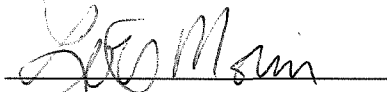


**HAMILTON POLICE SERVICES BOARD****- RECOMMENDATION -**

**DATE:** 2019 December 12  
**REPORT TO:** Chair and Members  
Hamilton Police Services Board  
**FROM:** Lois Morin  
Administrator  
**SUBJECT:** *Enactment of Hamilton Police Services Board Procedural By-law  
2019-001  
PSB 19-113*

**RECOMMENDATIONS:**

- a) That the Hamilton Police Service Board repeal By-law Nos. 01-001 and 96-001 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.
- b) That the Hamilton Police Services Board enact By-law 2019-001, Being A By-law Governing the Proceedings of the Board.

  
Lois Morin  
Administrator

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS:**

**FINANCIAL** – n/a

**STAFFING** – n/a

**LEGAL** – n/a

**BACKGROUND:**

At its meeting of December 20, 2018, the Board approved a Governance Subcommittee to review and recommend amendments to current policies and procedures and / or new policy for approval by the Board. The Governance Subcommittee is comprised of Chair Eisenberger, Vice Chair MacVicar and Member Mandy. At the first meeting the committee recommended a new procedural by-law be prepared for Subcommittee Review and ultimately Board approval. The Procedural By-laws of the Niagara, Peel, Halton, Toronto, York, Ottawa and Durham Police Services Boards were reviewed and incorporated in the new procedural By-law.

The Governance Subcommittee met on Thursday, December 4, 2019 to review the attached *draft* By-law. After amendment(s) and review, the subcommittee is recommending that the Board adopt the attached *draft* procedural by-law 2019-001 being a By-law Governing the Proceedings of the Board.

/L. Morin

Attachment: Appendix "A": Hamilton Police Services Board By-law 2019 - 001

# HAMILTON POLICE SERVICES BOARD

## BY-LAW 2019 - 001

A By-law Governing the Proceedings of the Board

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**BY-LAW NO. 01-2019**

**A BY-LAW GOVERNING THE PROCEEDINGS OF THE  
HAMILTON POLICE SERVICES BOARD**

**1. PREAMBLE**

- 1.1 WHEREAS Section 27 (1) of the *Police Services Act (PSA)*, R.S.O. 1990, c. P.15, as amended, provides that there shall be a police services board for every municipality that maintains a police force;
- 1.2 AND WHEREAS pursuant to Section 35 (1) of the *PSA*, a board shall hold at least four meeting each year;
- 1.3 AND WHEREAS Section 37 of the *Police Services Act* provides that a Police Services Board shall establish its own rules and procedures in performing its duties under this Act;
- 1.4 AND whereas the Police Services 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 CITY OF HAMILTON POLICE SERVICES BOARD ENACTS AS FOLLOWS:

**2. INTERPRETATIONS**

For the purposes of this By-law:

- Definitions
- 2.1 "Act" means *Police Services Act*, R.S.O. 1990, c.P.15, as amended;
- 2.2 "Acting Chair" 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 28(2) of the *Act* or as prescribed by Section 7 of this By-law;
- 2.3 "Administrator" means the person who has been appointed to the Administrator / Secretary position by the Board;
- 2.4 "Agenda" means the document prepared for distribution as prescribed by Section 15 of this By-law;
- 2.5 "Board" means the Hamilton Police Services Board;
- 2.6 "Chair" means the Member elected as Chair of the Board by its Members pursuant to Section 28(1) of the *Police Services Act*;
- 2.7 "Chief" means the Chief of Police of the Hamilton Police Service;
- 2.8 "Committee" means a Standing or Special Committee of the Board, pursuant to Section 34 of the *Act*;

- 2.9 *"Confidential Session"* means a meeting that is closed to the public in accordance with the Act;
- 2.10 *"Deputation"* means an address to the Board or its Committees at the request of a person wishing to speak;
- 2.11 *"Majority vote"* means an affirmative vote of more than one-half of the Members present and voting;
- 2.12 *"Meeting"* means a meeting of the Board or a Committee;
- 2.13 *"Member"* means a Member of the Hamilton Police Services 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, Administrator 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 Administrator, 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;
- 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 his or her 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 35(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;
- 2.26 *"Resolution"* means the decision of the Board on any motion;



