



BY-LAW NO. 328-2012

**A BY-LAW TO ESTABLISH POLICY
FOR SOLICITATION AND ACCEPTANCE OF PUBLIC DONATIONS,
SPONSORSHIPS OR PRIVATE SECTOR FUNDING ARRANGEMENTS**

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 it is the responsibility of the Chief of Police of the Niagara Regional Police Service, in accordance with Section 41(1)(a) of the *Act*, to administer the policing services of the Regional Municipality of Niagara in accordance with the policies, priorities and objectives established by the Niagara Police Services Board;
- 1.4 AND whereas it is the responsibility of the Chief of Police to develop the necessary procedures to ensure compliance with Board policies and effective operations of the police service;

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

2 DEFINITIONS

- 2.1 “*Act*” means the *Police Services Act*, R.S.O. 1990, c.P.15, and amendments thereto;
- 2.2 “*Board*” means the Regional Municipality of Niagara Police Services Board;
- 2.3 “*Chief*” means the Chief of Police of the Niagara Regional Police Service;
- 2.4 “*Donor*” means a private individual, or a corporation, partnership, club or other organization, whether for profit or not, which contributes money, goods or services to the Service pursuant to a Sponsorship or Private Sector Funding arrangement;

- 2.5 “Member” means a Member of the Niagara Regional Police Service as defined by the Act;
- 2.6 “Private Sector Funding” means any money paid or proposed to be paid to the Service from any non-government source, but does not include monies received by the Service under Section 132 of the Act, or monies paid on account of a pay duty arrangement;
- 2.7 “Qualified Donor” means the approval criteria set out in Article 9.3 of this by-law;
- 2.8 “Qualified Program” means a policing program which meets the approval criteria set out in Article 9.2 of this by-law;
- 2.9 “Qualified Sponsor” means a Sponsor which meets the criteria set out in Article 9.3 of this by-law;
- 2.10 “Service” means the Niagara Regional Police Service.
- 2.11 “Sponsor” means a private individual, or a corporation, partnership or organization, whether for profit or not, which contributes money, goods or services to the Service pursuant to a Sponsorship arrangement;
- 2.12 “Sponsorship” means a contribution of money, goods or services to a Qualified Program by a private individual, or a corporation, partnership or organization, whether for profit or not, in exchange for the right to be associated with the Service, either for advertising or promotional purposes, or for a community service purpose.

3 BOARD POLICY

- 3.1 It is the policy of the Board to provide citizens, community agencies and corporations with the opportunity to support the Service by making public donations, sponsorships, or private sector funding arrangements that will support law enforcement services to all citizens equally within the Region of Niagara. The Board is committed to ensuring that such donations are used solely for the purpose of enhancing the safety and security of the citizens, and that the receipt of donations, sponsorships, or private sector funding arrangements does not undermine the integrity, impartiality and reputation of the Service.

4. GUIDING PRINCIPLES

- 4.1 The public donation, sponsorship or private sector funding received by the Service shall be consistent with the principles as outlined in Section 1 of the *Police Services Act*.
- 4.2 The public donation, sponsorship or private sector funding arrangement shall support the objectives and priorities of the Board and provide a law enforcement benefit to citizens of Niagara Region.
- 4.3 There shall be no binding conditions attached to the public donation, sponsorship or private sector funding, which shall only be used for the sole purpose approved by the Chief of Police in accordance with this by-law.
- 4.4 The acceptance of any public donation, sponsorship or private sector funding shall not commit the Service to additional, unbudgeted resources, unless approved by the Board, in consultation with the Chief of Police.

- 4.5 All public donations, sponsorships and private sector funding and offers of public donations, sponsorships and private sector funding, including the nature, extent and planned use, must be made in writing to the Chief.
- 4.6 Absent exceptional circumstances, no public donation, sponsorship or private sector funding shall be accepted from an anonymous source or donor, and in all circumstances the identity of the donor shall be made known to the Board.
- 4.7 No public donations, sponsorships or private sector funding shall be accepted from a person whose background, including criminal record, lifestyle or association, would cause or have the potential to cause embarrassment to the Service or the Board.

5. APPLICATION AND SCOPE

- 5.1 This by-law applies to:
- 5.1.1 Any solicitation or offer of a public donation, sponsorship, or private sector funding arrangement;
 - 5.1.2 Any program proposed to be funded by a public donation, sponsorship, or private sector funding arrangement;
 - 5.1.3 Any public donation, sponsorship, or private sector funding arrangement;
 - 5.1.4 The receipt and/or disbursement of any monies received pursuant to a public donation, sponsorship, or private sector funding arrangement.
- 5.2 In the event that a sponsor or donor offers or is asked to contribute goods or services, any reports required to be made concerning the amount of money involved in the public donation, sponsorship, or private sector funding arrangement shall be read to include a requirement for a description and estimated value of the goods and services involved.

6. RESTRICTIONS/LIMITATIONS

- 6.1 The Chief shall ensure that no solicitation for a public donation, sponsorship, or private sector funding arrangement is made by any Service Member.
- 6.2 The Chief shall ensure that no offer of public donation, sponsorship, or private sector funding arrangement is accepted by any Service Member, except in accordance with the provisions of this by-law.
- 6.3 Neither the Service nor the Board shall enter into any arrangement in which the Service or the Board endorses a product or service.
- 6.4 The Board shall not approve a public donation, sponsorship, or private sector funding arrangement, which may in the opinion of the Board compromise the integrity, objectivity or impartiality of the Service.

7. DIRECTION TO THE CHIEF

- 7.1 The Chief shall establish written procedures and processes with respect to public donations, sponsorships, or private sector funding arrangements in accordance with this By-law and Board Policy.

