Peterborough Police Service Board By-law #121-2026
A By-law Governing the Proceedings of the Board

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Peterborough Police Service Board

By-law # 121-2026

A By-law Governing the Proceedings of the Board

1.0 Authority

WHEREAS Part IV of the *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1* provides that a municipal board is to have policing responsibility for the municipality;

AND WHEREAS sections 33 to 36 of the CSPA address matters regarding appointment of Board Members;

AND WHEREAS O. Reg 416/23: Oaths and Affirmations addresses oaths and affirmations required of Board Members;

AND WHEREAS Section 44 of O. Reg. 87/24: prescribes training requirements for Board members;

AND WHEREAS O. Reg. 408/23: Code of Conduct for Police Service Board Members prescribes a code of conduct for Board Members;

AND WHEREAS Section 37 (1) of the Act provides that a Board shall provide adequate and effective policing in the area for which it has policing responsibility as required by Section 10 of the *Act;*

AND WHEREAS Section 42 (1) of the Act provides that a Board may, by By-law, establish a committee and delegate any of the Board's powers under the *Act* to the committee;

AND WHEREAS pursuant to Section 43 (1) of the Act a Board shall hold at least four meetings each year;

AND WHEREAS Section 46 of the Act provides that a Police Service Board shall

establish its own rules and procedures in performing its duties under this Act and the regulations;

AND WHEREAS the Police Service Board deems it expedient to pass such a By-law to make rules and regulations governing the orders and procedures of the Board:

NOW THEREFORE THE PETERBOROUGH POLICE SERVICE BOARD ENACTS AS FOLLOWS:

2.0 Definitions

In this By-law:

2.1 **"Act" or "CSPA"** means *Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1* and amendments thereto;

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 36 (2) of the Act or as prescribed by Section 7 of this By-law;

2.3 **"Agenda"** means the document prepared for distribution as prescribed by Section 15 of this By-law;

2.4 **"Board"** means the Peterborough Police Service Board;

2.5 **"Chair"** means the Member elected as Chair of the Board by its Members pursuant to Section 36 (1) of the Act;

2.6 **"Chief"** means the Chief of Police of the Peterborough Police Service;

2.7 **"City"** means the City of Peterborough;

2.8 **"Closed Meeting"** means a meeting that is closed to the public in accordance with Section 44 the Act;

2.9 **"Committee"** means a Standing or Special Committee established by the Board, pursuant to Section 42 of the Act;

2.10 **"Contract Policing Areas"** means the Township of Cavan Monaghan and Ward of Lakefield;

2.11 **"Days"** means calendar days;

2.12 **"Delegation"** means an address to the Board or its Committees at the request of a person wishing to speak;

2.13 **"Executive Assistant"** means the person who has been appointed to the Executive Assistant position by the Board;

2.14 **"Majority vote"** means an affirmative vote of more than one-half of the Members present and voting;

2.15 **"Meeting"** means any regular, special or other gathering of the Board or a Committee where a quorum of members is present, and members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of the Board or a Committee;

2.16 **"Member"** means a Member of the Peterborough Police Service Board and includes the Chair and Vice-Chair;

2.17 **"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;

2.18 **"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;

2.19 **"Motion to refer"** means a motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by, and if deemed desirable, one or more reports from the Chief of Police, Executive Assistant or other official or Committee;

2.20 **"Motion to table"** means a motion to postpone without setting a definite date as to when the matter will be considered again;

2.21 **"Notice of motion"** means an oral notice or written motion received by the the Chair or the Executive Assistant moved by a Member, and seconded by another Member, for inclusion on an agenda of a meeting of the Board or a Committee;

2.22 **"Pecuniary Interest"** means a direct or indirect pecuniary interest of a Member as defined in the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 (see Appendix B);

2.23 **"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;

2.24 **"Point of privilege or personal privilege"** means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member who considers that their integrity or that of a Member has been impugned or questioned by a Member;

2.25 **"Presentation"** means an address to the Board or Committee at the request of the Board or a Committee of the Board;

2.26 **"Quorum"** means a majority of the Members of the Board in accordance with Section 43 (2) of the Act;

2.27 **"Recorded vote"** means a written record of the name and vote of every Member voting on any matter or question;

2.28 **"Resolution"** means the decision of the Board on any motion;

2.29 **"Service"** means the Peterborough Police Service;

2.30 **"Special Meeting"** means a meeting other than a regularly scheduled meeting, called pursuant to Section 12 of this By-law to address matters arising in extraordinary circumstances which must be addressed by the Board in advance of the next regularly scheduled meeting;

2.31 **"Two-thirds majority vote"** means an affirmative vote of at least two-thirds of the Members present and voting;

2.32 **"Vice-Chair"** means the Member elected as the Vice-Chair of the Board by its Members pursuant to Section 36 (2).

