



HAMILTON POLICE SERVICES BOARD

Board Members

Lloyd Ferguson, Chair
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Lois Morin, Administrator

October 25, 2016

Mayor & Members of Council
City of Hamilton
71 Man Street West
Hamilton, ON L8P 4Y5

Dear Mayor & Members of Council:

Re: Council Follow-up Notice dated July 8, 2016 with respect to Hamilton Police Service's Investigative Services Building.

At its meeting of Friday, August 26, 2016 the Board requested that your correspondence be forwarded to legal counsel for review. The Board has received the following recommended response from Legal Counsel:

Thank you for your Memorandum dated July 8th, 2016 setting out Council's approval of Item 18 of the General Issues Committee Report 16-017.

Please be advised that any future resolution concerning Hamilton Police Service budgetary matters must be directed to the Hamilton Police Services Board in accordance with section 31 and 39 of the Police Services Act R.S.O. 1990, c. P.15 as amended ("the Act"). Further, to the extent that the Council Resolution specifically directs police staff, it is without statutory authority. Neither the Board nor Council has the authority to issue directions to members of the police service. Section 31(3) of the Act makes it clear that the Board may only give orders and directions to the Chief of Police.

Notwithstanding the wording of the Resolution, police staff have attended a General Issues Committee meeting as this had been previously confirmed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Lloyd Ferguson, Chair
Hamilton Police Services Board

cc. Vice Chair and Members, Hamilton Police Services Board
Chief Eric Girt, Hamilton Police Service