

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

DATE: MAY 21, 2024

TIME: 9:02 A.M.

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

CHAIR: MS. K. MACHADO

PRESENT:

Mr. W. Bahlhieda
Ms. D. Baxter
Mayor K. Boshcoff
Ms. K. Machado

REGRETS:

Councillor K. Etreni

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

1. DISCLOSURES OF INTEREST

There were no disclosures of interest declared at this time.

2. CONFIRMATION OF AGENDA

The general nature of the matters to be considered at this closed meeting of the Board are subject to the following sections of *the Community Safety and Policing Act, 2019*:

44 (2) (a) *the security of the property of the Board;*

44 (2) (b) *personal matters about an identifiable individual, including members of the Police Service or any other employees of the Board;*

44 (2) (d) *labour relations or employee negotiations;*

44 (2) (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;*

44 (2) (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.*

MOVED BY: Mr. W. Bahlhieda

SECONDED BY: Mayor K. Boshcoff

With respect to the Twelfth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on May 21, 2024, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

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3. CONFIRMATION OF MINUTES

Minutes of the Ninth Session (Special Closed) and the Tenth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on April 9, 2024 and April 23, 2024, respectively, to be confirmed.

MOVED BY: Ms. D. Baxter

SECONDED BY: Mayor K. Boshcoff

Minutes of the Ninth Session (Special Closed) and the Tenth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on April 9, 2024 and April 23, 2024, respectively, be confirmed.

CARRIED

4. UPDATES FROM LEGAL COUNSEL

a) Update on New and Ongoing Files

Mr. D. Jarvis, Fillion Wakely Thorup Angeletti LLP, reported on the Dimini grievance, which alleges improper disclosure. It has been referred to arbitration with a tentative date of mid-August 2024. He noted that the Board will be filing preliminary objections.

A number of grievances from the Police Association have been referred to conciliation. There is an effort to have all grievances go before the Board's Labour Relations Committee prior to referral to conciliation.

Mr. Jarvis has received a proposal regarding the WSIB annual benefits grievance. He will be meeting with Chief Fleury about this.

An update on the HRTO application will be given at next board meeting.

b) Request for Indemnification

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

At the April 23, 2024 Closed Session of the Board, discussion was held on the SOA's request for indemnification for Ms. H. Walbourne, her employment contract, Memorandum of Understanding, entitlements and conduct (acting in good faith in consideration of her profession).

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It was the consensus of the Board at that time that more information was needed before they could make an informed decision on the above noted request.

An overview of relevant provisions pertaining to Ms. Holly Walbourne, together with a 26-page attachment for items referenced in the overview, was provided for the Board's information.

Mr. D. Jarvis, Fillion Wakely Thorup Angeletti LLP, provided highlights of the key points, and responded to questions. The Go Forward Options on Page 4 of the Overview were presented and discussed at length.

Chief Fleury advised that the Board will have to wait for the results of the OPP investigation to determine if Ms. Walbourne was acting in good faith or not. Once the report on the OPP investigation is released, Chief Fleury will be presenting his own report to the Board.

MOVED BY: Mr. W. Bahlieda

SECONDED BY: Ms. D. Baxter

With regard to the 5-Page Overview of the Holly Walbourne Request for Legal Indemnification, as presented at the May 21, 2024 Closed Session of the Board;

We recommend that the Thunder Bay Police Service Board approve as follows: that Option 1 of the Go Forward Options be negotiated. In the event that Option 1 cannot be successfully negotiated, we recommend that Option 3 be negotiated, indicating that legal costs will be indemnified as they are incurred, to a maximum hourly rate of \$400 per hour;

AND THAT Mr. D. Jarvis, Fillion Wakely Thorup Angeletti LLP, be directed to carry forward the negotiations on behalf of the Thunder Bay Police Service Board.

CARRIED

Mr. D. Jarvis will draft a document for review and approval by Chair Machado and Secretary Hannam to ensure it included all of the elements of the above decision.

At 9:43 a.m., Mr. D. Jarvis left the meeting.

Staff Sergeant N. Herman, Inspector G. Snyder and Deputy Chief of Police R. Hughes entered the meeting.

5. REPORTS OF THE THUNDER BAY POLICE SERVICE

a) Annual Audit Reports

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2023 TBPS Property and Firearms Audit Report and 2023 TBPS Drug and Currency Exhibit Audit Report were provided for the Board's information.