3.0 Application

3.1 General Application

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 Peterborough Police Service Board.

3.2 Committee Rules

The rules of procedure contained in this By-law shall be observed, with necessary modifications, in proceedings of all Committees of the Board.

3.3 Suspension of Rules and Regulations

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.

3.4 Procedures Not Covered in By-law

All points of order or procedure for which rules have not been provided in this By-law shall be decided by the Chair in accordance, as far as reasonably practicable, with the rules of parliamentary procedure as contained in Robert's Rules of Order.

3.5 Statutes of Ontario to Prevail

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.

3.6 Statutory Requirements

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.

3.7 Amendments to the Rules

This By-law shall not be amended or repealed except by at least a majority of the members of the Board present and voting, and a notice of motion to amend this By-law must be delivered to each Board Member and the Executive Assistant at least two weeks prior to the meeting at which the motion to amend is to be considered.

4.0 Election of the Chair and Vice-Chair

4.1 Election of Chair

Pursuant to Section 36 (1) of the Act, the Board shall elect a Chair at its first meeting in each year.

4.2 Election of Vice-Chair

Pursuant to Section 36 (2) of the Act, the Board may also elect a Vice-Chair at its first meeting in each year.

4.3 First Meeting in Each Year

The election of the Chair and Vice-Chair shall be conducted at the first meeting of the Board in each year.

4.4 Term

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. The Chair and Vice-Chair may be elected for more than one term.

4.5 Nominations

The Executive Assistant shall act as presiding officer at the first meeting of the Board in each year until the Chair and Vice-Chair are elected and shall call for nominations.

Each nomination shall be made openly by a member and shall have the consent of the nominee and be seconded by a Member.

A nominee is a person whose candidacy for the position of Chair or Vice-Chair has been moved and seconded by Members present at the first meeting of the Board in each year. For greater clarity, the nominee is not eligible to act as mover or seconder for their own nomination.

Where it appears to the Executive Assistant, by asking for further nominations and receiving no response, that there are no further nominations, the Executive Assistant shall call for a motion declaring nominations closed.

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. The speakers shall be called upon to address the Board in alphabetical order of the nominees' surnames.

A nominee may withdraw their name at any time prior to the vote being called.

4.6 Vote

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.

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:

a) a nominee receives the majority required for election at which time such nominee shall be declared or elected; or

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.

4.7 Announcement

When voting is completed, the Executive Assistant shall announce the new Chair.

4.8 Election of Vice-Chair

The election of the Vice-Chair shall follow the procedure set out for the election of the Chair.

5.0 Duties of the Board

5.1 Pursuant to Section 37(1) of the CSPA, it is the duty of the Board to:

a) ensure that adequate and effective policing is provided in the area for which it has policing responsibility as required by section 10;
b) employ members of the police service;
c) appoint members of the police service as police officers;
d) recruit and appoint the chief of police and any deputy chief of police and determine their remuneration and working conditions, taking their submissions into account;
e) prepare and adopt a diversity plan to ensure that the members of the police service reflect the diversity of the area for which the board has policing responsibility;
f) monitor the chief of police's performance;
g) conduct a review of the chief of police's performance at least annually in accordance with the regulations made by the Minister, if any;
h) monitor the chief of police's decisions regarding the restrictions on secondary activities set out in section 89 and review the reports from the chief of police on those decisions;
i) monitor the chief of police's handling of discipline within the police service;
j) ensure that any police facilities, including police lock-ups, used by the board comply with the prescribed standards, if any; and
k) perform such other duties as are assigned to it by or under this or any other Act, including any prescribed duties.

