



BY-LAW NO. 392-2021

**A BY-LAW RESPECTING THE
ADMINISTRATION, LIMITATIONS AND GUIDELINES
OF THE SPECIAL FUND**

1. PREAMBLE

- 1.1 WHEREAS subsection 31(1) of the *Police Services Act* provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
- b. generally determine after consultation with the Chief of Police, objectives and priorities with respect to police service in the municipality;
 - c. establish priorities for the effective management of the police service, and
 - e. direct the Chief of Police and monitor his or her performance;
- 1.2 AND whereas subsection 31(6) of the *Police Services Act* provides that the Board may, by by-law, make rules for the effective management of the police service;
- 1.3 AND whereas subsection 132(1) of the *Police Services Act* governs the disposition of personal property that comes into the possession of the police service;
- 1.4 AND whereas subsection 132(2) of the *Police Services Act* provides that the Chief of Police may cause the property to be sold and the board may use the proceeds for any purpose that it considers in the public interest;
- 1.5 AND whereas subsection 133(3) of the *Police Services Act* allows the Board to use unclaimed money for any purpose that it considers in the public interest, and the Board is accountable to the citizens of Niagara for the use of these resources;

AND whereas the Board deems it expedient to pass a by-law governing policy regarding the use of the Special Fund.

NOW THEREFORE THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD ENACTS AS FOLLOWS:

2 DEFINITIONS

- 2.1 “Act” means *Police Services Act*, R.S.O. 1990, c.P.15, as amended;
- 2.2 “Board” means the Regional Municipality of Niagara Police Services Board;
- 2.3 “Chief” means the Chief of the Niagara Regional Police Service;
- 2.4 “Member” means a member of the Niagara Regional Police Service;

- 2.5 “*Property*” means personal property of all kinds that come into possession of the police pursuant to the *Police Services Act* and regulations made there under, but not including firearms and money;
- 2.6 “*Special Fund*” means the Special or General Operating Account of the Niagara Regional Police Service which is used for the lawful purposes of the Board and Service in accordance with sections 132 and 133 of the *Police Services Act*;
- 2.7 “Service” means the Niagara Regional Police Service.

3 BOARD POLICY

- 3.1 To establish a Special Fund policy, consisting of a set of guidelines that identifies recognized funding priorities to assist the Board in allocating the discretionary funds in a manner that provides consistency and rationale in dealing with expenditures that come before the Board for consideration.

4 TYPES OF ACCOUNTS

- 4.1 *Special Operating Account* shall be in the form of a chequing account specifically for use as directed by the Chief and the Deputy Chief.
- 4.2 *General Operating Account* shall be in the form of a chequing account and shall be used for lawful purposes of the Board and the Service including the payment of rewards.
- 4.3 The Chief may, after consultation with the Deputy Chief of Police from time to time, invest any part of the funds in the above accounts in Guaranteed Investment Certificates, Term Deposits, Treasury Bills, interest bearing institutional accounts or such other investments as the Chief and the Deputy Chief of Police deem appropriate with a view to maximizing the interest return on the fund, the monies so invested, together with the accumulated interest shall form a part of the Special Operating Account or the General Operating Account as the case may be.

5 GUIDING PRINCIPLES

- 5.1 The Board will give preference to funding requests that fall into one of the following categories:
- a) **Community Relations through Involvement with Police-Related Organizations**
Intended to enable the Board/Service to purchase tickets or contribute donations for individuals officially representing the Police Services Board and/or the Niagara Regional Police at external organizations and/or fundraising events. The attendance and participation of Board and Service members at fundraising events for organizations that work closely with the Niagara Regional Police Service serves to demonstrate the Board's goodwill and community involvement.
 - b) **Board/Police Service Relations**
To assist members of the police service to participate in police-sponsored events, with the goal of enhancing the image of the Niagara Regional Police in other communities as well as home.
 - c) **Public Education/Awareness**
To provide funding to projects that assist the Board in communicating to the general public information related to crime prevention, community policing or other public safety issues.

d) Special Board/Police Requirements

Intended to provide flexibility to the Board to fund one-time requirements associated with Board functions, such as the sponsorship of functions at police-related conferences, or special meeting requirements outside of normal budgetary provisions.

