

Pembroke Police Services Board

By-Law Number 2020-01

A By-law to govern the proceedings of the Pembroke Police Services Board, the conduct of its members and the calling of meetings.

Whereas the Police Services Act, R.S.O. 1990, as amended, Section 10(2) provides that in order for a municipality to enter into a contract with the OPP the municipality must have a Police Services Board established; and

Whereas the Police Services Act, R.S.O. 1990, as amended, Part III, Section 37 provides that a board shall establish its own rules and procedures in performing the duties under this Act; and

Whereas it is deemed expedient to make and establish rules governing the proceedings of the City of Pembroke Police Services Board, the conduct of its members and the calling of meetings;

Now Therefore the Pembroke Police Services Board for the City of Pembroke hereby enacts as Follows:

1. That the Rules of Procedure for the City of Pembroke Police Services Board, identified as Schedule "A" to this by-law and attached hereto form an integral part of this by-law.
2. That the Agreement for the Provision of Police Services between the Minister of Community Safety and Correctional Services (Ontario) and the Corporation of the City of Pembroke – Board Responsibilities, identified as Schedule "B" to this by-law and attached hereto form an integral part of this by-law;
3. That the City of Pembroke Police Services Board Chair and Secretary are hereby authorized to sign this by-law on behalf of the Board.
4. That By-law 2013-01 and any other bylaw inconsistent with the provisions contained in this by-law are hereby repealed.
5. This By-law shall come into force and takes effect on the date of its final passing.

**Passed and Enacted
This 16 Day of January 2020**

Ronald Gervais
Chair

Heidi Martin
Secretary

Table of Contents:	
By-Law Number 2020-01	1
Table of Contents:.....	2
1. Definitions.....	3
2. Interpretation	3
3. Application.....	3
4. Composition of the Board	4
5. Selection of Chair and Vice-Chair	4
6. Duties and Responsibilities of the Board	4
7. Duties of the Chair.....	4
8. Duties of the Vice-Chair	5
9. Committees of the Board.....	5
10. Regular Meetings of the Board.....	5
11. Special Meetings of the Board.....	5
12. Calling of the Meeting to Order.....	6
13. Quorum	6
14. Board Agenda	6
15. Conflict of Interest Disclosure.....	7
16. Hearing of Delegations.....	7
17. Conduct of Members	8
18. Rules of Debate/Points of Order and Privilege	9
19. Motions.....	9
20. Voting on Motions.....	10
21. Public and Closed Session Meetings	10
22. Availability of Information.....	11
23. By-laws.....	11
Appendix "A" – Members of Police Services Boards - Code of Conduct O. Reg 421/97	12
Appendix "B" - Board Responsibilities.....	14

1. Definitions

In this By-law:

- a) "Act" means the Police Services Act, R.S.O. 1990, Chapter P. 15, as amended from time to time;
- b) "Agenda" shall mean a list of all items to be considered by the Board at the meeting for which the agenda was prepared.
- c) "Acting Chair" means a member required to act from time to time in the place and stead of the Chair; pursuant to Section 6 of this By-law;
- d) "Board" shall mean the Pembroke Police Services Board and shall be composed of such members appointed under Part III of the Act;
- e) "Chair" shall mean a member elected or appointed by the Board to preside at meeting(s) of the Pembroke Police Services Board;
- f) "Committee" means a Standing or ad hoc committee and any other similar entity composed of individuals of the Board pursuant to the Act;
- g) "Closed Session" shall mean the portion of a meeting that is not open to the public in accordance with Section 35(4) of the Police Services Act, R.S.O. 1990, c. P. 15, as amended;
- h) "Council" shall mean the Council of the Corporation of the City of Pembroke;
- i) "Days" means calendar days exclusive of Saturday, Sundays, and Public holidays;
- j) "Detachment Commander" means an Ontario Provincial Police Detachment Commander reporting to the Pembroke Police Services Board;
- k) "Inspector" means an Ontario Provincial Police Inspector reporting to the Pembroke Police Services Board;
- l) "Member" shall mean a member of the Pembroke Police Services Board;
- m) "Motion" shall mean the manner by which a matter is formally brought before the Board;
- n) "Recorded Vote" means the making of a written record of the name and vote of each member present who votes on a question and of each member present who does not vote;
- o) "Resolution" shall mean an adopted decision as expressed formally by the Board;
- p) "Secretary" shall mean the Secretary of the Pembroke police Services Board;
- q) "Pembroke Police Services Board" shall mean the board governing police services for the geographic territory defined as the corporation of the City of Pembroke.
- r) "Vice-Chair" shall mean a member appointed by the Board to preside over the meeting of the Board, in the Chair's absence;
- s) "Website" shall mean the Pembroke Police Services Board web page on the City of Pembroke domain named www.pembroke.ca