6.0 Orientation and Training

6.1 Pursuant to sections 33 to 36 of the CSPA, O. Reg 416/23: Oaths and Affirmations, Section 44 of O. Reg. 87/24: Training, and O. Reg. 408/23: Code of Conduct for Police Service Board Members, the Board shall ensure:

a) That Board Members take Oaths and Affirmations required by O. Reg 416/23: Oaths and Affirmations;

b) That orientation is completed within the first two months of appointment to the Board, and that the orientation program is to be arranged though the Executive Assistant and shall include:

i) Ride-Along
ii) 911 Communications Sit-in (4 hours)
iii) Facility/Divisional Tours
iv) Review of the New Board Member Orientation Package

c) Prior to Members undertaking the orientation program, the Executive Assistant shall review and confirm with the Chair that the program package is up to date, consistent with applicable legislation, guidelines & policies issued by SOLGEN and Board By-laws and policies. The program will include information related to Board continuity and institutional knowledge.

d) That Board Members undertake mandatory training required by section 35(2) of the Act and section 44 of O. Reg. 87/24: Training, and such other training and education as deemed appropriate from time to time.

7.0 Duties of the Chair

7.1 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 on 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 Peterborough 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.

7.2 Signature

The Chair and Executive Assistant, or the Chief, if authorized, shall authenticate by their signature, as required, all documentation for and on behalf of the Board including but not limited to By-laws, policies, agreements, correspondence, resolutions and minutes, which have been approved by the Board.

8.0 Duties of the Vice-Chair

8.1 It is the duty of the Vice-Chair to:

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.

9.0 Acting Chair

9.1 Appointment of Acting Chair

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

9.2 Designation

The Chair may designate the Vice-Chair, or in the absence of the Vice-Chair, another Member as Acting Chair during any part of a Board meeting when they

leave the Chair for any reason.

9.3 Authority of Acting Chair

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

10.0 Conduct of Members

10.1 Board Members Conduct

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

11.0 Duties of the Executive Assistant

11.1 It is the duty of the Executive Assistant to:

a) Serve as the administrative link between the Board, the Chief, the Board’s legal counsel and labour negotiator, Committees of the Board, Associations, City Staff, the media and members of the community;
b) Organize meetings, prepare agendas for the meetings in consultation with the Chair, and ensure their timely distribution;
c) Attends all Board meetings and Committee meetings;
d) Record the minutes of the proceedings at meetings of the Board and Committees of the Board;
e) Receive all communications addressed to the Board;
f) Prepare and issue all communications arising from the proceedings of the Board, unless otherwise directed by the Board;
g) Maintain a current record of Board resolutions requiring further or future actions and to keep the Board informed of these matters;
h) Organize and maintain an annual calendar of monitoring and other reports to be received by the Board; and
i) Report on the performance indicators and annual activities of the Board, including but not limited to Board operating accounts and administration of the Auction Fund account;
j) Perform all other duties as may be from time to time required, and as outlined in the job description.

12.0 Committees of the Board

12.1 Committees

Subject to the provisions of Section 42 of the Act, Committees may be established by the Board at any time as is deemed necessary for the

consideration of matters within the jurisdiction of the Board. The Board shall determine the appropriate number of committees, their membership, mandate and reporting practices.

No sub-groups of committees shall be established without approval by the Board.

12.2 Standing Committees

At its first meeting of the year the Board shall appoint, by motion, no more than two members to the following Standing Committees and identify a Chair and Member for each:

a) Budget and Finance;
b) Labour Relations;
c) Policy and Planning;
d) Any other standing committee established by the Board.

12.3 Ad Hoc Committees

The Board may establish Ad Hoc Committees of limited duration and appoint, by motion, no more than two members at that time, 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.

12.4 General Role of Committees

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, Deputy Chief of Police, or their designate, to provide services to assist the Committee.

12.5 Committee Proceedings

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.

13.0 Meetings of the Board

13.1 Regular Meetings

The regular meetings of the Board shall be held at least four times each year pursuant to Section 43 (1) of the *Act.*

13.2 Location, Time and Frequency

The Board shall hold its regular meetings at a date, time and place to be determined by resolution of the Board passed not later than November 30 of each year for meetings to be held in the following year.

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.

13.3 Notice of Meetings

Notice to Members of all meetings, agendas, agenda items, cancellations and postponements shall be provided by the Executive Assistant to Members electronically in the manner approved by the Board. It may also be provided by telephone or personal contact in the case of an emergency.

Notice of all public meetings, agendas, cancellations and postponements shall be provided to the public and the media by issuing electronic notice and posting on the Internet, and with the Clerk of the City of Peterborough, the designated Policing Liaisons and Clerks for the Ward of Lakefield and Township of Cavan Monaghan, at least seven (7) days before the meeting is to be held and updated as required, except for special meetings called in extraordinary circumstances, pursuant to Section 43 (5), (6), (7) of the Act.

