

DURHAM REGIONAL POLICE SERVICES BOARD

BY-LAW NO. 04-2004

Being a by-law to govern the proceedings of the Board and its Committees

WHEREAS Section 37 of the *Police Services Act*, R.S.O. 1990, Section 37, provides that a Police Services Board shall establish its own rules and procedures in performing its duties under this Act;

NOW THEREFORE BE IT ENACTED AND IT IS HEREBY ENACTED as a By-law of the Durham Regional Police Services Board as follows:

1. INTERPRETATION

In this By-law,

- (a) “Act” means the *Police Services Act*, R.S.O. 1990, Section 37, as amended or re-enacted from time-to-time;
- (b) “Acting Chair” means the Vice-Chair who shall act as the Chair if the Chair is absent, or if the Chair’s position is vacant, pursuant to Section 28(2) of the Act or as prescribed by Section 9 of this By-law;
- (c) “Agenda” means the document prepared for distribution as prescribed by Section 6.1 of this By-law;
- (d) “Board” means the Durham Regional Police Services Board;
- (e) “Board Staff” means persons working for the Board that are not members of the Durham Regional Police Service nor voting members of the Board;
- (f) “Chair” means the member elected as Chair of the Board, pursuant to Section 28(1) of the Act;
- (g) “Chief” means the Chief of Police of the Durham Regional Police Service;
- (h) “Committee” means a standing or special committee of the Board;
- (i) “Deputation” means an address to the Board or its Committees at the request of a person wishing to speak;
- (j) “Executive Director” means the Executive Director to the Board;
- (k) “In-Camera Session” means a meeting that is closed to the public in accordance with the Act;

- (l) “Majority Vote” means an affirmative vote of more than one-half of the Members present and voting;
- (m) “Meeting” means a meeting of the Board or a Committee;
- (n) “Member” means a Member of the Board and includes the Chair;
- (o) “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;
- (p) “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;
- (q) “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 Director or other official or Committee;
- (r) “Motion to Table” means a motion to postpone without setting a definite date as to when the matter will be considered again;
- (s) “Notice of Motion” means a request by a Member to place an item on the agenda of a future meeting.
- (t) “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;
- (u) “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 or who considers that his or her integrity or that of a Member has been impugned or questioned by a Member;
- (v) “Presentation” means an address to the Board or Committee at the request of the Board or a Committee of the Board;
- (w) “Quorum” means a majority of the Members of the Board in accordance with Section 35(2) of the Act;
- (x) “Recording Secretary” shall be the person recording the proceedings of Board and Committee meetings;
- (y) “Resolution” means the decision of the Board on any motion;

- (z) “Recorded Vote” means a written record of the name and vote of every Member voting on any matter or question;
- (aa) “Special Meeting” means a meeting commenced pursuant to Sections 5.4 and 5.5 of this By-law;
- (bb) “Two-thirds Majority Vote” means an affirmative vote of at least two-thirds of the Members present; and
- (cc) “Vice-Chair” means the Member elected as Vice-Chair of the Board, pursuant to Section 28(2) of the Act.

2. APPLICATION

- 2.1 The rules of procedure set out in this By-law shall govern all proceedings of the Board and its Committees.
- 2.2 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 Procedure Act* shall govern the proceedings.

3. FIRST MEETING OF THE BOARD

- 3.1 Pursuant to Section 28(1) of the Act, the Board shall elect a Chair at its first meeting in each calendar year.
- 3.2 Pursuant to Section 28(2) of the Act, the Board shall elect a Vice-Chair at its first meeting in each calendar year.
- 3.3 The order of proceedings at the Board’s first meeting of each year shall include:
 - (a) election of the Chair;
 - (b) election of the Vice-Chair;
 - (c) election of Members to identified Committees or Standing Committees; and
 - (d) other orders of business.

4. ELECTION OF THE CHAIR AND VICE-CHAIR

- 4.1 The Chair and Vice-Chair of the Board shall hold office for a one-year term until their successors are elected in accordance with the Act and this By-law.

