

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

DATE: SEPTEMBER 17, 2024

TIME: 9:05 A.M.

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

CHAIR: MS. K. MACHADO

PRESENT:

Mr. W. Bahlheda
Councillor K. Etreni
Ms. K. Machado

ATTENDING BY ZOOM:

Ms. D. Baxter

REGRETS:

Mayor K. Boshcoff

OFFICIALS:

Mr. D. Fleury, Chief of Police
Mr. R. Hughes, Deputy Chief of Police
Staff Sergeant J. Rybak, Thunder Bay Police
Service

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. 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) (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.*

Board communication matters and the KAPOW Contract were added under New Business.

MOVED BY: Mr. W. Bahlheda

SECONDED BY: Councillor K. Etreni

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With respect to the Twentieth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on September 17, 2024, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3. GENERAL MATTERS

a) SIU Administrative Reports

The following reports were provided for the Board's information:

- Confidential Memorandum to the Thunder Bay Police Service Board from Inspector G. Snyder, dated August 9, 2024, relative to SIU Administrative Report – Case #24-OCI-050;
- Confidential Memorandum to the Thunder Bay Police Service Board from Inspector G. Snyder, dated September 9, 2024, relative to SIU Administrative Report – Case #23-OCI-220.
- Confidential Memorandum to the Thunder Bay Police Service Board from Inspector G. Snyder, dated September 16, 2024, relative to SIU Administrative Report – Case #24-OF-096 (distributed separately with the Additional Information Package on September 16, 2024).

Staff Sergeant J. Rybak, Thunder Bay Police Service provided overviews of each memorandum and responded to questions. He noted that these are the first cases being presented under the new CSPA legislation. He reported that training was reviewed after each of these incidences, and refresher training is also provided when needed. Officers take first aid training every three (3) years with annual refresher courses.

Chief of Police D. Fleury responded to questions about lengthy investigation timelines and peer support for individuals involved in these investigations while they wait for the SIU investigation results. He provided a brief overview of the process.

Some procedures are being modified as a result of the investigations. A brief overview was provided on the recommendations being implemented by the Service as a result of these SIU investigations.

4. CONFIRMATION OF MINUTES

Minutes of the Eighteenth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board held on August 13, 2024 to be confirmed.

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

Minutes of the Eighteenth Session (Closed) of the Fifty-Fifth Thunder Bay Police Service Board, held on August 13, 2024 be confirmed.

CARRIED

5. UPDATES FROM LEGAL COUNSEL

a) Request for Indemnification

Emailed correspondence to Board Chair Karen Machado from Colin Woods, President – Thunder Bay Police Association, dated August 21, 2024, relative to a request for indemnification for two members of the Association, was provided for the Board's information.

Mr. Don Jarvis, Filion Wakely Thorup Angeletti LLP, provided an overview of the legal indemnification issues and provided some background information on the matter at hand. He noted that there have been no criminal charges to date, and, accordingly, the Board's legal indemnification obligations are not triggered by the Association's collective agreement. If these officers are charged, then Article 25 of the collective agreement would kick in.

Deputy Chief of Police R. Hughes noted that the Association might pay for legal fees if the Board does not grant indemnification, as per past practice. There is no civil action for this; part of this incident is being investigated by the OPP.

Mr. J. Hannam, Secretary to the Thunder Bay Police Services Board, presented revised wording from Mr. D. Jarvis for granting the exception.

Chief of Police D. Fleury noted that it is the obligation of the Association to assist their members in this situation, as these are preliminary interviews. The officers involved will have union representatives and can also choose to have a lawyer present.

A brief discussion was held with regard to setting a precedent with this matter. The Board asked Mr. Jarvis to be very clear in his response about the reason for the denial of the indemnification requests, and that the Board will continue with the current processes in place with the collective agreement.

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

With respect to the request for indemnification for legal costs received on behalf of Constable Don Bartol and Michael Jacobsen, we recommend that the Thunder Bay Police

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Service Board deny the request as the circumstances at hand do not qualify under Article 25 of the Uniform Collective Agreement.

CARRIED

Chair K. Machado will collaborate with Mr. D. Jarvis on a response to the Police Association.

b) Update on New and Ongoing Files

Mr. D. Jarvis, Filion Wakely Thorup Angeletti LLP, provided an update on the Walbourne file. Mr. Jarvis will prepare a draft repayment agreement and settle on the fee rates for Ms. Walbourne in order to move it forward. He will collaborate with the Chair to finalize the repayment agreement before it is sent to the Association for their review.

