

**MEETING: THE TENTH SESSION OF THE FIFTY-FIFTH THUNDER BAY POLICE SERVICE BOARD (CLOSED SESSION)**

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**DATE:** APRIL 23, 2024

**TIME:** 9:05 A.M.

**PLACE:** VALHALLA HOTEL & CONFERENCE CENTRE  
1 Valhalla Inn Road, Thunder Bay, ON

**CHAIR:** MS. K. MACHADO

**PRESENT:**

Ms. D. Baxter  
Mayor K. Boshcoff  
Councillor K. Etreni  
Ms. K. Machado

**REGRETS:**

Mr. W. Bahlieda

**OFFICIALS:**

Mr. D. Fleury, Chief of Police  
Mr. R. Hughes, Deputy Chief of Police  
Mr. J. Hannam, Secretary – Thunder Bay Police Services Board  
Ms. L. Douglas, Assistant to the Secretary - Thunder Bay Police Services Board

**ATTENDING BY ZOOM:**

Mr. T. Gervais, Ministry of the Solicitor General  
Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP

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1. DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2. CONFIRMATION OF AGENDA

MOVED BY: Councillor K. Etreni

SECONDED BY: Ms. D. Baxter

With respect to the Tenth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on April 23, 2024, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3. CONFIRMATION OF MINUTES

Minutes of the Eighth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on March 19, 2024, to be confirmed.

MOVED BY: Councillor K. Etreni

SECONDED BY: Ms. D. Baxter

Minutes of the Eighth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service

## THUNDER BAY POLICE SERVICE BOARD

CLOSED SESSION  
April 23, 2024

Page 2 of 8

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Board held on March 19, 2024, be confirmed.

CARRIED

4. UPDATES FROM LEGAL COUNSEL

Mr. D. Jarvis, Fillion Wakely Thorup Angeletti LLP, reported that multiple HRTO applications remain held up by the Human Rights Tribunal.

Ms. C. Bryson has renewed her request to defer.

An overview of a renewed HRTO application from retired Officer John Walmark was provided.

Mr. Jarvis' office continues to work on/resolve the annual leave matter. He will be meeting with the Association's counsel next week to get closure and/or a settlement proposal.

5. ORGANIZATION AND PERSONNEL

a) Parental Leave Requests

The following correspondence was provided for the Board's information:

- Correspondence to Chief Darcy Fleury from Detective Constable Bill Foulds, dated February 26, 2024, relative to a request for parental leave, and well as a response from Chief Darcy Fleury, dated March 14, 2024.
- Correspondence to Chief Darcy Fleury from Matthew Leccese, dated March 20, 2024, relative to a request for parental leave, and well as a response from Chief Darcy Fleury, dated March 22, 2024.
- Correspondence to Chief Darcy Fleury from Constable Cameron Claridge, dated March 19, 2024, relative to a request for parental leave, and well as a response from Chief Darcy Fleury, dated March 22, 2024.
- Correspondence to Chief Darcy Fleury from Detective Constable Brent Parres, dated March 20, 2024, relative to a request for parental leave, and well as a response from Chief Darcy Fleury, dated March 22, 2024.

b) New Hire Reports

Report No. 12/24 (Police) relative to seeking approval to hire a Communication Operator, was provided for the Board's information.

Mr. J. Hannam, Secretary, noted that it's a retroactive approval due to when it was received by the Board.

**THUNDER BAY POLICE SERVICE BOARD**

**CLOSED SESSION**  
**April 23, 2024**

**Page 3 of 8**

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MOVED BY: Ms. D. Baxter  
SECONDED BY: Councillor K. Etreni

With respect to Report No. 12/24 (Police) from Acting Chief of Police Ryan Hughes, we approve the hiring of Kelsi D'Angelo as Communication Operator (full time permanent) with a start date of March 25, 2024;

AND THAT the Chief of Police be authorized to execute the contracts.

CARRIED

Report No. 14/24 (Police) relative to seeking approval to hire a Vehicle Maintenance Mechanic, was provided for the Board's information.

MOVED BY: Councillor K. Etreni  
SECONDED BY: Ms. D. Baxter

With respect to Report No. 14/24 (Police) from Chief of Police Darcy Fleury, we approve the hiring of Aaron Dowswell as a Vehicle Maintenance Mechanic with a start date to be determined;

AND THAT the Chief of Police be authorized to execute the contracts.

CARRIED

c) Memoranda of Agreement

Memoranda of Agreement between the Thunder Bay Police Services Board and the Thunder Bay Police Association, relative to revisions to the Civilian Collective Agreement to include new positions and entitlements for a Disclosure Specialist and a Violent Crime Outreach Coordinator, were provided for the Board's information. Chief of Police D. Fleury noted that a grant was provided last year to cover the costs of these positions. If funding discontinues, the positions will be revisited.