2. Interpretation

- 2.1 In the interpretation of this By-law words importing the singular number include the plural and vice versa, and words in one gender include all genders, and "person" includes an individual, body corporate, partnership, trust and unincorporated organization.

3. Application

- 3.1 The rules or procedures contained in this Bylaw shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business before the Board, and with necessary modifications, in a committee of the Board.

- 3.2 Except as provided elsewhere in the Bylaw the Board may temporarily suspend one or more of the rules contained in this paragraph by a vote of the majority of the Members present:
- Rules with respect to a change in agenda order of proceedings and content;
 - Rules respecting notice of delegation status;
 - Rules with respect to the increase or decrease of delegation and debate limitations.

3.3 The Chair shall decide all points of order or procedure for which rules have not been provided in this Bylaw.

4. Composition of the Board

4.1 In accordance with Section 27(5) of the Act, the Board shall consist of five (5) members, composed of:

- a) One (1) head of the municipal council or, if the head chooses not to be a member of the board, another member of the Council appointed by resolution from the Council of the Corporation of the City of Pembroke'
- b) One (1) elected representative appointed by resolution from the Council of Corporation of the City of Pembroke
- c) One (1) community representative, who resides in the Corporation of the City of Pembroke;
- d) Two (2) persons appointed by the Lieutenant Governor in Council from the Corporation of the City of Pembroke

5. Selection of Chair and Vice-Chair

5.1 In accordance with Section 28(1) and (2) of the Act, the members of the Board shall select at the first meeting held in each year from amongst its members a Chair and a Vice-Chair for one year.

5.2 The Secretary shall conduct the election of Chair and Vice-Chair.

5.3 Any votes required under this Section, shall be taken as described by the provision of Section 244 and 246 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, which requires that each member present indicate his/her vote openly and that no vote be taken by ballot or any other method of secret voting.

6. Duties and Responsibilities of the Board

6.1 The Board shall be responsible for those duties as set out in the Act as applicable, and shall at all times discharge those duties in accordance with the Board's Code of Conduct (attached as Appendix A). Reg. 421/97)

7. Duties of the Chair

It shall be the duty of the Chair to:

- a. report on activities of the Board;
- b. act as the sole spokesperson for the major policy decisions of the Board;
- c. represent and support the Board, declaring its will and implicitly obeying its decision in all things;
- d. set the agenda for all meetings;
- e. open the meeting of the Board by taking the Chair and calling the Members to order, and giving appropriate opening remarks;
- f. announce the order of business as it appears on the agenda;