- 4.2 The election of the Chair and Vice-Chair shall be conducted at the first public meeting of the Board in each year. If an In-Camera Session is held prior to the public meetings, an Acting Chair shall be appointed by the Board for that meeting.
- 4.3 The Executive Director shall act as presiding officer at the first meeting of the Board in each year until the Chair and Vice-Chair is elected and shall call for nominations.
- 4.4 Each nomination shall be made openly and shall have the consent of the nominee and be seconded by a Member present at the first meeting of the Board in each year.
- 4.5 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.
- 4.6 Where it appears to the Executive Director, by asking for further nominations and receiving no response, that there are no further nominations, the Executive Director shall call for a motion declaring nominations closed.
- 4.7 After nominations have been closed, no motion shall be in order except a motion to recess for a specified time period.
- 4.8 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 for not more than five (5) minutes.
- 4.9 The speakers shall be called upon to address the Board in alphabetical order of the nominees' surnames.
- 4.10 A nominee may withdraw his or her name at any time prior to a vote being called.
- 4.11 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.
- 4.12 If there are two or more nominees, each Member shall announce his or her vote and no Member shall abstain from voting.
- 4.13 To be elected as Chair or Vice-Chair, a nominee shall obtain the vote of a majority of the Members present.

- 4.14 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 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 5 minutes, followed by a 10 minute recess, and another vote. If no nominee is elected at this time, the Board shall rely on seniority as a Board Member (i.e. date of appointment) to elect the Chair.
- 4.15 The Recording Secretary shall record the nominees and the Members elected for each position.

5. MEETINGS OF THE BOARD

- 5.1 The regular meetings of the Board shall be held in accordance with the schedule adopted annually by the Board, except:
- (a) when otherwise directed by motion of the Board; or
 - (b) when the Chair advises otherwise.
- 5.2 Notice to Members of all meetings, agendas, agenda items, cancellations and postponements shall be provided by the Executive Director, or his/her designate, to a member's residence or place of business, as directed by the Member, not less than 48 hours prior to the time set for the meeting. It may be sent by first-class mail, courier, facsimile or electronic mail, as requested by the Member. It may also be provided by telephone or personal contact in case of an emergency.
- 5.3 Notice of all meetings, agendas, cancellations and postponements shall be provided to the public by Board staff through the Durham Regional Police Service.
- 5.4 The Chair may at any time, or upon receipt of a petition of a majority of the Members, call a Special Meeting of the Board by providing direction to the Board staff to issue a Notice of Special Meeting.
- 5.5 At Special Meetings of the Board, the Board shall not decide upon any matter unless the matter has been specified in the Notice calling the Special Meeting. This provision may be waived only where all Members are present to vote upon a motion to waive it and only with a two-thirds majority vote.

- 5.6 Any meeting may be cancelled or postponed to a day, time and place set out in a notice from the Executive Director, or his/her designate, sent to each Member at the address provided by the Member at least 48 hours before the scheduled date of the meeting.
- 5.7 Meetings which are not closed to the public may be taped, televised or otherwise electronically or mechanically recorded so long as the taping, televising, or recording is carried out in a manner that does not interfere with proceedings at the meeting, and provided that the people involved receive the permission of the Chair.
- 5.8 A member may make a request of the Chair, at least 72 hours before the scheduled commencement of a meeting, that the Member be permitted to participate in the meeting by means of audio conferencing 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.
- 5.9 The Executive Director shall use his or her best efforts to satisfy the notice provisions set out in this section. Failure of the Executive Director to satisfy any of the notice provisions contained in this section does not invalidate the meeting or any proceeding at the meeting.

6. AGENDAS

- 6.1 The Executive Director shall prepare for distribution, under the direction of the Chair, an agenda with the routine order of business for regular meetings of the Board to be as follows:
- (a) Call to Order;
 - (b) Declarations of Interest;
 - (c) Minutes of Previous Meeting;
 - (d) Presentations;
 - (e) Review and Consideration of Reports;
 - (f) Consideration of Requests for Charitable Donations;
 - (g) New/Other Business;
 - (h) In-Camera Items;

- (i) Close of Meeting.
- 6.2 The business of the Board shall, in all cases, be taken up in the order in which it appears on the agenda, unless otherwise decided by the Chair. Any matter on the agenda not decided by the Board shall be placed on the agenda of the next regular meeting of the Board.
- 6.3 As soon as agenda information is published and distributed by the Executive Director, or his designate, to the Members the information may be made available to the public except for information relating to matters to be considered in the In-Camera Session.
- 6.4 Every communication intended to be presented to the Board or its Committees must be legibly written and must contain the signature and contact address of at least one person and preferably the addresses of all signatories. For all communications submitted, there shall be designated a contact person with whom the Executive Director can confer on behalf of the Board or a Committee.
- 6.5 All, or several items, on the agenda for a meeting containing recommendations may be adopted in a single motion. Any specific items of business will be provided individual deliberation and debate upon the request of any Member.

