

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

23 January 2023 / 23 janvier 2023

Submitted by / Soumis par:

Policy and Governance Committee / Comité des politiques et de la gouvernance

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**SUBJECT: NOTICE OF MOTION: AMENDMENT TO PROCEDURE BY-LAW No. 3
OF 2014 (TO BE CONSIDERED AT 27 FEBRUARY 2023 MEETING)**

**OBJET: AVIS DE MOTION : MODIFICATION DU RÈGLEMENT DE
PROCÉDURE (N^o 3) DE 2014 (QUI SERA EXAMINÉE LORS DE LA
RÉUNION DU 27 FÉVRIER 2023)**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board receive and table this report and the attached By-law No. 1 of 2023, being a By-law to amend Ottawa Police Services Board Procedure By-law No. 3 of 2014, for approval and enactment at its 27 February 2023 meeting.

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa reçoive et dépose le présent rapport et le Règlement n^o 1 de 2022 ci-joint, un règlement destiné à modifier le Règlement de procédure n^o 3 de 2014 de la Commission de services policiers d'Ottawa, aux fins d'approbation et de promulgation lors de sa réunion du 27 février 2023.

BACKGROUND

The conduct of meetings of the Ottawa Police Services Board (the Board) are governed by Procedure By-law No. 3 of 2014 as amended by By-law No. 1 and No. 2 of 2016 and Motion 20-01 of 2020. Periodically the Board conducts reviews of its policies and by-

laws to ensure they remain relevant and up-to-date. The Board's workplan for 2022 included a review of its Procedure Bylaw.

Further, Ottawa City Council recently passed a motion requesting that the Ottawa Police Service's Board, in addition to the Board of Health and Library Board, allow electronic participation in meetings and conduct hybrid meetings. While City Council cannot direct the Board's procedures, the Committee took this motion into consideration when conducting its review.

DISCUSSION

At its meeting on December 19, 2022, the Policy & Governance Committee discussed the amendments proposed in this report.

The intent of the amendments is to ensure that the procedure bylaw is up to date and reflective of existing practice and to ensure the current procedures are still assisting the Board in performing its governance and oversight responsibilities effectively and efficiently.

One particular section of the Procedure Bylaw the Committee discussed concerns the hearing of delegations. The hearing of delegations at meetings of the Board represents one of the ways in which the Board can receive feedback from the community to help inform the ways in which it carries out its oversight and governance responsibilities. While not the only mechanism the Board has to hear from the public, public delegations have become an increasingly used avenue for some community members to come forward and provide comments directly to the Board. Despite the increased interest in public delegations in recent years, there have been concerns about the current format, including but not limited to:

- That public delegations are not as accessible a means as they could be since they must currently take place either in person at the meeting, or by way of a written submission;
- That Board meetings are not a safe space for all community members to come forward; some delegates have been targeted as a result of speaking at a Board meeting, others have indicated they do not feel safe being in the physical presence of police officers.
- The lack of decorum observed during public delegations by some delegates.
- Some of the topics raised during delegations are not relevant to the items before the Board, or within the jurisdiction of the Board.

The proposed amendments are detailed in Document 1 - By-law No. 1 of 2023, being a by-law to amend the Board Procedure By-law No. 3 of 2014 (as amended by By-law No. 1 and No. 2 of 2016 and Motion 20-01 of 2020).

Document 2 outlines the changes in more detail, in the context of the previous Procedure By-law, using track changes. This supporting document can be used to review the amendments and compare them to the previous version.

CONSULTATION

The amendments were discussed at a public meeting of the Policy and Governance Committee.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

SUPPORTING DOCUMENTATION

Document 1 - By-law No. 1 of 2023

Document 2 – PSB Procedure By-law #3 of 2014 with amendments in track changes

CONCLUSION

These amendments are submitted by the Policy & Governance Committee for the Board's approval.

Document 1 – Amending By-law No. 1 of 2023

OTTAWA POLICE SERVICES BOARD

BY-LAW No. 1 of 2023

Being a by-law of the Ottawa Police Services Board to amend the Police Services Board Procedure By-law No. 3 of 2014, as amended by By-law No. 1 and 2 of 2016, and Motion 20-01 of 2020.

WHEREAS the City of Ottawa Police Services Board (the “Police Services Board”) deems it desirable to enact a certain amendment to the Police Services Board Procedure By-law adopted on September 22, 2014 as By-law No. 3 of 2014;

THEREFORE the Police Services Board enacts as follows:

1. Paragraph (2) of Section 4 is repealed and the following substituted therefor:

(2) The Board shall hold its regular meetings at the hour of 14:00 hours in the Champlain Room at Ottawa City Hall according to the schedule set annually and approved by the Board, or at such other places or time as may be determined by the Board from time to time.

2. Paragraph (7) of Section 4 is repealed and the following substituted therefor:

(7) The Chair, Executive Director, and/or Board Assistant shall give notice of the time, place and purpose of a special meeting to all Members of the Board either:

(a) by telephone, facsimile, electronic mail or hand delivered to each Member so as to be received at the residence or place of business of each Member as soon as possible in advance of the time fixed for the meeting;

(b) by personal service to the Members, as soon as possible in advance of the time fixed for the meeting; or

(c) by verbal notice provided a majority of the Board consents to the meeting.

