

**THE REGIONAL MUNICIPALITY OF WATERLOO POLICE SERVICES BOARD
BY-LAW NUMBER 21-03**

PREAMBLE

A By-law to Govern the Proceedings of the Board and its Committees.

WHEREAS The Regional Municipality of Waterloo Police Services Board is responsible for the provision of police services for law enforcement and crime prevention in the Regional Municipality of Waterloo pursuant to the *Police Services Act*, R.S.O. 1990, Section 37, c. P.15;

AND WHEREAS The Regional Municipality of Waterloo Police Services Board may, by by-law, make rules for the effective management of the police service, the board pursuant to the *Police Services Act*, ENACTS AS FOLLOWS:

1. APPLICATION

- (1) The proceedings of the Board and its Committees, the conduct of the Members and the calling of meetings will be governed by the provisions of the Act and the rules and regulations contained in this By-law.
- (2) All points of order or procedure for which rules have not been provided in this By-law will be decided by the Chair, as far as is reasonably possible, in accordance, with the rules of parliamentary procedure as contained in Robert's Rules of Order.
- (3) Should any provision of this By-law be or become in conflict with or in contravention of any statute, the provisions of the statute shall prevail and that provision(s), or any remainder thereof not in conflict or contravention, shall be read and applied, as necessarily modified.
- (4) Notwithstanding Subsection 1(1), the rules and regulations contained in this By-law may be suspended by a vote of two-thirds of the Whole Board.

2. DEFINITIONS

In this By-law:

- (1) "ACT" means the Police Services Act, R.S.O. 1990, c. P.15, as amended, or any successor legislation.
- (2) "BOARD" means The Regional Municipality of Waterloo Police Services Board, also referred to as the Waterloo Regional Police Services Board.
- (3) "CHAIR" means the Member elected as Chair of the Board by its Members, pursuant to the Act.

- (4) "CHAMBERS" means the Board chambers of the Board, located in the police headquarters building.
- (5) "CHIEF OF POLICE" means the Chief of Police for The Regional Municipality of Waterloo Police Service or his or her designate.
- (6) "COMMITTEE CHAIR" means Chair of a Committee of the Board.
- (7) "HEARING" means the decision-making process of the Board pursuant to sections 44, 47, 52 and 53 of the Act and Part VIII.1 of this By-law.
- (8) "MAIN MOTION" means a motion made to bring before the Board for its consideration, on any particular subject. This motion cannot be made when any other question is before the Board.
- (9) "MEMBER" means a Member of the Board and includes the Chair.
- (10) "MOTION TO DEFER" means 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.
- (11) "MOTION TO RECEIVE" means 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.
- (12) "MOTION TO REFER" means 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, or other official or committee.
- (13) "MOTION TO TABLE" means a motion to postpone without setting a definite date as to when the matter will be considered again.
- (14) "NOTICE OF MOTION" means a written motion received by the Executive Assistant, moved by a Member, and seconded by another Member, for inclusion on an agenda of a meeting of the Board or a Committee.
- (15) "POINT OF ORDER" means 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.
- (16) "POINT OF PRIVILEGE" means a question by a member who considers that the Member's rights, immunities or integrity or the rights, immunities or integrity of the Board as a whole have been impugned.

- (17) "PRIVILEGED MOTION" means, while not relating to the pending question, are of so great importance as to require them to take precedence of all other questions, and, on account of this high privilege, they are undebatable.
- (18) "PUBLIC HEARING" means a meeting of the Board or that portion of a meeting of the Board or any Committee of the Board which has been given authority by by-law to conduct a hearing in matters pursuant to any legislation which requires the Board to hear interested parties or to afford them an opportunity to be heard before taking action or making a decision.
- (19) "QUORUM" means a majority of the Members of the Board, or, in the case of a Committee, a majority of the Members of the Committee.
- (20) "RECORDING SECRETARY" means the individual (Executive Assistant or delegate) that records the proceedings at meetings of the Board and Committees of the Board.
- (21) "RESOLUTION" means the decision of the Board or a committee on any motion, duly passed in accordance with this By-law.
- (22) "RULES OF PROCEDURE" means the rules and regulations provided in this By-law.
- (23) "EXECUTIVE ASSISTANT" means the Executive Assistant of the Board.
- (24) "SECONDARY MOTION" means a motion the Board may make related to a main motion's consideration.
- (25) "SPECIAL INQUIRY" includes a request for detailed investigative, statistical or technical information or study or requires significant staff resource time or cost.
- (26) "SPECIAL MEETING" means a meeting called other than a regularly-scheduled meeting called pursuant to the Act or the provisions of this By-law.
- (27) "SUBSIDIARY MOTIONS" means a motion put forth to assist the Board in treating or disposing of the main motion.
- (28) "VICE-CHAIR" means the Member elected as Vice-Chair of the Board by its Members, pursuant to the Act.

3. DUTIES OF THE CHAIR:

It is the duty of the Chair:

- (a) to preside at all meetings of the Board;
- (b) to set and approve the agenda for all meetings of the Board;
- (c) to act as the spokesperson for the Board;

