

**REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD**

**BY-LAW 537-2025**

A By-law Governing the Proceedings of the Board

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**BY-LAW NO. 537-2025**  
**A BY-LAW GOVERNING THE PROCEEDINGS OF THE**  
**REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD**

**1. PREAMBLE**

- 1.1 WHEREAS Part IV of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1* provides that a municipal board is to have policing responsibility for the municipality;
- 1.2 AND WHEREAS Section 37 (1) of the *Act*, provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by Section 10 of the *Act*;
- 1.3 AND WHEREAS pursuant to Section 43 (1) of the *Act*, a Board shall hold at least four meetings each year;
- 1.4 AND WHEREAS Section 46 of the *Act* provides that a Police Service Board shall establish its own rules and procedures in performing its duties under this *Act* and the regulations;
- 1.5 AND WHEREAS the Police Service Board deems it expedient to pass such a by-law to make rules and regulations governing the orders and procedures of the Board:

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

**2. INTERPRETATIONS**

For the purposes of this By-law:

- |             |     |   |
|-------------|-----|---|
| Definitions | 2.1 | <i>“Act” or “CSPA”</i> means <i>Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1</i> and amendments thereto;  |
|             | 2.2 | <i>“Acting Chair”</i> means the Vice-Chair who shall act as the Chair if the Chair is absent or if the Chair’s position is vacant, pursuant to Section 36 (2) of the <i>Act</i> or as prescribed by Section 7 of this By-law; |
|             | 2.3 | <i>“Agenda”</i> means the document prepared for distribution as prescribed by Section 15 of this By-law;  |
|             | 2.4 | <i>“Board”</i> means the means the Regional Municipality of Niagara Police Service Board;   |

- 2.5 “*Chair*” means the Member elected as Chair of the Board by its Members pursuant to Section 36 (1) of the *Act*;
- 2.6 “*Chief*” means the Chief of Police of the Niagara Regional Police Service;
- 2.7 “*Closed Meeting*” means a meeting that is closed to the public in accordance with Section 44 the *Act*;
- 2.8 “*Committee*” means a Standing or Special Committee established by the Board, pursuant to Section 42 of the *Act*;
- 2.9 “*Deputation*” means an address to the Board or its Committees at the request of a person wishing to speak;
- 2.10 “*Executive Director*” means the person who has been appointed to the Executive Director position by the Board;
- 2.11 “*Majority vote*” means an affirmative vote of more than one-half of the Members present and voting;
- 2.12 “*Meeting*” means any regular, special or other gathering of the Board or a Committee where a quorum of members is present, and members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the Board or a Committee;
- 2.13 “*Member*” means a Member of the Niagara Police Service Board and includes the Chair and Vice-Chair;
- 2.14 “*Motion to defer*” means a motion to delay consideration of a matter until later in the same meeting or to a future meeting of the Board or a Committee;
- 2.15 “*Motion to receive*” means a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of the Board with no additional action being taken;
- 2.16 “*Motion to refer*” means a motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by, and if deemed desirable, one or more reports from the Chief of Police, Executive Director or other official or Committee;
- 2.17 “*Motion to table*” means a motion to postpone without setting a definite date as to when the matter will be considered again;
- 2.18 “*Notice of motion*” means an oral notice or written motion received by the Executive Director, moved by a Member, and seconded by another Member, for inclusion on an agenda of a meeting of the Board or a Committee;
- 2.19 “*Pecuniary Interest*” means a direct or indirect pecuniary interest of a Member as defined in the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 (see Appendix B);

- 2.20 *“Point of order”* means a question by a Member with the view to calling attention to any issue relating to this By-law or the conduct of the Board’s business or in order to assist the Member in understanding the Board’s procedures, making an appropriate motion, or understanding the effect of a motion;
- 2.21 *“Point of privilege or personal privilege”* means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member who considers that their integrity or that of a Member has been impugned or questioned by a Member;
- 2.22 *“Presentation”* means an address to the Board or Committee at the request of the Board or a Committee of the Board;
- 2.23 *“Quorum”* means a majority of the Members of the Board in accordance with Section 43 (2) of the *Act*;
- 2.24 *“Recorded vote”* means a written record of the name and vote of every Member voting on any matter or question;
- 2.25 *“Region”* means the Regional Municipality of Niagara;
- 2.26 *“Resolution”* means the decision of the Board on any motion;
- 2.27 *“Service”* means the Niagara Regional Police Service;
- 2.28 *“Special Meeting”* means a meeting other than a regularly scheduled meeting, called pursuant to Section 12 of this By-law;
- 2.29 *“Two-thirds majority vote”* means an affirmative vote of at least two-thirds of the Members present and voting;
- 2.30 *“Vice Chair”* means the Member elected as the Vice Chair of the Board by its Members pursuant to Section 36 (2).

**3. APPLICATION**

- General Application* 3.1 The rules of procedure contained in this By-law shall be observed in all proceedings and shall be the rule for the order and dispatch of business before the Niagara Police Service Board.
- Committee Rules* 3.2 The rules of procedure contained in this By-law shall be observed, with necessary modifications, in proceedings of all Committees of the Board.
- Suspension of Rules and Regulations* 3.3 The rules of procedure may be suspended at such time or times and upon such conditions as may be deemed appropriate by an affirmative vote of at least two-thirds (2/3) of the Members of the Board.
- Procedures Not Covered in By-Law* 3.4 All points of order or procedure for which rules have not been provided in this By-law shall be decided by the Chair in accordance as far as reasonably practicable, with the rules of parliamentary procedure as contained in Robert’s Rules of Order.

<i>Statutes of Ontario to Prevail</i>	3.5	Should any provision of this By-law be or become in contravention of any legislation of the Province of Ontario, the provincial legislation shall prevail.
<i>Statutory Requirements</i>	3.6	Notwithstanding anything in this By-law, where the Board or a Committee convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the <i>Statutory Powers of Procedure Act</i> shall govern the proceedings.
<i>Amendments to Rules</i>	3.7	This By-law shall not be amended or repealed except by the concurring votes of at least two-thirds (2/3) of the Members of the Board and a notice of motion to amend this By-law must be delivered to each Board Member and the Executive Director at least two weeks prior to the meeting at which the motion to amend is to be considered.