- 2.27 "Service" means the Hamilton 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 28(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 Hamilton Police Services 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 is reasonably practicable, with the rules of parliamentary procedure as contained in Robert's Rules of Order.
- Statutes of Ontario to Prevail* 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.
- Statutory Requirements* 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 *Statutory Powers of Procedure Act* shall govern the proceedings.
- Amendments to Rules* 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 Administrator 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

- Election of Chair* 4.1 Pursuant to Section 28(1) of the Act, the Board shall elect a Chair at its first meeting in each year.
- Election of Vice-Chair* 4.2 Pursuant to Section 28(2) of the Act, the Board shall elect a Vice-Chair at its first meeting in each year.
- First Meeting in Each Year* 4.3 The election of the Chair and Vice-Chair shall be conducted at the first public meeting of the Board in each year.

<i>Deferral</i>	4.4	The election of the Chair and Vice-Chair shall only be held at a meeting where all Members of the Board are present, and an election may be deferred until such meeting.
<i>Term</i>	4.5	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 Act and this By-law.
	4.6	The Chair and Vice-Chair may be elected for more than one term.
<i>Nominations</i>	4.7	The Administrator shall act as presiding officer at the first meeting of the Board in each year until the Chair is elected and shall call for nominations.
<i>Form of Nomination</i>	4.8	Each nomination shall be made openly and shall have the consent of the nominee and be seconded by a Member.
<i>Eligibility</i>	4.9	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.
<i>Nominations Closed</i>	4.10	Where it appears to the Administrator, by asking for further nominations and receiving no response, that there are no further nominations, the Administrator shall call for a motion declaring nominations closed.
<i>Speakers</i>	4.11	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>	4.12	The speakers shall be called upon to address the Board in alphabetical order of the nominees' surnames.
<i>Withdrawal</i>	4.13	A nominee may withdraw his or her name at any time prior to the vote being called.
<i>Vote</i>	4.14	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>	4.15	<p>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:</p> <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>	4.16	When voting is completed, the Administrator shall announce the new Chair.
<i>Election of Vice-Chair</i>	4.17	The election of the Vice-Chair shall follow the procedure set out for the election of the Chair.

## 5. DUTIES OF THE CHAIR

### *Chair's Duties*

#### 5.1 It is the duty of the Chair to:

- (a) preside at all meetings of the Board so that its business can be carried out efficiently and effectively;
- (b) be the spokesperson for the Board;
- (c) to represent the Board at official functions;
- (d) commence the meetings of the Board by taking the Chair and calling the meeting to order, as soon as a quorum is present;
- (e) announce the business before the Board and the order in which it is to be acted upon;
- (f) receive and submit, in proper manner, all motions presented by the Members;
- (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;
- (h) announce the results of the vote on any motions presented for a vote;
- (i) sit as ex-officio as a Member of all Committees of the Board and be entitled to participate and vote at the meetings;
- (j) decline to put to a vote motions which do not comply with this By-law or which are not within the jurisdiction of the Board;
- (k) maintain order and preserve the decorum of the meeting;
- (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;
- (m) to permit any question to be asked through the Chair or any employee of the Hamilton 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 Administrator shall authenticate by his or her 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 Administrator shall call the Members to order and an Acting Chair shall be appointed from among the Members present and he or she shall preside until the arrival of the Chair or the Vice-Chair.

<i>Designation</i>	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 he or she leaves the Chair for any reason.
<i>Authority of Acting Chair</i>	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**

<i>Members' Conduct</i>	8.1	A code of conduct setting out general standards for acceptable conduct by Members in performance of their duties is set out in Appendix "A" to this By-law.
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## **9. DUTIES OF THE ADMINISTRATOR**