- (d) to open the meeting of the Board by taking the Chair and calling the Members to order;
- (e) to announce the business before the Board and the order in which it is to be acted upon;
- (f) to receive and submit, in proper manner, all motions presented by the Members;
- (g) to put to a vote all motions, which are moved and seconded, or necessarily arise in the course of the proceedings, and to announce the result;
- (h) to sit ex-officio as a Member of all Committees of the Board and be entitled to vote at the meetings;
- (i) to decline to put to a vote, motions which infringe the Rules of Procedure, or which are not within the jurisdiction of the Board;
- (j) to enforce the Rules of Procedure;
- (k) to restrain the Members when engaged in debate, within the Rules of Procedure;
- (l) to enforce on all occasions, the observance of order and decorum at meetings of the Board;
- (m) to call by name any Member persisting in a breach of Rules of Procedure and order the Member to vacate the Board's chambers;
- (n) to permit any question to be asked through the Chair of any employee of the Waterloo Regional Police Service in order to provide information to assist any debate when the Chair deems it appropriate;
- (o) to provide information to the Members on any matter touching on the business of the Waterloo Regional Police Service;
- (p) to rule on any points of order raised by the Members;
- (q) to provide approval for and ensure delegations comply with this By-law;
- (r) to maintain order. Where it is not possible to maintain order, the Chair may, without any motion being put, adjourn the meeting to a time to be named by the Chair;
- (s) to adjourn the meeting when the business is concluded;
- (t) to authenticate by his or her signature, as required, all by-laws, resolutions, orders, agreements and minutes;
- (u) to represent the Board at official functions or designate another Board Member to do so; and
- (v) to perform any and all other duties when directed to do so by decision of the Board, or required by the Act or other governing/authorizing legislation.

4. DUTIES OF THE VICE-CHAIR:

- (a) The Vice-Chair shall act as the Chair if the Chair is absent or the Chair's position is vacant.

4.1 VACANCY OR ABSENCE OF CHAIR OR VICE-CHAIR

- (a) In the absence of both the Chair and the Vice-Chair at a meeting, the Executive Assistant shall call the Members to order and an Acting Chair

shall be appointed by the Members present and he or she shall preside until the arrival of the Chair or Vice-Chair.

- (b) If the position of Chair becomes vacant, the Vice-Chair shall act in his or her place until the election of a new Chair in accordance with the procedures set out in this Bylaw or as directed pursuant to the Act.
- (c) If the position of Vice-Chair becomes vacant, an election of a new Vice-Chair shall take place.

5. DUTIES OF THE EXECUTIVE ASSISTANT

It is the Duty of the Executive Assistant:

- (a) to 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) to organize meetings, prepare agendas for the meetings, in consultation with the Chair and the Chief, and ensure their timely distribution;
- (c) to act a Recording Secretary;
- (d) to receive all communications addressed to the Board;
- (e) to prepare and issue all communications arising from the proceedings of the Board, unless otherwise directed by the Board;
- (f) to maintain a current record of Board resolutions requiring further or future actions and to keep the Board informed of these matters;
- (g) to organize and maintain an annual calendar of monitoring and other reports to be received by the Board;
- (h) to ensure Board policies are kept up to date and are reviewed as per Policy 085: Policy and Procedure Management;
- (i) to preside over the election of the Chair and Vice-Chair; and
- (j) to authenticate by signature, as required, all by-laws, resolutions, orders, agreements and minutes.

I. THE BOARD

6. REGULAR MEETINGS

- (1) Regular meetings of the Board shall be held at least four times a year pursuant to the *Act* and more frequently at the direction of the Board; and shall be held at a place within the Regional Municipality of Waterloo and at a date and time as approved by the Board.
- (2) The Board, prior its first meeting of the calendar year, shall approve the schedule of regular Board meetings, subject to any amendments approved by the Board.
- (3) When scheduling regular Board meetings, the Board shall avoid statutory holidays or declared holidays or a day of religious observance that precludes the participation of any Members of the Board.

- (4) At the first Public Meeting of the Board in the year, the Board shall elect a Chair and Vice-Chair. If a Closed Session is held prior to the public meeting, an Acting Chair shall be appointed by the Board for that meeting.

7. SPECIAL MEETINGS OF THE BOARD

- (1) A special meeting of the Board will be convened:
 - (a) upon being summoned by the Chair; or
 - (b) upon a written request from a majority of the Members of the Board.
- (2) Upon receipt of the written request set out in Section 7(1)(b), the Executive Assistant will summon a special meeting for the purpose(s) and at the time stated in the written request.
- (3) Once received by the Executive Assistant, no Member may remove his or her name from the written request filed under this section.
- (4) Notice of all special meetings of the Board setting forth the matters to be considered will be given to all Members, by electronic mail, telephone or hand delivery, not less than forty-eight hours in advance of the meeting.
- (5) The Board will not consider or decide any matter not set forth in the notice calling the special meeting, without the consent, recorded in the minutes, of all the Members of the Board.
- (6) Notwithstanding this section, on urgent and extraordinary occasions, with the consent of the majority of all Members of the Board, recorded in the minutes, an emergency special meeting of the Board may be called by the Chair without notice to consider and deal with such urgent and extraordinary matters.
- (7) Notwithstanding any other provision contained in this section, the Chair may cancel a special meeting if he or she called the meeting. The Chair may only cancel a special meeting that was requested by the Members if a majority of the Members consent to the cancellation.

8. MEETINGS OPEN TO THE PUBLIC

- (1) Subject to the Act, the meetings of the Board shall be open to the public and no person shall be excluded except for improper conduct.
- (2) The Chair may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting.
- (3) Notice of all Meetings, Agendas, Cancellations and Postponements shall be provided to the public and the media by posting a listing of these on the

Board's web page a set number of days prior to the meeting and, in addition, notice and agenda may be provided to the media, and other persons requesting same, by electronic mail a set number of days prior to the meeting being held; the number of days to be set by the Board in both instances, but not less than 48 hours.