- g. receive all communications and delegations and announce them to the Board;
 - h. receive and put to vote all motions presented by the Members of the Board that are duly moved and seconded, or necessarily arise in the course of proceedings and to announce the results;
 - i. decline to put to a vote, motions which infringe upon the rules of procedure or which are beyond the jurisdiction of the Board;
 - j. ensure the observance of order and decorum among the Members;
 - k. inform the Board on any point of order as deemed necessary;
 - l. expel any person for improper conduct and/or use of offensive words or unparliamentary language, at a meeting if the Chair, in his or her sole discretion, deems it necessary or appropriate;
 - m. adjourn the meeting upon motion duly moved when the business is concluded;
 - n. adjourn the sitting without a question being put or suspend or recess the sitting for a time to be specified by him or her, if considered necessary;
 - o. sign all documents for and on behalf of the Board including but not limited to bylaws, resolutions, orders and agreements which have been approved by the Board;
 - p. perform any and all other duties when directed to do so by motion of the Board.
8. Duties of the Vice-Chair
- 8.1 When the Chair is absent or refused to act or the chair is vacant, the Vice-Chair shall act in his or her place and stead and while so acting, shall have the same authority rights and powers of the Chair.
9. Committees of the Board
- 9.1 The Board may at any time appoint by motion one or more members to a Committee of the Board to inquire into any matter within the jurisdiction of the Board.
- 9.2 The Committee shall report upon its work to the Board at the meeting of the Board next following the date of the Committee meeting.
10. Regular Meetings of the Board
- 10.1 The Board shall hold its regular meetings at 4:00 p.m., on the fourth Thursday of every third month, at the City Hall offices of the Corporation of the City of Pembroke, or at such other place or time as may be determined by the Board, from time to time.
- 10.2 Notwithstanding Subsection 10.1, the Board shall hold at least four (4) meetings each year in accordance with Section 35(1) of the Act.
- 10.3 The Chair shall preside at all meetings. In the absence of the Chair, the Vice-Chair or in absence of the Vice-Chair, the next senior member of the Board shall preside at the meeting in accordance with Section 8 of this By-law.
- 10.4 The Chair or in the absence of the Chair, the Vice-Chair as the case may be, may cancel a regular meeting of the Board, where the Chair or Vice-Chair deems such meeting is not warranted.
11. Special Meetings of the Board
- 11.1 The Chair, or in his or her absence the Vice-Chair, may at any time summon a special meeting of the Board and shall do so whenever requested by a majority of the Members of the Board.

- 11.2 The Secretary shall give notice to the Members of the Board of all special meetings of the Board whenever required by competent authority to do so. Such notice shall be by telephone, or other means deemed appropriate by the Secretary.
- 11.3 No special meeting of the Board may be held with less than twenty-four (24) hours advance notice to the Members.
- 11.4 Public notifications will be deemed complete when posted on the website of the Pembroke Police Services Board section of the Corporation of the City of Pembroke, twenty-four (24) hours in advance of a meeting called under Subsection 11.1.
- 11.5 Notwithstanding Subsection 11.4, a meeting deemed to be in Closed Session will not require notification of the public.
- 11.6 No business may be transacted at a special meeting of the Board other than that specified in the notice or Agenda.
12. Calling of the Meeting to Order
 - 12.1 As soon as possible after the hour of the meeting, and where a quorum is present, the Chair shall take the chair and call the meeting to order.
 - 12.2 If a quorum for either the regular or special Board meeting is not present within thirty (30) minutes of the time fixed for the commencement of the meeting, the Secretary shall indicate that no quorum was present and the meeting shall stand adjourned until the next regular meeting of the Board.
13. Quorum
 - 13.1 A quorum shall be a majority of the Members according to Section 35(2) of the Act.
14. Board Agenda
 - 14.1 The Secretary shall cause an agenda to be prepared with the following headings for the use of Members at the regular meetings of the Board:
 - a. Call to Order
 - b. Disclosure of Pecuniary Interest and General Nature Thereof
 - c. Approval of Agenda
 - d. Approval of Minutes
 - e. Presentations/Delegations
 - f. OPP Report
 - g. Old Business
 - h. New Business
 - i. Correspondence
 - j. Next Meeting
 - k. Closed Session
 - l. Adjournment
 - 14.2 An item, which is not included in the agenda may not be introduced at the meeting, without the consent of a majority of the Members present.
 - 14.3 Every letter, petition and other communication addressed to the Board shall be received by the Secretary of the Board who shall:
 - a. Where, in the opinion of the Secretary, the subject matter of any communication is properly within the jurisdiction of the Board, place it upon the Agenda for the new regular meeting of the Board to be dealt with during such meeting;

