

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

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**DATE:** AUGUST 13, 2024

**TIME:** 9:13 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  
Councillor K. Etrene  
Ms. K. Machado

**OFFICIALS:**

Inspector T. Gervais, Inspectorate of Policing  
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. D. Fleury, Chief of Police  
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

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) (h)** *a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;*

**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.*

Mr. W. Bahlhieda added the matter of a Firing Range under New Business.

**MOVED BY:** Councillor K. Etrene

**SECONDED BY:** Mayor K. Boshcoff

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With respect to the Eighteenth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on August 13, 2024, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3. CONFIRMATION OF MINUTES (2 minutes)

Minutes of the Fifteenth Session (Closed) and the Minutes of the Seventeenth Session (Special Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on June 18, 2024 and June 27, 2024 respectively, to be confirmed.

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

Minutes of the Fifteenth Session (Closed) and the Minutes of the Seventeenth Session (Special Closed) of the Fifty-Fifth Thunder Bay Police Service Board, held on June 18, 2024 and June 27, 2024 respectively, be confirmed.

CARRIED

4. UPDATES FROM LEGAL COUNSEL

Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP, provided an overview of outstanding grievances. There was no material changes since last reported in June. There is one scheduled next week on August 22, 2024 relative to the Police Association's grievance on behalf of Staff Sgt. M. Dimini. No other grievances are scheduled at this time or have been referred to arbitration.

There is nothing material to report on the HRTO files since last reported in June. Mr. Jarvis noted that some applicants have been granted extensions in order to seek new counsel since Ms. C. Bryson stepped down as their legal counsel.

One application by John Semerling has been withdrawn, as well as one other HRTO application by a non-police officer.

Regarding Ms. H. Walbourne, the Senior Officers Association (SOA) has rejected the request for legal indemnification to be held in abeyance. They expect indemnification to take place as costs are incurred. The next step is to send a letter back to the SOA indicating that the Board expects her to sign an agreement to repay the indemnification costs in the event she should become ineligible for legal indemnification. This will also be an opportunity to agree upon a rate for legal counsel.

With regard to the foregoing, the Board was in consensus that Mr. Jarvis prepare an agreement

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for Ms. Walbourne.

Discussion followed on the Board's negotiations with the SOA regarding legal counsel for Walbourne – that legal counsel be retained in Thunder Bay or at Thunder Bay rates. Councillor K. Ereni requested that each piece of correspondence include the background information on Walbourne as well as the indication that the Board will be abiding by the terms of the contracts.

A brief discussion was held relative to former Chief of Police S. Hauth. Mr. J. Hannam has received some correspondence from Ms. Hauth's legal counsel, which he will forward to Mr. Jarvis to follow up on.

## 5. LABOUR RELATIONS UPDATE

### Collective Agreements - Update

Mr. W. Bahlieda, Chair – Labour Relations Committee, provided an overview relative to the two (2) days of collective agreement negotiations and what the Police Association is requesting.

The overview of discussions with the Police Association included:

- An increase to the benefits for retirees.
- Proposed wage increases for Uniform and Civilian members.
- Request by the Police Association for a conciliator.

Chair K. Machado thanked Mr. Bahlieda for all the work he has put into these negotiations.

Mr. D Jarvis left meeting at 10:06 a.m.

## 6. GENERAL MATTERS

### a) Moratorium on Hiring

Confidential Memorandum to the Thunder Bay Police Service Board from Chief D. Fleury, dated August 7, 2024, was provided for the Board's information.

Mr. W. Bahlieda noted that the Police Service plans to have an organizational review on its structure. He would like the Board to be fiscally responsible; in discussions with Chief Fleury, he suggested that there be a moratorium on filling new positions until the organizational review is complete.

Chief of Police D. Fleury advised that he agrees with a limited moratorium, as outlined. The Police Service is in the process of selecting a company for the reorganizational review.

