 20.** (1) A member of a police service board shall promptly disclose any conflict of interest,
- (a) to the chair of the board; or
- (b) if the conflict of interest involves the chair, to the Inspector General.
- (2) After making the disclosure required by subsection (1), the member shall disclose the conflict at the next meeting of the police service board.

**21.** A member of a police service board shall not use their position as a police service board member to,

(a) benefit themselves;

(b) benefit one or more persons with whom they have a personal relationship; or

(c) interfere with the administration of justice.

**22.** A member of a police service board shall not participate in discussion of or voting with respect to matters at police service board meetings if the member has a conflict of interest in the matter.