



## THE THUNDER BAY POLICE SERVICE BOARD

### BY-LAW NUMBER PC6-2024

A By-law to provide rules governing the proceedings of  
The Thunder Bay Police Service Board and its Committees.

#### Recitals:

1. The Thunder Bay Police Services Board enacted By-law PC5-2020, being a by-law to provide for the rules governing the proceedings of the Board, on April 21, 2020, and amended By-law PC5-2020 with respect to Electronic Participation with By-law PC6-2020 on April 21, 2020.
2. It is now necessary and expedient to repeal and replace By-law PC5-2020 by resolution adopted by the Thunder Bay Police Service Board, dated March 19, 2024.
3. The *Community Safety and Policing Act, 2019, Section 46* provides authority for the Board to set out its rules and procedures.

NOW, THEREFORE THE THUNDER BAY POLICE SERVICE BOARD ENACTS AS  
FOLLOWS:

#### **Article 1.00 Definitions, Application & Interpretation**

**1.01 Definitions:** Wherever a term set out below appears in the text of this By-law with its initial letter capitalized, the term is intended to have the meaning set out for it in this Section 1.01. Wherever a term below appears in the text of this By-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.

- (a) “Accessible” means as defined in Provincial legislation.
- (b) “the Act” means the current version of the *Community Safety and Policing Act, 2019* or its successor legislation.
- (c) “Administration” means the body of persons employed by the Board and the Service, or contracted by the Board for services.
- (d) “Amend” means a change in wording or substance of a Motion before Committee or Board or a prior decision of Board.
- (e) “Board” means the Thunder Bay Police Service Board, a local Board as defined by the Ontario Police Services Act and the Ontario Municipal Act, members of which are appointed in accordance with the Police Services Act.
- (f) “By-law” usually means this By-law, including its recitals and schedules which form integral parts of it. When the capitalized term By-law appears with a number after it, however, it is a reference to that particular numbered by-law of the Board.
- (g) “Call to Order” means the opening ceremony at the commencement of each meeting of the Board or its Committee in which Members are called to attend and address the business before them.
- (h) “Chair” means the person presiding at a Meeting.
- (i) “Committee” means a Committee of the Board established under this By-law or by the Board from time to time to serve a defined purpose.
- (j) “Confirming By-law” means a by-law passed prior to adjournment of every Meeting of the Board to confirm the Resolutions and actions of the Board taken at that Meeting.

- (k) “Board” means a local Board as defined by the Municipal Act and the Police Services Act, Members of which are elected or appointed in accordance with Ontario law.
- (l) “Debate” means regulated discussion, and speaking in advocacy of a position on an issue.
- (m) “Defer” means to remove a main Motion from consideration of the Board or a Committee until such time as provided for in the deferral Motion.
- (n) “Delegate” means to confer on a committee or person the powers and authority of the Board as provided for in the Act. “Delegation” has a corresponding meaning.
- (o) “Deputant” means any person who addresses the Board or a Committee in the context of a Deputation.
- (p) “Deputation” means a formal address to the Board and any other Committee.
- (q) “Holiday” means a holiday as defined by the *Retail Business Holidays Act*.
- (r) “Meeting” means a meeting called in accordance with this By-law.
- (s) “Member” means a person elected or appointed as a member of the Board in accordance with Ontario law
- (t) “Motion” means a formal proposal that certain actions be taken.
- (u) “Non-Business Meeting” means a meeting of the Board at which no Motions are permitted or considered and no recommendations are passed.
- (v) “Notice” means an announcement which advises of the time, place, and purpose of a Meeting.
- (w) “Notice of Motion” means an advance notice provided by a Member of the Board of a Motion he or she will bring to the floor of a future Meeting for Debate.
- (x) “New Business” means information received by the Secretary for presentation on a Meeting agenda that is not related to an existing matter on the agenda, and has been received following agenda review.
- (y) “Point of Order” means a statement made by a Member during a Meeting drawing to the attention of the Chair an alleged breach of the Rules of Procedure.
- (z) “Point of Privilege” means the raising of a question which concerns a Member, or the Board collectively, when a Member believes that his or her rights or, the integrity of Board as a whole, have been impugned.
- (aa) “Power” means the legal authority of the Board.
- (bb) “Presentation” means:
  - (1) an address from Administration or a consultant on behalf of the Board to present the interim or final results of a study’
- (cc) “Presenter” means any person who addresses the Board of a Committee in the context of a Presentation.
- (dd) “Quorum” means 50 percent of members plus 1 required to be at a Meeting in order for business to be conducted.
- (ee) “Recess” means to take a break during a meeting for a defined period of time.

- (ff) “Reconsider” means to re-open Debate on a prior decision of the Board only, as if the decision had never been made, in strict accordance with the requirements of this By-law. Reconsideration has a corresponding meaning.
- (gg) “Recorded vote” means the recording at a Board Meeting of the name and vote of every Member voting on a Motion.
- (hh) “Refer” means to remove a main Motion from consideration by directing the matter to a Committee or Administration until more information is provided at a time provided for in the referral Motion.
- (ii) “Rescind” means to reverse or cancel a prior decision of the Board only, in strict accordance with the requirements of this By-law. Rescission has a corresponding meaning.
- (jj) “Resolution” means to make a decision on a form of action agreed to by a vote.
- (kk) “Revote” means to subsequently vote again on a question which has been voted upon at any prior time within the same Meeting.
- (ll) “Revisit” means to Reconsider, Amend, Rescind or Revote on a prior decision.
- (mm) “Rules of Procedure” means the rules and regulations provided in this By-law and, where this By-law is silent, the rules and regulations provided in Robert’s Rules of Order.
- (nn) “Service” means the Thunder Bay Police Service
- (oo) “Special Purpose Committee” means a Committee of the Board that investigates, reports and recommends on a particular subject or area.
- (pp) “Vice Chair” means the member of the Board, or a Committee, as appointed by the Board to act as the Chair in absence of the Chair, or when the Chair steps down to act as a member.