- (4) The notice must include:
 - (a) the proposed agenda for the meeting; and
 - (b) either,
 - i. the record of the most recent meeting of the police service board that was open to the public, other than the record of any part of the meeting that was closed to the public, or
 - ii. instructions on how a member of the public may access the record referred to in subclause (i).
- (5) The Executive Assistant shall use reasonable best efforts to satisfy the notice provisions set out in this section. Failure of the Executive Assistant to satisfy any of the notice provisions contained in this section does not invalidate the meeting or any proceeding at the meeting.
- (6) Members of the public in attendance at a meeting shall not:
 - (a) address the Board without permission;
 - (b) interrupt any speech or action of the Members of the Board or any other person addressing the Board; or
 - (c) bring signage, placards or banners into such meetings and shall refrain from any activity or behaviour that would interfere with Board deliberations.
- (7) The Chair may cause to be expelled and exclude any member of the public who creates any disturbance, disruption in the proceedings or acts improperly, during a meeting of the Board (or have their access to the meeting terminated in the case of an electronic meeting).

9. MEETINGS CLOSED TO THE PUBLIC

- (1) A meeting or part of a meeting may be closed to the public 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 a person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.

- (2) Notwithstanding subsection (1), a meeting or part of a meeting shall be closed to the public if the subject matter to be considered cannot be publicly disclosed pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990. c.M.56 as amended.
- (3) A meeting may be closed to the public if the following conditions are both satisfied:
 - (a) The meeting is held for the purpose of educating or training the members of the board or of the 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.
- (4) If all or part of a meeting is closed to the public, it shall be recorded in the minutes of the preceding open meeting at which the resolution to close is approved:
 - (a) the time and the fact of the holding of the closed meeting;
 - (b) the clause or clauses in subsections (1) or (2) that were relied on to justify having the meeting closed.
- (5) Minutes of all or part of a meeting which is closed will be retained in confidence by the Executive Assistant and such minutes shall not be open to inspection by any member of the public.
- (6) The minutes referred to in subsection (4) shall not record any personal information as defined in the *Municipal Freedom of Information and Protection of Privacy Act*.
- (7) During the closed meetings of the Board and subject to (6), only Board members shall be in attendance, with the exception of the Chief of Police, the Deputy Chiefs of Police and the Recording Secretary, unless those persons are specifically asked to leave, by and at the discretion of the Board Chair, for all or part of the Closed meeting.
- (8) Guests required to present on or answer questions relating to closed matter(s), Ministry appointed Police Services Advisors in the exercise of their duties, pursuant to the *Police Services Act*, or legal counsel may attend a closed meeting, or a portion of the closed meeting, at the invitation and discretion of the Board Chair. Subject to satisfactory confidentiality arrangements, the Board Chair may authorize, all or part, access to closed

meeting agendas and/or minutes to the above invited persons, as is necessary and related to their attendance, or duties and responsibilities.

10. COMMENCEMENT OF THE MEETING

As soon as there is quorum after the hour set for the meeting, the Chair will take the Chair and call the Members present to order.

11. CHAIR ABSENT

If the Chair has indicated he or she will be absent or does not attend within fifteen minutes after the time appointed for a meeting of the Board, the Vice-Chair will act as the Chair. In the absence of both the Chair and the Vice-Chair, the Executive Assistant shall call the Members to order and an acting Chair shall be appointed from among the Members present and shall preside until the arrival of the Chair or the Vice-Chair.

12. NO QUORUM AT START OF MEETING

- (1) If no quorum is present to enable a meeting to commence one-half hour after the time appointed for a meeting of the Board, the Executive Assistant will, at the request of those Members present, call the roll and record the names of the Members present and the Members will stand discharged from waiting further.
- (2) If a meeting does not take place because of a lack of quorum under subsection (1), the Chair may announce a rescheduled date, time and place for such a meeting to occur.
- (3) The Executive Assistant will attempt to give notice of any meeting so rescheduled by telephone or electronic mail or as is otherwise practical within the time available.

13. UNFINISHED BUSINESS – QUORUM LOST

- (1) If, during the course of a meeting, a quorum is lost then the meeting will stand adjourned, not ended, to reconvene at the same time of commencement on the next following day, or at such other date, time and place as the Chair will announce.
- (2) If, in the Chair's opinion, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, then the Chair will announce that the unfinished business of the Board will be taken up at its next regularly scheduled meeting.
- (3) If, during the course of a special meeting of the Board a quorum is lost or a quorum is not present when required to enable the special meeting to start or

resume, then the meeting will stand adjourned, not ended, to convene or reconvene at such time and place as the Chair will announce.

- (4) The Executive Assistant will give notice of any meeting so adjourned and to be reconvened. This will be done by telephone or electronic mail or as is otherwise practical within the time available.
- (5) A Declaration of pecuniary interest does not constitute Lost Quorum.

14. RECORDING PRESENCE BEFORE ADJOURNMENT

When a quorum is not present as required to permit a meeting of the board to reconvene or to continue then before the Members are discharged, the Executive Assistant will call the roll and the minutes shall reflect the names of those present.

15. PERSONS AT THE BOARD TABLE

- (1) No person, except a Member of the Board, the Executive Assistant, the Chief of Police, the Deputies, the Regional Solicitor, or other invited persons authorized by the Chair, will be permitted to be at the table during meetings of the Board.
- (2) All material being distributed before or during a meeting of the Board will be done so through the Executive Assistant.

II. ORDER OF PROCEEDINGS: AGENDAS AND MINUTES

16. BOARD AGENDA

- (1) The agenda will be prepared for approval by the Chair.
- (2) The business of the Board will be considered in the order set forth on the Agenda, provided, however, that the Chair, with the approval of the Board, may vary the order of business to better deal with matters before the Board.
- (3) The Board shall not consider any item of business that has not been distributed to the Members with the Agenda, except as authorized by the Chair, subject to a challenge by a Member, in which case it shall be decided by a majority of members of the Board present and voting.
- (4) Items under the Consent portion of the agenda are considered to be routine and non-controversial and will be approved by one motion. There will be no separate discussion of these items unless a Member requests it in which case the item will be removed from the consent motion and considered in its normal sequence on the agenda. Minutes of the meeting will include the full text of any resolutions adopted under the consent agenda portion of the meeting.