Staff Sergeant N. Herman provided an overview of the above noted audit reports and responded to questions. He noted that the names have been redacted because audits are assessments and not personal performance reviews; and some of their identities have been protected due to their policing assignments.

Upon completion of his report, Staff Sgt. Herman left meeting at 10:00 a.m.

6. ORGANIZATION AND PERSONNEL

a) SIU Administration Reports

Inspector G. Snyder provided verbal overviews relative to the following three (3) SIU Administrative Reports:

- Confidential Memorandum to the Thunder Bay Police Service Board from Inspector Gordon Snyder, dated May 3, 2024, relative to SIU Case #23-OSA-509;
- Confidential Memorandum to the Thunder Bay Police Service Board from Inspector Gordon Snyder, dated May 9, 2024, relative to SIU Case #23-OSA-446;
- Confidential Memorandum to the Thunder Bay Police Service Board from Inspector Gordon Snyder, dated May 9, 2024, relative to SIU Case #23-OCI-498.

Inspector Snyder noted that they all refer to the PSA and OIPRD as they occurred prior to April 1st, 2024. Any matters that occurred after April 1st will be reported under the *Community Safety and Policing Act, 2019*.

Mr. T. Gervais, Ministry of the Solicitor General, noted that there is a new regulatory report that the Board needs to post on their website immediately after it is presented to the Board. Mr. J. Hannam, Board Secretary, will review the new requirements to ensure the Board complies with the new Act.

Inspector G. Snyder left the meeting at 10:17 a.m.

b) Update on the 2nd Deputy Chief of Police Position

Mr. J. Hannam reported that the Governance Committee met last Friday, May 17, 2024, to conduct initial interviews. Chief of Police D. Fleury also participated in the interviews. The next round of interviews is scheduled for June 25, 2024.

A discussion followed about all Board members being present at the interviews. It was noted that it was a previous Administrator/Board decision to have members of the Governance

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Committee in charge of filling vacant positions. Mr. J. Hannam noted that the Governance Committee will make a recommendation to the Board, and the Board will have the final decision on who is hired. Mr. W. Bahlheda raised his objection to this process. Chair of the Governance Committee, Ms. D. Baxter, noted that the Governance Committee has good community representation on it that represents a large percentage of people in this city, as well as four (4) Board members.

c) Parental Leave Requests

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

- Correspondence from Detective Constable D. Bartol to Chief Fleury, dated May 2, 2024, relative to a request for parental leave, as well as the response from Chief Fleury, dated May 10, 2024.
- Emailed correspondence from Special Constable D. Elliott to Chief Fleury, dated May 8, 2024, relative to a request for parental leave, as well as the response from Chief Fleury, dated May 10, 2024.

Mr. J. Hannam, Secretary, reported that Administration is reviewing the utility of presenting these types of reports. Going forward, and further to the Information Sharing Policy, this type of information will be included in an annual report to be presented by the Chief of Police in February of each year.

The meeting recessed at 10:27 a.m.

The meeting reconvened at 12:15 p.m.

Present: Ms. K. Machado, Mr. W. Bahlheda, Mayor K. Boshcoff, Ms. D. Baxter, Chief of Police D. Fleury, Mr. J. Hannam, and Ms. L. Douglas.

d) New Hires Report

Report No. 16/24 (Police) relative to approval to hire two (2) Experienced Officers, was distributed separately with the Additional Information package for the Board's information.

MOVED BY: Mr. W. Bahlheda

SECONDED BY: Ms. D. Baxter

With respect to Report No. 16/24 (Police) from Chief of Police D. Fleury, we approve the hiring of Jordan Anness and John-Paul Nanowski as Experienced Officers with the Thunder Bay Police Service, with a start date to be determined;

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

CARRIED

A brief discussion about recruiting followed.

7. GENERAL MATTERS

a) Final Report of Administrator Malcolm Mercer

Confidential correspondence to Sean Weir, Executive Chair – Ontario Civilian Police Commission from Malcolm Mercer, dated April 22, 2024, relative to an overview of Mr. Mercer's appointment as Administrator for the Thunder Bay Police Service Board, cc'd to the Board, was distributed separately by email on May 7, 2024.

Mr. J. Hannam, Secretary, provided an overview relative to the above noted, and noted that the public version of the Final Report was on the OCPC website.

MOVED BY: Mayor K. Boshcoff

SECONDED BY: Ms. D. Baxter

To acknowledge receipt of the Final Report of Malcolm Mercer, and to take under advisement the recommendations directed to the Thunder Bay Police Service Board in Mr. Mercer's Final Report;

AND to direct Administration to report back on the implementation of those recommendations.