#### **4. ELECTION OF THE CHAIR AND VICE-CHAIR**

<i>Election of Chair</i>	4.1	Pursuant to Section 36 (1) of the <i>Act</i> , the Board shall elect a Chair at its first meeting in each year.
<i>Election of Vice-Chair</i>	4.2	Pursuant to Section 36 (2) of the <i>Act</i> , the Board may also elect a Vice-Chair at its first meeting in each year.
<i>First Meeting in Each Year</i>	4.3	The election of the Chair and Vice-Chair shall be conducted at the first meeting of the Board in each year.
<i>Term</i>	4.4	The Chair and Vice-Chair of the Board shall hold office for a one-year term until their successors are elected in accordance with the <i>Act</i> and this By-law.
	4.5	The Chair and Vice-Chair may be elected for more than one term.
<i>Nominations</i>	4.6	The Executive Director shall act as presiding officer at the first meeting of the Board in each year until the Chair and Vice-Chair are elected and shall call for nominations.
<i>Form of Nomination</i>	4.7	Each nomination shall be made openly and shall have the consent of the nominee and be seconded by a Member.
<i>Eligibility</i>	4.8	A nominee is a person whose candidacy for the position of Chair or Vice-Chair has been moved and seconded by Members present at the first meeting of the Board in each year. For greater clarity, the nominee is not eligible to act as mover or seconder for their own nomination.
<i>Nominations Closed</i>	4.9	Where it appears to the Executive Director, by asking for further nominations and receiving no response, that there are no further nominations, the Executive Director shall call for a motion declaring nominations closed.
<i>Speakers</i>	4.10	After nominations have been closed, each mover and seconder of a nominee and each nominee shall, prior to the vote being taken, be permitted to speak to the nomination of not more than five (5) minutes.

<i>Order of Speakers</i>	4.11	The speakers shall be called upon to address the Board in alphabetical order of the nominees' surnames.
<i>Withdrawal</i>	4.12	A nominee may withdraw their name at any time prior to the vote being called.
<i>Vote</i>	4.13	A vote shall be taken regardless of the number of nominations. No vote shall be taken by ballot or any other form of secret voting.
<i>No Majority Obtained</i>	4.14	If there are more than two nominees who elect to stand and, if upon the first vote no nominee receives the majority required for election, the name of the nominee receiving the least number of votes shall be dropped and the Board shall proceed to vote again and continue until either: <ul style="list-style-type: none"> <li>(a) a nominee receives the majority required for election at which time such nominee shall be declared or elected; or</li> <li>(b) it becomes apparent by reason of an equality of votes that no nominee can be elected. In this case, each nominee shall address the Board for a maximum of five (5) minutes, followed by a ten minute recess, and another vote. If no nominee is elected at this time, the Board shall rely on seniority of a Board Member (i.e. date of appointment) to elect the Chair.</li> </ul>
<i>Announcement</i>	4.15	When voting is completed, the Executive Director shall announce the new Chair.
<i>Election of Vice-Chair</i>	4.16	The election of the Vice-Chair shall follow the procedure set out for the election of the Chair.

## 5. DUTIES OF THE CHAIR

<i>Chair's Duties</i>	5.1	It is the duty of the Chair to: <ul style="list-style-type: none"> <li>(a) preside at all meetings of the Board so that its business can be carried out efficiently and effectively;</li> <li>(b) be the spokesperson for the Board;</li> <li>(c) to represent the Board at official functions;</li> <li>(d) commence the meetings of the Board by taking the Chair and calling the meeting to order, as soon as a quorum is present;</li> <li>(e) announce the business before the Board and the order in which it is to be acted upon;</li> <li>(f) receive and submit, in proper manner, all motions presented by the Members;</li> <li>(g) put to a vote all motions which are moved or which necessarily arise in the course of the proceedings, and to announce the result;</li> <li>(h) announce the results of the vote on any motions presented for a vote;</li> <li>(i) sit as ex-officio as a Member of all Committees of the Board and be entitled to participate and vote at the meetings;</li> <li>(j) decline to put to a vote on motions which do not comply with this By-law or which are not within the jurisdiction of the Board;</li> <li>(k) maintain order and preserve the decorum of the meeting;</li> <li>(l) where it is not possible to maintain order, to adjourn or suspend the meeting to a time specified by the Chair, without any motion being put;</li> </ul>
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- (m) to permit any question to be asked through the Chair or any employee of the Niagara Regional Police Service in order to provide information to assist in any debate when the Chair deems it proper;
- (n) adjourn the meeting when business is concluded or upon a motion to adjourn or to recess the meeting as required.

*Signature* 5.2 The Chair and Executive Director shall authenticate by their signature, as required, all documentation for and on behalf of the Board including but not limited to By-laws, agreements, resolutions and minutes, which have been approved by the Board.

**6. DUTIES OF VICE-CHAIR**

*Vice-Chair's Duties* 6.1 The duties of the Vice-Chair shall be:

- (a) The Vice-Chair shall act in the absence of the Chair and shall have the same authority as the Chair would have if present.
- (b) In the absence of both the Chair and the Vice-Chair at a meeting, the Members present shall elect a chair for the purpose of presiding over the meeting.

**7. ACTING CHAIR**

*Appointment of Acting Chair* 7.1 In case the Chair does not attend within fifteen (15) minutes of the time a quorum is present after the scheduled commencement time for a meeting of the Board, or after the resumption after an adjournment or recess, the Vice-Chair shall serve as Acting Chair. In the absence of the Chair and the Vice-Chair, the Executive Director shall call the Members to order and an Acting Chair shall be appointed from among the Members present and they shall preside until the arrival of the Chair or the Vice-Chair.

*Designation* 7.2 The Chair may designate the Vice-Chair, or in the absence of the Vice-Chair, another Member as Acting Chair during any part of a Board meeting when they leave the Chair for any reason.

*Authority of Acting Chair* 7.3 The Acting Chair shall have and may exercise all the rights, power and authority of the Chair under this By-law.

**8. CONDUCT OF MEMBERS**

*Members' Conduct* 8.1 Pursuant to Section 35 (6) of the *Act*, every Member of a Board shall comply with the prescribed code of conduct as outlined in Ontario Regulation 408/23, made under the *Act*, set out in Appendix "A" to this By-law.

**9. DUTIES OF THE EXECUTIVE DIRECTOR**

*Duties of Executive Director* 9.1 The duties of the Executive Director pertaining to meetings of the Board shall be:

- (a) Serve as the administrative link between the Board, the Chief, the Board's legal counsel and labour negotiator, Committees of the Board, 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) Attends all Board meetings and Committee meetings;
- (d) Record the minutes of the proceedings at meetings of the Board and Committees of the Board;
- (e) Receive all communications addressed to the Board;
- (f) Prepare and issue all communications arising from the proceedings of the Board, unless otherwise directed by the Board;
- (g) Maintain a current record of Board resolutions requiring further or future actions and to keep the Board informed of these matters;
- (h) Organize and maintain an annual calendar of monitoring and other reports to be received by the Board; and
- (i) Report on the performance indicators and annual activities of the Board.