MOVED BY: Councillor K. Etreni  
SECONDED BY: Ms. D. Baxter

With respect to the Civilian Collective Agreement and the Memoranda of Agreement between the Thunder Bay Police Services Board and the Thunder Bay Police Association, as presented at the April 23, 2024 Closed Session of the Board, we recommend that the Chair be authorized to duly execute the subject Memoranda of Agreement for the new positions of Disclosure Specialist and Violent Crime Outreach Coordinator, on behalf of the Thunder Bay Police Service Board.

CARRIED

## THUNDER BAY POLICE SERVICE BOARD

CLOSED SESSION

April 23, 2024

Page 4 of 8

---

d) Extension Application – Constable Rob Main

At the March 19, 2024 Closed Session of the Board, a Confidential Memorandum to the Chair and Members - Thunder Bay Police Service Board from Darcy Fleury, Chief of Police, dated March 11, 2024, and the Report to the Thunder Bay Police Service Board from Chief Darcy Fleury, dated February 20, 2024, relative to an Extension Application under the *Police Services Act*, were provided for the Board's information, and are being re-presented at this Closed Session.

Correspondence from Constable R. Main requesting more time to respond was distributed separately by email to Board Members on March 18, 2024. Matter was deferred.

Correspondence to the Thunder Bay Police Service Board from Constable Robert Main, dated March 18, 2024, relative to his response to the Application for an Extension to serve the Notice of Hearing, was provided for the Board's information.

Report to the Chair and Members of the Thunder Bay Police Service Board from Chief Darcy Fleury, dated April 15, 2024, relative to a Reply to Submissions of Constable Rob Main, was provided for the Board's information.

Chief of Police D. Fleury provided an overview relative to the above noted and responded to questions.

MOVED BY: Ms. D. Baxter  
SECONDED BY: Councillor K. Etreni

It is recommended that the Thunder Bay Police Service Board receives for processing and decision the Application for Extension of the six-month period for the service of a Notice of Hearing against Constable Robert (Rob) Main regarding allegations of misconduct under Part V of the *Police Services Act*, R.S.O. 1990 C.P.15, as amended ("the Act");

AND THAT the extension of time to serve a Notice of Hearing on Constable Robert Main be approved, as presented at the April 23, 2024 Closed Session of the Board.

CARRIED

Deputy Chief of Police R. Hughes left the meeting room at 9:21 a.m.

e) Request for Indemnification

Correspondence to Chair Karen Machado and Secretary John Hannam from Jeremy Pearson, Secretary – Thunder Bay Senior Officers Association, dated April 12, 2024, relative to a request for indemnification for former SOA member Holly Walbourne, was provided for the Board's

**THUNDER BAY POLICE SERVICE BOARD**

**CLOSED SESSION**  
**April 23, 2024**

**Page 5 of 8**

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information.

Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP, provided background information and an overview of Ms. H. Walbourne's employment contract and history with the Thunder Bay Police Service.

He noted that Ms. Walbourne is not entitled to indemnification if she is not acquitted, and also noted that there is language referred to her acting in good faith in performing her duties. He recommended to the Board that they approach the Senior Officers Association (SOA) to clearly set out Ms. Walbourne's entitlements and exceptions. He also noted that Ms. Walbourne's contract provisions include the retention of a solicitor whose practice is in the City of Thunder Bay. The Board could say that they would like to negotiate an upfront rate for legal indemnification based on local legal fee rates.

Discussion followed on Ms. Walbourne's employment contract, Memorandum of Understanding, entitlements and conduct (acting in good faith in consideration of her profession).

Mayor K. Boshcoff entered the meeting at 9:46 a.m.

Chair K. Machado provided the Board with an overview of their options on this matter.

Mr. J. Hannam, Secretary, in response to a question, confirmed that former Chief of Police S. Hauth was informed that she would be indemnified in line with the costs of a Thunder Bay lawyer. Ms. Hauth has acknowledged that she will have pay the costs back if she is found guilty. Mr. Hannam is currently researching the costs of a good local defense lawyer in Thunder Bay.

Mr. Jarvis noted that it would be helpful to have an agreement signed that they will agree to pay back costs if not acquitted.

It was the consensus of the Board that more information is needed before they can make an informed decision.

MOVED BY: Ms. D. Baxter  
SECONDED BY: Councillor K. Etreni

With respect to the correspondence from the Thunder Bay Senior Officers Association, dated April 12, 2024, relative to a request for indemnification for former SOA member Holly Walbourne, we recommend that the matter be referred back to Administration in order to provide a more fulsome information package, including the contracts and options provided at the April 23, 2024 Closed Session of the Board, as well as information that Chief of Police Darcy Fleury can share, in consultation with legal counsel.

**CARRIED**

## THUNDER BAY POLICE SERVICE BOARD

CLOSED SESSION

April 23, 2024

Page 6 of 8

---

### 6. LABOUR RELATIONS

In Mr. W. Bahlhieda's absence, Ms. K. Machado provided an overview of discussions at recent meetings with the Police Association. She noted that a mandate is required from the Board regarding contract length and costing. She noted negotiations are ongoing and have met 2 times with a third set of dates upcoming in early May.