**1.02 Application:**

- (a) The Rules of Procedure must be observed in the proceedings of all Meetings of the Board, and its Committees for the handling of business, unless specifically provided for otherwise.
- (b) Despite the provisions of this By-law, nothing in this By-law shall be construed as giving authority to any Committee, Member of the Board be they be the Chair of the Board or a Committee or not, to direct or interfere with the performance of any work for the Service; and the officer in charge shall be subject only to his or her superior officer as established in the formal organizational structure of the Service.

**1.03 Interpretation Rules:** This Section sets out the rules to be followed when reading and interpreting this By-law.

- (a) Number/Gender: This By-law is to be read with all changes of gender or number required by the context.
- (b) Sections/Headings: The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation.
- (c) “Includes”: The words “include”, “includes”, “including” and “included” are not to be interpreted as restricting or modifying the words or phrases which precede them.

- (d) **Legislation References:** Each reference to Provincial legislation in this By-law is printed in *Italic font*. Where the reference does not include a year, it is a reference to the Revised Statutes of Ontario, 1990 edition. Where the name of the statute includes a year, the reference is to the Statutes of Ontario for that year. In every case, reference to a Provincial statute includes all applicable Amendments to the legislation, including successor legislation.
- (e) **Severability:** If any article, section, subsection, paragraph, clause or subclause or any of the words contained in this By-law is held wholly or partially illegal, invalid or unenforceable by any court or tribunal of competent jurisdiction, the remainder of this By-law shall not be affected by the judicial holding, but shall remain in full force and effect.

**1.04 Proper Address for Members:** The Chair shall be addressed as such, and all others as "MEMBER (surname inserted).

## **Article 2.00 Duties, Roles & Acting Designations**

**2.01 Duties of the Chair:** It is the duty of the Chair to:

- (a) carry out the responsibilities described in the *Community Safety and Policing Act, 2019* and the *Municipal Act, 2001*;
- (b) represent and support the Board and its decisions in all matters;
- (c) to authenticate, by signature, all by-laws, and minutes of the Board; and be the signing officer for the Board in all other matters, singly or jointly with the Secretary as the case may be
- (d) to act as the Chair for Meetings of the Board.
- (e) to speak publicly on behalf of the Board, as regards its decisions and actions

**2.02 Duties of Members:** It is the duty of each Member to:

- (a) deliberate on the business submitted to Board;
- (b) vote when a Motion is put to a vote; and
- (c) respect the Rules of Procedure.
- (d) to speak publicly on behalf of the Board only when specifically authorized to do so

**2.03 Duties, Authority and Power of the Chair:** It is the duty of each Member assuming the role of Chair of a Meeting to:

- (a) open the Meeting by taking the Chair and calling the Members to order;
- (b) receive and submit, in the proper manner, all Motions duly moved and seconded by Members;
- (c) co-ordinate order of speakers;
- (d) put to a vote, and to vote on, all Motions, after Debate, and to announce the result;
- (e) enforce the Rules of Procedure;
- (f) maintain conduct, order and decorum of the Members;
- (g) call by name any Member persisting in a breach of the Rules of Procedure and order the Member to leave the Meeting, including an order to leave the room within which the Meeting is being held;

- (h) rule on any Points of Order and Points of Privilege raised by Members;
- (i) where it is not possible to maintain order, adjourn the Meeting without the necessity of any Motion being put, to a time named by the Chair; and,
- (j) to call for a Motion to adjourn the Meeting when the business is concluded.

**2.04 Duties of the Secretary:**

- (a) Carry out the responsibilities and duties as assigned by the Board and as provided for in the position description;
- (b) Assist the Chair in reviewing items for meeting agendas, preparing and distributing same to all Members
- (c) Together with the Chair be the signing officer for the Board, including on by-laws, minutes, contracts, agreements, and the Board's Special Account;

**Article 3.00 Meetings:**

**3.01 Place of Meetings:**

- (a) All Meetings of the Board, and its Committees shall be at a place and time as provided by Resolution of Board.
- (b) The Board shall meet at least 4 times each year, in accordance with the *Community Safety and Policing Act, 2019*.
- (c) All Meetings of the Board and its Committees, established under this By-law or otherwise by Resolution of Board, shall take place at facilities that:
  - (1) are Accessible to the general public;
  - (2) serve the specific needs of the Board and each Committee; and
  - (3) are specified in the Notices issued for them (see Section 3.11 - Public Notice of Meetings).

**3.02 Chair of Meeting:**

- (a) Each Meeting of the Board shall be chaired by the Member of Board so appointed. In the absence of the appointed Chair, the appointed Vice Chair shall chair the meeting. In the absence of both the Chair and Vice Chair, Members present shall elect from amongst themselves a Chair for the Meeting.
  - (1) The Chair and Vice Chair of the Board are appointed annually at the first Meeting of the Board in its meeting calendar.
- (b) All closed Meetings of the Board shall be chaired by the Chair, subject to the provisions of subsection (a).
- (c) Each Meeting of a Committee of the Board shall be chaired by the member appointed as Chair, according to the process defined in the Terms of Reference of each Committee.
- (d) Each Non-Business Meeting shall be chaired by the Chair of the Board.

**3.03 Quorum:** Quorum is required in order for business to be conducted. If Quorum is not reached following 20 minutes of the Meeting start time, the Secretary shall adjourn the Meeting, recording for the minutes of Meeting, the attendance, start and end times.

**3.04 Meetings Open to the Public:** Subject to Section 43(3) of the Act all Meetings shall be open to the public except as provided for in this By-law and in accordance with the *Community Safety and Policing Act, 2019* and any other applicable legislation.

**3.05 Confidentiality:**

- (a) All information, documentation or deliberation received, reviewed or taken in closed session of the Board and its Committees is confidential.
- (b) Members and Administration shall not disclose, release or allow access to any confidential information except when required by law to do so.

