



## Kingston Police Service Board

### Public Agenda Recommendation Report

To: Chair and Board Members  
From: Lorie Sargeant, Board Administrator  
Subject: By-Law to Regulate the Proceedings of the Kingston Police Service Board  
Date: February 4, 2025

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#### Recommendation:

**That** By-Law Number 21-49, a by-law to regulate the proceedings of the Kingston Police Service Board be repealed; and

That By-Law Number 25-01, a by-law to regulate the proceedings of the Kingston Police Service Board, as attached to Report Number 25-01 be adopted and enacted immediately upon its passing.

#### Introduction and Background:

The Board adopted its Procedural By-Law Number 21-49 at its meeting of August 26, 2021 in order to incorporate both best practices and the incorporation of live-streamed and video-recorded meetings, together with electronic participation rules and procedures. At the same meeting, the board repealed its previous Procedural By-Law Number 20-14.

As the Board is aware, the *Community Safety and Policing Act, 2019* (“CSPA”) came into force and effect on April 1, 2024. The Act contains several clauses that mandate amendments to the procedural by-law to align it to the new legislation and regulations. Most amendments are administrative in nature such as the removal of references to the *Police Services Act* and their replacement place with the appropriate references to CSPA. There are however two (2) significant changes to how police boards are to manage confidential material and those are covered in the Discussion/Analysis section below. In addition, it is proposed that the section with respect to Honorariums and Expenses be deleted and replaced by policy at a future date.

## **Discussion/Analysis:**

The precise wording of the amendments is included in the appended draft by-law. The draft by-law, if approved and passed, will be posted to the Board's website. The substance of the amendments is discussed below.

- *Section 3.4. Honoraria and Expenses*

It is proposed that this section be deleted in its entirety from the Procedural By-Law and be incorporated into a policy which aligns with the Kingston Police and City of Kingston similar policies.

- *Section 5. Meetings of the Board (in particular sections 5.1.3 and 5.1.4.)*

Sections 5.1.3 and 5.1.4 propose the most substantive amendments to the draft Procedural By-Law. Section 5.1.3. incorporates the language of the CSPA regarding the reasons to permit the Board to close its meetings to the public. This new language is similar to Section 239(2) of the *Municipal Act, 2001*, whereby municipal councils are permitted to close their meetings to public attendance under certain conditions, with some slight differences as befitting the mandate of the police board.

New Section 5.1.4. has been added to align with the CSPA, that more clearly defines the closed meeting exception for sessions devoted to education and training of board members.

- *Section 5.7 Order of Business*

This section has been amended to include presentations/briefings immediately after the public meeting has been called to order and includes the procedure for moving into a board member only meeting, if required.

As previously mentioned, additional minor amendments have been made to align with the CSPA and its regulations thereto.

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**Consultation:**

Gail MacAllister, Member – Policy & By-Law Committee



**KINGSTON POLICE SERVICE BOARD**  
**BY-LAW NUMBER 25-01**  
**Being a by-law to ~~amend By-Law Number 21-XX being~~  
~~a by-law to~~ regulate the proceedings of the Kingston  
Police Service Board**

WHEREAS section 22(1) of the *Community Safety and Policing Act, 2019*, provides that every municipality shall constitute a board to have policing responsibility for the municipality;

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AND WHEREAS section ~~37~~ ~~of~~ ~~46(1)~~ of the ~~*Police Services Act*~~ *Community Safety and Policing Act, 2019*, (the "Act") ~~provides provides for that~~ a ~~police services board~~ police service board ~~to shall~~ establish its own rules and procedures in performing its duties under this Act;

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Now therefore the Kingston Police Service Board enacts as follows:

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**1. INTERPRETATION**

**1.1. Definitions**

1.1.1. In this by-law:

(a) "Act" means the *Community and Safety Policing Act, 2019, S.o. 2019, c. 1, Sched. 1, as amended from time to time;*

(b) "Board" means the Kingston ~~Police Services Board~~ Police Service Board, the governing authority for the police service of the city of Kingston;

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(c) "~~Board Administrator~~ Secretary" means the person, who is not a member of the Kingston Police nor a voting member of the board, and -who has been appointed to the position by the Board;

(~~a~~)

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(~~b~~)(d) "Chair" means the member elected as Chair of the Board by its members pursuant to section 3628(1) of the ~~*Police Services Act*~~ Act;

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~~(e)~~(e) “Vice-Chair” means the member elected as Vice-Chair of the Board by its members pursuant to section ~~3628~~(2) of the ~~Police Services Act~~Act;

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~~(d)~~(f) “Chief” means the Chief of the Kingston Police;

~~(e)~~(g) “member” means a member of the Board;

