

**TAY VALLEY TOWNSHIP POLICE SERVICES BOARD  
BY-LAW NO. 02-03**

Being a By-Law to govern the proceedings of the Tay Valley Township Police Services Board.

**INTRODUCTION**

1. These rules and regulations contained in this By-Law shall be observed in all proceedings and shall be the rules for the order and dispatch of business before the Tay Valley Police Services Board.
2. The rules of procedure contained in this By-Law are likewise applicable to a Committee of the Board.
3. The rules of procedure may be suspended by a vote of the majority of the Members of the whole Board (two votes in favour).
4. Any point of order of procedure for which rules have not been provided in this By-Law shall be determined by the procedure contained in Robert's Rules of Order.

**DEFINITIONS**

5. In this By-Law:
  - a. "Act" means the *Police Services Act*;
  - b. "Board" means the Tay Valley Township Police Services Board;
  - c. "Chair" means the Member elected as Chair of the Board by its Members pursuant to s. 28 of the *Police Services Act*.
  - d. "Council" means the council of Tay Valley Township.
  - e. "Day" means 24 hours and does not include Saturday, Sunday, or a holiday;
  - f. "Detachment Commander" means the Detachment Commander of the Ontario Provincial Police, Lanark County Detachment, or his designate;
  - g. "Member" means a Member of the Board;
  - h. "Police Service" means policing provided by the Ontario Provincial Police under contract with Tay Valley Township;
  - i. "Quorum" means a majority of the Members in accordance with Section 35(2) of the *Act* (two Members);
  - j. "Township" means Tay Valley Township;
  - k. "Secretary" means secretary to the Police Services Board.

**STRUCTURE, COMPOSITION AND REMUNERATION OF THE BOARD**

6. The structure, composition and remuneration of the Board shall be as set out in section 27 (3), (4), (10) and (12) of the *Act*.

### COMMITTEES OF THE BOARD

7.
  - a. Subject to the provisions of s. 34 of the *Act*, committees may be established by the Board at any time as is deemed necessary for the consideration of matters within the jurisdiction of the Board.
  - b. The Board may establish ad hoc committees of limited duration, to inquire and report on a particular matter or concern. An ad hoc committee shall dissolve automatically upon submitting its final report to the Board.
  - c. The Board may establish public advisory committees to report on matters within the jurisdiction of the Board, and members of the public may be invited to participate in such committees as the Board deems appropriate.
  - d. Subject to the provisions of any general or special Act, the Board, in establishing any Committee, shall set forth terms of reference of the committee and such other provisions as the Board shall deem proper. Committees shall report on their work to the Board as required under the terms of reference.
  - e. Each committee shall appoint a chair of the committee.

### MEMBERS AND OFFICERS OF THE BOARD

#### CONDUCT OF MEMBERS

8. Members shall conduct themselves in accordance with s. 135 (6.3) of the *Act* and O. Reg 421/97 thereunder.
9.
  - a. No Member shall:
    - i. speak disrespectfully of the Reigning Sovereign, or any member of the Royal Family, of the Governor-General of Canada, or the Lieutenant-Governor of any Province, of any member of the Senate of the House of Commons of Canada, of the Legislative Assembly of the Province of Ontario, or of the Council of Tay Valley Township, or of any Member of the Board or Police Service;
    - ii. use offensive words or unparliamentary language in meetings of the Board or against any Member;
    - iii. speak on any subject other than the subject under debate;
    - iv. disobey the decision of the Chair of the Board on questions of order or procedure or upon the interpretation of the rules of the Board.
  - b. If a Member persists in any such disobedience after having been called to order by the Chair, the Chair shall forthwith put the question, no amendment, adjournment or debate being allowed: "That such Member be ordered to leave his/her seat for the duration of the meeting of the Board", but if the Member apologizes (s)he

may, by vote of the Board, be permitted to retake his/her seat.

- c. Members shall declare any interest for the purposes of the relevant provincial conflict of interest legislation and shall adhere to the procedures set out therein.