**3.06 Inaugural Board Meeting:**

- (a) The inaugural Meeting of Board shall be held on the earliest date/time following a general Municipal Election convenient for all Members of the Board to attend.
- (b) The agenda for the inaugural Meeting of the Board shall include the following items together with such other matters requiring the immediate attention of the new Board:
  - (1) the taking of the Oath of office;
  - (2) the appointment of the Chair and Vice Chair of the Board and the members of each Standing Committee.

**3.07 Establishing Regular Meetings of the Board and its Committees:**

- (a) The Board shall adopt a schedule of Meetings for the coming year or more, that will provide in general that:
  - (1) The Board will meet on the third Tuesday of each month;
  - (2) The schedule of meetings will be modified to accommodate Holidays and for the summer months of July and August to allow for fewer meeting dates at the discretion of the Board;
- (b) After its inaugural Meeting, the Board shall meet on the dates provided for in the schedule of Meetings as adopted by Board.
- (c) Meetings shall commence at a time to be provided for in the schedule of meetings, but generally to be between 8:30 and 9:30 a.m
- (d) Committees of the Board shall adopt a schedule of meetings as required to meet the demand of the business at hand; notice of such meetings to be provided in the agendas of the Board and through the website of the Board.
- (e) The Board and its Committee have the authority to amend their respective Meeting schedules at any time.

**3.08 Establishing Additional and Special Meetings:**

- (a) Additional and Special Meetings may be established by:
  - (1) a Motion of the Board or the Committee that is meeting at an earlier meeting;
  - (2) at the call of the Chair and by providing Meeting Notice to all Members of at least 48 hours prior to the date and time of the Meeting; or
  - (3) polling, at the request of the Chair, to seek the support of the majority of the Members if called within less than 48 hours of the date and time of the Meeting. The poll is to be conducted by the Secretary or his or her designate, by either verbal or written (including email) expression of the Members of Board or Committee.

- (b) Special Meetings are only held for the purposes of presenting the business identified when the Meeting was established.

**3.09 Establishing Non-Business Meetings:** Non-Business Meetings are established at the call of the Chair and Notice provided to Members not less than seven days prior to the event.

**3.10 Public Notice of Meetings:**

- (a) Notice of all Meetings of the Board and its Committees shall be given to the public through its agendas and minutes, posted on the Board's website no less than 7 days prior to the meeting and in accordance with any applicable legislation, and as otherwise provided for in this and other by-laws of the Board.
- (b) Notice of Board, Committee and Non-Business Meetings shall include the posting of the Meeting agendas on the Board's website and through the listings in the Meeting calendar on the website.
- (c) Notice of meeting closed to the Public, in whole or in part, shall include a resolution stating the reason for closing the meeting and the general nature of the matter(s) to be considered at the closed meeting.

**3.11 Closed Meetings:**

- (a) Meetings of the Board and its Committees, may be closed to the public as provided for under the provisions for closing a Meeting contained in the *Section 44 of the Community Safety and Policing Act, 2019*, or in any other applicable legislation.
- (b) The Board may exclude the public from all or part of a meeting or hearing if the subject matter being considered is:
  - (1) the security of the property of the board;
  - (2) personal matters about an identifiable individual, including members of the police service or any other employees of the board;
  - (3) a proposed or pending acquisition or disposition of land by the board;
  - (4) labour relations or employee negotiations;
  - (5) litigation or potential litigation affecting the board, including matters before administrative tribunals;
  - (6) advice that would be inadmissible in a court by reason of any privilege under the law of evidence, including communications necessary for that purpose;
  - (7) 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;
  - (8) 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;
  - (9) a trade secret or scientific, technical, commercial or financial information that belongs to the board and has monetary value or potential monetary value;

- (10) 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;
  - (11) 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
  - (12) an ongoing investigation respecting the police service board.
- (c) Meeting must be closed to the public when 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.
- (d) A Motion is required to close a Meeting or part of a Meeting to the public. Such a Motion shall state:
- (1) the fact of the holding of the closed Meeting and the date and time of starting;
  - (2) the general nature of the matter to be considered as specified in the *Community Safety and Policing Act, 2019, as listed above*
- (e) Where a Meeting or part of a Meeting is closed to the public, all persons not specifically invited by the Chair to remain, shall retire from (or not enter) the Meeting room.

**3.12 Reconvened Meetings:** In the event that agenda material prepared for regular or special Meetings of the Board or its Committees has not been completed prior to the adjournment of the Meeting, all unfinished business will be considered at a reconvened session to be held on the date identified by the Members prior to the adjournment of the Meeting. Or be included in the next regularly scheduled meeting of the Board or Committee.

**3.13 Committees of the Board:**

- (a) Committees for special and specific purposes may be established by presentation of a Motion to the Board indicating the type of Committee, its general purpose and its composition.
- (b) All committees of the Board are required to prepare and submit for the approval of the Board Terms of Reference in accordance with the Policies of the Board. Terms of Reference shall include:
  - (1) Appointment of Chair and Vice Chair on a yearly basis;
  - (2) Review of Terms of Reference on a yearly basis, with updates submitted to Committee of the Whole for approval.
  - (3) A statement of objectives, deliverables and governance.
- (c) Authority for Committees to act independent of a Motion of the Board shall be determined by the Committee's approved terms of reference, or applicable legislation.
- (d) All Special Purpose and Advisory Committees of the Board required to either hold a Closed Session Meeting and/or move into a Closed Session Meeting shall follow the rules as identified in this By-law.
- (e) All Members of the Board not forming part of the membership of the Special Purpose and Advisory Committees of Board, may attend open session Meetings; receiving approval of the Chair prior to making a presentation or participating in any Debate at these Meetings.