- b. where in the opinion of the Secretary, and confirmed by the Chair, the subject matter of any communication is properly within the jurisdiction of the Police Services, shall refer it to the Inspector for necessary action and a report presented at the next Board meeting, if required.
- 14.4 The Secretary shall deliver the agenda for each regular meeting to each Member of the Board not less than forty-eight (48) hours prior to the hour appointed for holding of the meeting.
- 15. Conflict of Interest Disclosure
 - 15.1 The Chair and Members shall be governed by the *Municipal Conflict of Interest Act, 1990*, as amended, and the agenda shall include a provision for Members to declare a conflict or conflicts of interest or a pecuniary interest in a matter.
 - a. 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 Board at which the matter is the subject of consideration, the Member shall: prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - b. complete the Disclosure of Pecuniary Interest and General Nature Thereof Form available from the municipal clerk or appropriate local board official
 - c. not take part in the discussion of, or vote on any question in respect of the matter; and
 - d. not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
 - 15.2 Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
 - 15.3 Where the interest of a Member has not been disclosed by reason of his or her absence from the particular meeting, the Member shall disclose his or her interest and otherwise comply at the first meeting of the Board attended by him or her after the particular meeting.
 - 15.4 To fulfill the Board functions pursuant to “Part V – Complaints” of the Act, Members should not take part in the administration of Part V matters if they have a personal interest or where they may be perceived as having a personal interest or bias. Where there is uncertainty as to whether a conflict may exist, the issue should be raised. The Member shall determine the decision regarding the conflict.
 - 15.5 The Secretary shall record in reasonable detail, the particulars of any disclosure of conflict of interest, and the particulars shall appear in the minutes of that meeting of the Board.
- 16. Hearing of Delegations
 - 16.1 Delegations wishing to address the Board shall notify the Secretary not later than 12:00 noon on the Friday preceding the scheduled regular Board meeting. The purpose of the delegation shall be clearly stated and it shall be contained in the agenda delivered to Board Members prior to the meeting. The request shall also include a list of person(s) who will be appearing before the Board and a copy of the materials that will be presented.

- 16.2 Notwithstanding clause 16.1, and at the Board's discretion, any delegations or deputations, other than those listed on the agenda, may be heard on any item appearing on the agenda.
- 16.3 Delegations shall be restricted to presentations of ten (10) minutes and shall address their remarks to the stated business.
- 16.4 The Secretary shall record the name and address of every person who speaks as a member of a delegation to the Board and the proceedings and outcome of the delegation shall be recorded in the Minutes of the Board meeting.
- 16.5 The number of delegations or petitions to be heard at a Board Meeting shall not exceed five (5).
- 16.6 Upon the completion of a presentation to the Board by a delegation, any discourse between Members of the Board and the delegation shall be limited to Members asking questions for clarification and obtaining additional, relevant information only. Members of the Board shall not enter into debate with the delegation respecting the presentation.
- 16.7 No delegation shall:
- a. speak disrespectfully of any person;
 - b. use offensive words or unparliamentary language;
 - c. speak on any subject other than the subject for which they have received approval to address the Board; or
 - d. disobey the rules of procedure or a decision of the Chair.
- 16.8 The Chair may curtail any delegation, any questions of a delegation or debate during a delegation for disorder or any other breach of this By-law and, where the Chair rules that the delegation is concluded, the person or persons appearing shall immediately withdraw.
17. Conduct of Members
- 17.1 No member shall:
- a. use offensive works or unparliamentary language in meetings of the Board or against any Member
 - b. speak on any subject other than the subject in debate;
 - c. criticize any decision of the Board except for the purpose of moving that the question be reconsidered;
 - d. speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
 - e. disobey the rules as set out in this By-law or a decision of the Chair, on questions of order or procedure as set out in this by-law or resolution of the Board or upon the interpretation of the rules of the Board.
- 17.2 If a Member persists in disobedience after having been called to order by the Chair, the Chair shall forthwith put the question, no amendment, adjournment or debate being allowed: "That such Member be ordered to leave his or her seat for the duration of the meeting of the Board". If a Member who has been ordered to leave his or her seat apologizes to the Chair and the other Members, he or she may be permitted to retake his or her seat by vote of the Members.