It was the consensus of the Board and Chief Fleury to only fill positions required to keep status quo with the Service; no new positions will be filled. A moratorium will be put on growth/change

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to the organization.

Inspector T. Gervais noted that the Board needs to be mindful of the strength of the Service in order to provide adequate policing. The CSPA has a new requirement of the Board: the approval of the Inspector General is required before a board implements a plan that reduces the size of the police service through attrition. If the Board approves the moratorium, Inspector Gervais will need to advise the IG about this decision, and the Board may need to apply for the approval of the IG before implementing the moratorium.

The meeting recessed at 10:28 a.m. in order to move into open session.

At 11:45 a.m. the Board re-entered Closed Session in order to continue with the business at hand.

PRESENT: Ms. K. Machado, Mr. W. Bahlieda, Mayor K. Boshcoff, Ms. D. Baxter, Councillor K. Etrene, Ms. L. Douglas, Mr. J. Hannam, and Inspector T. Gervais. Chief of Police D. Fleury attended virtually by Zoom.

### b) Provision of Legal Services

On August 14, 2019, the proposal from Filion Wakely Thorup Angeletti LLP was accepted in strict accordance with the terms and conditions set out in RFP-55 Legal Services for the Thunder Bay Police Service Board. The current contract is set to expire on December 31, 2024.

Mr. J. Hannam, Secretary to the Board, provided an overview of the 2019 RFP and the issues associated with responses to one year contracts.

Discussion was held relative to how the Board would like to proceed with purchasing legal services beyond December 31, 2024.

Discussion was held relative to the benefits of extending the contract with Filion Wakely Thorup Angeletti LLP.

Discussion was held relative to preparing another RFP. Mr. J. Hannam suggested that an Evaluation Committee be struck, which would include Board members, Ms. D. Paris, Director – Financial Services & Facilities, and Mr. Hannam. The Evaluation Committee will build the RFP, determine the scope of work, and then present it to the Board for approval.

Mr. Hannam will distribute the previous RFP so that Board members can offer comment on the Scope of Work and Evaluation Criteria in support of developing a new RFP. Matter to be returned to the Board at its September meeting.

As a courtesy, Mr. Jarvis will be advised that the Board is happy with his work; however, the Board does need to follow its purchasing by-law.

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c) Mentorship Opportunity

Chief of Police D. Fleury provided a verbal overview relative to a mentorship opportunity with the Greater Sudbury Police Service, which includes succession planning for the Police Service.

7. ORGANIZATION AND PERSONNEL

a) New Hire Report

Report No. 19/24 (Police), relative to the approval of hiring one (1) Payroll Coordinator, was provided for the Board's information.

Chief of Police D. Fleury provided a brief overview. With regard to earlier discussions about hiring, Chief Fleury noted that this is a funded position in the budget; it is not a new position.

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

With respect to Report No. 19/24 (Police) from Chief D. Fleury, we approve the hiring of Sandra Deprophetis as payroll coordinator with a start date of August 15, 2024.

CARRIED

Chief of Police D Fleury left the meeting at 12:16 p.m.

8. GENERAL MATTERS, continued

d) Administrative Attendance at Committee Meetings

Proposed Policy for TBPSB Staff Attendance at Committees of the Board, was provided for the Board's information.

Mr. W. Bahlieda provided an overview relative to administrative attendance at committee meetings. He noted that this proposed policy follows the theme of the Board being fiscally responsible for the organization.

MOVED BY: Mr. W. Bahlieda  
SECONDED BY: Councillor K. Etrene

With respect to administrative support for committees of the Board, the Thunder Bay Police Service Board directs that only one staff member attend committee meetings, unless the committee Chair deems it necessary to have an administrative resources.

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Amending Motion on Administrative Attendance at Committee Meetings

MOVED BY: Mr. W. Bahlieda  
SECONDED BY: Councillor K. Etreni

With respect to administrative support for committees of the Board, the Thunder Bay Police Service Board directs that only one person attend committee meetings, unless the committee Chair deems it necessary to have an administrative resources.