#### **OFFICERS OF THE BOARD**

10. a. At its first meeting of the year, the Board shall elect a Chair and Vice-Chair for that year, pursuant to S. 28 of the *Act*.

#### **DUTIES OF THE CHAIR**

11. It shall be the duty of the Chair to:
- a. preside at all meetings of the Board;
  - b. set the agenda for all meetings of the Board;
  - c. be the spokesperson for the Board, unless the issue may warrant another spokesperson from the Board;
  - d. Communicate with the Detachment Commander on behalf of the Board except when another method of communication is agreed by the Board;
  - e. Make reports to the council arising from the business and/or the meetings of the Board as appropriate;
  - f. open the meetings of the Board by taking the chair and calling the Members to order, as soon as a quorum is present;
  - g. announce the business before the Board in the order upon which it is to be acted;
  - h. receive and submit, in proper manner, all motions presented by the Members;
  - i. put to vote all motions which are properly moved and seconded and to announce the result thereof;
  - j. sit ex-officio as a Member of all Committees of the Board and be entitled to participate in discussions without voting privileges;
  - k. decline to put to a vote, motions which infringe the Rules of Procedure or are beyond the jurisdiction of the Board;
  - l. enforce on all occasions, the rules of procedure and the observance of order and decorum among the Members;
  - m. where it is not possible to maintain order, adjourn or suspend the meeting to a time specified by the Chair, without any motion being put;
  - n. adjourn the meeting when the business is concluded or upon a motion to adjourn.

#### **DUTIES OF THE VICE-CHAIR**

12. It shall be the duty of the Vice-Chair to act in place of the Chair when the Chair is not available.

#### **DUTIES OF THE SECRETARY**

13. The Secretary shall:
- a. serve as the administrative link between the Board, the Board's legal counsel,

- committees of the Board, the administrative office of the township, the media and members of the community;
- b. organize meetings, prepare agendas for the meetings in consultation with the Chair, and ensure their timely distribution;
- c. record the minutes of the proceedings at meetings of the Board and Committees of the Board;
- d. receive all communications addressed to the Board and/or its Members;
- e. prepare and issue all communications arising from the proceedings of the Board, unless otherwise directed by the Board;
- f. maintain a current record of Board resolutions requiring further or future actions and board resolutions which are policy statements and to keep the Board informed of these matters; and
- g. organize and maintain reports to be received by the Board.
- h. Provide the township with the administrative office of the township the material to be posted for the Board on the township's website, such as notice of meetings, meeting agendas, minutes or reports of meetings, statistical reports, advice to the public.

#### **MEETINGS OF THE BOARD**

- 14. a. Regular meetings of the Board shall be held at least four times a year under s. 35(1) of the *Act* and more frequently at the direction of the Board, and shall be held at the place and time as may be designated by the Board.
- b. If the day provided for a regular meeting of the Board is a holiday, or a day of religious observance that precludes the participation of any Member of the Board, the meeting shall be held on the next following business day, unless otherwise provided by resolution of the Board.
- c. The Detachment Commander shall be invited to attend each board meeting.
- 15. a. A special meeting of the Board shall be convened:
  - i. upon being summoned by the Chair;
  - ii. Upon a written request from a majority of the Members of the Board.
- b. The Secretary shall give notice of the time, place and purpose of a special meeting to all Members of the Board either:
  - i. by delivery to the place designated by the Member not less than 48 hours in advance of the time fixed for the meeting;
  - i. by verbal notice provided a majority of the Board consents to the meeting.
- c. The Board shall not consider or decide any matter not set forth in the notice calling the special meeting without the consent, recorded in the minutes, of all Members of the Board present and voting.

- d. If a special meeting is called for the purpose of considering a confidential matter in accordance with s. 35(4) of the *Act*, before moving to a closed meeting, a motion shall be passed in public stating:
  - i. the time and the fact of the holding of the closed meeting; and
  - ii. the general nature of the matter to be considered at the closed meeting.