The Executive Assistant shall use their best efforts to satisfy the notice provisions set out in this section. Failure of the Executive Assistant to satisfy any of the notice provisions contained in this section does not invalidate the meeting or any proceeding at the meeting.

13.4 Audio/Video Recording

Public meetings may be video and audiotaped, televised/livestreamed, or otherwise electronically or mechanically recorded as long as the recording does not interfere with the proceedings of the meeting.

In the event the Board live streams and/or video records its meetings(s) the following shall apply:

a) Opinions of delegates are their own and the Board is not responsible for delegates' comments or any materials delegates choose to provide.

b) The Board will post, as soon as practicable following the meeting, the archived live stream video.

c) 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 only.

13.5 Audio/Video Conferencing

Electronic participation through audio or video conferencing is permitted for regular Board meetings, committee meetings and any special or emergency meetings. The Board Members who are participating electronically are deemed present for the purposes of quorum when participating in meetings and are permitted to vote accordingly.

A Member may make a request of the Chair, at least 24 hours before the scheduled commencement of an in-person meeting, that the Member be permitted to participate in the meeting by means of audio or video conferencing. The Chair may grant permission if the Member can be connected to the meeting by such means. If the Member participates in the meeting by such means, the Member shall be deemed to have been present at the meeting for the purposes of the *Act*.

13.6 Meeting Attendees

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.

13.7 Expulsion

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.

14.0 Special Meetings of the Board

14.1 Special Meeting

The Chair may at any time, summon a special meeting.

The Executive Assistant may summon a special meeting on the request of the majority of the Members of the Board.

14.2 Location, Time and Frequency

Special meetings will take place in a location or manner such as audio or video conferencing or as deemed most appropriate by the Chair, or Executive Assistant, as the case may be.

14.3 Notice of Special Meeting

Written notice of special meetings of the Board or its Committees, other than one summoned by verbal notice, and agendas for such meetings 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 subsection 12.3 of this By-law.

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.

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.

14.4 Matters Decided at Special Meetings

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.

15.0 Quorum

15.1 Quorum

Three Board Members constitute a quorum of the Board for the purpose of Board meetings, except that two members constitute a quorum if the three member quorum is lost as a result of a declaration of conflict of interest.

15.2 Quorum – Exclusions

Board Members shall not be counted toward quorum where they are prohibited from exercising their powers or performing their duties of their office as a result of failing to complete mandatory training, or where they are suspended or on a leave of absence.

15.3 Call Meeting to Order

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.

15.4 No Quorum at Beginning

If a quorum is not present within thirty (30) minutes after the scheduled time of a meeting, then the Executive Assistant 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.

15.5 Loss of Quorum During Meeting

If a quorum is lost during a meeting of the Board then the Chair shall, upon determining that a quorum is not present, request the Executive Assistant to call for a quorum for a period of fifteen (15) minutes, or until a quorum is present, whichever is sooner.

If there is still no quorum of the Board after fifteen (15) minutes, the meeting shall stand adjourned, and the Executive Assistant 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.

16.0 Board Agendas

16.1 Materials for Agendas

Except as otherwise provided by this By-law, all correspondence, notices of motion, and other communication addressed to the Board which is received by the Executive Assistant at least 10 days prior to a regular meeting shall, subject to the discretion of the Chair, be placed on the agenda and shall be dealt with at the next regular monthly meeting. Agenda materials received less than 10 days prior to the date of the regular meeting may be added to the agenda by permission of the Board Chair.

Where, in the opinion of the Executive Assistant, the subject matter of any communication is properly within the jurisdiction of the Peterborough Police Service, such communication shall be referred to the Chief of Police for the necessary action without prior reference to the Board.

16.2 Agenda

The Executive Assistant shall prepare the agenda with related attachments, under the direction of the Chair, in the following order for regular meetings of the Board:

Public:

a) Call to Order;
b) Roll Call;
c) Land Acknowledgement Statement
d) Approval of the Agenda;
e) Declarations of Conflict/Pecuniary Interest by Members;
f) Adoption of Minutes of Previous Meetings;
g) Presentations and/or Delegations;
h) Verbal Remarks from the Board Chair;
i) Verbal Remarks from the Chief of Police;
j) Verbal Remarks from the Policing Advisors/Liaisons from Cavan Monaghan and Lakefield;
k) Correspondence;
l) Reports to Receive for Information (may be received as Consent Agenda);
m) Reports for Discussion/Decision;
n) Committee Reports;
o) Unfinished Business;
p) New Business;
q) Motion for Closed Session Meeting (Identify the applicable CSPA authority and general nature of the matters to be considered in closed session);
r) Ratification of matters considered in closed session and Adjournment.