17. CONFLICTS OF INTEREST

- (1) The Board shall be governed by the *Municipal Conflict of Interest Act*, and the Agenda will include a provision for Members to make a declaration of pecuniary interest.
- (2) Where a Member has any pecuniary interest in any matter and is present at a Board meeting 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; and
 - (c) not attempt in any way, whether before, during or after the meeting, to influence the voting on any such question.
- (3) Where a meeting is not open to the public, in addition to complying with the requirements set out above, the Member shall forthwith leave the meeting for that part during which the matter is under consideration.
- (4) Where the interest of a Member has not been disclosed by reason of his or her absence from the particular meeting, the Member shall disclose his or her interest at the next meeting at which such Member attends.
- (5) The Executive Assistant shall record in reasonable detail 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. DELIVERY OF AGENDA TO MEMBERS

- (1) Not less than 48 hours prior to the time set for the meeting in advance of each regular meeting of the Board, the Executive Assistant will cause the following to be delivered electronically or by hand delivery:
 - (a) an Agenda and agenda items prepared in accordance with section 15 (1);
 - (b) the minutes of the last regular meeting and all special and Committee meetings held more than five (5) days prior to a regular meeting.

19. MINUTES

- (1) Minutes will record:
 - (a) the place, date and time of meeting;
 - (b) the names of the presiding Chair and the record of the attendance of the Members, executive leadership staff of the

Waterloo Regional Police Service and the Recording Secretary;

- (c) the reading, if requested, correction and adoption of the minutes of prior meetings; and
 - (d) all other proceedings of the meeting without note or comment.
- (2) Minutes of each meeting shall be submitted to the Board for approval at the next regular meeting of the Board.
 - (3) If the minutes have been delivered to the Members, then the minutes will not be read, and a resolution that the minutes be adopted as if read will be in order.
 - (4) After the minutes have been approved, they will be signed by the Board Chair and Executive Assistant.
 - (5) The approved public minutes of the Board will be posted on the Board's website by the Executive Assistant.

20. COMMUNICATION AND PETITIONS

- (1) Every communication, including a petition designed to be presented to the Board, will be legibly written or printed, and will be signed by at least one person and filed with the Executive Assistant.
- (2) All communications on any subject within the jurisdiction of the Board or a Committee of the Board may be referred by the Chair without any motion or debate, subject to a motion made by a Member.

21. DELEGATIONS

- (1) Delegations wishing to speak to an item on the meeting agenda may be heard with the permission of the Chair provided the following requirements are met:
 - (a) the request must be received no later than noon on the business day preceding the day of the meeting;
 - (b) the request must be made to the Board's Executive Assistant;
 - (c) the request must set out the particulars of the matter and include a copy of any materials that will be presented;
 - (d) request must indicate the name, telephone number and email address (or other acceptable contact information) of the person who will speak to the matter; and
 - (e) the request must pertain to a matter that falls within the jurisdiction of the Board and the topic or content of the presentation does not contravene subsection (9) or is otherwise not permitted.

- (2) Delegations wishing to speak to an item not on a meeting agenda will only be heard at regular meetings, provided the following requirements are met:
 - (a) the request must be received no later than seven (7) Business Days before the Board meeting;
 - (b) the request must be made to the Board's Executive Assistant;
 - (c) the request must set out the particulars of the matter and include a copy of any materials that will be presented;
 - (d) the request must indicate the name, telephone number and email address (or other acceptable contact information) of the person who will speak to the matter; and
 - (e) the request must pertain to a matter that falls within the jurisdiction of the Board and the topic or content of the presentation does not contravene subsection (9) or is otherwise not permitted.
- (3) Upon receipt of the delegation request, and provided the requirements in section 21(1) or (2) are met and provided the topic or content of the presentation does not contravene subsection (9) or is otherwise not permitted, the delegation will be listed on the next appropriate agenda.
- (4) Unless otherwise directed by the Board, delegations will be restricted to ten (10) minutes and will be addressed only to the stated business. The time allotted for any delegation may be extended or reduced as considered necessary at the discretion of the Board.
- (5) Delegations may use a translator, and the translation time does not count towards the 10-minute limit.
- (6) Delegations speaking on behalf of any organization or group may be made by more than a single representative but the entire submission on behalf of an organization or group will be limited to ten (10) minutes. If a person is speaking both on his or her own behalf and as a representative of an organization or group, the entire submission will be limited to ten (10) minutes.
- (7) Upon the completion of a presentation to the Board by a delegation, any discourse between Members and the delegation will be limited to Members asking questions for clarification or obtaining additional information. Members of the Board will not enter into debate with the delegation.
- (8) Requests to speak as a delegation that do not comply with the timelines noted above will be considered by the Board and may be approved at the Board's discretion, having consideration of best and reasonable efforts of the delegation regarding the timelines.
- (9) No delegations shall:

- (a) speak disrespectfully of or to any person;
- (b) use offensive words or language, or gestures;
- (c) speak on any subject other than the subject for which they have received approval to address the Board; or
- (d) disobey the rules of procedure or a decision of the Chair.

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

22. OUTSTANDING INQUIRIES AND MOTIONS

- (1) Any special inquiry by a Member must be made at a meeting of the Board or a Committee to the Chief of Police for response and shall be recorded in the Minutes of the meeting.
- (2) Following each Board or Committee meeting, the Executive Assistant will assign a tracking number to each outstanding item and forward in writing any inquiries or motions requiring action or a subsequent report to the Chief of Police or other person assigned (through the Chief of Police for members) responsibility for responding.
- (3) Should the request involve extraordinary staff research time and production costs, the Board or the Committee will be advised by the Chief of Police and the Board or the Committee will give direction.
- (4) The Chief of Police will respond to the inquiry in accordance with the procedure found in the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* and the Act.
- (5) Unless otherwise directed by the Board, the response shall be submitted in writing to the Executive Assistant who shall forward it to the Board members or Committee members by including it in an upcoming Board or Committee agenda or by other means deemed appropriate by the Board Chair.
- (6) The Executive Assistant shall keep a record of all inquiries and motions requiring a response and shall submit a list of outstanding inquiries and motions to the Board at each regular Board meeting.

