

Schedule A – By-law 2025-02

James Bay OPP Detachment Board (3)

Terms of Reference

MANDATE

The James Bay OPP Detachment Board (3) is legislatively mandated to work with the OPP Detachment Commander to make decisions where appropriate and submit information to the Municipal Councils in other matters in accordance with the *Community Safety and Policing Act (CSPA)*.

The purpose of the OPP Detachment Board is to:

1. Comply with the prescribed standards, if any, with respect to the exercise of its powers and the performance of its duties under the Act;
2. Make decisions on matters within their jurisdiction and provide advice and information to Municipal Councils on specialized matters as outlined in the Act;
3. Facilitate public input on programs and ideas when appropriate and approved by the OPP Detachment Board to ensure the work of the Board is representative of the communities it serves;
4. Make decisions in enhancing the quality of life and ensuring the safety and security of all persons and property in the community, in keeping with the Minister's Strategic Plan and the OPP Detachment Board strategic plan of the annual objective and principles as established by the OPP Detachment Board;
5. And conduct itself in keeping with the prescribed Code of Conduct under the CSPA (*Section 35 (6)*) and in keeping with the OPP Detachment Board's Procedural By-law.

The OPP Detachment Board reports to the respective Municipal Councils in accordance with the CSPA.

MEMBERSHIP

Unless otherwise determined by the Provincial Legislation, membership of the OPP Detachment Board shall be comprised of the following:

- Three (3) council representatives.
- Two (2) community members
- One (1) provincial representative

1. Appointments of the OPP Detachment Board:

- a. Appointments to the OPP Detachment Board shall be made in accordance with the provisions of *Section 33* of the Act.
- b. Council Appointments to the OPP Detachment board shall be made by the respective municipal councils; one (1) appointed member by the town of

- Cochrane, one (1) appointed member by the Town of Smooth Rock Falls, one (1) appointed member by the Town of Moosonee.
- c. Community appointments to the board shall be considered and made by the town of Cochrane.
 - d. Provincial appointments to the OPP Detachment Board shall be made by the Provincial Government.

2. Term of Membership:

- a. The term of office for council and community appointees on the OPP Detachment Board shall be concurrent with the term of Council.
- b. The term of office for Provincial Appointees on the OPP Detachment Board shall be as determined by the Provincial Government.

3. Absence:

- a. Should any Council or Community Representative who is absent from three (3) consecutive regular meetings without leave of absence or without satisfactory reason shall forthwith cease to be a member and the Secretary shall advise the Clerk of the respective municipality so that the vacancy may be filled.

4. Resignation of Representative:

- a. Any Council or Community Representatives wishing to resign shall provide their resignation in writing to the Chair (or Vice Chair if the Chair is resigning) with a copy to the Recording Secretary and shall notify the Clerk of their respective municipality so that a replacement may be appointed.
- b. Any Provincial Representative wishing to resign shall provide their resignation in writing to the Chair with a copy to the Recording Secretary and shall notify the Provincial Appointments Secretariat so that a replacement may be appointed.

5. Filling Vacancies:

- a. Vacancies of a Community Representative shall be filled by application process and considered by the Town of Cochrane.

6. Structure:

- a. A Chair and Vice Chair shall be elected annually at the first meeting of each year by a vote of majority of the OPP Detachment Board members.
- b. A Recording Secretary shall be appointed by the board annually and must be a Municipal Clerk and/or designate from one of the municipalities.
- c. The OPP Detachment Boards' annual budget and year-end financial statements shall be approved by each of the Municipal Councils in accordance with *Section 71 (2) of the CPSA*.

MEETINGS

The OPP Detachment Board will meet a minimum of four times a year at the call of the Chair and/or Vice Chair. Public notice shall be provided a minimum of seven days prior to the meeting (except in extraordinary circumstances), and all meetings shall be open to the Public unless stipulated under *section 44 (2) of the Community Safety and Policing Act, 2019*. Minutes shall be recorded without note or comment all resolutions, decision and other proceedings of the meeting. Greater than 50% of the OPP Detachment Board Members eligible to vote shall constitute quorum.

ONTARIO REGULATION 409/23
made under the
COMMUNITY SAFETY AND POLICING ACT, 2019

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CODE OF CONDUCT FOR O.P.P. DETACHMENT BOARD MEMBERS

APPLICATION AND INTERPRETATION

1. (1) This Regulation sets out the code of conduct with which every member of an O.P.P. detachment 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 an O.P.P. detachment board has not contravened this code of conduct.

2. In this Regulation,

“conflict of interest” means a situation in which a member of an O.P.P. detachment 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 O.P.P. detachment board; (“conflit d’intérêts”)

“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. (“rapports personnels”)

CONDUCT BECOMING OF A BOARD MEMBER

3. (1) A member of an O.P.P. detachment board shall not conduct themselves in a manner that undermines or is likely to undermine the public’s trust in the O.P.P. detachment board or the Ontario Provincial Police.

(2) A member of an O.P.P. detachment 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 an O.P.P. detachment board shall comply with the Act and the regulations made under it.

5. A member of an O.P.P. detachment 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 an O.P.P. detachment board shall comply with any rules, procedures and by-laws of the O.P.P. detachment board.

7. A member of an O.P.P. detachment board shall not substantially interfere with the conduct of O.P.P. detachment board meetings.

8. A member of an O.P.P. detachment 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 O.P.P. detachment board.

9. (1) A member of an O.P.P. detachment 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 an O.P.P. detachment 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 an O.P.P. detachment 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 an O.P.P. detachment 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 an O.P.P. detachment board shall not knowingly make false statements pertaining to the duties of a member of an O.P.P. detachment board.

12. A member of an O.P.P. detachment board shall not purport to speak on behalf of the O.P.P. detachment board unless authorized by the board to do so.

13. A member of an O.P.P. detachment board shall clearly indicate when they are expressing a personal opinion when commenting on an action or omission of the O.P.P. detachment board, the Ontario Provincial Police or a member of the Ontario Provincial Police.

14. A member of an O.P.P. detachment 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 an O.P.P. detachment 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 O.P.P. detachment 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 an O.P.P. detachment board shall attend all O.P.P. detachment board meetings unless able to provide a reasonable explanation for the absence.

MISCONDUCT AND CONFLICTS OF INTEREST

17. A member of an O.P.P. detachment board shall disclose any conduct of another member of the O.P.P. detachment 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 an O.P.P. detachment 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 O.P.P. detachment 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 O.P.P. detachment board.

19. A member of an O.P.P. detachment board shall not apply for employment with the Ontario Provincial Police unless they resign from the board before applying.

20. (1) A member of an O.P.P. detachment 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 O.P.P. detachment board.

21. A member of an O.P.P. detachment board shall not use their position as an O.P.P. detachment 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 an O.P.P. detachment board shall not participate in discussion of or voting with respect to matters at O.P.P. detachment board meetings if the member has a conflict of interest in the matter.

COMMENCEMENT

Commencement

23. This Regulation comes into force on the later of the day subsection 67 (4) of Schedule 1 (*Community Safety and Policing Act, 2019*) to the *Comprehensive Ontario Police Services Act, 2019* comes into force and the day this Regulation is filed.