~~(f)~~(e) “Secretary” means the person who has been appointed to the position by the Board;

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~~(e)~~(h) “electronic participation” refers to participation by a member in a public meeting of the Board by means of conference telephone, electronic devices, or other communications devices as facilities permit;

~~(h)~~(i) “motion to defer” means a motion made for the purpose of disposing of a matter, with or without any proposed amendment, by delaying its consideration indefinitely or until some specified time or event;

~~(i)~~(j) “motion to refer” means a motion made for the purpose of disposing of a matter under consideration, with or without any proposed amendment, by deferring it and seeking its consideration by any designated committee, body, or official;

~~(k)~~(k) “point of order” means the raising of a question for the purpose of calling attention to any departure from the terms of this by-law or the customary modes of proceedings in debate or in the conduct of the Board’s business; and

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~~(l)~~(l) “point of procedure” means a question directed to the Chair to obtain information on the rules of the Board bearing on the business at hand to assist a member to make an appropriate motion, raise a point of order, or understand the effect of a motion.

**1.2. Board Composition**

1.2.1. The Board shall be composed of such members as prescribed by ~~Part IV, sections 33(2) and 33(5) of the Police Services Act~~Act.

**2. APPLICATION**

**2.1. Observation of Rules of Procedure**

~~2.1.1. The rules of procedure contained in this by-law shall be observed in all proceedings and shall be the rules for the order and dispatch of business before the Board, other than disciplinary proceedings conducted pursuant to Part V of the *Police Services Act*.~~

2.1.1. The rules of procedure as set out in this by-law shall govern all proceedings of the Board.

2.1.2. The rules of procedure may be waived as appropriate by a vote of the majority of members present at a meeting.

2.1.3. Any point of order or procedure for which rules have not been provided in this by-law shall be determined by the procedure contained in *Robert's Rules of Order*.

### 3. BOARD MEMBERS

#### 3.1. Code of Conduct

3.1.1. All members shall abide by the provisions of O.Reg. 408/23 "Code of Conduct for Police Service Board Members", ~~424/97, "Members of Police Services Board Code of Conduct," as amended.~~

3.1.2. All members shall:

- (a) treat other members and any person appearing before or speaking to the Board with courtesy and respect;
- (b) speak only on the subject in debate; and
- (c) obey the rules of the Board or a decision of the Chair or of the Board on questions of order or procedure or upon the interpretation of the rules of the Board. If members fail to obey after having been called to order by the Chair, the Chair shall put the question, with no amendment, adjournment, or debate being allowed, that such members be ordered to leave their seat for the duration of the meeting, provided that, if members apologize, they may, by vote of the Board, be permitted to take their seat.

3.1.3. No property or material belonging to the Board shall be delivered to or used by any member of the Board for personal or private use.

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**3.2. Conflict of Interest**

3.2.1. Members shall declare any interest for the purpose of the *Municipal Conflict of Interest Act*, RSO 1990, c. M50, as amended or its successor and [Ontario Regulation 408/23 – Code of Conduct for Police Service Board Members](#) and shall adhere to the procedures set out therein.

3.2.2. Specifically, section 5 of the *Municipal Conflict of Interest Act* prescribes the following.

- (a) Where members, either on their own behalf or while acting for, by, with, or through another, have any pecuniary interest, direct or indirect, in any matter and are present at a meeting of the Board at which the matter is the subject of consideration, they:
  - (1) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - (2) shall not take part in the discussion of, or vote on any question in respect of, the matter; and
  - (3) shall not attempt in any way, whether before, during, or after the meeting, to influence the voting on any such question.
- (b) Where the meeting referred to in subsection (a) is not open to the public, in addition to complying with the requirements of that subsection, members shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.
- (c) Where the interest of a member has not been disclosed as required by subsection (a) by reason of the member’s absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (a) at the first meeting of the Board attended by the member after the meeting referred to in subsection (a).

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**3.3. Indemnification**

3.3.1. The Board will indemnify and save harmless all current and former members of the Board from any claims, judgments, costs, and/or reasonable legal expenses (including solicitor and client costs including disbursements) arising out of the members’ good faith exercise of their duties as members of the Board.

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3.3.2. Members will not be indemnified for any actions taken outside the scope of their authority and without prior approval or for any actions taken as members of the public.