18. Rules of Debate/Points of Order and Privilege

- 18.1 Any Member of the Board who desires to speak may remain seated and shall address his/her remarks to the Chair. The Member shall confine his/her remarks to the matter under consideration.
- 18.2 The Chair shall ensure that any Member who wishes to speak to any question, motion or item, is given fair opportunity to do so and without interruption from any other Member.
- 18.3 The Chair may call a Member to order while speaking and the debate shall be suspended and the Member shall not speak until the point of order is determined. Any Member may appeal from the decision of the Chair to the Board and the Board shall decide by a majority vote without debate and its decision shall be final.
- 18.4 A Member may rise and address the Chair to raise a point of order. After leave is granted, he/she shall state the point of order, which shall be decided on by the Chair. If the decision of the Chair is appealed, the Board shall decide the question by a majority vote and its decision shall be final.
- 18.5 When a Member considers/believes that his/her integrity, or the integrity of the Board as a whole has been impugned, he/she may as a matter of privilege rise at any time and, without consent of the Chair, draw the attention of the Board to the matter.
- 18.6 Any Member of the Board who has declared a pecuniary/conflict of interest with respect to any item of the Agenda shall immediately remove themselves from the Meeting until such time as the debate/consideration of the item is concluded.

19. Motions

- 19.1 Any Member of the Board may introduce a motion for discussion or debate. The motion must be formally seconded before it is subject to discussion or debate.
- 19.2 After a motion has been moved, it may be withdrawn by the mover with permission of the seconder prior to its being debated or put to a vote.
- 19.3 After a motion has been put and decided, no motion for reconsideration thereof shall be introduced during the same meeting, unless it is moved and seconded by two members from among those who voted with the majority.
- 19.4 No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.
- 19.5 A motion related to a question under consideration may be entertained only if it is:
- a. to refer (debatable)
 - b. to amend (debatable)
 - c. to defer, postpone or table (not debatable)
 - d. to adjourn (not debatable)

These motions shall have precedence in the order in which they are named.

- 19.6 A motion that was duly made, discussed or debated shall be put to a vote and the motion and the result shall be recorded in the Minutes.

20. Voting on Motions

- 20.1 Before a motion is put to a vote, the Chair shall state the question in the precise form to be recorded in the Minutes, including any amendments to the question. Members present must vote on the question unless prohibited by any provincial statute or regulation. The Chair shall verbally indicate whether the motion has been carried or lost.
- 20.2 When a question is put to vote, no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result declared.
- 20.3 Any question on which there is a "tie vote" or equality of votes, the vote shall be deemed to be lost.
- 20.4 The Chair may vote on an issue and shall vote upon any question which there is an equality of votes.
- 20.5 Any Member may request a recorded vote. A request for a recorded vote must be made immediately prior to the taking of the vote and the names of those who voted for and those who voted against shall be recorded in the Minutes by the Secretary. On a recorded vote, the manner of determining the outcome of the vote shall be by voice stating yes or no. A recorded vote shall be carried out in alphabetical order with the exception of the Chair who shall vote last. Any failure to vote by a qualified Member shall be deemed to be a negative vote. The Secretary shall report the results of the vote to the Chair who shall declare the results of the vote.
- 20.6 No vote by the Board shall be taken by ballot or any other method of secret voting.
- 20.7 When the Chair calls for a vote on a question, each Member shall remain seated and refrain from communicating with other Members until the result of the vote has been declared by the Chair. On an unrecorded vote, the manner of voting shall be at the discretion of the Chair and may be by voice, show of hands, standing or otherwise.
- 20.8 Members shall not speak more than once to the same question without the consent of the Chair. If a motion has been amended, each Member may readdress the question.
- 20.9 The members are required to address the question as put by the motion, and any variance may be deemed out of order by the Chair.

21. Public and Closed Session Meetings

- 21.1 All meetings of the Board shall be open to the public except to address:
 - a. matters involving public security that the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or
 - b. financial or personal matters or other matters of such a nature that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.
- 21.2 No person other than Board Members, Secretary, Inspector and other persons invited by the Chair, shall attend closed meetings of the Board, and persons other than the Board Members shall vacate the meetings if requested to do so by the Chair.