- (f) All Special Purpose and Advisory Committees of the Board shall report on their proceedings to the Board through inclusion on a Board agenda:
- (1) the minutes of their Meetings;
  - (2) reports for information or with recommendations made in keeping with the Committee's terms of reference, as required;
  - (3) memoranda of information, as required.
- (g) Upon receipt of the final report of a Special Purpose Committee the Board may pass a Motion to:
- (1) Accept or Reject the recommendations of the Special Purpose Committee;
  - (2) Dissolve the Special Purpose Committee;
  - (3) Refer matters back to the Special Purpose Committee;
  - (4) Re-establish the same Special Purpose Committee or another Special Purpose or Advisory Committee of Board.
- (h) Except for Committees/bodies established by a requirement of Provincial statute, Committees of the Board shall take one of two forms as set out in this Section.
- (1) **Special Purpose Committees:** A Committee whose mandate is to investigate, report and recommend on a particular subject or area. In establishing the Special Purpose Committee, the Board shall identify:
    - (i) the time frame for the Committee's final report generally to be less than one year, but also to be no later than the end of term of the Board in which it was established;
    - (ii) the composition of the Committee which shall include a minimum of 2 members of the Board, but no more than 3, all of whom shall be voting Members but may also include other voting members from the general public so long as the number of Board members represents a majority on the committee;
    - (iii) that Administrative resources to Committees shall be determined by the Chief of Police and the Chair, as might apply;
    - (iv) that the invitation of non-voting resource members from the community at large be allowed, where such membership is identified in the terms of reference.
  - (2) **Standing Committees:** A Committee established by Board to respond to, examine, develop, administer, implement, report upon and recommend actions on matters within the jurisdiction of the Board. Standing Committees shall be established at the inaugural meeting of the Board and be reviewed with respect to its utility and membership at the first meeting of the 3<sup>rd</sup> year of the term of the Board. In establishing the Standing Committee, the Board shall identify:
    - (i) the composition of the Committee shall include a minimum of 2 and no more than 3 Members of Board, and may include up to members of the general public, so long as the Board members represent a majority on the Committee ;
    - (ii) that administrative resources to the Committee shall be determined by the Chief of Police and the Chair, as might apply.

- (iii) Standing Committees shall include, but are not limited to, a Labour Relations Committee, and Bargaining Committee and a Governance Committee
- (iv) The Labour Relations/Negotiating Committee shall represent the Board in general matters regarding the relationship between the Board and the Thunder Bay Police Association and the Thunder Bay Police Senior Officers Association. The Committee shall act on behalf of the Board in hearing and responding to or settling grievances advanced to the Board in accordance with applicable collective agreements, assisting the Bargaining Committee in preparing for collective bargaining, make recommendations to the Board on Memorandums of Understanding (amending Collective Agreements during their term), and recommend to the Board policies, actions and programs in support of the health and well-being of the members of the Thunder Bay Police Service.
- (v) The Governance Committee shall be established to review and propose revisions to existing policies and make recommendations as regards the development of new policies. In addition, the Committee shall consider the effective conduct of Board meetings and related practices, procedures and by-laws. The Committee shall also be responsible for the recruitment of the Chief of Police and any Deputy Chief(s) of Police, and recommending employment contracts for those positions to the Board.
- (vi) The Bargaining Committee shall be composed of 1 or 2 members of the Board, and represent the Board in negotiations with the Thunder Bay Police Association and the Thunder Bay Police Senior Officers Association, making recommendations to the Board regarding the execution of Collective Bargaining Agreements..

**3.14 Delegation of Authority:** In accordance with the *Section 42 (1, 2) of the Community Safety and Policing Act, 2019* the Board may delegate its authority and power to a committee or employee of the Board who is not a member of the Service or to the Chief of Police.

#### **Article 4.00 Order of Proceedings**

**4.01 Board Agendas:** The Secretary shall have prepared and printed for the use of the Members at the regular and special Meetings of the Board, an agenda that may include the following headings:

- (a) Disclosures of Interest
- (b) Announcements
- (c) Confirmation of Agenda
- (d) Confirmation of Minutes
- (e) Presentations
- (f) Deputations
- (g) Unfinished Business
- (h) Reports of Committees
- (i) Reports of the Thunder Bay Police Service
- (j) General Matters

- (k) Petitions and Communications
- (l) New Business
- (m) Adjournment

**4.02 Board (Closed Session) Agendas:** The Secretary shall have prepared and printed for the use of the Members at Meetings of the Board (Closed Session), an agenda that may include the following headings:

- (a) Disclosures of Interest
- (b) Confirmation of Agenda
- (c) Confirmation of Minutes
- (d) Organization and Personnel
- (e) General Matters
- (f) Labour Relations
- (g) New Business
- (h) Adjournment

**4.03 Non-Business Agendas:** The Secretary shall have prepared and printed for the use of the Members at Non-Business Meetings of the Board, an agenda that may include the following headings:

- (a) Disclosures of Interest
- (b) Confirmation of Agenda
- (c) Minutes of Previous Meetings
- (d) Discussion Items
- (e) Adjournment

**4.04 Special Purpose and Standing Committees of Board:** The Secretary shall have prepared and printed for the use of the members at Special Purpose and Standing Committees of Board Meetings, an agenda that may include the following headings:

- (a) Election of Chair and Vice Chair
- (b) Disclosures of Interest
- (c) Confirmation of Agenda
- (d) Presentations
- (e) Deputations
- (f) Minutes of Previous Meeting
- (g) Terms of Reference
- (h) Discussion Items
- (i) New Business
- (j) Next Meeting
- (k) Adjournment

**Article 5.00 Rules for Agenda Items:**

**5.01 Opening Ceremonies:** Each Meeting of the Board shall commence with a Call to Order by the Chair.

**5.02 Disclosures of Interest:**

- (a) Members shall disclose any interest in a matter being considered at any Meeting in accordance with the provision of conflict of interest legislation currently in effect.
- (b) Disclosures of interest shall be recorded by the Secretary in the minutes of the Meeting.
- (c) Following a disclosure in a Closed Meeting of the Board, or one of its Committees, the Member(s) making the disclosure shall leave the meeting for the duration of the matter at hand; and it shall be noted in the minutes of the meeting.