#### ~~3.4. Honoraria and Expenses~~

~~3.4.1. Board members shall receive an annual honorarium in an amount approved by Board resolution from time to time but no less than that prescribed pursuant to section 27(12) of the Police Services Act.~~

~~3.4.2. The Board shall designate those members who may attend various meetings, workshops, conferences, or conventions in any year, provided that sufficient funds remain in the budget for the purpose. Registration fees for such workshops, conferences, or conventions shall be paid by the Board.~~

~~3.4.3. When a member of the Board is out of the municipality on Board business or attending a conference or convention as authorized by the Board, the following travel costs shall be reimbursed to the member:~~

- ~~(a) accommodation at the single rate, it being understood that a proper receipt must be submitted and that only charges applicable to the room will be reimbursed;~~
- ~~(b) reasonable transportation costs as follows:
  - ~~(1) if by private vehicle, mileage at the current rate set by the City of Kingston, provided that, should two or more persons travel together, only one shall be entitled to claim for mileage expenses;~~
  - ~~(2) if by train, first-class fare; or~~
  - ~~(3) if by air, economy airfare;~~~~
- ~~(c) parking charges as applicable, with receipts provided if possible;~~
- ~~(d) taxi charges as applicable, provided that receipts are submitted; and~~
- ~~(e) meal expenses at the current rates set by the City of Kingston, on the understanding that, should actual expenses be less than the set rates, an adjustment shall be made. Should actual meal costs be in excess of the set rates, reimbursement of the overage will only be made upon submission of an itemized receipt.~~

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~~3.4.4. Where an expense advance is required, members shall request an advance via a signed expense claim form and submit it to the Secretary at least three weeks prior to the departure date for a cheque to be issued. A copy of the workshop, conference, or convention form or an explanation of the meeting being attended must be submitted with the expense claim form. Advances will only be made based on the applicable maximums. Within one week of return, members shall further complete the expense claim form with actual expenses and supporting receipts and forward it to the Secretary for reconciliation and request for payment of any monies owed. Should the scheduled event not be attended or should a member return before the event is scheduled to end, the Board shall be reimbursed accordingly for any amount advanced. Should any advance exceed actual expenses, members shall reimburse the difference within one week of return.~~

~~3.4.5. No receipts are necessary for travel by local bus or subway or for other minor travel expenses under \$5.~~

#### 4. EXECUTIVE OFFICERS

##### 4.1. Election of Chair and Vice-Chair

4.1.1. Pursuant to section ~~36(1) and 36(2)~~ ~~28~~ of the ~~Police Services Act~~ ~~Act~~, members of a ~~board~~ Board shall elect a ~~C~~Chair and may also elect a ~~vice~~Vice-Chair at the first meeting in each year. ~~In keeping with the cycle of municipal council appointments, the Board shall elect a Chair and Vice-Chair at the first regular meeting in December of each year.~~ Any postponement of elections must be approved by a vote of the majority of the members present.

4.1.2. For the election of the Chair, the ~~Secretary~~Board Administrator shall:

- (a) call for nominations; and
- (b) call for a vote if more than one nominee stands for election, with the position requiring the vote of a majority of the members present to be elected.

4.1.3. In the event that, 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 to do so until either a nominee receives the majority required for election or it becomes apparent by reason of an equality of votes that no nominee can be elected.

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4.1.4. Where the votes cast in a vote under this section are equal for all of the candidates, the tie shall be broken and the position of Chair filled by the candidate selected by lot conducted by the ~~Secretary-Secretary~~. For this purpose, the names of the candidates shall be noted on equal-sized pieces of paper that are placed in a container, with one name being drawn by the ~~Secretary-Secretary~~.

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4.1.5. The Vice-Chair shall be elected in the same manner as the Chair.

## 4.2. Authority and Duties of the Chair/Vice-Chair

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4.2.1. The Chair shall:

- (a) preside at all meetings of the Board;
- (b) set the agenda for all meetings of the Board, seeking input when warranted from Board members for agenda items;
- (c) be the spokesperson for the Board;
- (d) commence the meetings of the Board by taking the chair and calling the members to order as soon as a quorum is present;
- (e) receive and submit, in proper manner, all motions presented by members;
- (f) put to a vote all motions that are moved or that necessarily arise in the course of the proceedings;
- (g) sit ex-officio as a member of all committees of the Board, with the entitlement to participate in and vote at any committee meetings;
- (h) decline to put motions to vote that infringe the Rules of Procedure or are beyond the jurisdiction of the Board;
- (i) enforce on all occasions the Rules of Procedure and the observance of order and decorum among the members and call any member to order if necessary;
- (j) decide all questions of order;
- (k) where it is not possible to maintain order, adjourn or suspend any meeting to a time specified by the Chair, without any motion being put;

- (l) permit any question to be asked through the Chair of the Chief or Chief's representative so as to provide information to assist any debate when the Chair deems it proper;
- (m) adjourn the meeting when the business is completed or upon a motion to adjourn; and
- (n) sign and seal all by-laws and agreements that have been approved by the Board.