7. QUORUM

- 7.1 A majority of the Members of the Board constitutes a quorum.
- 7.2 If a quorum is not present at a scheduled meeting of the Board within thirty minutes after the scheduled commencement time, the meeting shall stand adjourned until the date of the next regular meeting and the Recording Secretary shall record the names of the Members present.

8. DUTIES OF THE CHAIR

- 8.1 As soon as there is a quorum after the time set for the meeting, the Chair shall take the Chair and call the Members to order.
- 8.2 The Chair shall preside over the meetings of the Board, and shall:
 - (a) maintain order and preserve the decorum of the meeting;
 - (b) rule on all procedural matters, without debate or comment;
 - (c) receive and submit to a vote all motions presented by the Members which do not contravene this By-law;

- (d) decline to put to a vote motions which do not comply with this By-law, or which are not within the jurisdiction of the Board;
 - (e) announce the results of the vote on any motion presented for a vote;
 - (f) expel or exclude from any meeting any person whom the Chair determines in his or her sole discretion, has exhibited improper conduct at the meeting;
 - (g) adjourn or suspend the meeting if he or she determines, in his or her sole discretion, it necessary because of grave disorder; and
 - (h) close the meeting when business is concluded or recess the meeting as required.
- 8.3 The Chair, after three warnings, shall call by name any Member persisting in breach of this By-law and, subject to a majority vote of Members present, order him or her to vacate his or her seat and leave the meeting.
- 8.4 All procedural matters not covered by this By-law shall be decided by the Chair.
- 8.5 If a Member disagrees with the ruling of the Chair, he or she may (with a seconder) appeal the ruling of the Chair. The Chair, in response, shall call a vote on the question of sustaining the ruling of the Chair. The Chair may wish to provide further explanation of the ruling prior to calling the vote.
- 8.6 The Chair shall authenticate by his or her signature, as required, all By-laws, resolutions and minutes.

9. ACTING CHAIR

- 9.1 In case the Chair does not attend within fifteen minutes of the time a quorum is present after the scheduled commencement time for a meeting of the Board, the Vice-Chair shall serve as Acting Chair. In the absence of the Chair and the Vice-Chair, the Executive Director shall call the Members to order and an Acting Chair shall be appointed from among the Members present and he or she shall preside until the arrival of the Chair or the Vice-Chair.
- 9.2 The Chair may designate the Vice-Chair, or in the absence of the Vice-Chair, another Member as Acting Chair during any part of a Board meeting when he or she leaves the Chair for any reason.
- 9.3 The Acting Chair shall have and may exercise all the rights, power and authority of the Chair under this By-law.

10. MEMBERS CONDUCT

10.1 All Members of the Durham Police Services Board shall abide by the Code of Conduct for Members as set out in the Act.

10.2 No Member shall:

- (a) speak disrespectfully of any other person;
- (b) use offensive words;
- (c) engage in private conversation while in the Board meeting or use electronic devices (including cellular phones, pagers, blackberries, and lap-top computers) in a manner which interrupts the proceedings of the Board;
- (d) leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- (e) speak on any subject other than the subject under debate;
- (f) where a matter has been discussed in an In-Camera Session, and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the In-Camera Session;
- (g) criticize any decision of the Board except for the purpose of moving that the question be reconsidered; or
- (h) disobey the rules of the Board or a decision of the Chair or of the Board on questions of order or practice or upon the interpretation of the rules of the Board. In case a Member persists in any such disobedience, after having been called to order by the Chair, the Chair shall not recognize that Member, except for the purpose of receiving an apology from the Member tendered at that meeting or any subsequent meeting.

11. DISCLOSURES OF PECUNIARY INTEREST

11.1 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 at which the matter is the subject of consideration, the Member shall, in accordance with the *Municipal Conflict of Interest Act*:

- (a) prior to any consideration of the matter at the meeting, disclose the Member's 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 the matter.
- 11.2 Where a meeting is not open to the public, in addition to complying with the requirements of the *Municipal Conflict of Interest Act*, the Member shall forthwith leave the In-Camera Session or the part of the In-Camera Session during which the matter is under consideration.
- 11.3 Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of the Board or Committee, as the case may be, attended by the member after the particular meeting.
- 11.4 The Recording Secretary 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 or Report of that meeting.