Closed:

a) Call to Order;
b) Roll Call;
c) Approval of the Agenda;
d) Declarations of Conflict/Pecuniary Interest by Members;
e) Adoption of Minutes of Previous Meetings;
f) Presentations and/or Delegations;
g) Counsel Matters;
h) Verbal Remarks from the Board Chair;
i) Verbal Remarks from the Chief of Police;
j) Correspondence;
k) Reports to Receive for Information (may be received as Consent Agenda);
l) Reports for Discussion/Decision;
m) Committee Reports;
n) Unfinished Business;
o) New Business;
p) Motion to Adjourn Closed Session Meeting and Return to Public Session.

The business of the Board shall, in all cases, be taken up in the order in which it appears on the agenda, unless otherwise approved by the Chair or 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, or such other future meeting as decided by the Board.

16.3 Delivery of Regularly Scheduled Meeting Agenda

The Executive Assistant shall cause to be delivered to each Member at least seven (7) days before the scheduled time for a meeting the agenda and copies of related materials (Agenda Package). Delivery of the Agenda Package shall be in the form agreed upon by the Board and in accordance with subsection 12.3 of this By-law.

16.4 Delivery of Special Meeting Agenda

Delivery of the Special Meeting agendas shall be in accordance with subsection 12.3 of this By-law.

16.5 Circulation to the Public

As soon as agenda information is published and distributed by the Executive Assistant to the Members, the information may be made available to the public, including posted on the Board's website, and may be discussed in public by Board Members, except for information relating to matters to be considered in Closed Session.

Agenda items and reports contained in the Agenda Package should not be considered final until approved by the Board at the Board meeting.

16.6 Communications to the Board

Every communication intended to be presented to the Board or its Committees must be legibly written or emailed and must contain the signature or e-signature and contact address of at least one person and preferably the addresses and contacts of all signatories. For all communications submitted, there shall be designated a contact person to whom the Executive Assistant can communicate on behalf of the Board or a Committee.

16.7 Consent Agenda

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.

16.8 Introduction of Business Not Included on the Agenda

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.

17.0 Board Minutes

17.1 Minutes

The Executive Assistant 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 Executive Assistant, Chief and Deputy of the Peterborough Police Service, names of guests, presenters and external delegations;
c) the confirmation and correction of the minutes of the previous meeting;
d) declarations of conflict of interest or pecuniary interest;
e) all other proceedings of the Board without note or comment.

17.2 Approval of the Minutes

The Minutes of each Board meeting shall be presented to the Board for approval at the next regular meeting.

After the Board Minutes have been approved by the Board, they shall be signed by the Chair and the Executive Assistant and retained for a minimum of 16 years or such other time as may be set out in the Board's Records Retention By-law.

17.3 Posting of the Minutes on Internet

The approved public Minutes of the Board shall be posted on the Board's web page.

18.0 Disclosures of Conflict/Pecuniary Interest

18.1 Method of Disclosure

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.

18.2 Requirements to Notify

Members who declare a conflict at a meeting shall, as soon as possible after the meeting, file a written statement of the interest and its general nature with the Executive Assistant, in accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 (s. 5.1) as amended March 1, 2019 and O. Reg. 408/23: Code of Conduct for Police service Board Members. The completed statement will be retained on file by the Executive Assistant.

18.3 Closed (Confidential) Meetings

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.

18.4 Absence – Disclosure at Next Meeting

Where the interest of a Member has not been disclosed by reason of their absence from the particular meeting, the Member shall disclose their interest at the next meeting at which such Member attends.

18.5 Record of Disclosure

The Executive Assistant 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.

19.0 Rules of Debate

19.1 General

All Members of the Board shall exercise their right to debate within the framework set out in these rules.

19.2 Recognition of Member

To address the Board, a Member shall raise their hand and be recognized by the Chair and direct all comments through the Chair.

19.3 Order of Speakers

When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.

19.4 Address the Chair

Every Board Member, prior to speaking, must address the Chair, and all remarks must be directed through the Chair.

19.5 Relevancy

All remarks and comments must be relevant to the question under consideration and the Chair shall be the judge of such relevancy.