**5.03 Confirmation of Agenda:** All Meetings will confirm the agenda as distributed including any additional information or New Business.

**5.04 Minutes of Meetings:**

- (a) The minutes of all Meetings shall record:
  - (1) the place, date and time of Meeting;
  - (2) the name of the presiding officer or officers and the names of Members and Administration in attendance; and
  - (3) all other proceedings of the Meeting without note or comment.
- (b) including the presentation of minutes from previous Board Meetings for confirmation.

**5.05 Terms of Reference:** Special Purpose Committees and Standing Committees present their Terms of Reference for approval following establishment of the Committee, and review yearly thereafter.

**5.06 Presentations:**

- (a) Scheduling Presentations to the Board and its Committees:
  - (1) All requests for Presentations must be made in writing to the Secretary a minimum of 15 calendar days before the date of the Meeting, by 12:00 noon, at which the person wishes to appear.
  - (2) The subject matter of the Presentation must meet the definition of Presentation described in this By-law.
  - (3) The Secretary, with approval of the Chair, shall schedule the Presentation and provide the Presenter with the appropriate information.
- (b) Paragraphs as contained in Section 5.07 – Deputations also apply to Presentations, with the exception of Time Limits.
- (c) Time limits for Presentations:
  - (1) For a Presentation of study results by Administration or a consultant on behalf of the Board or Service, the time limit is 15 minutes.
  - (2) The time limits for Presentations do not include the time within which Members may question the Presenter.

**5.07 Deputations:**

- (a) No Deputations are heard at a Closed Meeting of the Board.
- (b) Request for Deputations to the Board and its Committees:
  - (1) Any person who wishes to be a Deputant shall submit a written request to the Secretary.
  - (2) The request must be in writing and must be submitted a minimum of 5 calendar days prior to the Meeting, by 12:00 noon, at which the person wishes to appear.
  - (3) The request must be within the authority of the Board to act upon and/or a matter affecting policing in the community.
  - (4) The request must describe:
    - (i) the subject matter on which the person wishes to address;
    - (ii) the outcome that is sought; and
    - (iii) the efforts the person has made to achieve the desired outcome with Police Administration if applicable.
  - (5) Where time constraints are involved, late requests will be received by the Secretary and if the matter is determined to be urgent or the item is listed on the agenda, the request will be presented to the Board as a potential item of New Business.
- (c) Denial of Deputation Requests: The Secretary shall deny a request for a Deputation where:
  - (1) The subject matter that the person wishes to address, or the outcome that the person seeks from the Board is not within the authority of the Board;
  - (2) The subject matter involves litigation or potential litigation with the Board;
  - (3) The subject matter involves solicitation or representation on behalf of a commercial enterprise, product or service.
  - (4) The subject matter has already been presented to the Board by the Deputant or an organization to which they belong, unless new information is being presented;
  - (5) Where a Deputant has made four (4) deputations per calendar year additional requests for deputations will be denied.
- (d) Scheduling Deputations:
  - (1) Wherever possible, the Deputation shall be scheduled for the Meeting of the Board at which the subject matter of the Deputation is to be discussed.
  - (2) Where the person requesting the Deputation is unable to attend on that date, or where the matter involves other time constraints, the Deputation shall be scheduled on a date that is most convenient to all parties.
- (e) Information to Deputant: The Secretary shall provide the Deputant with information outlining the Deputation process.
- (f) Rules for the Deputant:

- (1) If the Deputant wishes to distribute printed material with the agenda packages to the Members, including material printed in colour or otherwise impossible or impractical for the Secretary to reproduce, the Deputant shall provide the Secretary's office with sufficient copies of the material to supply to Members, Administration and the media, a minimum of 3 days prior to the Meeting at which he or she will appear. Meeting material received after this date will be distributed separately where appropriate.
  - (2) A Deputation shall not exceed 10 minutes in length. This time limit does not include the time within which Members of the Board may question the Deputant.
  - (3) If a Deputation includes more than one person, the combined speaking time of all persons addressing the Board shall not exceed the limit of 5 minutes.
  - (4) The Deputant must restrict their comments to the subject matter outlined in their request for Deputation.
  - (5) Where several Deputations are scheduled on the same topic, the Chair may request that Deputations subsequent to each preceding Deputation only bring forward new information to the Board.
  - (6) All comments from the Deputant shall be directed through the Chair without the use of offensive language or behaviour.
  - (7) In responding to questions from the Members of the Board, the Deputant shall not enter into Debate or question Members of the Board.
  - (8) Deputants must observe the rules set out in this By-law, and the decisions and directions of the Chair presiding at the Meeting.
- (g) Sanctions:
- (1) Where a Deputant disregards any one or more of the rules of this By-law, the Chair shall advise the Deputant of the error, remind him or her of the rules, and request that he or she adhere to the rules; or if the Deputant repeatedly ignores the rules, the Chair may call an end to the Deputation.
  - (2) Where a Deputant repeatedly disregards any one or more of the rules the Chair may immediately order the Deputant to leave the Meeting room for the remainder of the Meeting.
  - (3) If the Deputant refuses to leave the Meeting, he or she may be escorted from the building.
  - (4) The Board may, at its discretion, prohibit anyone from making Deputations for a period of time. The reasons for this decision will be outlined in writing and provided to the prohibited individual/group.
- (h) Rules for Members and Administration:
- (1) When a request for a Deputation has been denied, the Secretary shall provide the person who made the request, the Members of the Board and the Chief of Police with a memorandum outlining the reasons for the denial.
  - (2) Where a Deputation relates to a matter on the agenda, the Deputation shall be scheduled during the same time on the agenda, following any presentation of the related matter.