## **GENERAL RULES OF MEETINGS**

### **CALL TO ORDER**

- 16. a. As soon after the hour fixed for the holding of the meeting as a quorum is present, the Chair shall take the chair and call the meeting to order.
- a. In case the Chair does not attend with fifteen minutes after the time appointed for a meeting, a Chair shall be appointed for that meeting.
- b. Upon being called to order, all Members shall immediately take their seats and shall remain unless otherwise excused by the Chair.

### **NO QUORUM**

- 17. If no quorum is present twenty minutes after the time appointed for a meeting of the Board, the Secretary shall record the name of the Member present and the meeting shall stand adjourned until the date of the next regular meeting or a special meeting called to deal with the matters of the meeting adjourned.

### **ORDER OF BUSINESS**

- 18. The Board shall deal with matters in the following order:
  - a. Ceremonial activities
  - b. Approval of the agenda
  - c. Disclosure of pecuniary interest
  - d. Approval of the minutes
  - e. Delegations
  - f. Business arising out of minutes
  - g. New business
  - h. Consideration of in-camera items
  - i. Meeting announcements
  - j. Adjournment

### **PUBLIC MEETINGS**

- 18. a. All meetings of the Board shall be open to the public, subject to section 30 of this By-Law, and no person shall be excluded from a public meeting except for improper conduct.
- a. The Chair may expel or exclude from any meeting any person who has engaged in improper conduct at a meeting.

**CLOSED MEETINGS**

19. a. The Board may, by resolution, close a meeting or part of a meeting to members of the public if the Board is of the opinion that the matters to be discussed fall within the provisions of s. 35(4) of the *Act* which provides that:
- i. matters involving public security may be disclosed and having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or
  - ii. intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.
- a. Notwithstanding subsection (a) above, a meeting or part of a meeting shall be closed to the public if the subject matter to be considered cannot be publicly disclosed pursuant to the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, Ch. M56, as amended.
- b. A resolution to close a meeting or part of a meeting to members of the public shall be considered in public prior to any closed meeting taking place and shall state:
1. the time and the fact of the holding of the closed meeting; and
  2. the general nature of the matter to be considered at the closed meeting.
- c. If a matter is deemed by a majority of the Board present and voting to be inappropriate subject matter for a closed meeting, the matter will be referred until the next regular public meeting and will be included in the public agenda for that meeting.
- d. If a matter considered in a closed meeting is deemed by a majority of all Members of the Board to warrant public disclosure prior to adjourning the meeting, the Chair shall call for a motion to adjourn the closed portion and re-open the public portion of the meeting. The public minutes will record that the matter was considered in a closed meeting and, if appropriate, will state the resolution.
- e. Where a meeting or part of a meeting is closed to the public, all persons not specifically invited by the Board to remain, shall vacate the meeting.
- f. Minutes of all or part of a meeting which is closed shall be retained in confidence by the Secretary and such minutes shall not be open to inspection by any member of the public.
- g. Any and all information obtained at a closed meeting shall be treated as confidential by any and all persons in attendance.

### **HEARING DELEGATIONS**

20. a. Delegations wishing to be heard at regular meetings of the Board shall be encouraged to give notice to the Secretary of their wish to appear, along with a list of who will be appearing before the Board and a copy of the materials that will be presented, not less than seven days prior to the meeting at which they wish to appear.
- a. Delegations shall be restricted to presentations of five minutes, except with leave of the Board.
- b. Speakers shall be asked not to repeat what has been said by previous speakers addressing the Board.

### **DOCUMENTS AND REPORTS**

#### **AGENDA**

21. a. Prior to each regular meeting, the Secretary, under the supervision of the Chair, shall prepare and cause to be printed, an agenda of all the items in the order of business set out in Section 12, and shall ensure that the agenda, along with the minutes of the last regular meeting is delivered to the place designated by each Member not later than six business days preceding the time appointed for the commencement of such meeting.
- b. Any Member may cause an item to be put on the agenda provided that it reaches the Secretary within seven days prior to the time appointed for the next regular meeting.
- a. The Board shall not consider any item of business that has not been distributed to the Members with the Agenda, except as otherwise decided by a majority of the Members present.