22. Availability of Information

22.1 Information relating to matters described in Subsection 21.1 of this By-law shall be marked "Confidential".

22.2 Immediately following the distribution of the agenda information to all Members of the Board, the public agenda materials may be made available to the media and to any other member of the public requesting such information, provided the disclosure of such information do not relate to matters described in Subsection 21.1 herein.

23. By-laws

23.1 Every By-law shall be introduced upon written motion by a Member, and any number of By-laws may be introduced together in one motion, but the Chair may, at the request of a Member, deal separately with any By-law.

23.2 Every By-law shall be given first; second and third reading in a single consolidated motion unless provincial legislation requires individual readings or unless a member of the Board requires a by-law to be introduced separately.

**Pembroke Police Services Board
By-law 2020-01**

**Appendix “A” – Members of Police Services Boards - Code of Conduct O.
Reg 421/97**

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

(2) If the application of subsection (1) results in a board not having enough members able to exercise their duties in order to constitute a quorum during an investigation, inquiry or hearing under section 25 of the Act, the chair of the Commission may appoint that number of persons necessary to constitute a quorum who shall act in the place of the members who are unable to exercise their duties.

- (3) The chair of the Commission,
- a. shall specify in an appointment made under subsection (2) that the appointee may only exercise such duties as are necessary for the effective operation of the board during the investigation, inquiry or hearing and, for such purpose, may specify the duties the appointee may or may not exercise; and
 - b. shall cancel an appointment made under subsection (2) as soon as a member of the board who declined to exercise his or her duties under subsection (1) resumes exercising his or her duties or is replaced under subsection 25 (8) of the Act

15. If the Board determines that a Board member has breached the Code of Conduct set out in this Regulation, the Board shall record that determination in its minutes and may,
- a. require the member to appear before the Board and be reprimanded;
 - b. request that the Ministry of Community Safety and Correctional Services conduct an investigation into the member's conduct; or
 - c. request that the Commission conduct an investigation into the member's conduct under section 25 of the Act.

**Pembroke Police Services Board
By-law 2020-01**

Appendix “B” - Board Responsibilities

Agreement for the Provision of Police Services between the Minister of Community Safety and Correctional Services (Ontario) and the Corporation of the City of Pembroke

Board Responsibilities

General Provisions

1. The Commissioner shall ensure that the Detachment Commander responds appropriately to the Board’s objectives and priorities for police services, developed after consultation with the Detachment Commander, pursuant to s 10(9) (b) of the Police Services Act.
2. The Commissioner shall cause the Detachment Commander or his or her designate to report to the Board at mutually agreed upon intervals in accordance with the Police Services Act regarding the provision of police services in and for the Municipality. The Board, in consultation with the Detachment Commander, and in accordance with the Police Services Act, will determine the information to be contained in the reports and the format in which they will be provided.
3. For the purposes of s.10(6) of the Police Services Act, the OPP shall provide police services to the Municipality, including the enforcement of mutually agreed upon by-laws. The parties shall annually review this part of the Agreement with a view to revising or updating the list of by-laws requiring OPP enforcement.

Provincial Services Usage

1. The OPP as legislated by the Police Services Act must be capable of providing provincial level response that can be mobilized for emergencies, disaster or specialized needs. The OPP may meet this requirement by deploying resources that normally would be assigned to the Detachment that serves the Municipality. The Detachment Commander shall ensure that in the event resources are deployed to a situation requiring provincial level response, appropriate resources remain available to the Detachment to provide adequate and effective policing to the Municipality. The use of Detachment resources in cases where there is a provincial obligation to respond will be reconciled in the Municipality’s Annual Financial Statement where such resources are deployed outside the boundaries of the Upper Ottawa Valley Detachment. Detachment boundaries are determined by the OPP and may be amended from time to time and shall be provided to the Municipality upon request.
2. Ontario shall deliver to the Board at mutually agreed upon intervals a statement concerning statistical information as required by the Board regarding police services provided under this Agreement. Ontario shall ensure that appropriate records are kept to support and verify the statement provided.

Adequacy Standards Regulation

1. The OPP shall undertake and be responsible for ensuring that all mandatory standards of adequate and effective police services as required by Ontario Regulation 3/99 under the Police Services Act are met and maintained.