- (3) Upon the conclusion of a Deputation, Members of the Board may ask questions of the Deputant. Questions of Deputants shall be limited to the subject matter of the Deputation. Questions of the Deputants shall be limited to 1 round of no more than 3 questions.
- (4) Members shall not enter into Debate with Deputants.
- (5) The Deputant shall be excused after Members of the Board have had the opportunity to question him or her. Questions by Members can then be addressed to Administration at this point.
- (6) Except in cases involving established time constraints, no Motion regarding any Deputation not associated with another agenda item shall be presented at the same Meeting as the one at which the Deputation occurred.

**5.08 Unfinished Business:** All agenda items prepared for a previous Meeting agenda that have not been completed at the Meeting, will be presented at a reconvened Meeting under Unfinished Business.

**5.09 Reports of Thunder Bay Police Service:**

- (a) Reports prepared for presentation at Meetings of the Board, and its Committees, shall be numbered and filed with the Office of the Secretary for inclusion in an agenda of the Board.
- (b) Requests for reports, when made at a Meeting of the Board, shall be by majority decision of the Board and directed to the Chief of Police, who shall give direction to the appropriate members of Administration.

**5.10 First Reports:** Reports on subjects that involve substantive policy matters, significant budget issues or that have major implications for the community. 'First Reports' are presented initially as information reports to be represented at a predetermined future Meeting for full discussion and Debate by Members. At first presentation there is a Motion to receive the report noting the date for consideration of its more specific recommendations.

**5.11 Petitions and Communications:**

- (a) All petitions and communications presented to a Meeting shall be signed, be legibly written or printed and shall not contain any obscene or improper matter or language.
- (b) Petitions are presented to the Board in accordance with all and any Policy on Petitions.
- (c) Correspondence received from Members of the Board, Administration and the public shall be filed with the Secretary no later than 12 noon, 15 calendar days prior to the Tuesday of the week in which the regular Meeting is held. Correspondence received after this date that pertains to an agenda item will be distributed separately where appropriate.

**5.12 By-laws:**

- (a) Board by-laws are presented at Meetings of the Board for consideration.
- (b) The subject matter of a by-law must have been considered and adopted by the Board at the same or a prior Meeting.
- (c) Must be in printed form conforming to accepted procedure and in compliance with the provisions of any Act and shall be complete with the exception of the date of passing.

- (d) Require only one reading prior to being passed by Board. A majority vote of the Board is required.
- (e) Introduced with a Motion, specifying the subject of the by-laws and open to Debate and amendment prior to passing:
  - (1) May be considered and Debated separately;
  - (2) May be Referred to a Committee or Administration for further consideration;
  - (3) May be Deferred to a subsequent Meeting date of the Board.
- (f) Every by-law enacted by the Board shall be numbered and dated, signed by the Chair and the Secretary at the Meeting at which the by-law was passed and shall be sealed with the seal of the Board.
- (g) Every by-law shall be indexed and filed in a secure location in the Office of the Secretary.

**5.13 New Business:**

- (a) The Secretary shall review and approve, in consultation with the Chair, all requests for presentation of New Business on a Meeting agenda.
- (b) Items of New Business must have some urgency that preclude its being heard at the next regularly scheduled meeting of the Board, and be presented with sufficient information for the Board to fully consider it.
- (c) No item of New Business shall be introduced without prior approval.
- (d) No item of New Business may be dealt with by the Board, or its Committees, without the consent of a majority of the Members present.
- (e) All items of New Business shall be written and copied to all Members prior to Debate, unless urgent matters arise during a Meeting.

**5.14 Notice of Motion:** Notice of Motion to Reconsider, Rescind or Amend a prior decision of Board will be presented at the Board Meetings only, and in the following order:

- (a) Motions for Debate previously introduced at a prior Board Meeting.
- (b) Introduction of Notices of Motion.

**5.15 Adjournment:**

- (a) The Chair shall call for a Motion to adjourn each Meeting.

**Article 6.00 Motions**

**6.01 Motions without Notice:** The Motions listed in this Section may be introduced verbally without written notice:

- (a) A Point of Order or a Point of Privilege;
- (b) To Refer a matter under discussion;
- (c) To Defer a matter under discussion;
- (d) To Amend a matter under discussion;
- (e) Motions to suspend a Rule of Procedure;
- (f) Motions to adjourn;



- (g) Motion to Recess;
- (h) Motions to vote on the question;
- (i) Motions that the Board resolve itself into Closed Session.

**6.02 Motions: Confirming:**

- (a) The Board, in confirming minutes of a prior meeting, may extract any motion from the minutes to consider the motion separately, using the original mover and seconder of the Motion.
- (b) If the extracted motion is amended or the original decision reversed, the minutes will be not be amended.

**6.03 Dividing a Question:** When a Motion under consideration concerns two or more matters, each matter may be voted on separately upon the request of any Member.

**6.04 Withdrawal of Motion:** Once a Motion has been introduced, it is in the possession of the assembly and may only be withdrawn through a Motion and subsequent vote of the assembly.

**6.05 Subsequent Motions:** When a Motion is under Debate, no other Motion shall be in order except a Motion:

- (a) to adjourn;
- (b) to Recess;
- (c) to extend the hour;
- (d) to vote on the question;
- (e) to Defer;
- (f) to Refer;
- (g) to Amend.