4.2.2. The Vice-Chair shall act in the absence of the Chair and shall have the same authority and duties as the Chair would have if present.

4.2.3. In the absence of both the Chair and the Vice-Chair at a meeting, the ~~Secretary~~ Secretary shall call the members to order, and, upon a Chair being chosen by the members present for the purpose of presiding over the meeting, the Board shall proceed with the business. Such acting Chair shall have all of the powers of the Chair and shall continue to be entitled to vote as a member.

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## 5. MEETINGS OF THE BOARD

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### 5.1. General

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5.1.1. Meetings and hearings conducted by the Board shall be open to the public, subject to sections 5.1.3 and 5.1.4, and notice of them shall be published in the manner that the Board determines. In the case of a fully electronic meeting, the public shall be provided with access to those portions of the meeting taking place in open public session either by relaying the appropriate access information or by notice on the Board's web page. Except for registered delegations, public participation in an open electronic meeting shall be restricted to observation only.

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5.1.2. No person shall be excluded from a public meeting except for improper conduct. The Chair may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting. In the case of electronic meetings, such person shall have access to the meeting terminated at the discretion of Board staff and without warning to such person.

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5.1.3. In accordance with section ~~44(2)~~ 35(4) of the ~~Police Services Act, Act,~~ the Board may exclude the public from all or part of a meeting or hearing if it is of the opinion that:

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- (a) The security of the property of the Board;

- (b) Personal matters about an identifiable individual, including members of the police service 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 affecting the board, including matters before administrative tribunals;
- (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; or
- (l) An ongoing investigation respecting the police service board.

5.1.4. Meetings of the Board may be held in confidential closed session if the following conditions are both satisfied:

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- (a) ~~The meeting is held for the purpose of educating or training the emmbers of the Bboard or of the committee;~~
- (b) ~~At the meeting, no member of the Bboard or committee considers or otherwise deals with any matter in a way that materially advances the business or decision-making of the Bboard.~~

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- ~~(a) matters involving public security may be disclosed, or~~
- ~~(b) intimate financial or personal matters or other matters may be disclosed of such a nature;~~

~~that, having regard to the circumstances, 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. In-camera matters include but are not limited to personnel matters; information affecting or pertaining to legal proceedings; labour relations issues; matters affecting public security and protection of privacy; and personal financial matters.~~

~~5.1.4.5.1.6.~~ If a matter considered in a closed meeting is deemed by a majority of the Board members present and voting to be inappropriate subject matter for a closed meeting, the matter will be deferred until the next regular public meeting and will be included in the public agenda for that meeting.

~~5.1.5.5.1.7.~~ If a matter considered in a closed meeting is deemed by a majority of the Board present and voting to warrant public disclosure, prior to adjourning the meeting the Chair shall call for a motion to adjourn the closed portion and reopen the public portion of the meeting. The public minutes shall record that the matter was considered in a closed meeting and, if appropriate, will state the resolution.

~~5.1.6.5.1.8.~~ When a meeting or part of a meeting is closed to the public, all persons (other than Board members, the Chief of Police, Deputy Chief of Police, and ~~Secretary~~Secretary/Board Administrator) who are not specifically invited by the Board to remain shall vacate the meeting.

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~~5.1.7.5.1.9.~~ Minutes of all or part of a meeting that is closed shall be retained in confidence by the ~~Secretary~~Secretary, and such minutes shall not be open to inspection by any member of the public.

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~~5.1.8.5.1.10.~~ Any and all information obtained at a closed meeting shall be treated as confidential by any and all persons in attendance, **and** every person in possession of in-camera Board meeting records shall be responsible for their proper use, storage, and destruction. **To** guard against inadvertent breaches of confidentiality, Board members shall:

- (a) minimize note-taking during confidential meetings and presentations;
- (b) deliver copies of physical records in their possession that contain confidential information to the Board ~~Secretary~~ **Secretary** when no longer required; and
- (c) destroy copies of records stored on electronic devices in their possession that contain confidential information when no longer required.