7.2 **Funding Not Exceeding \$5,000**

7.2.1 The Chief may accept an offer of a public donation, sponsorship, or private sector funding arrangement without Board approval if:

- 7.2.1.1 The amount of the funding offered by the sponsor or donor, including past donations by that sponsor or donor, does not exceed \$5,000;
- 7.2.1.2 The cost of the program for which the funding is to be used does not exceed \$5,000;
- 7.2.1.3 The Chief ensures that the approval criteria in Article 9 are met; and
- 7.2.1.4 A report on the public donation, sponsorship, or private sector funding arrangement is included in annual reporting requirements set out in Article 8.4.

7.2.2 Any public donation, sponsorship or private sector funding arrangement which exceeds \$5,000, including past donations by that sponsor or donor, require prior Board approval in accordance with Article 8.2 below.

8 REPORTS TO THE BOARD

8.1 **Initial Reporting Requirements**

This Article applies to any offer of a public donation, sponsorship, or private sector funding arrangement, except those defined in Article 7.

8.2 Prior to acceptance of any offer of a public donation, sponsorship, or private sector funding arrangement, the Chief shall make a written report to the Board containing the following information:

- 8.2.1 Full particulars of the offer;
- 8.2.2 Full particulars of the proposed program for which funding is being offered including a program budget, and including a statement as to whether or not, in the opinion of the Chief, the program is a Qualified Program as defined in this by-law;
- 8.2.3 A statement as to whether or not, in the opinion of the Chief, the program is one that would benefit the Service, or the public, with reasons;
- 8.2.4 The cost to the Board, if any, including personnel costs;
- 8.2.5 Full particulars of the donor or sponsor including a statement as to whether, in the opinion of the Chief, the donor or sponsor are Qualified Donors or Sponsors as defined in this by-law.

8.3 **Interim Reporting Requirements**

The Chief shall:

- 8.3.1 Make a written report to the Board in the event that the program or the program budget changes, with an explanation of such changes and an explanation of the cost, if any, to the Board, including personnel costs;
- 8.3.2 Make a written report to the Board in the event that further funding is offered in respect of the program; and
- 8.3.3 Ensure compliance with the procedures set out in this by-law of such changes or subsequent offers.

8.4 **Annual Reporting Requirements**

On or before March 31st of each year, the Chief shall make a written report to the Board containing the following information:

- 8.4.1 The number of programs funded through public donations, sponsorships and private sector funding arrangements, together with a brief description of the programs;
- 8.4.2 An explanation of the status of the program funded by the public donation, sponsorship or private sector funding arrangement;
- 8.4.3 A statement of budgeted and actual program receipts and expenditures in respect of each public donation, sponsorship, or private sector funding arrangement, including the amount received from donors or sponsors in respect of each program;
- 8.4.4 The budgeted cost to the Board in respect of any of the programs so funded, including personnel costs;
- 8.4.5 The unbudgeted cost to the Board in respect of any of the programs so funded, including personnel costs;
- 8.4.6 Ensure that costings in program budgets include personnel costs of Members.

9 APPROVAL CRITERIA

In deciding whether to approve an offer of a public donation, sponsorship, or private sector funding arrangement, the Board shall consider the criteria set out in this Article.

- 9.1 With respect to public donation, sponsorship or private sector funding arrangements:
 - 9.1.1 The proposed donor or sponsor must meet the requirements of Article 9.3;
 - 9.1.2 The public donation, sponsorship or private sector funding must relate to a specific program or programs which meet the requirements of Article 9.2;
 - 9.1.3 The Board must approve the public donation, sponsorship or private sector funding arrangement, subject to provisions of Article 5.

- 9.2 With respect to programs funded through public donation, sponsorship or private sector funding:
 - 9.2.1 The program must be consistent with the Service's mission, values and beliefs;
 - 9.2.2 The program must not, in the Board's opinion, form part of adequate and effective policing, which the Board is obligated to provide pursuant to the Act.

- 9.3 With respect to donors and sponsors:
 - 9.3.1 Marketing methods must not compromise the integrity, objectivity or impartiality of the Service and its community partners;
 - 9.3.2 Promotional material must be compatible with the Service's community policing messages;
 - 9.3.3 The public image in the marketplace must be favourable;
 - 9.3.4 Past and present activities must not be in conflict with those of the Service;
 - 9.3.5 Products and services should not have a negative impact on the environment;
 - 9.3.6 Must be a good corporate citizen;
 - 9.3.7 Must be of good standing in the community;
 - 9.3.8 Must have values consistent with the Service's mission, values and beliefs;
 - 9.3.9 Must have a reputation of integrity and ethical standing;
 - 9.3.10 The Board shall consider whether or not the donor or sponsor is involved in the sale or distribution of tobacco or liquor, the nature of that involvement, and whether or not the nature of such involvement offends any aspect of the above approval criteria.

- 9.4 With respect to solicitations for sponsorship:
- 9.4.1 The solicitation must be approved by the Board;
 - 9.4.2 The solicitation must be in good taste in the opinion of the Board;
 - 9.4.3 There must be no general solicitation to the public-at-large;
 - 9.4.4 Solicitations must be made to potential sponsors who meet the requirements of Article 9.3;
 - 9.4.5 The solicitation must relate to a specific program or programs which meet the requirements of Article 9.2;
 - 9.4.6 The solicitation must not involve an operational program;
 - 9.4.7 The solicitation must not compromise, or appear to compromise, the integrity or impartiality of the Service.

10 IMPLEMENTATION

- 10.1 By-laws No. 179-1999 and By-law No. 180-1999, 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;
- 10.2 This By-law shall come into force upon the date of its enactment;
- 10.3 The Chief shall implement this By-law, where applicable, through general order.

ENACTED AND PASSED this 30th day of August, 2012.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

Signed Original on File
Chairperson

Signed Original on File
Executive Director