#### **MINUTES**

22. a. The Secretary shall cause minutes to be taken of each meeting of the Board, which shall include:
  - i. the place, date and time of the meeting;
  - ii. the names of the presiding officer(s) and the record of the attendance of the Members;
  - iii. the confirmation and correction of the minutes of the previous meeting;
  - iv. declarations of interest;
  - v. all other proceedings of the Board without note or comment.
- b. Minutes of a meeting shall be distributed as set out in section 13 and shall be confirmed at the next meeting.
- c. The minutes shall be signed by the Chair and Secretary following their

confirmation by the Board.

### **POLICY STATEMENTS**

23. a. The Board may adopt a policy statement on any matter within its jurisdiction and where it does so the Chair shall forward the policy statement forthwith to the council. If the council agrees with the policy statement and records its agreement in a minute of a council meeting, such minute shall be understood as constituting a protocol agreement between the council and the Board.
- a. The procedure for the Board in adopting a policy statement shall be the same procedure as set out for the adopting of a by-law.

### **COMMUNICATIONS**

24. a. Every communication designed to be presented to the Board shall be legibly written or printed, and shall be signed by at least one person and filed with the Secretary.
- a. All communications on any subject within the jurisdiction of the Board may be referred by the Board to a committee of the Board or other body or official, by a motion without debate.

### **RULES OF DEBATE**

25. a. before speaking to a question or motion, a Member shall address the Chair.
- a. When two or more Members indicate their intention to speak to any question, motion, or item, the Chair shall recognize the Members in the order in which they indicated their intention to speak.
- b. When a Member is speaking, no other Members shall pass between that Member and the Chair, or interrupt that Member except to raise a point of order or privilege.
- c. A Member may require the question or motion under discussion to be read at anytime during the debate, but not so as to interrupt a Member who is speaking.
- d. No Member shall speak more than once to the same question or motion without leave of the Board.
- e. Notwithstanding clause (e) a reply may be made by the Member who has presented a motion to the Board, following the conclusion of the speeches of the other Members.
- f. No Member shall speak to the same question or motion, or in reply, for more than five minutes, without leave of the Board.



- g. After a question has been put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

**POINTS OF ORDER**

- 26. a. The Chair shall preserve order and decide points of order.
  - a. i. When a Member desires to address a point of order, the Member shall ask leave of the Chair and raise a point of order and after leave is granted, the Member shall state the point of order to the Chair and the point of order shall be forthwith decided by the Chair.
  - ii. Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Board;
  - iii. If no Member appeals, the decision of the Chair shall be final.
  - iv. The Board, if appealed to, shall call a vote, without debate, on the following question: "Shall the Chair be sustained?" and its decision shall be final.

**POINTS OF PRIVILEGE**

- 27. Where a Member considers that his/her rights, immunities or integrity, or the rights, immunities or integrity of the Board as a whole have been impugned, the Member may rise at any time, with leave of the Chair, to raise a point of privilege. The Chair shall then either hear and rule on the point of privilege, or permit the debate and a vote to be held on the question.

**MOTIONS**

- 28. a. Motions with respect to the following matters may be introduced orally without leave, except as otherwise provided by these Rules of Procedure:
  - i. point of order
  - ii. point of privilege
  - iii. presentation of petitions
  - iv. motion to put the main motion to a vote
  - v. motion to adjourn
  
- a. The following motions may be introduced without leave, except as otherwise provided by the Rules of Procedure:
  - i. to table or defer to a certain day
  - ii. to refer
  - iii. to amend
  - iv. to suspend the Rules of Procedure
  - v. any other procedural motion
  
- b. All motions shall be recorded by the secretary who shall record the names of the

mover and seconder.