III. RULES OF CONDUCT AND DEBATE

23. ADDRESS THE CHAIR

Any Member desiring to speak shall raise his or her hand and be recognized by the Chair. All comments directed to non-Members will be done so through the Chair.

24. ORDER OF SPEAKING

When two or more Members signify a desire to speak, the Chair will recognize the Member who, in the opinion of the Chair, signified first and next recognize in order the other Members.

25. CONDUCT OF MEMBERS AT MEETINGS OF THE BOARD

- (1) All Members shall adhere to the Code of Conduct for Members of Police Services Boards in accordance with the Act, this by-law and any other rule or order governing meetings of the Board.
- (2) At Board Meetings, no Member shall:
 - (a) use offensive words or unparliamentary language during Board or Committee sessions;
 - (b) engage in private conversation while in the Board Meeting, or use electronic devices in a manner which interrupts the proceedings of the Board;
 - (c) speak on any subject other than the subject in debate;
 - (d) interrupt another Member when that Member is speaking except to raise a point of order; or
 - (e) disobey this By-law, or a decision of the Chair or of the Board on questions of order or practice or upon the interpretation of the Rules of Procedure. In the case where a Member persists in any such disobedience after having been called to order by the Chair, the Chair may immediately put the question, no amendment, adjournment or debate being allowed, "that such Member be ordered to leave their seat for the duration of the meeting of the Board", but if the Member apologizes they may, by vote of the Board, be permitted to retake their seat. If the Member does not leave their seat as requested, the Chair will adjourn the meeting.

26. POINT OF ORDER/POINT OF PRIVILEGE

- (1) A Member who desires to address the Board on a Point of Order or Point of Privilege shall ask leave of the Chair to raise the Point.
- (2) After leave is granted, the member shall state the Point with a concise explanation to the Chair and then remain silent until the Chair has ruled upon the Point.
- (3) Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Board.
- (4) If no Member appeals, the decision of the Chair shall be final.

- (5) The Board, if appealed to, shall call a vote, without debate, on the following question: "Shall the Chair be sustained?", and its decision shall be final.
- (6) The speaker in possession of the floor when the Point of Order or Point of Privilege was raised will have the right to the floor when the debate resumes.

27. SPEAK ONCE – REPLY

No Member shall speak more than once to the same question without leave of the Chair, except that a Member who has presented a substantive motion rather than an amendment, may reply.

28. TIME LIMIT

No Member, without leave of the Board, shall speak to the same question, or in reply, for longer than ten minutes.

29. QUESTIONS

- (1) 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 while speaking.
- (2) A Member may ask a question of the Chair for the purpose of obtaining information relating only to the matter under discussion and such questions must be stated succinctly.
- (3) When questions are called for on the Agenda or a specific item is under discussion, inquiries may be made of the Chair, or through the Chair to any Member of the Board, the Executive Assistant, or the Chief of Police, concerning any matter connected with the business of the Board. However, no argument or opinion is to be offered, or facts stated, except as may be necessary to explain same. In answering or putting any such question, a Member is not to debate the matter to which the question refers.
- (4) The Chair may rule a question out of order if a Member has already asked substantially the same question in the same form.

30. QUESTION PUT – NO FURTHER DEBATE

After any question is put by the Chair, no Member shall speak to the question, nor shall any other motion be made until after the result is declared, and the decision of the Chair as to whether the question has been put, shall be conclusive.

V. MOTIONS AND RESOLUTIONS

31. READING

Every motion when seconded shall be received and, at the request of any Member, read by the Executive Assistant, except in the cases provided for by the Rules of Procedure. However, where motions have been distributed or printed in the Agenda, recitals need not be read.

32. WITHDRAWAL

After a motion is read or stated by the Chair, it shall be deemed to be in possession of the Board, and it may only be withdrawn before decision or amendment with the permission of the Board.

33. NO DEBATE UNTIL READ

No Member shall speak to any motion until it has been received by the Chair, and the mover is entitled to speak first if the Member so elects.

34. MOTION RULES OUT OF ORDER

Whenever the Chair is of the opinion that a motion or resolution is contrary to the Rules of Procedure, the Chair shall rule the motion or resolution out of order.

35. NOT WITHIN JURISDICTION OF THE BOARD

A motion or resolution which requires the exercise of a power or powers by the Board which are not within its jurisdiction, shall not be in order.

36. NOTICE OF MOTION

(1) Notice of Motion shall:

- (a) include the name of the mover;
- (b) be received by the Executive Assistant no later than forty-eight (48) hours before the next regular meeting of the Board;
- (c) be printed and included with or in the Agenda for that meeting;
- (d) when a Member's notice of motion has been called from the Chair in two successive meetings and not proceeded with, it shall be deemed withdrawn unless the Board otherwise decides; and
- (e) if, at the third meeting, such notice of motion is called from the Chair and not proceeded with, it shall be deemed to have been withdrawn.

- (2) Any motion may be introduced without notice if the Board, without debate, dispenses with notice on the affirmative vote of at least two-thirds of the Members present and voting.