Background information and an overview of the Andrew Hay request for retiree benefits was provided for the Board members. Former Chief of Police Hay invited the matter to be brought before the Board to review. He has retained legal counsel. The Board directed Mr. Jarvis to provide a response to Mr. Hay and his legal counsel.

Mr. Jarvis reported that the first day of arbitration in the Dimini grievance, with respect to Frederica Street, was held on August 22, 2024; however, they did not complete the arbitration hearing. The Association was not prepared for that date. It is anticipated that the hearing will be completed on December 6, 2024.

Another Dimini grievance is being scheduled for conciliation with OPAC in November.

Mr. D. Jarvis left the meeting at 10:18 a.m.

6. ORGANIZATION AND PERSONNEL

a) Request for Indemnification

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

- Correspondence from the Thunder Bay Police Association to Chief Fleury, dated August 21, 2024, relative to a formal request for legal indemnification for Constable Emmett Ferrence; and
- Correspondence from Sergeant S. Harrison, dated September 4, 2024, relative to a request for legal indemnification.

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

Mr. J. Hannam, Secretary, noted that the City Solicitor's Office will be representing these officers. Article 25 (25.01 and 25.04) will be referenced in the response letter.

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

With respect to requests for indemnification from Constable Emmett Ferrence and Sergeant Shawn Harrison, the Board recommends approval of both requests in accordance with Article 25.01 of the Uniform Collective Agreement.

CARRIED

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

The meeting reconvened at 12:24 p.m. to continue with the business at hand.

It was noted that the Applications for Extension regarding Staff Sgt. M. Dimini were withdrawn from the agenda due to the medical inability of Staff Sgt. Dimini to participate in the process.

b) New Hire Report

Report No. 23/24 (Police), relative to the approval of hiring five (5) Cadets, was distributed with the Additional Information emailed on September 16, 2024.

Chief of Police D. Fleury presented the above noted report.

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

With respect to Report No. 23/24 (Police) from Chief Darcy Fleury, we approve the hiring of Kyle Auger, Michael Cordeiro, Kristof Lengwenus, Seija Nousiainen, and Joshua Westover as Fourth-Class Constables with the Thunder Bay Police Service to be sworn in on September 20, 2024;

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

CARRIED

7. GENERAL MATTERS, continued

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, reported that there were no requests to change the draft

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Request for Proposal (RFP); therefore, he will move it forward to post. An Evaluation Committee will need to be formed in order to review the submissions and make a recommendation to the Board.

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

With respect to the issuance of a Request for Proposal to provide the Thunder Bay Police Service Board with legal services, we recommend that the Term of the Contract be set for four (4) years with the Option to Renew for an additional two (2) year period, upon mutual agreement between both parties.

CARRIED

c) Strategic Planning Update

Request for Quotation: Strategic Planning was provided for the Board's information, as well as two (2) responses to the RFQ, which were distributed to the Board with their August 13, 2024 Closed Session Agenda.

Mr. J. Hannam, Secretary, provided an overview relative to the above noted, and noted that the Board does not have to accept the lowest bid. He noted that both applicants are aware that a 3rd party will be conducting the community survey.

Discussion on timelines and payment with consideration of the Board's 2024 budget was held.

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

With respect to the development of a Strategic Plan for the Thunder Bay Police Service Board;

AND in consideration of the responses to the Request for Quotation, seeking a firm to undertake the development of a Strategic Plan, we recommend that the work of a strategic planning consultant be awarded to Firedog Communications.

CARRIED

d) Annual Inquest Report – Seven First Nations Youths

Confidential Annual Inquest Report into the deaths of seven First Nations youth, was distributed separately with the Closed Session Agenda for the Board's information.

This report was provided in Closed Session until all of the families involved have had a chance to

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receive and review this report. It will be made public at the October, 2024 Regular Session.

Mr. J. Hannam provided an overview relative to the above noted and read aloud the names of the youth. Chief of Police D. Fleury responded to questions, and noted that all of the six (6) recommendations have been completed.

e) Draft 2025 Board Operating Budget

Confidential Memorandum and attachments to the Thunder Bay Police Service Board from John S. Hannam, Secretary, relative to the draft 2025 Board Operating Budget, was provided for the Board's information.