CARRIED

Chair Machado will send a letter to the OCPC, acknowledging receipt of the report and advising that the Board will be working towards the implementation of the recommendations. A draft letter will be circulated among Board members prior to distribution. The recommendations will be re-presented at the June meeting.

b) Office Space

Confidential Memorandum to the Thunder Bay Police Service Board from John S. Hannam, Secretary, dated May 16, 2024, relative to a lease opportunity for office space, was distributed separately with the Additional Information package on May 17, 2024 for the Board's information.

Mr. J. Hannam, Secretary, provided an overview relative to the above noted and responded to questions. He noted that the current office does not meet requirements under the *Community*

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Safety and Policing Act, 2019, and it is not accessible to the public.

A lengthy discussion was held relative to the appropriateness of the proposed location for certain members of the public attending the public sessions.

It was noted that Board members should have visited the site prior to being presented with a motion for consideration. An appropriate term of the lease was also discussed.

MOVED BY: Ms. D. Baxter
SECONDED BY: Mayor K. Boshcoff

With respect to the leasing of office space we recommend that the Thunder Bay Police Service Board approve of the submission of an offer to lease space at 975 Allow Drive, in the City of Thunder Bay, for the terms outlined to the Board on May 21, 2024;

AND THAT the Chair and Secretary be authorized to enter into such discussions as may be required to negotiate a final lease of the property;

AND THAT the Chair and Secretary be authorized to execute such a lease on behalf of the Board.

Amending Motion – Office Space

MOVED BY: Ms. D. Baxter
SECONDED BY: Mayor K. Boshcoff

THAT the Board take the larger space and request three (3) months of free rent;

AND THAT the Board meet with and work with a design team, the landlord, and the proposed sublease tenants before a decision is made;

AND THAT the Board seek a term of five (5) years with a possibility of extending it longer.

CARRIED

Amended Motion – Office Space

MOVED BY: Ms. D. Baxter
SECONDED BY: Mayor K. Boshcoff

With respect to the leasing of office space we recommend that the Thunder Bay Police Service Board approve of the submission of an offer to lease space at 975 Allow Drive, in the City of Thunder Bay, for the terms outlined to the Board on May 21, 2024;

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THAT the Board take the larger space and request three (3) months of free rent;

AND THAT the Board meet with and work with a design team, the landlord, and the proposed sublease tenants before a decision is made;

AND THAT the Board seek a term of five (5) years with a possibility of extending it longer.

AND THAT the Chair and Secretary be authorized to enter into such discussions as may be required to negotiate a final lease of the property;

AND THAT the Chair and Secretary be authorized to execute such a lease on behalf of the Board.

CARRIED

At 1:28 p.m., Mr. J. Hannam and Ms. L. Douglas left the meeting.

c) Renewal of Contracts for Administrative Services for the Board

Confidential memorandum to the Thunder Bay Police Service from Karen Machado, Board Chair, dated May 13, 2024, relative to the renewal of contracts for Administrative Services, was presented for the Board's information.

Ms. K. Machado, Board Chair, provided an overview relative to the above noted and responded to questions.

MOVED BY: Ms. D. Baxter

SECONDED BY: Mr. W. Bahlieda

With respect to the renewal of Administrative Services under RFP 83-2019, we recommend that the Thunder Bay Police Service Board approve extending the services contract for 3 months, ending October 31, 2024, or until such time as the Board's new staffing model is fully realized, whichever is the lesser.

CARRIED

Mr. Hannam and Ms. Douglas re-entered the meeting at 1:40 p.m.

8. LABOUR RELATIONS

Mr. W. Bahlieda, Chair – Labour Relations Committee, provided an overview of the activities of the Labour Relations Committee and noted that he is working with Mr. Jarvis on the requests for

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legal indemnification.

With regard to collective agreement negotiations, he will be meeting with the Police Service's Human Resources Manager on costing, keeping in mind the Board's mandate.

A brief overview of the bargaining meetings was provided. There have been no firm decisions made to date. The next set of meetings are set for the end of July, 2024.

9. NEW BUSINESS

There was no New Business presented.

10. CONFIRMING BY-LAW

MOVED BY: Ms. D. Baxter

SECONDED BY: Mayor K. Boshcoff

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 21st day of May, 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: PC11-2024

CARRIED

11. ADJOURNMENT

The meeting adjourned at 1:45 p.m.