37. MOTIONS

- (1) The following matters and motions may be introduced orally without notice and without leave, except as otherwise provided by the Rules of Procedure:
 - (a) a point of order or privilege;
 - (b) presentation of petitions;
 - (c) to move the question be put; and
 - (d) to adjourn.
- (2) The following motions may be introduced without notice and without leave, except as otherwise provided by the Rules of Procedure, and shall be in writing:
 - (a) to refer or commit;
 - (b) to table;
 - (c) to defer (postpone);
 - (d) to amend;
 - (e) to suspend the Rules of Procedure; and
 - (f) any other procedural motion.
- (3) All motions may be supported or opposed by the mover and seconder.
- (4) The mover and seconder may withdraw a motion or a Notice of Motion at any time prior to the commencement of debate.
- (5) After any matter has been decided, any Member who voted on the prevailing side may, at a subsequent meeting of the Board, move a motion for reconsideration of the matter, provided notice is given as required by this By-law, but no discussion of the matter will occur until the motion to reconsider is adopted with an affirmative vote of at least two-thirds of the Members present and voting.
- (6) No question will be reconsidered more than once at a meeting of the Board.
- (7) A motion to reconsider suspends action on the motion to which it applies until it has been decided.
- (8) If the action approved in the main motion cannot be reversed, the motion cannot be reconsidered.

38. MOTIONS – ORDER OF CONSIDERATION/CRITERIA

Voting on a main motion is only in order when no secondary motions remain to be decided. Secondary motions are listed below in order from highest rank to lowest rank. All of them outrank the main motion.

		<i>Can Interrupt</i>	<i>Requires Second</i>	<i>Debatable</i>	<i>Amendable</i>	<i>Vote Required</i>	<i>Can Reconsider</i>		
SECONDARY	PRIVILEGED	Fix the Time to Which to Adjourn		√		√	Maj.	√	
		Adjourn		√			Maj.		
		Recess		√		√	Maj.		
		Raise a Question of Privilege/Order	√				Chair		
		Call for Orders of the Day	√				Chair		
	MOTIONS	SUBSIDIARY	Lay on the Table		√			Maj.	Neg. Only
			Previous Question		√			2/3	√
			Limit or Extend Limits of Debate		√		√	2/3	√
			Postpone Definitely		√	√	√	Maj.	√
Refer or Commit				√	√	√	Maj.	√	
Amend				√	√	√	Maj.	√	
Postpone Indefinitely				√	√		Maj.	Affirm. Only	
MAIN MOTION			√	√	√	Maj.	√		

IV. VOTING

39. VOTING

- (1) Each Member of the Board, including the Chair, has one vote only.
- (2) Except as provided elsewhere in this By-law, a motion will be deemed to have been carried when a majority of the Members present and voting have expressed their agreement with the question.
- (3) Any motion on which there is a tie vote will be deemed to be lost.

40. SECRET BALLOT PROHIBITED

No vote shall be taken by the Board by ballot or by any other method of secret voting.

41. ALL MEMBERS VOTE

Every Member present at a meeting of the Board when a question is put, including the Chair, will vote, unless prohibited by statute, in which case it will be recorded. Any Member who refuses to vote or abstains will be recorded as voting in the negative.

42. UNRECORDED VOTE

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

43. SEVERABILITY OF QUESTION

When the matter under consideration contains distinct recommendations or propositions, upon the request of any Member, a vote upon each recommendation or proposition shall be taken separately.

44. RECORDED VOTE

Upon the request of a Member, immediately before or immediately after a vote is taken, the votes of all Members on any question will be recorded by the Executive Assistant.

45. DISPUTING VOTE

If a Member disagrees with the announcement of the Chair that a question is carried or lost, the Member may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require that the recording vote be taken again.

46. PUTTING QUESTION – MEMBERS SEATED

When the Chair calls for the vote on a question, each Member shall occupy their seat until the result of the vote has been declared by the Chair, and a Member not in their seat shall not be entitled to vote.

VI. BY-LAWS

47. READINGS OF BY-LAWS AND RELATED PROCEEDINGS

- (1) Except as otherwise provided, no By-law, except a By-law to confirm the proceedings of the Board, if the Board so wishes to pass one, shall be presented to the Board unless the subject matter has been considered and approved by the Board.
- (2) Every By-law shall be in writing and shall be introduced upon motion by a Member. Every By-law shall only require one reading to be passed.
- (3) The Executive Assistant shall endorse on all By-laws enacted by the Board the dates of several readings, if any.
- (4) Every By-law which has been enacted by the Board shall be numbered, dated and shall be deposited in the office of the Executive Assistant for safekeeping.
- (5) The actual reading of the By-law may be dispensed with where the By-law has been circulated to Members prior to the meeting.

VII. COMMITTEES OF THE BOARD

48. COMMITTEES

- (1) Subject to the provisions of *The Act*, Committees may be established by the Board at any time as is deemed necessary for the consideration of matters within the jurisdiction of the Board.
- (2) Subject to the provision of any general or special Act, the Board, in establishing any Committee, shall set forth Terms of Reference of the Committee and such other provisions as the Board shall deem proper.
- (3) 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 and subject to any necessary modifications.
- (4) Members who are not Members of a specific committee may attend meetings of that Committee and may, with consent of the Chair of that Committee, take part in the discussion, but shall not be counted in the quorum or entitled to

make motions or to vote at these meetings. The Chair is ex officio a Member of every Committee.

- (5) Committee Members shall request assistance directly from the Chief of Police, or designate, when services are required from a member of the Waterloo Police Service to assist the Committee within its assigned mandate.
- (6) A Committee shall dissolve automatically upon submitting its final report to the Board.