~~5.1.9.5.1.11.~~ ~~On or before the in force date of the Community Safety and Policing Act, 2019,~~ Pursuant to section 43(5) and 43(6) notice of a meeting that is open to the public shall be published on the Board's web page at least seven days before the meeting (except in extraordinary circumstances) and shall include:

- (a) the proposed agenda for the meeting; and
- (b) ~~either~~
- (c) (i) ~~the record minutes~~ of the most recent meeting of the ~~P~~ **Police S** ~~service~~ **Board** that was open to the public, other than the ~~record minutes~~ of any part of the meeting that was closed to the public, ~~or~~
- (~~b~~) (d) (ii) ~~instructions on how a member of public may access the record referred to in subclause (i).~~ ~~Draft minutes shall be annotated as being subject to approval and adoption by the Board.~~

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**5.2. Live-Streamed and Video-Recorded Meetings**

5.2.1. In the event that the Board live streams and/or video records its meetings, the following shall apply.

- (a) At the start of the meeting, the Chair shall advise all in attendance that the meeting is being video-recorded and/or live-streamed.
- (b) Whenever possible, the Board will advise all delegates in advance of the meeting that their presentation may be live-streamed and the recording archived for public viewing.
- (c) Opinions of delegates are their own, and the Board is not responsible for delegates' comments or any materials delegates choose to provide.
- (d) The Board will post on the Board's web page, as soon as practicable following the meeting, the archived live-stream video.
- (e) A recorded video of a Board meeting is not an official record of that meeting. The official record of the Board meeting shall consist solely of the minutes approved by the Board.

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**5.3. Electronic Participation**

~~5.3.1. Members may participate in a public meeting of the Board by means of conference telephone, electronic devices, or other communications devices as facilities permit ("electronic participation"), provided that a quorum of members is physically in attendance.~~

~~5.3.2. Electronic participation is not allowed for any meeting or any part of a meeting closed to the public.~~

5.3.1. Members of the Board may participate electronically in any meeting, including closed (in-camera) meetings, through secure and reliable communication technologies that ensure confidentiality. Members attending electronically shall be considered present for quorum and voting purposes, provided that the method of participation enables secure discussion and compliance with applicable laws and privacy requirements.

5.3.3-5.3.2. All persons participating in a meeting that includes electronic participation by a member or members are to communicate with each other simultaneously and instantly. For the

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Commented [GM3]: This means we may not have a fully electronic meeting, I do not think we should limit ourselves this way.  
Commented [GM4]: This means we cannot have a meeting of the Board completely by electronic means... I don't think we want to limit ourselves in this way...  
Commented [GM5]: That means that Fred and occasionally Christian should not be attending... is that the intent?  
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purposes of voting, members present at a meeting through electronic participation shall ensure that their intentions are understood.

~~5.3.4.5.3.3.~~ For the purposes of the ~~Police Services Act and Act and~~ the by-laws and policies of the Board, members present at a meeting through electronic participation shall be considered, save and except for the purpose of quorum, to be present in person at such meeting.

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~~5.3.5.5.3.4.~~ Except as provided herein, members present at a meeting through electronic participation are subject to all rules and procedures of this by-law.

~~5.3.6.5.3.5.~~ Should the connection for electronic participation be lost or interrupted, the meeting shall continue and the related member's absence during and/or departure from the meeting be noted.

~~5.3.7.5.3.6.~~ During any period where an emergency has been declared to exist in all or part of the city of Kingston under section 4 or 7.0.1 of the *Emergency Management and Civil Protection Act*:

- (a) despite sections 5.3.1 and 5.3.4, a member who is participating electronically in a meeting may be counted in determining whether or not a quorum of members is present at any point in time; and
- (b) ~~despite section 5.3.2,~~ a member can participate electronically in a meeting that is closed to the public.

#### 5.4. Quorum,

5.4.1. In accordance with section ~~43(2)~~ ~~35(2)~~ of the ~~Police Services Act, Act,~~ a majority of the members of the Board shall constitute a quorum.

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5.4.2. ~~Except as provided in section 5.3.7,~~ ~~M~~members present at a meeting through electronic participation shall ~~not~~ count for quorum purposes.

5.4.3. As soon after the hour of meeting as there shall be a quorum present, the Chair shall take the chair and call the members to order.

5.4.4. If a quorum is not present within ~~ten (10)~~ ~~30~~ minutes after the time appointed to commence the meeting of the Board, the ~~Secretary~~ ~~Secretary~~ shall record the names of the members present, and the meeting shall stand adjourned until the date of the next regular

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meeting or a special meeting called to deal with the matters on the agenda of the adjourned meeting.

### 5.5. Regular Meetings

5.5.1. A regular meeting of the Board shall normally be held on the third Thursday of each month in the Boardroom at Police Headquarters. These meetings shall be held at a time determined by the Chair but will normally commence at 12:00 noon.

5.5.2. If the day provided for a regular meeting of the Board is a holiday or a day of religious observance that precludes the participation of any member of the Board, the meeting shall be held on the next following business day, unless otherwise provided by resolution of the Board.

5.5.3. The date and place of a regular meeting may be altered by a resolution of the Board.

### 5.6. Special Meetings

5.6.1. The Chair may summon a special meeting of the Board or upon receipt of a request from the majority of Board members. At least twenty-four (24) hours' notice of such meeting shall be given unless circumstances dictate otherwise.