<i>Duties of Administrator</i>	9.1	<p>The duties of the Administrator pertaining to meetings of the Board shall be:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) Organize meetings, prepare agendas for the meetings, in consultation with the Chair, and ensure their timely distribution;</li> <li>(c) Attends all Board meetings and Committee meetings;</li> <li>(d) Record the minutes of the proceedings at meetings of the Board and Committees of the Board;</li> <li>(e) Receive all communications addressed to the Board;</li> <li>(f) Prepare and issue all communications arising from the proceedings of the Board, unless otherwise directed by the Board;</li> <li>(g) Maintain a current record of Board resolutions requiring further or future actions and to keep the Board informed of these matters.</li> </ul>
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## **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 subsection 35(1) of the <i>Police Services Act</i> .
<i>Location, Time and Frequency</i>	10.2	The Board shall hold its regular meetings at 1:00p.m. on a Thursday of the month, in Council Chambers, of the City of Hamilton – 71 Main Street West, Hamilton, Ontario in accordance within the schedule adopted annually 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 Administrator to a Member's residence or place of business, as directed by the Member. It may be sent by first-class mail, courier, facsimile or electronic mail as requested by the Member. 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 posting a listing of these on the Board's web page, on the Tuesday before the meeting is to be held and updated as required.

- |  |      |  |
|--|------|--|
| <i>Failure to Meet<br/>Notice Provisions</i> | 10.6 | The Administrator shall use his or her best efforts to satisfy the notice provisions set out in this section. Failure of the Administrator to satisfy any of the notice provisions contained in this section does not invalidate the meeting or any proceeding at the meeting. |
| <i>Meeting<br/>Attendees</i>                 | 10.7 | 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>                             | 10.8 | 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<br/>Recording</i> | 11.1 | In the event the Board live streams and/or video records its meeting(s) the following shall apply:   |
| <i>Announcement</i>                    | 11.2 | At the start of the meeting, the Chair shall advise all in attendance that the meeting is being video recorded and/or live-streamed.   |
| <i>Presentations</i>                   | 11.3 | Wherever possible, the Board will advise all delegates in advance of the Board and/or Committee meeting that their presentation may be live-streamed and the recording archived for public viewing.  |
| <i>Delegate Opinions</i>               | 11.4 | 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>                   | 11.5 | The Board will post, as soon as practicable following the meeting, the archived live stream video.   |
| <i>Not Official<br/>Record</i>         | 11.6 | 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 Administrator may summon a special meeting on the request of the majority of the Members of the Board.   |
| <i>Notice of Special<br/>Meeting</i> | 12.3 | 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<br/>Summons</i>        | 12.4 | 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.  |

*Matters Decided at Special Meeting* 12.5 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.

*Failure to Meet Notice Provisions* 12.6 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**

*Emergency Meeting* 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 Administrator to notify the Members about the meeting as soon as possible and in the most expedient manner available.

*Agenda Items* 13.2 The only business to be dealt with at an emergency meeting shall be business dealing with the emergency or extraordinary situation.

*Member Polling* 13.3 At the discretion of the Chair and with the consent of the majority of the Members of the Board, an emergency or extraordinary situation may be dealt with by means of telephone or electronic polling, or other communication method as to permit all persons participating to communicate adequately with each other. The Board's decision must be reported back at the next regularly scheduled meeting for ratification.

*Failure to Meet Notice Provisions* 13.4 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**

*Quorum - Board* 14.1 A majority of the Members of the Board constitutes a quorum.

*Call Meeting to Order* 14.2 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.

*No Quorum at Beginning* 14.3 If a quorum is not present within thirty (30) minutes after the scheduled time of a meeting, then the Administrator 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.

*Loss of Quorum During Meeting* 14.4 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 Administrator to call for a quorum for a period of fifteen (15) minutes, or until a quorum is present, whichever is sooner.

*Idem* 14.5 If there is still no quorum of the Board after fifteen (15) minutes, the meeting shall stand adjourned, and the Administrator 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

- Materials for Agendas* 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 Administrator 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.
- Redirection of Police Operational Matters* 15.2 Where, in the opinion of the Administrator, the subject matter of any communication is properly within the jurisdiction of the Hamilton Police Service, such communication shall be referred to the Chief of Police for the necessary action without prior reference to the Board.
- Agenda* 15.3 The Administrator 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:
- (a) Call to Order;
  - (b) Public Presentations & Deputations
  - (c) General: Declarations of Conflict/Pecuniary Interest by Members;
  - (d) Consent Agenda;
  - (e) Discussion Agenda;
  - (f) New Business;
  - (g) In Camera Report Back;
  - (h) Confidential Meeting;
  - (i) Adjournment.
- Delivery of Agenda* 15.4 The Administrator shall cause to be delivered to each Member at least 48 hours before the scheduled time for a meeting the agenda and copies of related materials.
- Order of Business* 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.
- Circulation to Public* 15.6 As soon as agenda information is published and distributed by the Administrator to the Members, the information may be made available to the public.
- Communications* 15.7 Every communication intended to be presented to the Board or its Committees must be legibly written and must contain the 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 Administrator can communicate on behalf of the Board or a Committee.
- Consent Agenda* 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.
- Introduction of Business Not Included on Agenda* 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**