**10. MEETINGS OF THE BOARD**

<i>Regular Meetings</i>	10.1	The regular meetings of the Board shall be held at least four times each year pursuant to Section 43 (1) of the <i>Act</i> .
<i>Location, Time and Frequency</i>	10.2	The Board shall hold its regular meetings at 9:30 am on the fourth Thursday of the month, in the Police Services Community Room, First Floor, of the Niagara Regional Police Service – Headquarters Building, 5700 Valley Way, Niagara Falls, Ontario, in accordance within the schedule adopted annually by the Board; or at such place, time or manner, such as audio or video conferencing, as may be determined by the Board.
<i>Alternative Date and Time</i>	10.3	The Board may cancel the next regular meeting or may change any one or more of its dates, its time or its place, upon the concurring votes of a majority of the Members.
<i>Notice to Members</i>	10.4	Notice to Members of all meetings, agendas, agenda items, cancellations and postponements shall be provided by the Executive Director to Members by email. It may also be provided by telephone or personal contact in the case of an emergency.
<i>Notice to Media and Public</i>	10.5	Notice of all public meetings, agendas, cancellations and postponements shall be provided to the public and the media by issuing a media release and posting on the Internet, and with the Office of the Regional Clerk, Niagara Region, at least seven (7) days before the meeting is to be held and updated as required, except in extraordinary circumstances, pursuant to Section 43 (5), (6), (7) of the <i>Act</i> .
<i>Audio/Video Recording</i>	10.6	Public meetings may be video and audiotaped, televised, or otherwise electronically or mechanically recorded as long as the recording does not interfere with the proceedings of the meeting.

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|---|-------|---|
| <i>Audio/Video Conferencing</i>                       | 10.7  | Electronic participation through audio or video conferencing is permitted for regular Board meetings, committee meetings and any special or emergency meetings. The Board Members who are participating electronically are deemed present for the purposes of quorum when participating in meetings and are permitted to vote accordingly.  |
| <i>Audio/Video Conferencing at In-Person Meetings</i> | 10.8  | A Member may make a request of the Chair, at least 24 hours before the scheduled commencement of an in-person meeting, that the Member be permitted to participate in the meeting by means of audio or video conferencing. The Chair may grant permission if the Member can be connected to the meeting by such means. If the Member participates in the meeting by such means, the Member shall be deemed to have been present at the meeting for the purposes of the <i>Act</i> . |
| <i>Failure to Meet Notice Provisions</i>              | 10.9  | The Executive Director shall use their best efforts to satisfy the notice provisions set out in this section. Failure of the Executive Director to satisfy any of the notice provisions contained in this section does not invalidate the meeting or any proceeding at the meeting.   |
| <i>Meeting Attendees</i>                              | 10.10 | Every person attending the Board meeting, except for Board Members and Board staff, authorized police staff and others authorized by the Chair or the Board, shall remain in the audience portion of the boardroom before, during and after any meeting.  |
| <i>Expulsion</i>                                      | 10.11 | The Chair may cause to be expelled and exclude any member of the public who creates any disturbance or acts improperly during a meeting of the Board.   |

**11. LIVE-STREAMED/VIDEO RECORDED MEETINGS**

- |                                    |      |  |
|------------------------------------|------|--|
| <i>Live Stream/Video Recording</i> | 11.1 | In the event the Board live streams and/or video records its meeting(s) the following shall apply:   |
| <i>Delegate Opinions</i>           | 11.2 | Opinions of delegates are their own and the Board is not responsible for delegates comments or any materials delegates choose to provide.  |
| <i>Video Posting</i>               | 11.3 | The Board will post, as soon as practicable following the meeting, the archived live stream video.   |
| <i>Not Official Record</i>         | 11.4 | A recorded video of a Board and/or Committee meeting is not an official record of that meeting. The official record of the Board and/or Committee meeting shall consist solely of the Minutes approved by the Board. The video is available for details and content. |

**12. SPECIAL MEETINGS OF THE BOARD**

- |                        |      |   |
|------------------------|------|---|
| <i>Special Meeting</i> | 12.1 | The Chair may at any time, summon a special meeting.  |
|                        | 12.2 | The Executive Director may summon a special meeting on the request of the majority of the Members of the Board. |

<i>Location, Time and Frequency</i>	12.3	Special meetings will take place in a location or manner such as audio or video conferencing or as deemed most appropriate by the Chair, or Executive Director as the case may be.
<i>Notice of Special Meeting</i>	12.4	Written notice of special meetings of the Board or its Committees, other than one summoned by verbal notice, setting out the time and place of the meeting and detailing the matters to be considered, shall be delivered to all Members not less than 24 hours prior to the meeting in accordance with Section 10.4 of this By-law. Notice of all special public meetings shall be provided in accordance with Section 10.5 of this By-law.
<i>Process to Summons</i>	12.5	A special meeting may be summoned by verbal notice provided that at least two-thirds (2/3) of the Members of the Board consent to the time, the place, the manner and the matter to be considered and that the decision to summon the meeting is later ratified by the Board.
<i>Matters Decided at Special Meeting</i>	12.6	At special meetings of the Board, the Board shall not decide upon any matter unless the matter has been specified in the notice calling the special meeting. This provision may be waived only where all Members are present to vote upon a motion to waive it and only with a two-thirds majority vote.
<i>Failure to Meet Notice Provisions</i>	12.7	The lack of receipt of a notice of, or an agenda for, a special meeting by any Member shall not affect the validity of the special meeting or any action taken thereat.

**13. EMERGENCY MEETINGS**

<i>Emergency Meeting</i>	13.1	Notwithstanding any other provision of this By-law, an emergency meeting may be called by the Chair without written notice to deal with an emergency or extraordinary situation, provided that an attempt has been made by the Executive Director to notify the Members about the meeting as soon as possible and in the most expedient manner available.
<i>Agenda Items</i>	13.2	The only business to be dealt with at an emergency meeting shall be business dealing with the emergency or extraordinary situation.
<i>Failure to Meet Notice Provisions</i>	13.3	The lack of receipt of a notice of, or an agenda for, an emergency meeting by any Member shall not affect the validity of the emergency meeting or any action taken thereat.

**14. QUORUM**

<i>Quorum – Board</i>	14.1	Four Board Members constitutes a quorum of the Board for the purpose of Board meetings.
<i>Quorum – Exclusions</i>	14.2	Board Members shall not be counted toward quorum where they are prohibited from exercising their powers or performing their duties of their office as a result of failing to complete mandatory training, or where they are suspended or on a leave of absence.

<i>Quorum – Committees</i>	14.3	Quorum for Committees shall be as established by the Board in the By-law creating such Committee.
<i>Call Meeting to Order</i>	14.4	As soon after the hour of the meeting as a quorum is present, the Chair shall take the chair and call the meeting to order.
<i>No Quorum at Beginning</i>	14.5	If a quorum is not present within thirty (30) minutes after the scheduled time of a meeting, then the Executive Director shall record the names of the Members of the Board present and the meeting shall stand adjourned until the date of the next meeting of the Board.
<i>Loss of Quorum During Meeting</i>	14.6	If a quorum is lost during a meeting of the Board then the Chair shall, upon determining that a quorum is not present, request the Executive Director to call for a quorum for a period of fifteen (15) minutes, or until a quorum is present, whichever is sooner.
<i>Idem</i>	14.7	If there is still no quorum of the Board after fifteen (15) minutes, the meeting shall stand adjourned, and the Executive Director shall record the names of the Members present. In this case, all unfinished business shall be carried forward to the next meeting of the Board.