19.6 Interruptions

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

19.7 Read Motion

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.

19.8 Speaking to a Question or Motion

No Member shall speak more than once to the same question or motion without leave of the Board.

19.9 Reply

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.

19.10 Speaking Time

No Member shall speak to the same question or motion, or in reply, for more than five (5) minutes, without leave of the Board.

19.11 After Question put by Chair

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.

19.12 Points of Order

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.

19.13 Chair to Rule of Point of Order

Thereafter, a Member shall only address the Chair for the Purpose of appealing the Chair's decision to the Board.

19.14 Decision Final

If no Member appeals, the decision of the Chair is final.

The Board's decision is final if the Chair is challenged.

20.0 Rules of Voting

20.1 General

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.

20.2 Put Question or Motion to Vote

When the Chair is putting a question or motion to vote, no Member of the Board may leave the room or cause any disturbance.

20.3 Every Member Votes

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.

20.4 Failure to Vote

The failure to vote by a Member who is not disqualified by a conflict of interest

shall be deemed to be a neutral position and shall not count as a vote for or against the motion or resolution being considered.

20.5 Manner of Vote

The manner of determining the decision of the Board on a question or motion shall be at the discretion of the Chair and may be by show of hands, voice or otherwise.

20.6 Equality of Votes

Where there is an equality of votes on any decision, the question shall be deemed to be lost.

21.0 Motions and Notices of Motions

21.1 Jurisdiction

A Motion or Notice of Motion in respect of a matter which is not within the jurisdiction of the Board, shall not be in order and shall not be considered by the Board.

21.2 Introduction of Additional Items

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.

21.3 Oral Motions

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.

21.4 Must be Seconded

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.

21.5 Wording

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.

21.6 Emergency Motion

Notwithstanding the above, any motion may be introduced for consideration by the Board in a situation deemed to be an emergency by the Chair.

21.7 Substantive Motion

There may be only one substantive motion before the Board at any time.

21.8 Motion to Amend

A motion may be amended during debate provided that the motion to amend is relevant and not in direct opposition to the main question.

Only one motion to amend an amendment to the question shall be allowed.

21.9 Withdrawal

After a motion has been seconded, it may be withdrawn by the mover and the seconder at any time before a vote is taken.

21.10 Refer to Question

A motion to refer a question shall include the name of the committee, body or official to whom the question is to be referred.

21.11 Direction to Chief or Designate

A direction to the Chief of Police or designate by the Board or designate shall be

authorized by resolution of the majority of the Members present.

21.12 Direction to the Executive Assistant or Board Counsel

A direction to the Executive Assistant or Board Counsel by the Board or designate shall be authorized by resolution of the majority of the Members present.

21.12 Not Debatable

The motions referred to in 20.3 (e), (f), (g), (j) and (l) are not debatable.

21.13 Deemed Carried

A motion is deemed carried where a majority of the quorum votes in the affirmative.

21.14 Procedure on Motions

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.

21.15 Chair to Refrain as Mover

The Chair shall refrain from moving motions.

21.16 Motion to Reconsider

A motion to reconsider a matter previously decided by the Board shall be permitted within 12 months of the original motion where a Board Member, who voted in the majority, gives notice in writing which is included in the agenda that they will move at the next meeting that a matter be reconsidered.

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 20.14 apply.

A motion to reconsider requires an affirmative vote of at least two-thirds (2/3) of the Members of the Board to pass.

22.0 Outstanding Inquiries and Motions

22.1 Follow-Up

Following each Board meeting, the Executive Assistant 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.

22.2 Written Response

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

22.3 Record Keeping

The Executive Assistant shall keep a record of all inquiries and motions requiring a response.

23.0 Public and Closed Meetings

23.1 Meetings Open to the Public

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

23.2 Virtual Public Access

The virtual link to the public meeting shall be available to the public 15 minutes before the scheduled start time of the meeting.

23.3 Recording Equipment

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.