12. PUBLIC ACCESS TO MEETINGS

- 12.1 All meetings shall be open to the public except as provided for in Section 35(4) of the Act and no person shall be excluded from a meeting open to the public except for improper conduct or for breach of this By-law.
- 12.2 A meeting may be conducted in an In-Camera Session pursuant to Section 35(4) of the Act if the Board is of the opinion that:
- (a) matters involving public security may be disclosed and, having regard to the circumstances, the desirability of avoiding their disclosure in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public; or
 - (b) intimate financial or personal matters or other matters may be disclosed of such a nature, having regard to the circumstances, that the desirability of avoiding their disclosure in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that proceedings be open to the public.

13. MEMBERS OF THE PUBLIC

- 13.1 Members of the public wishing to make a deputation to the Board shall advise the Board in writing providing an outline of the nature of the deputation at least seven (7) days prior to the commencement of the meeting. All deputants at the meeting shall only be heard upon the consent of the Board.

- 13.2 All deputants shall address the Chair from the designated area and shall state their name and whom they represent.
- 13.3 Deputants shall be limited to five minutes for speaking at the Board, unless approval to extend the speaking time is obtained by the Board. If there is a group of people wishing to address the Board with respect to a particular position on a particular issue, then the Board may determine that the group shall be represented by one person or that the time limit shall be other than as stated above.
- 13.4 No deputant shall:
- (a) speak disrespectfully of any person;
 - (b) use offensive words language;
 - (c) speak on any subject other than the subject for which he or she has received approval to address the Board;
 - (d) disobey this By-law or a decision of the Chair or the Board.
- 13.5 The Chair may curtail any deputation, any questions of a deputant or debate during a deputation for disorder or any other breach of this By-law, and, if the Chair rules that the deputation is concluded, the person or persons appearing shall withdraw.
- 13.6 Members of the public who constitute the audience at a meeting shall not:
- (a) address the Board without permission;
 - (b) bring signage, placards or banners into such meetings and shall refrain from any activity or behaviour that would interfere with Board deliberations.
- 13.7 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. If necessary, the Chair may call upon the Chief of Police to seek the appropriate assistance from police officers.

14. RULES OF DEBATE

- 14.1 To address the Board, or Board staff, a Member shall raise his or her hand and be recognized by the Chair and direct all comments through the Chair.
- 14.2 When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.

- 14.3 When a Member is speaking, no other Member shall interrupt the Member speaking except to raise a point of order, privilege or personal privilege.
- 14.4 Any Member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.
- 14.5 No Member shall speak for longer than five minutes on a question without the Board's permission.
- 14.6 A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion, and the question shall be stated succinctly.
- 14.7 When a Member rises on a Point of Order, Point of Privilege or Point of Personal Privilege, the Member shall ask leave of the Chair to raise the point. After leave is granted, the Member shall state the point to the Chair and then remain silent until the Chair has ruled upon the point.
- 14.8 Subject to being overruled by the Board on a vote which shall be taken immediately and without debate, the Chair shall rule on the point.
- 14.9 Any Member may challenge the ruling of the Chair immediately following the ruling.
- 14.10 The Chair's ruling is final unless it is challenged.
- 14.11 The Board's decision is final if the Chair is challenged.

15. MOTIONS AND NOTICES OF MOTION

- 15.1 A motion or notice of motion in respect of a matter that is not within the jurisdiction of the Board, shall not be in order and shall not be considered by the Board.
- 15.2 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;
 - (c) leave is granted on a two-thirds majority vote.

15.3 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) a motion to recess;
- (e) a motion to adjourn;
- (f) a motion to call the question;
- (g) a motion to retire into an In-Camera Session;
- (h) a motion to receive an item;
- (i) a motion to table an item;
- (j) a motion to refer;
- (k) a motion to defer;
- (l) a simple amendment; and
- (m) a motion to adopt a recommendation.

15.4 Except as provided in Section 15.3 of this By-law, all motions and notices of motion shall be in writing. The Chair may require that any amendment be in writing signed by the mover and the seconder, or electronically displayed for the purpose of clarity.

15.5 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.

15.6 A Member may move a motion in order to initiate discussion and debate and that Member may vote in opposition to the motion. A seconder of a motion may vote against the motion.