5.6.2. The Board shall not consider or decide any matter not set forth in the notice calling the special meeting without the consent, recorded in the minutes, of all members of the Board present and voting.

### 5.7. Order of Business

5.7.1. The following shall be the general order of business at each regular meeting:

- (a) meeting called to order;
- (b) presentations/briefings;
- ~~(b)~~(c) disclosure of conflict of interest;
- ~~(c)~~(d) approval of agenda;
- ~~(d)~~(e) adoption of minutes;
- ~~(e)~~(f) communications;

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~~(g)~~ delegations;

~~(h)~~ reports;

~~(i)~~ motions;

~~(j)~~ unfinished business;

~~(k)~~ new business;

~~(l)~~ move to in-camera (if required, with agendas following the general order of business outlined in sections 5.7.1(a) to (d) as appropriate, followed by any in-camera items); and

~~(m)~~ move to **B**oard member only (if required, with agendas following the general order of business as outlined in sections 5.7.1(a) to (d) as appropriate, followed by an **B**oard member only items); and

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~~(n)~~ adjournment.

5.7.2. As appropriate, the Board may conduct ceremonial activities or provide for presentations related to the Board's business immediately after the meeting is called to order.

**5.7.3.** Insofar as possible, in-camera meetings shall commence at an hour immediately following the termination of the regular Board meeting.

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~~5.7.3-5.7.4.~~ Insofar as possible, **B**oard member only meetings shall commence immediately following the termination of the in-camera meeting.

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## 5.8. Agendas

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5.8.1. The Chair shall prepare, in collaboration with the ~~Secretary~~**Board Administrator**, meeting agendas with supporting material for delivery to members at least ~~seven (7) four~~ days in advance of the meeting at which the agenda is to be considered.

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5.8.2. Any member of the Board may cause an item to be placed on the agenda, provided that it reaches the ~~Secretary~~**Secretary** one ~~(1)~~ week prior to the time appointed for the next regular meeting.

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5.8.3. Any item not included on the agenda can only be introduced at a meeting with the consent of the majority of the members present.

**5.9. Minutes**

5.9.1. The ~~Secretary~~ shall cause minutes to be taken of each meeting of the Board, and such minutes shall include, subject to section 5.9.2:

- (a) the place, date, and time of the meeting;
- (b) the names of the presiding officer or officers and the record of attendance of the members;
- (c) declarations of conflict of interest;
- (d) the confirmation and correction of the minutes of the previous meeting;
- (e) a record of how agenda items were addressed, including any motions or resolutions and the results of any votes on motions and resolutions;
- (f) the time of adjournment; and
- (g) the signature of the Chair and ~~Secretary~~.

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5.9.2. The record of how agenda items for in-camera meetings were addressed shall include only motions and decisions of the Board.

5.9.3. The ~~Secretary~~ shall cause the minutes of meetings to be printed and a copy of such minutes to be forwarded to each member at least ~~seven (7) four~~ days before the next regular meeting, except in circumstances over which the ~~Secretary~~ has no control.

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5.9.4. After minutes of a previous meeting have been confirmed or approved as amended by the Board, the Chair and ~~Secretary~~ shall sign them.

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5.9.5. The approved minutes of Board meetings open to the public shall be posted on the Board's web page, along with reports presented at such meetings.

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**5.10. Rules of Debate**

5.10.1. When two or more members wish to speak, the Chair shall designate the member who first requested to speak as the member who speaks first.

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5.10.2. No member shall speak more than once until every member who wishes to speak has done so.

5.10.3. When a member is speaking, no other member shall interrupt except to raise a point of order or of personal privilege.

5.10.4. Any 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 while speaking.

5.10.5. Subject to the remainder of this section, a member may speak more than once on the same matter.

5.10.6. A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and only of:

- (a) a member who has already spoken on the matter under discussion;
- (b) the Chair;
- (c) the Chief of Police or other senior management of the Kingston Police; or
- (d) any other person addressing the Board as a delegation.

## 5.11. Motions

5.11.1. Motions with respect to the following matters may be introduced by members at a meeting of the Board without written notice and without the consent of the Board, except as otherwise provided by the Rules of Procedure:

- (a) a point of order or procedure;
- (b) the presentation of petitions;
- (c) a motion to suspend or not follow a rule of procedure;
- (d) a motion to adjourn the meeting;
- (e) a motion that the vote on a matter be taken; and
- (f) other motions of a purely procedural nature.