23.4 Closed (Confidential) Meetings

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

a) the security of the property of the Board;
b) personal matters about an identifiable individual, including Peterborough Police Service employees or any other employees of the Board;
c) a proposed or pending acquisition or disposition of land by the Board;
d) labour relations or employee negotiations;
e) litigation or potential litigation, including matters before administrative tribunals, affecting the Board or Police Service;
f) advice that would be inadmissible in a court by reason of any privilege under the law of evidence, including communications necessary for that purpose;
g) information explicitly supplied in confidence to the Board by Canada, a province or territory or a Crown agency of any of them, a municipality or a First Nation;
h) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the Board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
i) a trade secret or scientific, technical, commercial or financial information that belongs to the Board and has monetary value or potential monetary value;
j) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the Board;
k) information that Section 8 of the *Municipal Freedom of Information and Protection of Privacy Act* would authorize a refusal to disclose if it were contained in a record;
l) an ongoing investigation respecting the Police Service Board; or
m) education or training session for the benefit of Members.

24.0 Delegations and Presentations

24.1 Written Request

Any person, group of persons or organization, external to the Service or the Board, wishing to address the Board regarding a matter within the Board's jurisdiction shall make a written request to the Executive Assistant at least ten (10) days prior to the date of the meeting at which the delegation is to be made, such written request to include:

a) The name of the presenter;
b) An outline of the delegation to be made;
c) The names of the other persons who will be appearing with the presenter;
d) A copy of any materials to be provided to the Board as part of the delegation.

24.2 Criteria for Delegations and Presentations

Criteria for delegation to the Board:

a) Complaints under the CSPA and/or legal matters involving litigation against the Board or Service will not be considered at Board meetings. Such matters are subject to legislated public complaints processes or legal proceedings before the courts or tribunals, and the Board must not intervene outside of those processes.
b) Matters that are before the court, tribunal, or that are the subject of other legal proceedings will not be accepted for delegation. These issues are most appropriately addressed within the formal processes established for their resolution.
c) Individual vendors will not be permitted to present to the Board, as procurement matters are governed by the City of Peterborough's procurement policies and procedures.

24.3 Limitations

Delegations and presentations shall only be heard upon the consent of the Chair.

24.4 Time

A delegation shall address the Board through one (1) spokesperson for a period not exceeding ten (10) minutes, unless approval to extend the speaking time is obtained from the Chair.

24.5 Conduct

All presenters shall address the Chair from the designated area and shall state their name and whom they represent.

No person shall:

a) Speak disrespectfully of any person;
b) Use offensive words or language;
c) Speak on any subject other than that which has received approval by the Board;
d) Disobey the rules of procedure or a decision of the Chair or the Board.

24.6 Disorder/By-law Breach

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.

24.7 Board Questions

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.

24.8 Conclusion of the Delegation or Presentation

At the conclusion of the presentation, the Board may receive the delegation or 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.

24.9 Public Audience

Members of the public who constitute the audience at a meeting shall respect the decorum of the Board and not:

a) Address the Board without permission of the Chair;
b) Interrupt any speech or action of the Members of the Board or any other person addressing the Board; and
c) Bring signage, placards, or banners into such meetings.

25.0 Media Relations

25.1 Board Spokesperson

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.

25.2 Executive Assistant as Resource

On matters of factual information, administration of the Board, or communicating a decision of the Board in response to an enquiry, the Executive Assistant may act as a resource person on behalf of the Board.

25.3 Special Circumstances

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.

25.4 Communication by Board Members

Board Members may communicate a position of the Board; however, should a Board Member publicly disagree with a position of the Board, or should a Board Member comment upon a matter not yet before the Board, they will clearly identify they are speaking as an individual and not on behalf of the Board. Nor shall a Board Member state the Board has taken a position on a matter, until the matter has been voted upon.

25.5 Media Releases

Media releases shall be approved by the Chair, or the Vice-Chair prior to release. Board Members shall receive a copy of the release as soon as possible once its been approved.

25.6 News/Media Conferences

News/media 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.

26.0 By-laws & Policies

26.1 One Motion

Every by-law and policy shall be introduced upon motion by a Member, and any number of by-laws and policies may be introduced together in one motion, but the Board may, at the request of a Member, deal separately with any by-law or policy.

26.2 Form

Every by-law or policy, when introduced, shall be in written form and shall comply with the provisions of any relevant legislation.

26.3 Reading

Every by-law and every policy of the Board requires only one reading before it may be passed.

26.4 Authentication

Every by-law and policy which has been passed by the Board shall be dated and signed by the Chair or the Vice-Chair and the Executive Assistant and shall be deposited in the Office of the Board.

26.5 Amendments

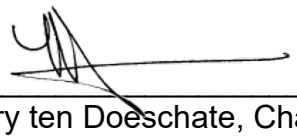
The Board hereby delegates to the Chair, in consultation with and on the advice of the Executive Assistant, the power to make minor administrative amendments to Board bylaws and policies without the necessity of Board approval.