6 FUNDING GUIDELINES

- 6.1 That all requests for funding from the Special Fund, not otherwise explicitly authorized by this policy, are to be considered on an item-by-item basis.
- 6.2 Notwithstanding 6.1, the Chair be given the authority to pre-approve disbursements from the Special Fund on an exception basis and in keeping with the general policy statement, with such approved item being placed on the next Board agenda.
- 6.3 That the first priority be for those initiatives that directly relate to the guiding principles of the policy.
- 6.4 Approval of funding for particular items is not to be considered a precedent, which binds the Board, and that this be clearly enunciated to any recipients.
- 6.5 The Special Fund continue to be utilized to offer financial support for individuals, groups and/or organizations attending police oriented competitions. These items are to be considered through one single convenor or organizer.
- 6.6 That community groups be advised that a condition of receiving the funds is the filing of the previous year's annual audited statement.
- 6.7 That recipients be advised that as a condition of receiving the funds, the organization must be willing to make available, if requested, financial records indicating the disposition of the Board's contribution of the project or activity.
- 6.8 Groups and organizations requesting funding must be based in Niagara and organized along not-for-profit principles.
- 6.9 The organization receiving the funding must clearly provide a benefit for the Niagara Regional Police and the community.

7 FUNDING LIMITATIONS

- 7.1 The Fund not be used for any item that would normally be funded through the current/operating or capital budget for either the Board or the police service.
- 7.2 Use of the funds must not extend beyond the current fiscal year.
- 7.3 Funds cannot be used to cover a deficit from a previous year.
- 7.4 The Board not commit to ongoing programs, recurring donations, capital costs or administrative funding.
- 7.5 Funds not used as allocated or not needed within the fiscal year, in whole or in part, shall be returned to the Board.
- 7.6 Funds will only be provided to the group directly responsible for the activity or project being funded.

- 7.7 The Board not support through use of the Special Fund any overtly political or partisan political events or activities.
- 7.8 That support for community events be limited to those events where the proceeds go to support a policing priority or priority of the Board, or the goals and work of the Board as identified in the guiding principles.
- 7.9 That, unless there are exceptional circumstances, the Board not fund any group or organization that has applied and received a response to its application from the Region of Niagara for funding in the current calendar year.
- 7.10 That the Board not commit to any single disbursement over \$1,000 without prior consideration as the effect such disbursement would have on the unrestricted fund balance.

8 LEVEL OF FUNDS

- 8.1 *Special Operating Account:* The Chief shall ensure that the balance not exceed \$90,000 and that any amount exceeding the limit be paid over to the general revenue account of the Service.
- 8.2 *General Operating Account:* That, unless there are exceptional circumstances, the Board place a global maximum limit of \$110,000 per annum for disbursements from the Fund and that any amount exceeding the limit be paid over to the general revenue account.

9 FUND APPROVALS

- 9.1 Except as set out below, the Board is responsible for all funding approvals.
- 9.2 The Chief and Deputy Chief jointly may authorize any disbursement from the General Operating Account
- 9.3 The Chief of Police and/or designated staff have the authority for disbursements from the Special Operating Account up to a limit of \$10,000 for the following:
- a) Annual audit of the Special Fund to be paid for from the proceeds of the Special Fund;
 - b) Costs incurred by Executive Services to administer the Fund;
 - c) External auction support;
 - d) Auction advertising;
 - e) Jewelry appraisals; and
 - f) Discretionary disbursements, consistent with Board policy.

10 FUND ADMINISTRATION

- 10.1 The Chief of Police, under the direction of the Board, has primary responsibility for the Special Fund.
- 10.2 The Chief of Police or designated staff are responsible for the accounting and day-to-day handling of the Special Fund.
- 10.3 The Chief of Police shall ensure the appropriate procedures are in place for the collection, maintenance and disbursement of funds.
- 10.4 The Chief of Police shall ensure the appropriate accounting and audit systems are in place to protect the integrity of the Special Fund.

11 REPORT TO THE BOARD

- 11.1 The Chief of Police shall make a written report to the Board on a quarterly basis on all activity in the Special Fund. The report shall contain reports on any reward(s) offered /paid, revenue, disbursements and provide the balance and unrestricted balance available to the Board.
- 11.2 On an annual basis, an external auditor shall provide a report on the Special Fund.

12 IMPLEMENTATION

- 12.1 By-law Nos. 190-2000, 265-2005, 320-2012 and 376-2018, as amended, and all other By-laws, sections of By-laws and policies of the Board inconsistent with the provisions of this By-law are hereby repealed.
- 12.2 This By-law shall come into force upon the date of its passage.
- 12.3 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 22nd day of July, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD



William C. Steele, Chair



Deb Reid, Executive Director