5.11.2. All motions shall be moved and seconded before being considered. A mover may support or oppose any motion.

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5.11.3. The mover may withdraw a motion at any time prior to the commencement of debate thereon, but, upon commencement of debate, the motion shall be deemed to be in possession of the Board and may only be withdrawn before amendment or debate with the permission of the majority of the Board.

5.11.4. When a motion is properly before the Board for consideration, no motion shall be received except a procedural motion or a motion to amend. Procedural motions shall be considered immediately upon receipt and shall have precedence and are subject to debate as follows:

- (a) to move the question be put (not debatable);
- (b) to refer (debatable);
- (c) to lay on the table (debatable);
- (d) to defer indefinitely or to a certain day (debatable as to time or place only);
- (e) to adjourn (not debatable); or
- (f) any other procedural motion.

5.11.5. A motion to amend:

- (a) shall be relevant and not contrary to the principle of the motion under consideration;
- (b) may propose a separate and distinct disposition of a question, provided that such altered disposition continues to relate to the same issue;
- (c) shall be decided or withdrawn before the main motion is put to the vote; and
- (d) where there is more than one motion to amend, they shall be put in the reverse order to which they were moved.

5.11.6. A motion to refer:

- (a) must state the name of the Committee or other body or official to which the matter is referred;

- (b) shall include the terms upon which the question is to be referred;
- (c) shall be debatable only in respect of the desirability of referring the question and the terms of the referral, and no discussion of the main question or an amendment thereto shall be allowed until after its disposition; and
- (d) may be amended but must be disposed of by the Board before the main question or an amendment thereto and before a decision on a motion that a vote on the main question be taken or that the question be tabled.

5.11.7. A motion to lay on the table:

- (a) is debatable but cannot be amended; and
- (b) shall not be considered again by the Board until a motion has been made to take up the tabled matter at the same or subsequent meeting of the Board. A motion to take up a tabled matter is not subject to debate or amendment, and a motion that has been tabled and not taken from the table for six months shall be deemed to be withdrawn.

5.11.8. A deferred motion shall be:

- (a) treated on the deferred date if so assigned; or
- (b) if deferred indefinitely, treated as if it were a motion to lay on the table.

5.11.9. A motion that the question be put:

- (a) cannot be amended or debated;
- (b) cannot be moved when there is an amendment under consideration;
- (c) shall preclude all amendments of the main question;
- (d) when resolved in the affirmative, requires that the question be put forward without debate or amendment;
- (e) can only be moved with the words "that the question be now put"; and

- (f) cannot be moved by a member who has spoken on the main question, unless another member has subsequently spoken on the question.

5.11.10. A motion to adjourn the meeting:

- (a) shall always be in order except as provided by the Rules of Procedure;
- (b) is not in order when a member is speaking or has indicated to the Chair an intention to speak or during the taking of a vote;
- (c) is not in order immediately following the affirmative resolution of a motion to vote on a matter under discussion;
- (d) is not debatable;
- (e) when resolved in the negative, cannot be made again until the Board has conducted further proceedings;
- (f) if moved without qualification and carried, brings a meeting of the Board to an end; and
- (g) if to adjourn to a specific time or to reconvene upon the happening of a specified event, suspends the meeting to such time.

**5.12. Voting on Motions.**

5.12.1. The Chair shall ensure that all members who wish to speak on a matter have spoken and that the members are ready to vote and shall then put the matter to a vote. After a 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.

5.12.2. The matter put to a vote shall be in the form of a motion addressing the matter under consideration.

5.12.3. A motion shall be deemed to have been carried when a majority of the members present and voting have expressed their agreement with the question.

5.12.4. No vote shall be taken by ballot or by any other means of secret voting.

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5.12.5. Before the question is decided, any member may require that the vote be recorded; in this case, the Chair shall call the vote and announce the division, and the ~~Secretary~~Secretary shall record the names and votes of every member on the question.

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5.12.6. If a member disagrees with an announcement of the Chair that a question is carried or lost, the member may, but only immediately after the declaration by the Chair, object to the declaration and require a recorded vote to be taken.

5.12.7. When the Chair is satisfied that a question contains distinct proposals, the Chair may divide the question or shall do so upon the request of a member, and the vote upon each proposal shall be taken separately.

5.12.8. Every member present at a meeting of the Board when a question is put, including the Chair and Vice-Chair, shall vote thereon unless prohibited by statute (in which case the fact of the prohibition shall be recorded in the minutes). Any member who refuses to vote shall be recorded as abstaining.

5.12.9. Any question on which there is an equality of votes shall be deemed to have been decided in the negative.

5.12.10. When the Chair calls for the vote on a question, each member shall remain seated until the result of the vote has been declared by the Chair, and during such time no member shall walk across the room or speak to any other person or make any noise or disturbance. A member not seated shall not be entitled to vote.