AND THAT the draft policy be referred to the Governance Committee.

CARRIED

Amended Motion on Administrative Attendance at Committee Meetings

MOVED BY: Mr. W. Bahlieda  
SECONDED BY: Councillor K. Etreni

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AND THAT the draft policy be referred to the Governance Committee.

CARRIED

e) Strategic Plan

Expressions of Interest were issued for the development of a new strategic plan.

Confidential Memorandum to the Thunder Bay Police Service Board from John S. Hannam, Secretary, dated August 10, 2024, as well as two (2) proposals, relative to the Strategic Planning Proposal Selection, were distributed separately by email to Board Members on August 10, 2024.

MOVED BY: Ms. D. Baxter  
SECONDED BY: Mr. W. Bahlieda

With respect to awarding the work of a strategic planning consultant, we recommend that the Thunder Bay Police Service Board assign the review of submissions to the Board Chair and Vice Chair as a Special Purpose Committee;

AND THAT authority to make a final decision in awarding the work be delegated to the Committee.

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Mr. J. Hannam provided an overview relative to the above noted.

It was the consensus of the Board that the motion be withdrawn, and that this matter be deferred to the September 17, 2024 Closed Session of the Board. This will allow the Board members to more closely review the submissions.

9. NEW BUSINESS

Firing Range

On July 10, 2024, Mr. Larry Price requested a deputation to appear before the Board to make a presentation on a proposed indoor shooting range. On July 16, 2024, Mr. J. Hannam advised Mr. Price that his request for a deputation was denied, and he included his reasons for the denial.

Mr. J. Hannam provided an overview of the request, the Board's procedural by-law, and the reasons that the deputation request was denied. He noted that Chief Fleury has advised that the range training is being adequately met. Since the deputation was denied, there has been no further correspondence with Mr. Price.

Mr. W. Bahlieda disagreed that there is a financial interest and would like the Board to hear the deputation, and then the Board can decide if the request should be denied.

Discussion followed and it was noted that private organizations do not need Board approval to provide private services such as firing ranges.

Discussion followed on the timing of when the Board should be advised of denials, suggesting that the Board should be advised as soon as possible after a deputation request is denied.

Councillor K. Etrene, as a newer member of the Board, requested a presentation on the proposed new police building.

Mr. J. Hannam will forward all relevant information to Board members.

10. ORGANIZATION AND PERSONNEL, *continued*

b) Performance Review for Chief of Police

Pursuant to the Employment Agreement between Darcy Fleury and the Thunder Bay Police Services Board – Article 1 – Employment Compensation and Benefit/Performance Bonus, the Board will discuss and set the goals and objectives for six (6) month intervals during the first three (3) years of the agreement.

The 2023/2024 Performance Plan Objectives were provided for the Board's information and were approved at the June 26, 2023 Special Closed Session of the Board.

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Performance Monitoring System for the Chief of Police, provided by Mr. W. Bahlieda, was distributed separately to Board Members Only with the Closed Session Agenda.

Mr. W. Bahlieda reported that he has reviewed the Performance Monitoring System with Chief Fleury and Chief Fleury is in agreement with it.

The intent is to monitor the Chief's performance with this document on an annual basis.

A policy to support this Performance Monitoring System will be referred to the Governance Committee.

Discussion was held on a few suggested revisions to Mr. Bahlieda's document. Mr. Bahlieda will amend it and re-present it at the September 17, 2024 Closed Session of the Board.

## 11. CONFIRMING BY-LAW

MOVED BY: Mayor K. Boshcoff  
SECONDED BY: Mr. W. Bahlieda

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 13<sup>th</sup> day of August, 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: PC17-2024

CARRIED

## 12. ADJOURNMENT

The meeting adjourned at 1:25 p.m.