- Minutes* 16.1 The Administrator shall cause minutes to be taken of each meeting of the Board, which shall include:
- (a) the place, date and time of the meeting;
  - (b) the name of the Chair and the attendance of the Members, the Administrator, senior staff of the Hamilton Police Service, names of presenters and external delegations;
  - (c) the confirmation and correction of the minutes of the previous meeting;
  - (d) declarations of interest;
  - (e) all other proceedings of the Board without note or comment.
- Approval* 16.2 The Minutes of each Board Meeting shall be presented to the Board for approval at the next regular Meeting.
- Signature* 16.3 After the Board Minutes have been approved by the Board, they shall be signed by the Chair and the Administrator.

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

- Method of Disclosure* 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:
- (a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - (b) not take part in the discussion of, or vote on, any question in respect of the matter; and
  - (c) not attempt in any way, whether before, during or after the meeting, to influence the voting on any such question.
- Confidential Sessions* 17.2 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.
- Absence – Disclosure at Next Meeting* 17.3 Where the interest of a Member has not been disclosed by reason of his or her absence from the particular meeting, the Member shall disclose his or her interest at the next meeting at which such Member attends.
- Record of Disclosure* 17.4 The Administrator 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**

- General* 18.1 All Members of the Board shall exercise their right to debate within the framework set out in these rules.
- Recognition of Member* 18.2 To address the Board, a Member shall choose to speak by selecting "speak" on the tablet and be recognized by the Chair and direct all comments through the Chair.
- Order of Speakers* 18.3 When two or more Members indicate their desire to speak at the same time, the Chair shall follow the order of speakers as listed.



<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

- Introduction of Additional Items* 20.1 No member shall introduce any item to the Board for its consideration unless:
- (a) the item relates to a matter on the agenda for that meeting;
  - (b) the matter is of an urgent nature; or
  - (c) leave is granted on a two-thirds majority vote.
- Oral Motions* 20.2 The following may be introduced orally without written notice and without leave of the Board:
- (a) a point of order or privilege;
  - (b) presentation of petitions;
  - (c) a motion to waive or suspend the rules of procedure;
  - (d) any other procedural motion;
  - (e) a motion to recess;
  - (f) a motion to adjourn;
  - (g) a motion to call the question;
  - (h) a motion to retire into a confidential session;
  - (i) a motion to receive an item;
  - (j) a motion to table an item;
  - (k) a motion to refer;
  - (l) a motion to defer;
  - (m) a simple amendment;
  - (n) a motion to adopt a recommendation; or
  - (o) the motion relates to a report which was distributed with the agenda.
- Must be Seconded* 20.3 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.
- Wording* 20.4 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.
- Emergency Motion* 20.5 Notwithstanding the above, any motion may be introduced for consideration by the Board in a situation deemed to be an emergency by the Chair.
- Substantive Motion* 20.6 There may be only one substantive motion before the Board at any time.
- Motion to Amend* 20.7 A motion may be amended during debate provided that the motion to amend is relevant and not in direct opposition to the main question.
- 20.8 Only one motion to amend an amendment to the question shall be allowed.
- Withdrawal* 20.9 After a motion has been seconded, it may be withdrawn by the mover and the seconder at any time before a vote is taken.
- Refer to Question* 20.10 A motion to refer a question shall include the name of the committee, body or official to whom the question is to be referred.
- Direction to Chief* 20.11 A direction to the Chief of Police by the Board shall be authorized by resolution of the majority of the Members present.
- Not Debatable* 20.12 The motions referred to in 20.2 (e), (f), (g), (j) and (l) are not debatable.
- Deemed Carried* 20.13 A motion is deemed carried where a majority of the quorum votes in the affirmative.