**15. BOARD AGENDAS**

<i>Materials for Agendas</i>	15.1	Except as otherwise provided by this By-law, all correspondence, notices of motion, and other communication addressed to the Board which is received by the Executive Director at least 10 days prior to a regular meeting shall be placed on the agenda and shall be dealt with at the next regular monthly meeting. Agenda materials received less than 10 days prior to the date of the regular meeting may be added to the agenda by permission of the Board Chair.
<i>Redirection of Police Operational Matters</i>	15.2	Where, in the opinion of the Executive Director, the subject matter of any communication is properly within the jurisdiction of the Niagara Regional Police Service, such communication shall be referred to the Chief of Police for the necessary action without prior reference to the Board.
<i>Agenda</i>	15.3	The Executive Director shall prepare the agenda, under the direction of the Chair, for distribution with the routine order of business for regular meetings of the Board to be as follows: <ul style="list-style-type: none"> <li>(a) Call to Order;</li> <li>(b) Roll Call;</li> <li>(c) Land Acknowledgement Statement</li> <li>(d) Declarations of Conflict/Pecuniary Interest by Members;</li> <li>(e) Adoption of Minutes of Previous Meetings;</li> <li>(f) Verbal Reports from the Board Chair;</li> <li>(g) Verbal Reports from the Chief of Police;</li> <li>(h) Presentations and/or Deputations;</li> <li>(i) Consent Agenda – Communications to Receive for Information</li> <li>(j) New Business – Communications for Consideration;</li> <li>(k) Other Business (if any) – Additional Communications from Board Members or Chief of Police;</li> <li>(l) Reports from Closed Session;</li> </ul>

- (m) Motion for Closed Session Meeting(s); - Identify the applicable CSPA authority and general nature of the matters to be considered in closed session
- (n) Adjournment.

<i>Delivery of Agenda</i>	15.4	The Executive Director shall cause to be delivered to each Member at least seven (7) days before the scheduled time for a meeting the agenda and copies of related materials.
<i>Order of Business</i>	15.5	The business of the Board shall, in all cases, be taken up in the order in which it appears on the agenda, unless otherwise decided by the Board. Any matter on the agenda not decided by the Board shall be placed on the agenda of the next regular meeting of the Board.
<i>Circulation to Public</i>	15.6	As soon as agenda information is published and distributed by the Executive Director to the Members, the information may be made available to the public, and may be discussed in public by Board Members, except for information relating to matters to be considered in Closed Session.
<i>Communications</i>	15.7	Every communication intended to be presented to the Board or its Committees must be legibly written or emailed and must contain the signature or e-signature and contact address of at least one person and preferably the addresses and contacts of all signatories. For all communications submitted, there shall be designated a contact person to whom the Executive Director can communicate on behalf of the Board or a Committee.
<i>Consent Agenda</i>	15.8	All or several items on the agenda for a meeting containing a recommendation to “receive for information” may be adopted by a single motion. Any specific items of business will be provided individual deliberation and debate upon the request of any Member.
<i>Introduction of Business Not Included on Agenda</i>	15.9	No business shall be introduced at a meeting which has not been included on the agenda for such meeting unless the person seeking to introduce the business obtains the approval of a majority of the Members of the Board present at the meeting.

**16. BOARD MINUTES**

<i>Minutes</i>	16.1	The Executive Director shall cause minutes to be taken of each meeting of the Board, which shall include: <ul style="list-style-type: none"> <li>(a) the place, date and time of the meeting;</li> <li>(b) the name of the Chair and the attendance of the Members, the Executive Director, senior staff of the Niagara Regional Police Service, names of presenters and external delegations;</li> <li>(c) the confirmation and correction of the minutes of the previous meeting;</li> <li>(d) declarations of conflict of interest or pecuniary interest;</li> <li>(e) all other proceedings of the Board without note or comment.</li> </ul>
<i>Approval</i>	16.2	The Minutes of each Board Meeting shall be presented to the Board for approval at the next regular Meeting.

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| <i>Signature</i>                      | 16.3 | After the Board Minutes have been approved by the Board, they shall be signed by the Chair and the Executive Director, and sealed. |
| <i>Posting of Minutes on Internet</i> | 16.4 | The approved public minutes of the Board shall be posted on the Board's web page.  |

**17. DISCLOSURES OF CONFLICT/ PECUNIARY INTEREST**

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| <i>Method of Disclosure</i>                 | 17.1 | Where a Member has any pecuniary interest in any matter and is present at a Board meeting or Committee meeting at which the matter is the subject of consideration, the Member shall; <ul style="list-style-type: none"> <li>(a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;</li> <li>(b) not take part in the discussion of, or vote on, any question in respect of the matter; and</li> <li>(c) not attempt in any way, whether before, during or after the meeting, to influence the voting on any such question.</li> </ul> |
| <i>Requirements to Notify</i>               | 17.2 | Members who declare a conflict shall complete a "Declaration of Interest" form as a formal record of their disclosure in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 (s. 5.1) as amended March 1, 2019 and O. Reg. 408/23: Code of Conduct for Police service Board Members. The completed form will be retained on file by the Executive Director.   |
| <i>Closed (Confidential) Sessions</i>       | 17.3 | Where a meeting is not open to the public, in addition to complying with the requirements set out above, the Member shall forthwith leave the meeting for that part during which the matter is under consideration.  |
| <i>Absence – Disclosure at Next Meeting</i> | 17.4 | Where the interest of a Member has not been disclosed by reason of their absence from the particular meeting, the Member shall disclose their interest at the next meeting at which such Member attends.   |
| <i>Record of Disclosure</i>                 | 17.5 | The Executive Director shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by a Member, and this record shall appear in the Minutes of that particular meeting of the Board or of Committee.  |

**18. RULES OF DEBATE**

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| <i>General</i>               | 18.1 | All Members of the Board shall exercise their right to debate within the framework set out in these rules.                      |
| <i>Recognition of Member</i> | 18.2 | To address the Board, a Member shall raise their hand and be recognized by the Chair and direct all comments through the Chair. |
| <i>Order of Speakers</i>     | 18.3 | When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.      |
| <i>Address the Chair</i>     | 18.4 | Every Board Member, prior to speaking, must address the Chair, and all remarks must be directed through the Chair.              |

<i>Relevancy</i>	18.5	All remarks and comments must be relevant to the question under consideration and the Chair shall be the judge of such relevancy.
<i>Interruptions</i>	18.6	When a Member is speaking, no other Member shall interrupt the Member except to raise a point of order, privilege or personal privilege.
<i>Read Motion</i>	18.7	A Member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Member who is speaking.
<i>Speaking to a Question</i>	18.8	No Member shall speak more than once to the same question or motion without leave of the Board.
<i>Reply</i>	18.9	Notwithstanding Section 18.8, 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.
<i>Speaking Time</i>	18.10	No Member shall speak to the same question or motion, or in reply, for more than five (5) minutes, without leave of the Board.
<i>After Question Put by Chair</i>	18.11	After the 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.
<i>Points of Order</i>	18.12	When a Member desires to address a point of order, the Member shall ask leave of the Chair to 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.
<i>Chair to Rule on Point of Order</i>	18.13	Thereafter, a Member shall only address the Chair for the purpose of appealing the Chair's decision to the Board.
<i>Decision Final</i>	18.14	If no Member appeals, the decision of the Chair is final.
<i>Idem</i>	18.15	The Board's decision is final if the Chair is challenged.