VIII. HEARINGS

49. HEARINGS

- (1) A Hearing pursuant to section 44, 52 and 53 of the Act shall consist solely of the written reasons for the termination, the written reply of the police officer, auxiliary member or special constable, as applicable, and the oral submissions as provided for in this Part. No other submissions, information or documents, whether oral or in writing, shall be permitted.
- (2) A Hearing pursuant to section 47 of the Act shall consist solely of the written evidence and the oral submissions as provided for in this Part. No other evidence, submissions, information or documents, whether oral or in writing, shall be permitted.
- (3) For greater certainty, the provisions set out in this Part are solely for the purpose of assisting the Board in making its decision pursuant to sections 44, 47, 52 and 53 of the Act and nothing herein shall give any police officer, employee or special constable of the Board, as applicable, any greater rights than as set out in the Act.
- (4) In accordance with section 37 of the Act, the Statutory Powers Procedure Act, R.S.O. 1990, c. S.22, as amended, does not apply to the Board, including the conduct of any Hearings as provided for herein.

50. DELEGATION OF HEARINGS

- (1) The Board may conduct a Hearing or may delegate to a Hearing Committee that is comprised of two or more Members the authority to conduct any Hearing on behalf of the Board as provided for under the Act including the authority to make any decisions on the Board's behalf.
- (2) The decision of a Hearing Committee exercising any authority delegated to it by the Board is final. There is no appeal from the decision of a Hearing Committee, by any party, to the Board. The Board shall not take any action, including but not limited to consideration of any motion by a Member with respect to such decision, except as required in furtherance of the implementation of such decision. The individual that is the subject of the

decision pursuant to section 47 of the Act has rights of appeal to the Ontario Civilian Police Commission as provided for under the Act.

51. PARTIES TO A HEARING

The parties to the Hearing are the Chief of Police and the respondent police officer, employee, auxiliary member or special constable of the Board, as applicable. A party may be self-represented or represented by counsel or agent.

52. NOTICE OF HEARING

- (1) The Executive Assistant shall set the time and place for a Hearing and shall give notice of the Hearing to the parties in writing:
 - (a) personally;
 - (b) by electronic mail to any party who provides an electronic mail address and written consent to notice in such manner (which may be in electronic form) to the Executive Assistant; or
 - (c) by regular mail or prepaid courier to the party's most recent address known to the Executive Assistant and notice shall be deemed to have been given, unless the contrary is shown, on the fifth (5th) business day following the day on which it was mailed or on the second (2nd) business day following the day on which it was couriered, as the case may be.
- (2) A notice of a Hearing shall include:
 - (a) a reference to the statutory authority under which the Hearing will be held;
 - (b) a statement of the time, place and purpose of the Hearing;
 - (c) a statement that if the party does not attend the Hearing then the Board or Hearing Committee, as the case may be, may proceed in the absence of that party and the party will not be entitled to any further notice in the proceeding; and
 - (d) information pertaining to any deadlines for written replies by the parties.
- (3) Where a notice of Hearing has been given to a party in accordance with this By-law, and the party does not attend, the Board or the Hearing Committee, as the case may be, may proceed in the absence of the party and that party is not entitled to any further notice in the proceedings.
- (4) Oral submissions shall only be applicable, where the respondent police officer, employee, auxiliary member or special constable of the Board, as applicable, requests an opportunity to do such on the basis that their credibility is at issue.

53. PRODUCTION

- (1) With regard to a Hearing pursuant to section 44, 52 and 53 of the Act, at least twenty-one (21) calendar days before the date of the Hearing, the Executive Assistant shall provide the police officer, auxiliary member or special constable, as applicable, with reasonable information in writing with respect to the reasons for the termination (including any submissions or law relied upon) and the police officer, auxiliary member or special constable, as applicable, may provide a written response (including any submissions or law relied upon) to the Executive Assistant and the Chief of Police, provided that such written response is received by the Executive Assistant and the Chief of Police by no later than ten (10) calendar days before the day of the Hearing. The Chief of Police may provide written reply (including any submissions or law relied upon) to the aforementioned written response provided that such reply is provided to the police officer, auxiliary member or special constable, as the case may be, by no later than four (4) calendar days before the day of the Hearing.
- (2) With regard to a Hearing under section 47 of the Act, at least thirty (30) calendar days before the date of the Hearing, the Executive Assistant shall provide the employee party with a copy of the two reports of medically qualified practitioners and any other written evidence, submissions and law relied upon which the Board or the Hearing Committee will consider at the Hearing and the employee may provide any written evidence, submissions and law relied upon to the Executive Assistant and the Chief of Police, provided that such written evidence is received by the Executive Assistant and the Chief of Police by no later than fifteen (15) calendar days before the day of the Hearing. The Chief of Police may provide written reply to the employee's written evidence provided that such reply is provided to the employee by no later than four (4) calendar days before the day of the Hearing.
- (3) For the purposes of subsection (2) of this section, any written evidence of the parties may: (a) be sworn or unsworn; (b) include reports of any expert provided that such expert includes his or her curriculum vitae with the report; and (c) be a photocopy thereof provided that the Board or Hearing Committee, as applicable, is satisfied with its authenticity.
- (4) A party may refer to case law in his or her oral submissions at the Hearing, provided that such party provides copies of such case law to the other party(ies) of the subject Hearing and to the Executive Assistant as part of their written submissions as set out in this section.
- (5) The Executive Assistant shall provide all documentation provided by the parties to a Hearing pursuant to this section to the Board or the Hearing Committee conducting the hearing, as the case may be, at least three (3) business days prior to the Hearing.

54. CLOSED HEARING

- (1) The Board or Hearing Committee, as applicable, may make the determination to exclude the public from all or part of a Hearing in accordance with subsections 9(1) and (2) of this By-law.
- (2) Notwithstanding subsection (1) of this section, the Board or the Hearing Committee, as the case may be, may, after the Hearing is complete, exclude the public and the parties to deliberate in relation to its decision.