*Procedure on  
Motions*

20.14 The procedure on a motion is as follows:

- (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;
- (b) the motion shall be seconded;
- (c) the Chair shall restate the motion and open debate;
- (d) the motion shall be debated in accordance with Section 18;
- (e) the question shall be put to the Board by the Chair;
- (f) vote shall be taken in accordance with Section 19;
- (g) the motion shall be declared carried or lost.

*Chair to Refrain  
as Mover*

20.15 The Chair shall refrain from moving motions.

*Motion to  
Reconsider*

20.16 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 he or she will move at the next meeting that a matter be reconsidered.

*Idem*

20.17 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.

*Idem*

20.18 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**

*General*

21.1 Inquiries made at a meeting of the Board may be introduced orally or in writing and shall be recorded in the Minutes of the meeting.

*Follow-up*

21.2 Following each Board meeting, the Administrator 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.

*Written Response*

21.3 The response shall be submitted in writing to the Administrator for inclusion in an upcoming Board agenda.

*Record Keeping*

21.4 The Administrator 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**

<i>Meetings Open to Public</i>	22.1	Meetings of the Board shall be open to the public except as provided for in Section 35(4) of the <i>Act</i> and this Section of the By-law and no person shall be excluded from a meeting open to the public except for improper conduct.
<i>Public Access</i>	22.2	The public shall be allowed access 15 minutes before the scheduled start time of the meeting.
<i>Recording Equipment</i>	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.
<i>Confidential Sessions</i>	22.4	<p>A meeting may be conducted in Confidential Session pursuant to 35(4) of the <i>Act</i> if the Board is of the opinion that:</p> <ul style="list-style-type: none"> <li>(a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or</li> <li>(b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.</li> </ul>
<i>Idem</i>	22.5	<p>Without limiting the intent of 22.4 (a) and (b) above, the following circumstances are deemed to be matters that permit a meeting, or part of a meeting, to be closed to the public if the subject matter being considered is:</p> <ul style="list-style-type: none"> <li>(a) the security of the property of the City;</li> <li>(b) personal matters about an identifiable individual, including Hamilton Police Service employees;</li> <li>(c) labour relations or employee negotiations;</li> <li>(d) litigation or potential litigation, including matters before administrative tribunals, affecting the Board or Police Service;</li> <li>(e) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;</li> <li>(f) any other matter in respect of which a council, board, committee or other body may deem confidential or has provided on a confidential basis;</li> <li>(g) relates to the consideration of a request under the <i>Municipal Freedom of Information and Protection of Privacy Act</i>, if the Board is designated as head of the institution for the purposes of that Act;</li> <li>(h) education or training session for the benefit of Members.</li> </ul>

## 23. DELEGATIONS / DEPUTATIONS

<i>Written Request</i>	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 Administrator as outlined in the Deputation Policy.
<i>Criteria for Deputations</i>	23.2	<p>Criteria for deputations to the Police Services Board:</p> <ul style="list-style-type: none"><li>• Individual complaints are not considered at Board meetings as there is a legislated public complaints process to deal with such matters that must be followed, and the Board must not intervene in that process.</li><li>• Individual vendors will not be permitted to present to the Board as there is a City of Hamilton Policy that deals with this matter.</li></ul> <p>Any other issue that falls within another Legislative Jurisdiction or policy shall not be permitted.</p>
<i>Limitations</i>	23.3	Deputations shall only be heard upon the consent of the Board.
<i>Time</i>	23.4	A delegation shall address the Board through one (1) spokesperson for a period not exceeding five (5) minutes, unless approval to extend the speaking time is obtained from the Chair.
<i>Conduct</i>	23.5	All presenters shall address the Chair from the designated area and shall state their name and whom they represent.
	23.6	<p>No person shall:</p> <ul style="list-style-type: none"><li>(a) Speak disrespectfully of any person;</li><li>(b) Use offensive words or language;</li><li>(c) Speak on any subject other than that which has received approval by the Board;</li><li>(d) Disobey the rules of procedure or a decision of the Chair or the Board.</li></ul>
<i>Disorder/By-law Breach</i>	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.
<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	<p>Members of the public who constitute the audience at a meeting shall respect the decorum of the Board and not:</p> <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>
<i>Idem</i>	23.11	For additional information please refer to the Deputations to the Hamilton Police Services Board Policy.