## **19. RULES OF VOTING**

<i>General</i>	19.1	All voting, except with respect to the election of the Chair and Vice-Chair, shall be conducted in the manner prescribed by the rules in this section.
<i>Put Question to Vote</i>	19.2	When the Chair is putting a question to vote, no Member of the Board may leave the room or cause any disturbance.
<i>Every Member Votes</i>	19.3	Every Member of the Board, including the Chair, who is present when a question is put shall vote thereon, unless disqualified by a conflict of interest.
<i>Failure to Vote</i>	19.4	The failure to vote by a Member who is not disqualified by a conflict of interest shall be deemed to be a negative vote.

<i>Manner of Vote</i>	19.5	The manner of determining the decision of the Board on a question shall be at the discretion of the Chair and may be by show of hands, voice or otherwise.
<i>Equality of Votes</i>	19.6	Where there is an equality of votes on any decision, the question shall be deemed to be lost.

## 20. MOTIONS AND NOTICES OF MOTIONS

<i>Jurisdiction</i>	20.1	A Motion or Notice of Motion in respect of a matter which is not within the jurisdiction of the Board, shall not be in order and shall not be considered by the Board.
<i>Introduction of Additional Items</i>	20.2	No Member shall introduce any item to the Board for its consideration unless: <ul style="list-style-type: none"> <li>(a) the item relates to a matter on the agenda for that meeting;</li> <li>(b) the matter is of an urgent nature; or</li> <li>(c) leave is granted on a two-thirds majority vote.</li> </ul>
<i>Oral Motions</i>	20.3	The following may be introduced orally without written notice and without leave of the Board: <ul style="list-style-type: none"> <li>(a) a point of order or privilege;</li> <li>(b) presentation of petitions;</li> <li>(c) a motion to waive or suspend the rules of procedure;</li> <li>(d) any other procedural motion;</li> <li>(e) a motion to recess;</li> <li>(f) a motion to adjourn;</li> <li>(g) a motion to call the question;</li> <li>(h) a motion to retire into a confidential session;</li> <li>(i) a motion to receive an item;</li> <li>(j) a motion to table an item;</li> <li>(k) a motion to refer;</li> <li>(l) a motion to defer;</li> <li>(m) a simple amendment;</li> <li>(n) a motion to adopt a recommendation; or</li> <li>(o) the motion relates to a report which was distributed with the agenda.</li> </ul>
<i>Must be Seconded</i>	20.4	A motion shall be moved and seconded before the Chair shall put the question and the motion is recorded in the minutes of the meeting.
<i>Wording</i>	20.5	All motions or notice of motions shall be worded in the affirmative, where possible, and shall express fully and unambiguously the intention of the mover.
<i>Emergency Motion</i>	20.6	Notwithstanding the above, any motion may be introduced for consideration by the Board in a situation deemed to be an emergency by the Chair.
<i>Substantive Motion</i>	20.7	There may be only one substantive motion before the Board at any time.
<i>Motion to Amend</i>	20.8	A motion may be amended during debate provided that the motion to amend is relevant and not in direct opposition to the main question.
	20.9	Only one motion to amend an amendment to the question shall be allowed.

<i>Withdrawal</i>	20.10	After a motion has been seconded, it may be withdrawn by the mover and the seconder at any time before a vote is taken.
<i>Refer to Question</i>	20.11	A motion to refer a question shall include the name of the committee, body or official to whom the question is to be referred.
<i>Direction to Chief</i>	20.12	A direction to the Chief of Police by the Board shall be authorized by resolution of the majority of the Members present.
<i>Not Debatable</i>	20.13	The motions referred to in 20.3 (e), (f), (g), (j) and (l) are not debatable.
<i>Deemed Carried</i>	20.14	A motion is deemed carried where a majority of the quorum votes in the affirmative.
<i>Procedure on Motions</i>	20.15	The procedure on a motion is as follows: <ul style="list-style-type: none"> <li>(a) the Chair shall read, state or verbally acknowledge each motion presented, whereupon the motion shall be deemed to be in the possession of the Board;</li> <li>(b) the motion shall be seconded;</li> <li>(c) the Chair shall restate the motion and open debate;</li> <li>(d) the motion shall be debated in accordance with Section 18;</li> <li>(e) the question shall be put to the Board by the Chair;</li> <li>(f) vote shall be taken in accordance with Section 19;</li> <li>(g) the motion shall be declared carried or lost.</li> </ul>
<i>Chair to Refrain as Mover</i>	20.16	The Chair shall refrain from moving motions.
<i>Motion to Reconsider</i>	20.17	A motion to reconsider a matter previously decided by the Board shall be permitted within 12 months of the original motion where a Board Member, who voted in the majority, gives notice in writing which is included in the agenda that they will move at the next meeting that a matter be reconsidered.
<i>Idem</i>	20.18	A motion to reconsider is not required after the expiration of 12 months from the date the matter was previously decided, or if new material facts respecting the previously decided arise. In those cases, the motion procedures of 20.15 apply.
<i>Idem</i>	20.19	A motion to reconsider requires an affirmative vote of at least two-thirds (2/3) of the Members of the Board to pass.

## **21. OUTSTANDING INQUIRIES AND MOTIONS**

<i>Follow-up</i>	21.1	Following each Board meeting, the Executive Director will forward in writing any inquiries or motions requiring action or a subsequent report to the Chief of Police or other person assigned responsibility for responding.
<i>Written Response</i>	21.2	The response shall be submitted in writing to the Executive Director for inclusion in an upcoming Board agenda.

*Record Keeping* 21.3 The Executive Director shall keep a record of all inquiries and motions requiring a response and shall submit a list of outstanding inquiries and motions to the Board on a quarterly basis.

## 22. PUBLIC AND CLOSED MEETINGS

*Meetings Open to Public* 22.1 Meetings of the Board shall be open to the public except as provided for in Section 44 of the *Act* and this Section of the By-law and no person shall be excluded from a meeting open to the public except for improper conduct as determined by the Chair.

*Public Access* 22.2 The public shall be allowed access 15 minutes before the scheduled start time of the meeting.

*Recording Equipment* 22.3 The use of cameras, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for recording the proceedings of a meeting by members of the public, including the news media, may be permitted and shall be subject to the approval and/or direction of the Chair unless otherwise decided by the Board.