Mr. J. Hannam provided an overview relative to the above noted. Discussion followed on possible reductions to the 2025 budget.

Discussion was held on the Account Description "Honorariums". Going forward, Mr. Hannam will change the description to "Board Honorariums" for reports to the Board.

The Board requested that the budget presentation be reviewed by Board members in advance of presenting it to City Council. They would also like to be invited to the presentation, if possible, and/or a link to the meeting if they wish to attend online.

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

With respect to the draft 2025 Operating Budget for the Thunder Bay Police Service Board, as presented at the September 17, 2024 Closed Session of the Board, we approve the submission of the 2025 Operating Budget to the City of Thunder Bay.

CARRIED

f) Information Sharing Policy - Reporting Schedule

Further to the adoption and implementation of the Board's Information Sharing Policy, Chief of Police D. Fleury provided an update on the Police Service providing reports to the Board. He requested a few amendments to the reporting schedule.

Chair K. Machado asked that the requested changes be outlined in a memorandum to the Board for consideration at their next meeting.

A brief overview of the Service's meeting with Solicitor General Michael Kerzner and MPP Kevin Holland was provided for the Board's information.

Chief of Police D. Fleury left the meeting at 1:38 p.m.

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8. LABOUR RELATIONS

Mr. W. Bahlieda, Chair – Labour Relations Committee, provided an update on the Labour Relations Committee.

Changes to the Police Services Act under the CSPA have affected one LRC member, as they formerly worked for the Thunder Bay Police Service. Mr. J. Hannam suggested to have that person sit on the committee as a non-voting member. The subject LRC member is willing to stay on as a non-voting member, should the Board choose to amend the Committee's terms of reference to accommodate such.

Negotiations will continue on October 22, 2024.

An LRC meeting will be scheduled. The Committee will need to consider amendments to their Terms of Reference with regard to the non-voting member piece.

9. ORGANIZATION AND PERSONNEL, *continued*

c) Performance Monitoring System

Draft Chief Performance Monitoring System was sent to Board members from Wayne Bahlieda on April 3, 2024. At the August 13, 2024 Closed Session, the document was reviewed and sent back to Member Bahlieda for amendments.

A revised draft Chief Performance Monitoring System was distributed separately with the Closed Session Agenda for the Board's information.

Mr. W. Bahlieda provided an overview relative to the minor changes that were made to the original draft document presented in August. A few additional changes were noted. The Performance Monitoring System will be further amended and then resent to Board members.

It was noted that this document could be added as an appendix to the performance monitoring policy. Member Baxter requested to see a brief summary documenting what was discussed and what goals were agreed upon and reached. The Board asked Mr. Bahlieda to draft a one page summary going forward for future bonuses.

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

With respect to the Performance Monitoring System for the Chief of Police, as presented at the September 17, 2024 Closed Session of the Board, we accept this document in principle with changes suggested at this meeting.

CARRIED

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Discussions were held regarding the Chief's next bonus payment for the period January to June, 2024. It was noted that Chief Fleury had prepared and submitted a status report to the Board in July, 2024 regarding his goals and progress to date.

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

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 has determined that Chief Darcy Fleury has achieved the Performance Goals for the six (6) month period covering January 1, 2024 to June 30, 2024 of his Employment Contract, and recommends that a bonus payment, in the amount of \$10,000.00, less applicable statutory deductions, be issued as soon as is deemed possible.

CARRIED

Ms. D. Baxter left the meeting at 2:02 p.m. Quorum remained present.

10. NEW BUSINESS

Communications and the KAPOW Contract

Discussion was held on the KAPOW contract, as well as the Board having access to the contract on the Member Access side of the website. The lack of items being posted was discussed and initiated back in May; questions regarding the process to have item posted ensued.

Mr. Hannam advised that both he and Ms. Douglas send items to KAPOW for uploading to the website – on the Member Access side as well as the public side of the website. Members of the KAPOW staff then post the items on the website. Mr. Hannam and Ms. Douglas currently have no ability to post directly to the website.

Mr. J. Hannam will follow up on the library content for the Member Access side of the website.

There was no additional New Business.

11. CONFIRMING BY-LAW

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

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:

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1. A By-law to confirm the proceedings of a Closed Session of The Thunder Bay Police Service Board, this 17th day of September, 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: PC19-2024

CARRIED

12. ADJOURNMENT

The meeting adjourned at 2:36 p.m.