### 5.13. Reconsiderations ▲

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5.13.1. Subject to section 5.13.2, after any matter has been decided, any member may move a motion for reconsideration of the matter.

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5.13.2. In the case of a recorded vote, after any matter has been decided, any member who voted with the majority may move a motion for a reconsideration of the matter.

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5.13.3. No discussion of the matter shall occur until the motion for reconsideration is carried.

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### 5.14. Voting by Telephone and/or E-mail Poll ▲

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5.14.1. Telephone or e-mail polls are permitted only to address routine time-sensitive matters requiring approval by way of Board motion that cannot be delayed until the next regular meeting.

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Dealing with such matters by telephone and/or e-mail poll instead of by calling a special meeting must be approved by the Chair.

5.14.2. When conducting the poll, the Board ~~Secretary~~Secretary must:

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- (a) contact all Board members individually by telephone or collectively via e-mail;
- (b) clearly and concisely outline the purpose of the poll and the subject motion, as well as the reason for urgency;
- (c) if there is no answer to a telephone call, leave a message that indicates a deadline for a return call;
- (d) when conducting the poll, provide the same information to all members, without comment and without sharing the results of how others have voted; and
- (e) place the subject motion on the agenda for the next regular meeting to confirm its ratification.

## 6. COMMUNICATIONS

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### 6.1. Treatment of Communications

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6.1.1. Every letter, petition, resolution, or other communication addressed to the Board that has been legibly written or printed and signed shall be received by the ~~Secretary~~Secretary for the Chair's attention. To be considered as formal correspondence, electronic mail, if not digitally signed, shall be followed by a signed copy either by mail or by facsimile.

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6.1.2. If in the opinion of the Chair the subject matter of any communication is properly within the jurisdiction of the police force and not the Board, such communication shall be referred to the Chief of Police for necessary action without prior reference to the Board.

6.1.3. All communications on any subject within the jurisdiction of the Board may be referred by the Board to a Committee of the Board or other body or official by a motion without debate.

**7. DELEGATIONS FROM THE PUBLIC**

**7.1. Application and Format**

7.1.1. When persons not being members, employees, or appointed officials of the Board desire to address the Board at a public meeting regarding a matter related to policing under its consideration or being raised for consideration by such persons, they shall be permitted to do so, provided the ~~Secretary~~Secretary of the Board is provided with a written and signed request, including an outline of the submissions intended to be made, on or before 4:30 o'clock in the afternoon on the Thursday preceding the day of the regular meeting.

7.1.2. Upon receipt of a request as indicated in section 7.1.1, the ~~Secretary~~Secretary shall, in writing, confirm to the delegation the time and place for the delegation to address the Board and also enclose the rules and procedures related to delegations.

7.1.3. A delegation may address the Board through one spokesperson for a period not exceeding ten minutes during any Board meeting.

7.1.4. All persons initiating an application to the Board shall be heard first. After any delegations in opposition are heard, the Chair may, at the Chair's discretion, grant the right to reply to the original petitioner. The time for reply shall be limited to five minutes.

7.1.5. Members of the Board shall not ask any questions until all delegations and the Administration have been heard either in support of or in opposition to a matter on the agenda or before the Board.

7.1.6. Delegations shall, whenever possible, file a written submission with the ~~Secretary~~Secretary for prior distribution with the agenda to members of the Board.

7.1.7. Exceptions to section 7.1.1 may be made by a majority of the members of the Board who are present.

7.1.8. Delegations shall be subject to the considerations regarding discussion of matters in public or closed session as outlined in section 5.1.1.

7.1.9. In the event of a live-streamed or video-recorded meeting, delegates will be advised in advance with respect to section 5.2, Live-Streamed and Video-Recorded Meetings.

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~~ADOPTED AND PASSED~~ by the Kingston Police Services Board this \_\_\_\_ day of \_\_\_\_\_, 2021, as By Law No. 21 \_\_\_\_.

\_\_\_\_\_

Chair \_\_\_\_\_

\_\_\_\_\_ Secretary

**6.0 Reporting Requirements**

~~6.1 The Committee shall report to the Board all decisions at the next board meeting following a Committee meeting.~~

~~6.2 All Committee recommendations shall be documented in writing and submitted to the Board for review and approval.~~

**10.7.0 Effective Date**

~~10.17.1~~ This By-law is hereby enacted by the Kingston Police Service Board on this \_\_\_\_ day of \_\_\_\_\_, 202~~5~~<sup>4</sup> and shall take effect immediately upon its passing.

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\_\_\_\_\_  
Chair

\_\_\_\_\_  
Board Administrator