*Closed (Confidential) Sessions* 22.4 A meeting, or part of a meeting, may be conducted in Closed Session pursuant to Section 44 of the *Act*, if the subject matter being considered is:

- (a) the security of the property of the Board;
- (b) personal matters about an identifiable individual, including Niagara Regional Police Service employees or any other employees of the Board;
- (c) a proposed or pending acquisition or disposition of land by the Board;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the Board or Police Service;
- (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;
- (g) information explicitly supplied in confidence to the Board by Canada, a province or territory or a Crown agency of any of them, a municipality or a First Nation;
- (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;
- (i) a trade secret or scientific, technical, commercial or financial information that belongs to the Board and has monetary value or potential monetary value;
- (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;
- (k) information that Section 8 of the *Municipal Freedom of Information and Protection of Privacy Act* would authorize a refusal to disclose if it were contained in a record;
- (l) an ongoing investigation respecting the Police Service Board; or
- (m) education or training session for the benefit of Members.

**23. DELEGATIONS/DEPUTATIONS AND PUBLIC PRESENTATIONS**

- Written Request* 23.1 Any person, group of persons or organization wishing to address the Board regarding a matter within the Board’s jurisdiction shall make a written request to the Executive Director at least ten (10) days prior to the date of the meeting at which the deputation is to be made, such written request to include:
- (a) The name of the presenter;
  - (b) An outline of the deputations to be made;
  - (c) The names of the other persons who will be appearing with the presenter;
  - (d) A copy of any materials to be provided to the Board as part of the deputation.
- Criteria for Delegations and Presentations* 23.2 Criteria for deputations to the Board:
- (a) Individual complaints and legal matters involving litigation against the Board or Service will not be considered at Board meetings. Such matters are subject to legislated public complaints processes or legal proceedings before the courts or tribunals, and the Board must not intervene outside of those processes.
  - (b) Matters that are before the court, tribunal, or other legal proceeding will not be accepted for deputation. These issues are most appropriately addressed within the formal processes established for their resolution.
  - (c) Individual vendors will not be permitted to present to the Board, as procurement matters are governed by the Niagara Region’s procurement policies and procedures.
- Limitations* 23.3 Deputations shall only be heard upon the consent of the Board.
- Time* 23.4 A delegation shall address the Board through one (1) spokesperson for a period not exceeding ten (10) minutes, unless approval to extend the speaking time is obtained from the Chair.
- Conduct* 23.5 All presenters shall address the Chair from the designated area and shall state their name and whom they represent.
- 23.6 No person shall:
- (a) Speak disrespectfully of any person;
  - (b) Use offensive words or language;
  - (c) Speak on any subject other than that which has received approval by the Board;
  - (d) Disobey the rules of procedure or a decision of the Chair or the Board.
- Disorder/By-law Breach* 23.7 The Chair may curtail any presentation, questions, or debate during a presentation for disorder or any other breach of this By-law, and if the Chair rules that the presentation is concluded, the person(s) appearing shall immediately withdraw.

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| <i>Board Questions</i> | 23.8  | Following the presentation, the Board may ask questions of the presenter for the purpose of clarifying information but shall not enter into a debate with the presenter.   |
|                        | 23.9  | At the conclusion of the presentation, the Board may receive the presentation, discuss it at that point or at a later time in the meeting, or defer the matter to a subsequent meeting for the purpose of receiving further information.   |
| <i>Public Audience</i> | 23.10 | Members of the public who constitute the audience at a meeting shall respect the decorum of the Board and not: <ul style="list-style-type: none"> <li>(a) Address the Board without permission of the Chair;</li> <li>(b) Interrupt any speech or action of the Members of the Board or any other person addressing the Board; and</li> <li>(c) Bring signage, placards, or banners into such meetings.</li> </ul> |

## **24. MEDIA RELATIONS**

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| <i>Board Spokesperson</i>             | 24.1 | Unless otherwise specified, the spokesperson for the Board is the Chair of the Board. Should the Chair be unavailable, the Vice-Chair shall be the spokesperson for the Board.  |
| <i>Executive Director as Resource</i> | 24.2 | On matters of factual information, administration of the Board, or communicating a decision of the Board in response to an enquiry, the Executive Director may act as a resource person on behalf of the Board.   |
| <i>Special Circumstances</i>          | 24.3 | In special circumstances, such as labour relations, or where a Board Committee has been established on a specific issue, the Board may designate the member leading the negotiations, or the Chair of the Committee, to act as spokesperson for the Board.  |
| <i>Communication by Board Members</i> | 24.4 | Board Members may communicate a position of the Board; however, should a Board Member publicly disagree with a position of the Board, or should a Board Member comment upon a matter not yet before the Board, they will clearly identify they are speaking as an individual and not on behalf of the Board. Nor shall a Board Member state the Board has taken a position on a matter, until the matter has been voted upon. |
| <i>Media Releases</i>                 | 24.5 | Media releases shall be approved by the Chair, or the Vice-Chair prior to release. Board Members shall receive a copy of the release as soon as possible once its been approved.  |
| <i>News Conferences</i>               | 24.6 | News conferences on matters within the jurisdiction of the Board shall be called on at the discretion of the Chair or the Vice-Chair. Whenever possible, Board Members shall be advised of the event prior to its taking place.   |

## 25. COMMITTEES

- Committees* 25.1 Subject to the provisions of Section 42 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.
- Ad Hoc Committees* 25.2 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 once the matter or issue has been resolved.
- Board's Role* 25.3 The Board shall determine the appropriate number of Committees, their membership, mandate and reporting practices.
- General Role of Committees* 25.4 The role of the Committees shall generally be to:
- (a) make recommendations to the Board on matters which are in their jurisdiction; and
  - (b) guide and request staff through the Chief of Police, to provide reports on the direction and nature of policy development, fact findings, analysis and generation of possible alternatives required.
- Committee Chair* 25.5 Each Committee shall appoint a Chair of the Committee.
- Committee Proceedings* 25.6 The rules governing the procedure of the Board and the conduct of Members shall be observed in all Committees so far as they are applicable.
- Committee Membership* 25.7 Members shall be appointed to Committees by the Board and confirmed on an annual basis.
- Members' Rights* 25.8 Members who are not Members of a specific Committee may attend meetings of that Committee and may, with the consent of the Chair of that Committee, take part in the discussion, but shall not be counted in the quorum or entitled to make motions or to vote at these meetings. The Chair, as ex-officio, is a member of every Committee.
- Sub-Groups* 25.9 No sub-groups of Committees shall be established without approval by the Board.

## 26. BY-LAWS

- One Motion* 26.1 Every by-law shall be introduced upon motion by a Member, and any number of by-laws may be introduced together in one motion, but the Board may, at the request of a Member, deal separately with any by-law.
- Form* 26.2 Every by-law, when introduced shall be in written form and shall comply with the provisions of any relevant legislation.
- Reading* 26.3 Every by-law of the Board requires only one reading before it may be passed.