2. The Detachment Commander shall provide the Board with reasonable documentation, as agreed upon between the Board and the OPP, to allow the Board to evaluate the services and satisfy itself that adequate and effective standards and policies are in place.
3. It shall be the responsibility of the Board to monitor the delivery of police services to ensure that the provisions of the Ontario Regulation 3/99 under the Police Services Act are satisfied on an ongoing basis.

Cost of Police Services

1. On or before December 01 in each year, Ontario shall prepare and deliver to the Board for review and to the Municipality for review and approval, the Annual Budget for the following year together with sufficient documentation and information reasonably necessary to explain and support the service levels, the adequacy of equipment and facilities, the costing formula format, the previous budget and all other matters affecting the Annual Budget. Until the Annual Budget for any year is approved by the Municipality, the Annual Budget for that year shall be deemed to be the Annual Budget for the previous year.
2. The parties agree that sections 132 and 133 of the Police Services Act will be applied as if the Upper Ottawa Valley Detachment of the OPP was a municipal police force, and as if the Detachment Commander was a Chief of Police.

Dispute Resolution Mechanisms

1.
 - a. The provisions of this paragraph apply in the event of a dispute between the Municipality and Ontario concerning financial and related issues arising out of the interpretation, application, administration, or alleged violation of this Agreement (“Financial Disputes”) or between the Board and the OPP concerning policing issues arising out of the interpretation, application, administration, or alleged violation of this Agreement (“Policing Disputes”).
 - b. In the event that a dispute arises, the Detachment Commander, or representative, and the Municipality or the Board, as the case may be, or their representative, shall meet within 30 days of such dispute arising and use all best good faith efforts to resolve the dispute.
 - c. If the dispute remains unresolved, the Regional Commander, or representative, and the Municipality or the Board, as the case may be, or representative, shall meet and use all best good faith efforts to resolve the dispute.
 - d. If the dispute remains unresolved, the Commissioner, or Deputy Commissioner, and the Municipality or the Board, as the case may be, or representatives, shall meet and use all best good faith efforts to resolve the dispute.
 - e. If the dispute remains unresolved, the issue may be referred to mediation by either party, and each party shall use all good faith efforts to resolve the dispute.
2.
 - a. Policing Disputes shall not be subject to arbitration.
 - b. Neither party shall be entitled to proceed to mediation or arbitration until all of the meetings referred to in number one have been held, and each party undertakes to exert all best good faith efforts to resolve the dispute in those meetings.

- c. Mediations or arbitrations of disputes conducted under this Agreement shall remain closed to the public. All parties to any dispute shall keep all details, admissions or communications made in the course of the dispute resolution process strictly confidential, nor shall such information be admissible in any legal proceedings, except as confidential, nor shall such information be admissible in any legal proceeding, except as follows:
 - i. on consent of all parties;
 - ii. as may be ordered by a court of competent jurisdiction;
 - iii. the final decision of the arbitrator may be released.
- d. Each of the meetings outlined in number 1 shall be commenced no earlier than 15 days, and concluded no more than 30 days, from the conclusion of the prior state unless the parties otherwise agree.
- e. Notwithstanding any of the above provisions, nothing in this Agreement shall be construed so as to give the Municipality or the Board the right to alter any policy of the OPP or the Ministry. Nothing in this Agreement shall be construed so as to give the Municipality or the Board, the right to supersede or vary the duties and obligations of the Solicitor General pursuant to s. 3(2) of the Police Services Act, or the Commissioner pursuant to s. 17 and s. 41 of the Police Services Act, and further, the rights of the Municipality and the Board pursuant to the Agreement are subject to the Municipality's obligations under s. 4 of the Police Services Act.

Detachment Commander Selection

The Detachment Commander shall be selected from a short-listed pool of candidates as determined by the OPP in accordance with its relevant provincial policies. Following the formulation of the short-list, a joint committee consisting of a majority of Board members and persons nominated by the Commissioner, shall select the successful candidate in accordance with the process set out in the OPP's provincial policies.