15.7 After a motion is moved at the Board meeting or placed on the agenda as a notice of motion, it shall be deemed to be in the possession of the Board and may not be withdrawn without the consent of the mover and seconder and a majority vote.

16. SPECIFIC MOTIONS

- 16.1 A motion to recess is not debatable, shall specify the length of the recess, and is only amendable with respect to the length of the recess.
- 16.2 (1) A motion to adjourn the Board meeting is not debatable and shall always be in order except:
- (a) when another Member is in possession of the floor;
 - (b) when a vote has been called;
 - (c) when the Members are voting; or
 - (d) when a Member has indicated to the Chair his or her desire to speak on the matter before the Board.
- (2) A motion to adjourn and amendment thereto shall take precedence over any other motion and shall be put immediately without debate.
- 16.3 (1) A motion to call the question shall be put immediately without debate.
- (2) A Member who moved a motion to call the question shall not be allowed to speak to the question again if the motion is decided in the negative.
- 16.4 (1) A motion to table is not amendable or debatable and shall apply to the motion and any amendments under debate when the motion to table is made.
- (2) If the motion to table carries, in the absence of any direction from the Board, the matter may not be discussed until the Member through a notice of motion, or the Executive Director, brings it forward to a subsequent meeting.
- 16.5 A motion to refer and any amendment to it is debatable and shall include:
- (1) The name of the official to whom the motion or amendment is to be referred.
 - (2) The terms upon which it is to be referred and the time or period, if any, on or within which the matter is to be returned.
- 16.6 A motion to defer and any amendment to it is debatable and shall include:
- (1) The time to, or period within which, consideration of the matter is to be deferred.

- (2) Whatever explanation is necessary to demonstrate the purpose of the motion to defer.
- 16.7 (1) A motion to amend is debatable.
- (2) Only one motion to amend a motion shall be on the floor at any one time.
- 16.8 A motion to receive, moved after the main motion, is debatable and shall be treated as an amendment to the main motion.
- 16.9 An amendment shall be out of order if it is ruled by the Chair to be a substantive motion and not an amendment.
- 16.10 An amendment which, in effect, is nothing more than a rejection of the main motion is not in order.
- 16.11 A motion that the Board consider a matter previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, is debatable and shall be presented only if the Board so decides, by a two-thirds majority vote.
- 16.12 No motion, after it has been decided shall be reconsidered, unless the Board decides to do so by a two-thirds majority vote. A motion to reconsider may not be introduced without notice, unless the Board, without debate, dispenses with notice on a two-thirds majority vote.
- 16.13 A motion to reconsider is debatable.
- 16.14 No discussion of the main question shall be allowed until the motion for reconsideration is carried.
- 16.15 Once the question is reopened, it is reopened in its entirety unless the reopening motion specifies otherwise.
- 16.16 If the question is reopened, all previous decisions of the Board remain in force unless the Board decides otherwise.
- 16.17 No motion to reconsider may, itself, be the subject of a motion to reconsider.

17. NOTICES OF MOTION

- 17.1 A Member may submit a notice of motion, either orally or in writing during a Board meeting, regarding the agenda of a future Board meeting.
- 17.2 When a notice of motion has been on the agenda for two consecutive meetings after notice has been given, and not proceeded with, it shall be dropped from the agenda and deemed withdrawn unless the Board decides otherwise.

18. VOTING

18.1 Motions relating to an item under consideration shall be voted on in the following order:

- (a) a motion to waive or suspend the rules of procedure;
- (b) a motion to recess;
- (c) a motion to adjourn;
- (d) a motion to call the question;
- (e) a motion to receive an item;
- (f) a motion to table an item;
- (g) a motion to refer;
- (h) a motion to defer;
- (i) a motion to amend the amendment;
- (j) a motion to amend, in reverse order of its being placed; and
- (k) the main motion.

18.2 Every Member present at a meeting of the Board where a question is put shall vote on the question, unless prohibited by statute, in which case the Recording Secretary shall so record.

18.3 A Member shall vote by raising a hand, except where a recorded vote is requested. In the case of a recorded vote, the Recording Secretary shall call and Members shall announce their vote in order of their surnames, beginning with the Member who requested the recorded vote. The Chair shall announce the result of all votes taken.

18.4 When the Chair calls for the vote on a question:

- (a) each Member shall occupy his or her seat and shall remain in place until the result of the vote has been declared by the Chair;
- (b) during this time no Member shall walk across the room or make any other motion or speak to the question or any other Member or make any noise or disturbance.