The Executive Assistant shall report such amendments to the Board at its next regularly scheduled meeting.

27.0 Enactment

27.1 That this By-law shall come into force on March 17, 2026.

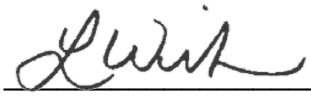
27.2 That By-law #115-2018 is hereby repealed effective March 17, 2026.



March 17, 2026

Mary ten Doeschate, Chair
Peterborough Police Service Board

Date



March 17, 2026

Lisa Wilson, Executive Assistant
Peterborough Police Service Board

Date

The following amendments shall come into force on October 20, 2026: Addition of Section 6.0 Orientation and Training; Addition of Section 26.5: Amendments.

Mary ten Doeschate, Chair
Peterborough Police Service Board

Date

Lisa Wilson, Executive Assistant
Peterborough Police Service Board

Date

APPENDIX "A"

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

CODE OF CONDUCT FOR POLICE SERVICE BOARD MEMBERS

APPLICATION AND INTERPRETATION

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

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

2. In this Regulation,

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

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

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

CONDUCT BECOMING OF A BOARD MEMBER

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

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

good faith performance of their duties as a board member.

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

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

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

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

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

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

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

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

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

STATEMENTS AND ATTENDANCE

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

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

13. A member of a police service board shall clearly indicate when they are expressing

a personal opinion when commenting on an action or omission of the police service board, the police service maintained by the board or a member of the police service.

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

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

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

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

MISCONDUCT AND CONFLICTS OF INTEREST

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

(a) to the chair of the board; or
(b) if the misconduct involves the chair, to the Inspector General.

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

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

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

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

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

(a) to the chair of the board; or
(b) if the conflict of interest involves the chair, to the Inspector General.

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

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

(a) benefit themselves;
(b) benefit one or more persons with whom they have a personal relationship; or
(c) interfere with the administration of justice.

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

APPENDIX "B"

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

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

Definitions

1. In this Act,

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

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

"council" means the council of a municipality;

"elector" means,

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

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

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

"judge" means a judge of the Superior Court of Justice;

"local board" means a school board, board of directors of a children's aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a home for the aged, or any other board, commission, committee, body or local authority established or exercising any power or

authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board;

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” is amended by the Statutes of Ontario, 2007, chapter 8, section 219 by striking out “home for the aged” and substituting “long-term care home”. See: 2007, c. 8, ss. 219, 232 (2).
“meeting” includes any regular, special, committee or other meeting of a council or local board, as the case may be;

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

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

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

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

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

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

Indirect pecuniary interest

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

(a) the member or his or her nominee,

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

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

(iii) is a member of a body,

that has a pecuniary interest in the matter; or

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

Interest of certain persons deemed that of member

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

Exceptions

Where s. 5 does not apply

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

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

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

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

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

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

improvements;

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

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

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

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

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

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

Duty of Member

When present at meeting at which matter considered

5. (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

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

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

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

Where member to leave closed meeting

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

When absent from meeting at which matter considered

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

Record of Disclosure

Disclosure to be recorded in minutes

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

Idem

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

Remedy for Lack of Quorum

Quorum deemed constituted

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

Application to judge

(2) Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the

council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises. R.S.O. 1990, c. M.50, s. 7 (2).

Power of judge to declare s. 5 not to apply

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

Action where Contravention Alleged

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

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

Who may apply to judge

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

Contents of notice of application

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

Time for bringing application limited

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

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

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

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

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

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

Saving by reason of inadvertence or error

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

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

Transition: disqualification

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

Definition

(5) In subsection (4),

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

Appeal to Divisional Court

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

Judgment or new trial

(2) The Divisional Court may give any judgment that ought to have been pronounced,

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

Appeal from order or new trial

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

Proceedings not invalidated but voidable

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

Other procedures prohibited

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

General

Insurance

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

(a) for contracting for insurance;

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

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

to protect a member of the council or of any local board thereof who has been found not to have contravened section 5, against any costs or expenses incurred by the member

as a result of a proceeding brought under this Act, and for paying on behalf of or reimbursing the member for any such costs or expenses. R.S.O. 1990, c. M.50, s. 14 (1); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (2).

Insurance Act does not apply

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

Surplus funds

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

Reserve funds

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

Local boards

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

Former members

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

Conflict with other Acts

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