Discussion followed on the importance of having legal counsel present at bargaining sessions to support the team.

MOVED BY: Ms. D. Baxter  
SECONDED BY: Councillor K. Etreni

With respect to the 2024 bargaining sessions with the Thunder Bay Police Association, we recommend that legal counsel attend with the Bargaining Committee, on behalf of the Thunder Bay Police Service Board.

CARRIED

Mr. J. Hannam noted that the Board needs to determine a mandate.

The meeting recessed at 10:28 a.m. in order to move into Regular Session.

The meeting reconvened at 12:46 p.m.

PRESENT: Ms. D. Baxter, Mayor K. Boshcoff, Councillor K. Etreni, Ms. K. Machado, Chief of Police D. Fleury, Deputy Chief of Police R. Hughes, Mr. J. Hannam and Ms. L. Douglas.

ATTENDING via Zoom: Mr. T. Gervais, Mr. D. Jarvis

### 7. LABOUR RELATIONS, *continued*

Ms. K. Machado reported that the Bargaining Chair has presented a draft mandate of an up to 5 year contract and an up to 3.5% increase, compounding over each of the 5 years.

Mr. D. Jarvis noted that the Board needs to confirm a mandate for the Bargaining Chair and negotiating committee. Chair Machado noted that Bargaining Chair Bahlhieda has done a lot of research, environmental scans and reached out to his contacts for other contract information and status out in the policing community.

Discussion followed on the length of the previous agreements and the proposed increases. It was noted that the increases for the Police Service should be compared to other police services in the province – not to increases for City employees (as the jobs are very different).

# THUNDER BAY POLICE SERVICE BOARD

CLOSED SESSION  
April 23, 2024

Page 7 of 8

---

Ms. D. Baxter left the meeting at 1:03 p.m.

MOVED BY: Councillor K. Etreni  
SECONDED BY: Mayor K. Boshcoff

With respect to the Thunder Bay Police Service Board negotiating new collective agreements with the Thunder Bay Police Association, we recommend that the Board approve a term of up to five (5) years and an increase in costs of up to 3.5% for each year, all inclusive.

CARRIED

Mr. D. Jarvis left meeting at 1:07 p.m.

8. ORGANIZATION AND PERSONNEL, *continued*

f) Update on the 2<sup>nd</sup> Deputy Chief of Police Position

Mr. J. Hannam provided an update on the search for the new Deputy Chief of Police – Administration position.

The Governance Committee is meeting next Monday, April 29, 2024 at 2:00 p.m. with Odgers Berndtson to review the proposed candidates. Internal and external candidates will be presented.

9. GENERAL MATTERS

Office Space Consideration

John S. Hannam, Secretary, provided an update relative to a new location for the Board Office.

Our real estate agent continues to search for an appropriate space to fill the needs of the Board.

10. NEW BUSINESS

There was no new business presented.

11. ORGANIZATION AND PERSONNEL, *continued*

g) Employment Contract with Deputy Chief of Police

The term of the Employment Contract with Deputy Chief of Police Ryan Hughes will expire on December 7, 2024. Deputy Chief Hughes has advised that he is interested in talking about an extension.

**THUNDER BAY POLICE SERVICE BOARD**

**CLOSED SESSION**  
**April 23, 2024**

**Page 8 of 8**

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Discussion was held relative to an extension of the employment contract with Deputy Chief of Police Ryan Hughes.

MOVED BY: Mayor K. Boshcoff  
SECONDED BY: Councillor K. Etreni

THAT the Thunder Bay Police Service Board approves entering into discussions with Deputy Chief of Police Ryan Hughes about an extension to his employment contract;

AND THAT the Chair of the Board bring back proposals to the Board for their consideration.

CARRIED

Chair K. Machado will provide an update for Ms. D. Baxter and Mr. W. Bahlieda about this matter.

12. CONFIRMING BY-LAW

MOVED BY: Mayor K. Boshcoff  
SECONDED BY: Councillor K. Etreni

THAT the following By-law be introduced, read, dealt with individually, engrossed, signed by the Chair and Secretary of the Thunder Bay Police Service Board, sealed and numbered:

1. A By-law to confirm the proceedings of a Closed Session of The Thunder Bay Police Service Board, this 23<sup>rd</sup> day of April, 2024.

Explanation: Confirmation of the proceedings and each motion, resolution and other action passed or taken by the Thunder Bay Police Service Board at this meeting is required, adopted, ratified and confirmed as if all such proceedings had been expressly embodied in this By-law.

BY-LAW NUMBER: PC9-2024

CARRIED

13. ADJOURNMENT

Chair K. Machado thanked Board members for their support at April 15, 2024 news conference.

The meeting adjourned at 1:35 p.m.