*Authentication*      26.4      Every by-law which has been passed by the Board shall be numbered and dated and shall be sealed with the seal of the Board and signed by the Chair or the Vice-Chair and the Executive Director and shall be deposited in the Office of the Board.

**27.                    ENACTMENT**

*Repeal*                27.1      By-law Nos.147-1995, 282-2013, 341-2013, 354-2014, 365-2017, 391-2021, 400-2023 and 404-2024, as amended, and all other By-laws, sections of By-laws and procedural policies of the Board inconsistent with the provisions of this By-law are hereby repealed effective October 31, 2025.

*Effective Date*      27.2      This By-law shall come into force on November 1, 2025.

ENACTED AND PASSED this 23<sup>rd</sup> day of October, 2025.

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICE BOARD



Pat Chiocchio, Chair



Deb Reid, Executive Director

## **APPENDIX "A"**

### **ONTARIO REGULATION 408/23 made under the COMMUNITY SAFETY AND POLICING ACT, 2019**

#### **CODE OF CONDUCT FOR POLICE SERVICE BOARD MEMBERS**

##### **APPLICATION AND INTERPRETATION**

1. (1) This Regulation sets out the code of conduct with which every member of a police service board must comply.

(2) For greater certainty, the existence of a good faith exception in this code of conduct does not limit the grounds on which it may be determined that a member of a police service board has not contravened this code of conduct.

2. In this Regulation,

“conflict of interest” means a situation in which a member of a police service board’s private interests or personal relationships place, or may reasonably be perceived to place, the member in conflict with their duties as a member of the police service board;

“personal relationship” includes, but is not limited to, a relationship with any of the following persons:

1. A current or former spouse or common-law partner of the board member.
2. A current or former intimate partner of the board member.
3. The board member’s children, including biological and adoptive children and stepchildren.
4. The legal dependants of the board member.
5. A child in the board member’s care.
6. The board member’s grandparents, parents or siblings, including grandparents-in-law, parents-in-law and siblings-in-law.

##### **CONDUCT BECOMING OF A BOARD MEMBER**

3. (1) A member of a police service board shall not conduct themselves in a manner that undermines or is likely to undermine the public’s trust in the police service board or the police service maintained by the police service board.

(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, their conduct was in the good faith performance of their duties as a board member.

4. A member of a police service board shall comply with the Act and the regulations made under it.

5. A member of a police service board shall not, by act or omission, conduct themselves in a manner that is likely to cause the board to fail to comply with the Act or the regulations made under it.

6. A member of a police service board shall comply with any rules, procedures and by-laws of the police service board.

**7.** A member of a police service board shall not substantially interfere with the conduct of police service board meetings.

**8.** A member of a police service board contravenes this code of conduct if they are found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada) that was committed after they were appointed as a member of the police service board.

**9.** (1) A member of a police service board shall not, in the course of their duties, treat any person in a manner that the member, at the time, knows or reasonably ought to know would contravene the *Human Rights Code*.

(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, the member's conduct was in the good faith performance of their duties.

**10.** (1) A member of a police service board shall conduct themselves in a professional and respectful manner in the course of their duties including, without limitation, not using abusive or insulting language in the course of their duties.

(2) A member of a police service board shall not be subject to discipline for a contravention of subsection (1) if, on a balance of probabilities, the member's conduct was in the good faith performance of their duties.

## **STATEMENTS AND ATTENDANCE**

**11.** A member of a police service board shall not knowingly make false statements pertaining to the duties of a member of a police service board.

**12.** A member of a police service board shall not purport to speak on behalf of the police service board unless authorized by the board to do so.

**13.** A member of a police service board shall clearly indicate when they are expressing a personal opinion when commenting on an action or omission of the police service board, the police service maintained by the board or a member of the police service.

**14.** A member of a police service board shall not access, collect, use, alter, retain, destroy or disclose to any person information that has been obtained by or made available to the member in the course of their duties if doing so would be contrary to law.

**15.** (1) A member of a police service board shall not disclose to the public information obtained or made available in the course of the member's duties except as authorized by the police service board or as required by law.

(2) Subsection (1) does not apply to information that was already made available to the public by a person who was authorized to do so prior to the member's disclosure.

**16.** A member of a police service board shall attend all police service board meetings unless able to provide a reasonable explanation for the absence.

## MISCONDUCT AND CONFLICTS OF INTEREST

**17.** A member of a police service board shall disclose any conduct of another member of the police service board that the member reasonably believes constitutes misconduct,

(a) to the chair of the board; or

(b) if the misconduct involves the chair, to the Inspector General.

**18.** (1) A member of a police service board shall disclose any charges laid against them under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or the *Cannabis Act* (Canada) and any finding of guilt made in relation to those charges.

(2) Subsection (1) only applies to charges or findings that were made after the member's appointment to the police service board.

(3) The disclosure required by subsection (1) must be made to the person or body that appointed the individual as a member of the police service board or, in the case of a member appointed by the Lieutenant Governor in Council, to the Minister.

**19.** A member of a police service board shall not apply for employment with the police service maintained by the police service board unless they resign from the board before applying.

**20.** (1) A member of a police service board shall promptly disclose any conflict of interest,

(a) to the chair of the board; or

(b) if the conflict of interest involves the chair, to the Inspector General.

(2) After making the disclosure required by subsection (1), the member shall disclose the conflict at the next meeting of the police service board.

**21.** A member of a police service board shall not use their position as a police service board member to,

(a) benefit themselves;

(b) benefit one or more persons with whom they have a personal relationship; or

(c) interfere with the administration of justice.

**22.** A member of a police service board shall not participate in discussion of or voting with respect to matters at police service board meetings if the member has a conflict of interest in the matter.

## **APPENDIX "B"**

### **MUNICIPAL CONFLICT OF INTEREST ACT R.S.O. 1990, CHAPTER M.50**

Last amendment: 2007, c. 8, s. 219.

#### Definitions

1. In this Act,

“child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family; (“enfant”)

“controlling interest” means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding;

“council” means the council of a municipality;

“elector” means,

(a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and

(b) in respect of a school board, a person entitled to vote at the election of members of the school board;

“interest in common with electors generally” means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part;

“judge” means a judge of the Superior Court of Justice;

“local board” means a school board, board of directors of a children’s aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a home for the aged, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board;

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” is amended by the Statutes of Ontario, 2007, chapter 8, section 219 by striking out “home for the aged” and substituting “long-term care home”. See: 2007, c. 8, ss. 219, 232 (2).

“meeting” includes any regular, special, committee or other meeting of a council or local board, as the case may be;

“member” means a member of a council or of a local board;

“municipality” includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board;

“parent” means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

“school board” means a board as defined in subsection 1 (1) of the Education Act, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the Education Act;

“senior officer” means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;

“spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. (“conjoint”) R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2); 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 10.