**6.06 Rules for Subsequent Motions:**

- (a) Motions to Adjourn:
  - (1) Motions to adjourn shall:
    - (i) not be Amended;
    - (ii) not be Debated;
    - (iii) not include qualifications of additional statements; and
    - (iv) always be in order.
  - (2) When a Motion to adjourn is lost, no further Motion to adjourn may be made until the matter at hand has been concluded.
- (b) Motions to Recess: Motions to Recess shall:
  - (1) Be amendable only as to the length of time of the Recess;
  - (2) Be open to debate;
  - (3) Include the time period for the Recess; and

- (4) Always be in order.
- (c) Motions to Continue with the Business at hand: Motions to continue shall:
  - (1) Not be Amended;
  - (2) Not be Debated; and
  - (3) Always be in order, except when a Member is speaking or the Members are voting.
- (d) Motions to Vote on the Question: A Motion to close the Debate and vote on the question is in order at any time, and shall:
  - (1) Not be Amended;
  - (2) Not be Debated; and
  - (3) If carried lead directly to a vote on the question.
- (e) Motions to Defer: If a Motion to Defer is decided in the affirmative by a majority vote of the Members present, then the main Motion and any Amendments to it shall be removed from the consideration of the assembly until such time as provided for in the Motion. A Motion to Defer a matter pending receipt of further information shall:
  - (1) Not be Amended;
  - (2) Be Debated only as to the time period of Deferral or postponement; and
  - (3) Apply to the main Motion and any Amendments to it under Debate at the time when the Motion to Defer was made.
- (f) Motions to Refer: A Motion to Refer a matter under consideration to a Committee or to Administration shall:
  - (1) Be open to Debate;
  - (2) Be Amendable; and
  - (3) End further Amendment or Debate of the preceding Motion, unless the Motion to Refer is lost.
- (g) Motions to Amend:
  - (1) A Motion to Amend a Motion in possession of the Assembly shall:
    - (i) Be open to Debate;
    - (ii) Be relevant to the question to be received; and
    - (iii) Not be contrary to the main Motion.
  - (2) A Motion to Amend the main Motion must be dealt with prior to presenting any additional Motions to Amend the main Motion.
  - (3) An Amending motion to the main Motion can be Amended, with no more than 2 Amending Motions on the floor at the same time.

**6.07 Motion to Suspend the Rules:**

- (a) A Motion to suspend the Rules of Procedure of the Board:
  - (1) Shall be specific to the rule to be suspended and the purpose of doing so;

- (2) Requires a two-thirds vote of the Board; and
- (3) Shall only be in order at Board Meetings.

**6.08 Jurisdiction:** A Motion in respect of a matter that conveys authority or direction, that is beyond the power of the Board or a Committee is not in order.

**6.09 Submission of Motion:** Notice of all new Motions except Motions listed in Section 6.01 – Motions without notice, shall be given in writing to the Secretary at least 15 days preceding the date of the Meeting at which a Motion is to be introduced and the Motion shall be prepared for the agenda for that Meeting.

**6.10 Receipt of Motions:** Every Motion, when moved and seconded and presented at a Meeting, in accordance with this By-law, shall be received by the Chair.

**6.11 Order of Precedence of Motions:** Where a Motion is under consideration, no Motion shall be received except a Motion having precedence in the following order:

- (a) to adjourn;
- (b) to Recess;
- (c) to vote on the question;
- (d) to close, limit or extend the Debate;
- (e) to Defer;
- (f) to Refer;
- (g) to Amend.

**6.12 Non-debatable Motions:**

- (a) to adjourn;
- (b) to close, limit or extend Debate;
- (c) Point of Order;
- (d) Point of Privilege;
- (e) to suspend the Rules of Procedure;
- (f) to Defer;
- (g) to request a Revote on a matter at the same Meeting.

## **Article 7.00 Debate**

**7.01 Rules of Debate:**

- (a) Debate may not begin until the Chair has so invited.
- (b) Debate must be relevant to the Motion under consideration.
- (c) Debate must be courteous and respectful.
- (d) Members who have declared conflicts of interest may not participate in the Debate.
- (e) A Member who wishes to Debate must raise his or her hand and wait for permission from the Chair to speak. The Chair shall keep a list of speakers, calling upon them in order of their recognition.

- (f) A Member may not speak on any subject other than the subject in Debate.
- (g) The Chair may not participate in the Debate on any Motion until all other Members have had at least one opportunity to speak.
- (h) The Chair may make brief remarks on non-debatable Motions.
- (i) A Member may interrupt a speaker on a Point of Order if he or she believes the speaker is violating any of the Rules of Procedure.
- (j) A Member may interrupt a speaker on a Point of Privilege if he or she believes the speaker has impugned a Member or the assembly.

**7.02 Reopening an item for further Debate:** At the request of any Member, any item on the agenda of a Meeting may be reopened with a majority vote of all Members present for further Debate; including a re-vote on the related main Motion or any Amendments that had been made.

**7.03 Limits on Speaking:**

- (a) There is no limit of the number of rounds of speaking permitted by a Member speaking to a Motion or other item under consideration. Each Member is limited to 3 questions per round of speaking
- (b) Presentations and Deputations: Each Member is limited to one round of questions of Presenters and Deputants. Members are limited to 3 questions per round of speaking.
- (c) Notice of Motion to Reconsider, Rescind or Amend: There is no limit of the number of rounds of speaking permitted by a Member speaking to a Motion to Reconsider, Rescind or Amend under consideration. Each Member is limited to 3 questions per round of speaking.

**Article 8.00 Voting**

**8.01 Rules for Voting:**

- (a) All Members present when a vote on a question is called must vote by a show of hands.
- (b) Any Member who does not vote will be counted as having voted in the negative unless he or she is prohibited from voting having declared a conflict of interest.
- (c) Once the Chair has called a vote on a Motion, Members may not speak or make another Motion until after the result has been declared.

**8.02 Recorded Votes:**

- (a) Board:
  - (1) When a Member requests a Recorded Vote, all Members present at the Board Meeting must vote, unless prohibited from doing so having declared a conflict of interest.
  - (2) The names of those who voted for and those who voted against shall be noted in the minutes.
  - (3) The Secretary shall announce the results.
  - (4) If there is more than one Recorded Vote at a Meeting the list of Members called on for the vote will be reversed at each vote.

- (5) As an alternative to a Recorded Vote individual Members may request that their opposition to a Motion be recorded in the minutes.