## 24. MEDIA RELATIONS

- Board Spokesperson* 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.
- Administrator as Resource* 24.2 On matters of factual information, administration of the Board, or communicating a decision of the Board in response to an enquiry, the Administrator may act as a resource person on behalf of the Board.
- Special Circumstances* 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.
- Communication by Board Members* 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, he or she 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.
- Media Releases* 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 it's been approved.
- News Conferences* 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.
- Idem* 24.7 For additional information please refer to the Hamilton Police Services Board Media Relations Policy.

## 25. COMMITTEES

- Committees* 25.1 Subject to the provisions of Section 34 of the *Police Services 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.

<i>Committee Proceedings</i>	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.
<i>Committee Membership</i>	25.7	Members shall be appointed to Committees by the Board and confirmed on an annual basis.
<i>Members' Rights</i>	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.
<i>Sub-Groups</i>	25.9	No sub-groups of Committees shall be established without approval by the Board.

## 26. BY-LAWS

<i>One Motion</i>	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.
<i>Form</i>	26.2	Every by-law, when introduced shall be in typewritten form and shall comply with the provisions of any relevant legislation.
<i>Reading</i>	26.3	Every by-law of the Board requires only one reading before it may be passed.
<i>Authentication</i>	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 Administrator and shall be deposited in the Office of the Board.

## 27. ENACTMENT

<i>Repeal</i>	27.1	By-law Nos.01-001 and 96-001 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.
<i>Effective Date</i>	27.2	This By-law shall come into force on the date of its enactment.

**ENACTED AND PASSED** this 12<sup>th</sup> day of December, 2019.

### THE CITY OF HAMILTON POLICE SERVICES BOARD

Chair \_\_\_\_\_

Administrator \_\_\_\_\_

## **APPENDIX "A"**

### **Ontario Regulation No. 421/97 Members of Police Services Board – Code of Conduct**

1. Board members shall attend and actively participate in all board meetings.
2. Board members shall not interfere with the police force's operational decisions and responsibilities or with the day-to-day operation of the police force, including the recruitment and promotion of police officers.
3. Board members shall undergo any training that may be provided or required for them by the Solicitor General.
4. Board members shall keep confidential any information disclosed or discussed at a meeting of the board, or part of a meeting of the board, that was closed to the public.
5. No board member shall purport to speak on behalf of the board unless he or she is authorized by the board to do so.
6. A board member who expresses disagreement with a decision of the board shall make it clear that he or she is expressing a personal opinion.
7. Board members shall discharge their duties loyally, faithfully, impartially and according to the Act, any other Act and any regulation, rule or by-law, as provided in their oath or affirmation of office.
8. Board members shall uphold the letter and spirit of the Code of Conduct set out in this regulation and shall discharge their duties in a manner that will inspire public confidence in the abilities and integrity of the board.
9. Board members shall discharge their duties in a manner that respects the dignity of individuals and in accordance with the Human Rights Code and the Charter of Rights and Freedoms (Canada).
10. Board members shall not use their office to advance their interests or the interests of any person or organization with whom or with which they are associated.
11. (1) Board members shall not use their office to obtain employment with the board or the police force for themselves or their family member.  
  
(2) For the purpose of subsection (1), "family member" means the parent, spouse or child of the person, as those terms are defined in section 1 of the *Municipal Conflict of Interest Act*.
12. A board member who applies for employment with the police force, including employment on contract or on fee for service, shall immediately resign from the board.
13. Board members shall refrain from engaging in conduct that would discredit or compromise the integrity of the board or the police force.
14. A board member whose conduct or performance is being investigated or inquired into by the Commission under Section 25 of the Act shall decline to exercise his or her duties as a member of the board for the duration of the investigation or inquiry.
15. If the board determines that a board member has breached the Code of Conduct set out in this Regulation, the board shall record that determination in its minutes and may,
  - (a) require the member to appear before the board and be reprimanded;
  - (b) request that the Ministry of the Solicitor General conduct an investigation into the member's conduct; or
  - (c) request that the Commission conduct an investigation into the member's conduct under Section 25 of the Act