3. Paragraph (9) of Section 4 is repealed and the following substituted therefor:

(9) If a special meeting is called for the purpose of considering a confidential matter in accordance with Section 35(4) of the *Police Services Act*, the Board shall post a public notice of the meeting stating:

(a) the time and the fact of the holding of the closed meeting; and

(b) the general nature of the matter to be considered at the closed meeting.

4. The following paragraph is to be added to the end of Section 4:

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

5. Paragraph (4) of Section 9 is repealed and the following substituted therefor:

9. (4) Members shall conduct themselves in accordance with Ontario Regulation No. 421/97 – Members of Police Services Board Code of Conduct, and any Board Policy that may be approved.

6. Section 10 is repealed and the following substituted therefor:

10. The Board shall deal with matters in the following order during its regular meetings, subject to confirmation from the Chair:

- (a) Ceremonial Activities / Announcements
- (b) Confirmation of the Agenda
- (c) Confirmation or Correction of Minutes
- (d) Reports from Committee Chairs & Minutes
- (e) Declarations of Interest (Municipal Conflict of Interest Act)
- (f) Inquiries
- (g) Chair's Verbal Report
- (h) Chief's Verbal Report
- (i) Consideration of Reports
- (j) Communications
- (k) New Business
- (l) Consideration of In-Camera Items
- (m) Adjournment.

7. Paragraph (1) of Section 11 is repealed and the following paragraph substituted therefor:

11. (1) Prior to each regular meeting, the Executive Director, under the supervision of the Chair, shall prepare an agenda of all the items in the order of business set out in section 10, and shall ensure that the agenda and the minutes of the last regular meeting are provided to every Member not less than two working days before the time appointed for the commencement of such regular meeting.

8. Paragraph (3) of Section 12 is repealed and the following paragraph substituted therefor:

11. (3) The Executive Director shall ensure that the minutes of the last regular meeting of the Board, together with the agenda prepared in accordance with section 11, are provided to each Member no less than two working days before the time appointed for the holding of such regular meeting.

9. Paragraph (1) of Section 27 is repealed and the following paragraph substituted therefor:

27. (1) An agenda for a regular or special meeting may provide that the meeting is to take place electronically.

(a) Where a meeting is to proceed electronically, the agenda shall set forth the means of participating in the meeting.

(b) Any Member participating electronically in the meeting shall be counted in the quorum for such meeting and shall be entitled to vote.

(c) This section applies with the necessary changes to the Committees of the Board.

10. Paragraph (3) of Section 30 is repealed and the following substituted therefor:

(3) A public notice of the meeting shall be posted prior to any closed meeting taking place and shall state:

(a) The time and the fact of the holding of the closed meeting; and

(b) The general nature of the matter to be considered at the closed meeting.

11. Section 31 is repealed and the following substituted therefor:

HEARING OF DELEGATIONS

- 31.(1) The Board shall hold a session prior to each of its regular meetings, to hear delegations from members of the public. The session will be open to the public however advance registration will be required for those who wish to present.
- (2) The delegation sessions will be held electronically between the hours of 12:00 – 13:00 on the same day as the Board's regular meetings.
- (3) The delegation sessions will be attended by a minimum of a quorum of Members (4), including the Chair, with all Members being encouraged to attend, subject to their availability. Representatives of the Ottawa Police Service, including the Chief, will also be invited to attend.
- (4) Delegations wishing to address the Board during the delegation session may be heard with the approval of the Board. Requests must be made to the Executive Director, preferably in writing, setting out the particulars of the matter on which the person wishes to speak. Such requests must be received no later than noon on the last full business day prior to the date of the proposed delegation. All requests will require approval by the Chair. The Chair will advise all Board members should a request to speak be declined and the reasons for declining the request.
- (5) Written delegations will also be accepted and given the same consideration by the Board. The submission must be received no later than one full business day prior to the date of the delegation session.
- (6) Delegations will be considered on a first-come-first-serve basis, however priority will be given to delegates seeking to speak to agenda items on the upcoming agenda, as well as new delegates or those delegates who have not previously delegated within the preceding three months.
- (7) Topics that will be deemed in order at the delegation session will include items of business listed on the agenda for the corresponding regular meeting, with the exception of the Chair and Chief's Verbal Reports (which are presented verbally at the meeting). Delegates wishing to address comments made during a verbal report by the Chair or Chief will be in order at the subsequent session. Delegates may also register to speak to topics not listed as part of the items of business on the agenda, provided the subject matter is within the jurisdiction of the Board, and the previously stated conditions have been met.
- (8) The Chair will present a summary of the input received during the public delegations at the subsequent regular meeting of the Board.

(9) Delegations shall be restricted to presentations of five (5) minutes and shall address their remarks to the subject matter for which they received approval to speak. Should the Board receive more than 12 delegate requests for a single session, delegates will be restricted to three (3) minutes. Notwithstanding the foregoing, the time allotted for any delegation may be extended at the discretion of the Board.

(10) If a delegation is registered to speak and is unable to attend the session, the delegation can either withdraw their delegation or submit their comments to the Board in writing through the Executive Director. Registrations are not transferable or deferrable.

(11) 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. Delegations may not direct questions to the Board or the Service for a response.

(12) No Delegation shall:

- (a) speak disrespectfully of any person;
- (b) use offensive words or un-parliamentary 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.

(13) 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.

ENACTED AND PASSED this XXth day of XX, 2023.

EXECUTIVE DIRECTOR

CHAIR