**Article 9.00 Revisiting Prior Decisions**

**9.01 Revote:** Any Member may make a Motion to call for a Revote on a question that has been decided at the same Meeting. The Motion to Revote is non-debatable.

**9.02 Reconsideration, Rescission or Amend Prior Decisions of Board made in its Current Term:**

- (a) Motions to Reconsider, Rescind or Amend are subject to the following:
- (1) Introduced at a Board Meeting, according to timelines indicated in 9.02 (b) and (c) prior to Debate at a subsequent Meeting identified at the time of introduction.
  - (2) May only be introduced once during each term of Board with respect to any particular item.
  - (3) A Motion to Reconsider may be introduced by any Member.
  - (4) A Motion to Rescind or Amend may be introduced only by a Member that voted in favour of the prevailing side of the Motion to be Rescinded or Amended.
  - (5) A seconder is not required to Introduce the Notice of Motion.
- (b) Reconsideration
- (1) The purpose of a Motion to Reconsider is to allow for fresh Debate of a Motion previously adopted by Board, where new information about a decided matter has been introduced.
  - (2) A Motion to Reconsider may only be introduced by placing a Notice of Motion on the:
    - (i) Board agenda where the minutes of the meeting containing the Motion to be Reconsidered was confirmed by the Board, or
    - (ii) Board agenda or the next Special Board agenda being held after the Board Meeting where the minutes of the meeting containing the Motion to be Reconsidered was ratified.
  - (3) During presentation of the Motion at a subsequent Board Meeting:
    - (i) the Motion to vote on whether or not to Reconsider the original Motion is introduced;
    - (ii) if the Motion to Reconsider is carried by a majority vote of the Board, the original Motion is introduced;
    - (iii) the original Motion is now open for Debate and consideration as if the original vote had not occurred. A majority vote is required.
  - (4) Until the Motion to Reconsider has been dealt with by Board all actions are suspended relating to the original Motion previously adopted by Board.
- (c) Rescission or Amendment
- (1) The purpose of a Motion to Rescind is to reverse or cancel a decision previously adopted by the Board.

- (2) The purpose of a Motion to Amend is to change the wording or substance of a Motion or decision previously adopted by the Board.
- (3) A Motion to Rescind or Amend may only be introduced by placing a Notice of Motion on any Board Meeting within the term of the Board.
- (4) During presentation of the Motion at a subsequent Board Meeting, the Motion to Rescind or Amend is carried by two-thirds vote of the Board.
- (5) Unless and until the Motion to Rescind or Amend has passed by two-thirds vote of Board, the original decision continues in full force and effect.

### **Article 10.00 Conduct**

**10.01 Rules of Conduct:** Members of the Board and its Committees shall, at all Meetings, observe the Rules of Conduct set out in this Section and all individuals in attendance at these meetings must adhere to the rules of conduct and maintain decorum at all times during the meeting. No Member shall:

- (a) Speak disrespectfully of the Reigning Sovereign, or of any Member of the Royal Family, or of the Governor General or the Lieutenant-Governor of any province, or of a fellow Member or Administration;
- (b) Use offensive words or un-parliamentary language;
- (c) Operate any handheld communication device during a closed Meeting of the Board or a Committee, and not use handheld devices for voice communications during a Meeting of the Board or a Committee;
- (d) Disclose the content of any matter or substance of deliberations discussed in closed Meeting; or
- (e) Disobey the Rules of Procedure, or a decision of the Chair, or of the Board on questions of order and practice or upon the interpretation of the Rules of Procedure.

### **10.02 Failure to Obey the Rules of Conduct:**

The following rules pertain to all members of the Thunder Bay Police Service Board and all individuals in attendance at meetings.

- (a) Where a Member has been called to order by the Chair for failing to observe the Rules of Conduct and the Member persists in such conduct, the Chair may put the question to a vote, without Amendment, adjournment or Debate being allowed, “that Board [Name of Member] be ordered to leave his or her seat for the duration of the Meeting.”
- (b) If a Member apologizes, he or she may, by vote of the Members, be permitted to retake his or her seat.
- (c) Should a Member fail to leave his or her seat after being ordered to do so, the Chair may, at his or her discretion, adjourn the Meeting without Debate or vote.

### **10.03 Point of Order, Point of Privilege:**

- (a) The Chair shall preserve order and decide Points of Order and Points of Privilege.
- (b) A Member may rise at any time, with the consent of the Chair;
  - (1) on a Point of Order; or

- (2) on a Point of Privilege, where he or she considers that a Member's rights or integrity or the rights or integrity of the Board as a whole have been impugned;
- (c) Upon being recognized by the Chair, the Member shall state the Point of Order or Point of Privilege;
- (d) The Point of Order or Point of Privilege shall be immediately decided by the Chair, without Debate or discussion; the Chair may ask clarification questions of the person raising the point;
- (e) After a Point of Order or Point of Privilege has been ruled upon, no Member shall address the Chair, except for the purpose of appealing the Chair's decision to the Committee;
- (f) If no Member appeals, the decision of the Chair is final;
- (g) If a decision is appealed, the Chair shall require that:
  - (1) the following question be seconded: "Shall the decision of the Chair be sustained?"; and
  - (2) call a vote, without Debate. The results of the vote shall be final.

**Article 11.00 References to Predecessor By-laws**

References and amendments to the Procedural By-law in By-Law PC4-2005, in PC5-2020, PC6-2020 or in other By-laws of the Board since the enactment of PC4-2005, or in any policies or procedures of the Thunder Bay Police Service, are hereby repealed, effective the passing of this By-law PC6-2024.

**Article 12.00 Effective Date**

This By-law shall come into force and take effect on April 1<sup>st</sup>, 2024.

Enacted and passed this 19<sup>th</sup> day of March, 2024, as witnessed by the Seal of the Board and the hands of its proper Officers.

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**Chair**

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**Secretary**