- c. All motions shall commence with the words "Resolved that" and shall be moved and seconded before being considered.
- d. All motions may be supported or opposed by the mover.
- e. The mover and seconder may withdraw a motion at any time prior to the commencement of debate thereon, but upon commencement of debate, the motion shall be deemed to be in possession of the Board, and it may only be withdrawn before amendment or debate with the permission of the Board.
- f. The Chair shall read any motion before a vote is taken thereon.
- g. Where a Board meeting is properly constituted with a quorum but has only two members present, it shall be proper for the presiding officer whether chair or vice-chair to move or second a motion and to vote on all motions.
- h. When a Member's motion has been called from the Chair at two successive meetings of the Board and not proceeded with, it shall be deemed to have been withdrawn and be dropped from the Agenda unless the Board otherwise decides.

#### **ORDER OF CONSIDERATION**

- 29. a. When a motion is properly before the Board for consideration, no motion shall be received except a procedural motion or a motion to amend.
- a. Procedural motions shall be considered immediately upon receipt and shall have precedence and are subject to debate as follows:
  - i. to extend the time of the meeting (not debatable);
  - ii. to move the question be put (not debatable);
  - iii. to refer (debatable);
  - iv. to lay on the table (debatable);
  - v. to refer indefinitely or to a certain day (debatable);
  - vi. to adjourn (not debatable);
  - vii. any other procedural motion.

#### **MOTION TO AMEND**

- 30. A motion to amend:
  - a. shall be presented in writing;
  - b. shall be relevant to and not contrary to the main motion under consideration;
  - c. shall admit of only one motion to amend such amendment, and any further amendment must be made to the main question;
  - d. may propose a separate and distinct composition of the main motion provided that

- such altered composition continues to relate to the same issue which was the subject matter of the question;
- e. shall be decided or withdrawn before the main motion is put to the vote;
- f. shall be put in the reverse order to that in which it is moved;
- g. shall be debatable.

**MOTION TO REFER**

31. A motion to refer a matter under debate:
- a. shall include the terms upon which the question is to be referred;
  - b. shall be debatable only in respect of the desirability of referring the question and the terms of the referral, and no discussion of the main question or an amendment thereto shall be allowed until after its disposition;
  - c. may be amended but must be disposed of by the Board before the main question or an amendment thereto, and before a decision on a motion that a vote on the main question be now taken, or that the question be tabled.

**MOTION TO LAY ON THE TABLE**

32. a. A motion to lay on the table is debatable but cannot be amended;
- a. The matter tabled shall not be considered again by the Board until a motion has been made to take up the tabled matter at the same or at a subsequent meeting of the Board;
  - b. A motion to take up a tabled matter is not subject to debate or amendment;
  - c. A motion that has been tabled and not taken from the table for six months shall be deemed to be withdrawn, and cannot be taken from the table.

**MOTION TO DEFER**

33. a. A matter deferred to a definite date shall have precedence over all other business on such date.
- a. A motion to defer indefinitely shall be treated as if it were a motion to lay on the table.

**MOTION THAT THE QUESTION BE PUT**

34. a. A motion that the question be put:
- i. cannot be amended or debated;
  - ii. cannot be moved when there is an amendment under consideration;
  - iii. shall preclude all amendments of the main question;
  - iv. when resolved in the affirmative, requires that the question be put forward without debate or amendment;
  - v. can only be moved in the following words: "That the question be now put";
  - vi. cannot be moved by a Member who has spoken on the main question unless another Member has subsequently spoken on the question.