- 18.5 (1) Upon the request of any Member, and when the Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.
- (2) A vote on the main motion, as amended, may be split only for the purpose of complying with the *Municipal Conflict of Interest Act*.
- 18.6 If any Member present does not vote at a meeting of the Board where a question is put and a recorded vote taken, he or she shall be deemed to vote in the negative except where the Member is prohibited from voting by statute.
- 18.7 The Chair shall vote on all matters before the Board.
- 18.8 All decisions of the Board shall require a majority vote except as otherwise set out in this By-law.
- 18.9 Any motion that receives a tie vote shall be deemed to have been decided in the negative.
- 18.10 The following decisions of the Board require a two-thirds majority vote:
- (a) A motion to consider a report or By-law that does not relate to a matter on the agenda under Section 15.2 of this By-law.
- (b) A motion to consider a matter previously deferred indefinitely or to a time or eventuality that has not been reached or occurred under Section 16.12 of this By-law.
- (c) A motion to reconsider a question decided within the previous twelve months under Section 16.13 of this By-law.
- (d) A motion to suspend the provisions of this By-law under Section 22.1 of this By-law.
- 18.11 A request by a Member for a recorded vote shall be made prior to the commencement of the vote being taken or immediately thereafter.
- 18.12 When a recorded vote is requested by a Member, the Recording Secretary shall record the name and vote of every Member on any question.
- 18.13 The Chair shall announce the result of the vote.
- 18.14 If a Member doubts the results of a vote by a show of hands as announced by the Chair, the Member may call for the vote to be taken again and the Chair may request that the Members shall vote again.

19. BY-LAWS

- 19.1 The adoption of every By-law presented to the Board may be the subject of one motion.
- 19.2 By request of any Member, any By-law(s) may be discussed or voted on individually.
- 19.3 Every By-law, when introduced shall be in typewritten form and shall comply with the provisions of any relevant legislation.
- 19.4 No By-law, except a By-law to confirm the proceedings of the Board, shall be presented to the Board unless its subject matter has been approved by the Board.
- 19.5 All amendments to any By-laws approved by the Board shall be deemed to be incorporated into the By-law and if the By-law is enacted by the Board, the amendments shall be inserted by the Recording Secretary.
- 19.6 Every By-law enacted by the Board shall be signed by the Chair and the Vice-Chair, or in the absence of either the Chair or the Vice-Chair by the Executive Director. Each By-law shall be numbered, dated and deposited in the Office of the Board.

20. MINUTES OF THE BOARD

- 20.1 The Minutes of the Board meetings shall record:
 - (a) the place, date and time of meeting;
 - (b) the name of the Chair and the attendance of the Members, the Executive Director, senior staff of the Durham Regional Police, and the Recording Secretary; and
 - (c) each item considered by the Board and the decisions of the meeting.
- 20.2 the Minutes of each Board meeting shall be presented to the Board for approval at the next regular meeting.
- 20.3 After the Board Minutes have been approved by the Board, they shall be signed by the Chair or, in his or her absence, the Vice-Chair or Acting Chair.
- 20.4 The approved public minutes of the Board shall be posted on the Board's website.

21. COMMITTEES

- 21.1 The Board shall determine Committee principals and structure.
- 21.2 No committee of the Board shall be established without authorization in the form of a Board resolution.

22. SUSPENSION OF BY-LAW PROVISIONS

- 22.1 A motion to suspend, waive or not to follow a rule of procedure established by this By-law shall not be passed without a two-thirds majority vote.

23. AMENDMENTS TO BY-LAW

- 23.1 This By-law shall not be amended or repealed except by a majority vote of the Board.
- 23.2 No amendment or repeal of this By-law shall be considered at any meeting of the Board unless notice of the proposed amendment or repeal was given at a previous meeting of the Board. The Board may not waive this notice requirement.

24. CONFLICT

- 24.1 If there is any conflict between this By-law and any statute, the provisions of the statute prevail.

25. ENACTMENT

- 25.1 Governance Policy dated June 18, 1998 is hereby repealed.
- 25.2 This By-law comes into force and effect immediately upon the passing hereof.

By-law Read a First Time This 8th Day of November 2004.

By-law Read a Second Time This 8th Day of November 2004.

By-law Read a Third Time and Finally Passed This 8th Day of November 2004.

Doug Moffatt, Chair

Fred Kaustinen, Executive Director