55. ORDER OF PRESENTATION

- (1) Where oral submissions are being made, the order of presentation at the Hearing will be as follows:
 - (a) the Chief of Police will be invited to make an oral submission pertaining to the written documentation before the Board or Hearing Committee, as applicable;
 - (b) the police officer, employee, auxiliary member or special constable, as applicable, will be invited to make an oral submission pertaining to the written documentation before the Board or Hearing Committee, as applicable; and
 - (c) the Chief of Police will be invited to make any oral reply submissions to the submissions of the police officer, employee, auxiliary member or special constable, as applicable, that were made pursuant to subsection (2) of this section.
- (2) The Board or Hearing Committee, as applicable, may limit any oral submissions pursuant to subsection (1) of this section if the oral submissions are unduly repetitious or abusive.

56. DECISION

- (1) At the conclusion of the Hearing, the Board or the Hearing Committee, as applicable, shall render its decision in writing, with reasons. The Board or the Hearing Committee, as applicable, may reserve its decision and provide its decision in writing to the parties on a later date as soon as reasonably practicable following the Hearing.
- (2) The decision of the majority of the Board or the Hearing Committee, as applicable, who presided at the Hearing shall be the decision.
- (3) A notice of decision shall be provided by the Executive Assistant to the parties to the Hearing as soon as reasonably practicable following the rendering and release of the decision by the Board or Hearing Committee. A notice of decision shall be provided in writing:
 - (a) personally; or

- (b) by electronic mail to any party who provides an electronic mail address and written consent to notice in such manner (which may be in electronic form) to the Executive Assistant; or
 - (c) by regular mail or prepaid courier to the party's most recent address known to the Executive Assistant and the notice of decision shall be deemed to have been given, unless the contrary is shown, on the fifth (5th) business day following the day on which it was mailed or on the second (2nd) business day following the day on which it was couriered, as the case may be.
- (4) A notice of decision by a Hearing Committee shall be provided by the Executive Assistant to the Board, for information purposes only, as soon as reasonably practicable following the rendering and release of the decision.

57. GENERAL

- (1) Despite anything in this Part, the Board or the Hearing Committee, as applicable, may vary the procedure provided herein in respect of any Hearing if it determines that such variance is reasonably necessary to make its decision.
- (2) A Hearing may be adjourned from time to time by the Board or a Hearing Committee, as applicable, of its own motion or where it is shown to the satisfaction of the Board or Hearing Committee, as applicable, that the adjournment is required to permit an adequate Hearing to be held.
- (3) Where any matter is not dealt with in this Part then any other provision of this By-law in relation to a meeting may apply with such necessary modification.
- (4) The Board or the Hearing Committee, as the case may be, is not required to provide minutes, transcripts or any other recording of any of the proceedings under this Part.

IX. ELECTION OF CHAIR AND VICE-CHAIR

58. ELECTION OF CHAIR AND VICE-CHAIR

- (1) The Members of the Board will elect a Chair and Vice-Chair at the Board's first public meeting in each year. If an In-Camera Session is held prior to a public meeting, an Acting Chair shall be appointed by the Board for that meeting.
- (2) The election of the Chair and Vice-Chair shall be conducted in the following manner:
 - (a) The election of the Chair and Vice-Chair will be conducted by the Board's Executive Assistant, unless otherwise determined by the Board.

- (b) The Executive Assistant shall call for nominations.
- (c) Each nomination shall be regularly moved and seconded and shall have the consent of the nominee.
- (d) Where it appears to the Executive Assistant, by asking for further nominations and receiving no response, that there are no further nominations, the Executive Assistant shall call for a motion declaring nominations closed.
- (e) Each mover and seconder of a nominee and each nominee, prior to the vote being taken, shall be permitted to speak to the nomination for not more than five minutes. The speaker is to be called upon in the alphabetical order of the nominees.
- (f) A nominee may withdraw his or her name at any time prior to a vote being called.
- (g) Where more than one nominee stands for election, a vote shall be taken.
- (h) To be elected as Chair or Vice-Chair, a nominee shall obtain a Vote of the majority of the Members present.
- (i) Where there are more than two nominees who elect to stand, if upon the first vote no nominee received 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 anew and so continue until either:
 - i. a nominee receives the majority required for election at which time such nominee shall be declared elected; or
 - ii. it becomes apparent by reason of an equality of votes that no nominee can be elected.
- (j) the case of a vote where no nominee received the majority required for election and where two or more nominees are tied with the least number of votes, a special vote shall be taken to decide which one of such tied nominees' names shall be dropped from the list of names to be voted on in the next vote.

X. GENERAL PROVISIONS

59. RECORDING EQUIPMENT

The use of cameras, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for recording the proceedings of a meeting that is open to the public by members of the public, including the news media, are permitted, provided the recording does not interfere with the proceedings at the meeting.

60. PARTICIPATION BY TELECONFERENCE OR VIDEO CONFERENCE

- (1) Board meetings may be held in person with all Members physically present, virtually with all Members participating by electronic video or teleconference, or by a combination of both. Any Member participating in the meeting by electronic video or teleconference will be deemed present for the purposes of Quorum.

- (2) When participating in a Closed meeting by electronic video or teleconference, Members must ensure the confidentiality of the Board meeting materials and video and audio proceedings at the location at which they are participating.

61. SIGNING OF DOCUMENTS

Unless otherwise specified by Resolution or other by-law of the Board, the Chair and Executive Assistant shall sign all documents for and on behalf of the Board including but not limited to by-laws, resolutions, orders and agreements which have been approved by the Board.

62. REPEAL AND ENACTMENT

- (1) That By-law No. 07-03 and Bylaw No. 12-03, are hereby repealed.

- (2) This By-law will come into force on the date of its enactment.

63. SHORT TITLE

This By-law may be referred to as either the "Procedure By-law" or the "Rules of Procedure".

This By-law is hereby enacted by the Regional Municipality of Waterloo Police Services Board this 8th day of September, 2021.

Original signed by K. Redman

Karen Redman, Board Chair

Original signed by J. Eggleton

Jill Eggleton, Executive Assistant