**MOTION TO ADJOURN**

35. a. A motion to adjourn the meeting:
- i. shall always be in order except as provided by the Rules of Procedure;
  - ii. is not in order when a Member is speaking or has indicated to the Chair an intention to speak, or during the taking of a vote;
  - iii. is not in order immediately following the affirmative resolution of a motion for the previous question;
  - vi. is not debatable; and
  - vii. when resolved in the negative, cannot be made again until the Board has conducted further proceedings.
- b. A motion to adjourn without qualification, if carried, brings a meeting of the Board to an end.
- c. A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends the meeting of the Board to continue at such time.
- d. Upon the expiration of three hours after the scheduled time for the commencement of a meeting, the Chair shall put the following motion without debate, amendment or any procedural motion: "Shall this meeting be continued for a further hour?"
- e. If the motion pursuant to subsection (d) is not approved by a majority of the whole Board, the Chair shall declare the meeting to be adjourned.

**RECONSIDERATION**

36. a. Only a substantive motion may be reconsidered.
- b. If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, and debate on the question to be reconsidered shall proceed as though it has never previously been considered.

**VOTING ON MOTIONS**

37. a. A motion shall be deemed to have been carried when a majority of the Members present and voting have expressed their agreement with the question.
- b. No vote shall be taken by ballot or by any other means of secret voting.
- c. Any Member, before the question is decided, may require that the vote be recorded, in which case the Secretary shall call the vote, announce the division, and record the names and votes of every Member on the question.
- d. If a Member disagrees with the announcement of the Chair that a question is

- carried or lost, the Member may, but only immediately after the declaration of the Chair, object to the Chair's declaration and require a recorded vote to be taken.
- e. When the Chair is satisfied that a question contains distinct proposals, the Chair may divide the question or upon the request of a Member shall divide the question, and the vote upon each proposal shall be taken separately.
  - f. Every Member present at a meeting of the Board when a question is put, including the Chair, shall vote thereon unless prohibited by statute, in which case it shall be recorded. Any Member who refuses to vote shall be recorded as voting in the negative.
  - g. Any question on which there is an equality of votes shall be deemed to have been decided in the negative.
  - h. When the Chair calls for the vote on a question, each Member shall remain seated until the result of the vote has been declared by the Chair, and during such time no Member shall walk across the room or speak to any other Member or make any noise or disturbance. A Member not seated shall not be entitled to vote.

#### **BY-LAWS AND POLICY STATEMENTS**

- 38. a. Every By-Law and policy statement shall be introduced upon motion by a Member, and any number of By-Laws or policy statement may be introduced together in one motion, but the Board may, at the request of a Member, deal separately with any By-Law or policy statement .
- b. Every By-Law and policy statement when introduced, shall be in typewritten form, and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act, and shall be complete with the exception of the number and date of the By-Law or policy statement.
- c. Every By-Law and policy statement of the Board requires two readings before it may be passed.
- d. Every By-Law and policy statement which has been passed by the Board shall be numbered and dated and shall be sealed with the seal of the Corporation of Tay Valley Township and signed by the Chair and the Secretary and shall be deposited for safekeeping in the office of the Clerk of the Corporation of Tay Valley Township.

**AMENDMENT AND REPEAL**

- 39. a. This By-Law shall not be amended or repealed except by a majority of the whole Board.
- b. No amendment or repeal of this By-Law shall be considered at any meeting of the Board unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Board and the Board may not waive such notice.

**COMMENCEMENT AND TITLE**

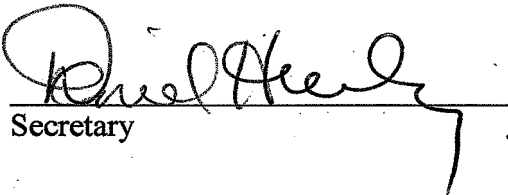
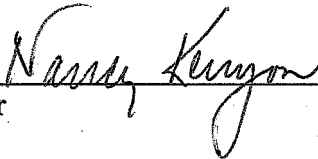
- 40. a. This By-Law comes into force and effect on the day that it is passed.
- b. The short title of this By-Law is the Police Services Board Procedural By-Law.

**Read a first time this 18<sup>th</sup> day of September 2003**

**Read a second time this 18<sup>th</sup> day of September 2003**

**Read a third time and passed this 18<sup>th</sup> day of September 2003.**

Chair



Secretary