### **Indirect pecuniary interest**

2. For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

(a) the member or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body,

that has a pecuniary interest in the matter; or

(b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

### **Interest of certain persons deemed that of member**

3. For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

## Exceptions

Where s. 5 does not apply

4. Section 5 does not apply to a pecuniary interest in any matter that a member may have,

(a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;

(b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;

(c) by reason of the member purchasing or owning a debenture of the municipality or local board;

(d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;

(e) by reason of having an interest in any property affected by a work under the Drainage Act or by a work under a regulation made under Part XII of the Municipal Act, 2001 or Part IX of the City of Toronto Act, 2006, as the case may be, relating to local improvements;

(f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the Assessment Act;

(g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;

(h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;

(i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;

(j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or

(k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1).

## Duty of Member

When present at meeting at which matter considered

5. (1) Where a member, either on his or her own behalf or while acting for, by, with or through another,

has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s. 5 (1).

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s. 5 (2).

When absent from meeting at which matter considered

(3) Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1). R.S.O. 1990, c. M.50, s. 5 (3).

### **Record of Disclosure**

Disclosure to be recorded in minutes

6. (1) Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be. R.S.O. 1990, c. M.50, s. 6 (1).

Idem

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public. R.S.O. 1990, c. M.50, s. 6 (2).

### **Remedy for Lack of Quorum**

Quorum deemed constituted

7. (1) Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

## Application to judge

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

## Power of judge to declare s. 5 not to apply

(3) The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order. R.S.O. 1990, c. M.50, s. 7 (3).

## Action where Contravention Alleged

### Who may try alleged contravention of s. 5 (1-3)

8. The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge. R.S.O. 1990, c. M.50, s. 8.

### Who may apply to judge

9. (1) Subject to subsection (3), an elector may, within six weeks after the fact comes to his or her knowledge that a member may have contravened subsection 5 (1), (2) or (3), apply to the judge for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (1).

### Contents of notice of application

(2) The elector in his or her notice of application shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (2).

### Time for bringing application limited

(3) No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occurred. R.S.O. 1990, c. M.50, s. 9 (3).

### Power of judge to declare seat vacant, disqualify member and require restitution

10. (1) Subject to subsection (2), where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), the judge,

(a) shall, in the case of a member, declare the seat of the member vacant; and

(b) may disqualify the member or former member from being a member during a period thereafter of not more than seven years; and

(c) may, where the contravention has resulted in personal financial gain, require the member or former member to make restitution to the party suffering the loss, or, where such party is not readily ascertainable, to the municipality or local board of which he or she is a member or former member. R.S.O. 1990, c. M.50, s. 10 (1).

Saving by reason of inadvertence or error

(2) Where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), if the judge finds that the contravention was committed through inadvertence or by reason of an error in judgment, the member is not subject to having his or her seat declared vacant and the member or former member is not subject to being disqualified as a member, as provided by subsection (1). R.S.O. 1990, c. M.50, s. 10 (2).

Member not to be suspended

(3) The authority to disqualify a member in subsection (1) does not include the right to suspend a member. R.S.O. 1990, c. M.50, s. 10 (3).

Transition: disqualification

(4) A disqualification of a member of a school board under this section that would have continued after December 31, 1997 but for the dissolution of the school board continues for its duration with respect to membership on any board whose members are elected by members of the electoral group who elected the member. 1997, c. 31, s. 156 (2).

Definition

(5) In subsection (4),

“electoral group” has the same meaning as in Part VIII of the Education Act as the Part read on January 1, 1997. 1997, c. 31, s. 156 (2).

### **Appeal to Divisional Court**

11. (1) An appeal lies from any order made under section 10 to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. M.50, s. 11 (1).

Judgment or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced, in which case its decision is final, or the Divisional Court may grant a new trial for the purpose of taking evidence or additional evidence and may remit the case to the trial judge or another judge and, subject to any directions of the Divisional Court, the case shall be proceeded with as if there had been no appeal. R.S.O. 1990, c. M.50, s. 11 (2).

Appeal from order or new trial

(3) Where the case is remitted to a judge under subsection (2), an appeal lies from the order of the judge to the Divisional Court in accordance with the provisions of this section. R.S.O. 1990, c. M.50, s. 11 (3).

## **Proceedings not invalidated but voidable**

12. The failure of any person to comply with subsection 5 (1), (2) or (3) does not of itself invalidate any proceedings in respect of any such matter but the proceedings in respect of such matter are voidable at the instance of the municipality or of the local board, as the case may be, before the expiration of two years from the date of the passing of the by-law or resolution authorizing such matter unless to make void the proceedings would adversely affect the rights of any person acquired under or by virtue of the proceedings who acted in good faith and without actual notice of the failure to comply with subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 12.

## **Other procedures prohibited**

13. Proceedings to declare a seat vacant or to disqualify a member or former member for conflict of interest, or to require a member or former member to make restitution where a contravention has resulted in personal financial gain, shall be had and taken only under this Act. R.S.O. 1990, c. M.50, s. 13.

### **General**

#### Insurance

14. (1) Despite section 279 of the Municipal Act, 2001 or section 218 of the City of Toronto Act, 2006, as the case may be, the council of every municipality may at any time pass by-laws,

(a) for contracting for insurance;

(b) despite the Insurance Act, to enable the municipality to act as an insurer; and

(c) for exchanging with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the Insurance Act,

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, against any costs or expenses incurred by the member as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (2).

#### Insurance Act does not apply

(2) The Insurance Act does not apply to a municipality acting as an insurer for the purposes of subsection (1). R.S.O. 1990, c. M.50, s. 14 (2).

#### Surplus funds

(3) Despite section 387 of the Insurance Act, any surplus funds and the reserve fund of a municipal reciprocal exchange may be invested only in such securities as a municipality may invest in under the Municipal Act, 2001 or the City of Toronto Act, 2006, as the case may be. R.S.O. 1990, c. M.50, s. 14 (3); 1996, c. 32, s. 76 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (3); 2007, c. 7, Sched. 27, s. 1.

#### Reserve funds

(4) The money raised for a reserve fund of a municipal reciprocal exchange may be expended or pledged for, or applied to, a purpose other than that for which the fund was established if two-thirds of the municipalities that are members of the exchange together with two-thirds of the municipalities that previously were members of the exchange and that may be subject to claims arising while they were members of the exchange agree in writing and if section 386 of the Insurance Act is complied with. R.S.O. 1990, c. M.50, s. 14 (4).

#### Local boards

(5) A local board has the same powers to provide insurance for or to make payments to or on behalf of its members as are conferred upon the council of a municipality under this section in respect of its members. R.S.O. 1990, c. M.50, s. 14 (5).

#### Former members

(6) A by-law passed under this section may provide that it applies to a person who was a member at the time the circumstances giving rise to the proceeding occurred but who, prior to the judgment in the proceeding, has ceased to be a member. R.S.O. 1990, c. M.50, s. 14 (6).

#### **Conflict with other Acts**

15. In the event of conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. R.S.O. 1990, c. M.50, s. 15.

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