

THE
WINNIPEG
POLICE
BOARD

Rules of Practice and
Procedure

**WINNIPEG POLICE BOARD – RULES OF PRACTICE AND PROCEDURE
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THE WINNIPEG POLICE BOARD RULES OF PRACTICE AND PROCEDURE

PART 1: GENERAL PROVISIONS

1(1) Definitions

The following definitions apply in these rules:

“**Act**” means *The Police Services Act*, C.C.S.M. c. P94.5 and its regulations, as amended or replaced from time to time;

“**board**” means the Winnipeg Police Board established by the board by-law;

“**board budget**” means the annual operating budget of the board;

“**board by-law**” means the Winnipeg Police Board By-Law, being City of Winnipeg By-Law No. 148/2012 as amended No. 100/2017 or replaced from time to time;

“**board chair**” and “**board vice-chair**” mean, respectively, the Chair of the board and Vice-Chair of the board, appointed by the City Council in accordance with the board by-law;

“**board meeting**” means a duly constituted meeting of the board at which the board proposes to exercise a decision-making power provided by the Act;

“**board member**” means a member of the board appointed either by City Council in accordance with the board by-law or by the Lieutenant Governor in Council in accordance with the Act, and includes the board chair and board vice-chair;

“**chair**” means the board chair, a committee chair, or the board member presiding at a board or committee meeting, as the case requires;

“**chief administrative officer**” means the Chief Administrative Officer of the City or his or her designate for the purposes of these rules;

“**chief financial officer**” means the Chief Financial Officer of the City or his or her designate for the purposes of these rules;

“**citizen**” means a person who resides or is employed in, or has a business interest in, the City;

“**City**” means The City of Winnipeg;

“**clerk**” means the person designated by the secretary to the board to prepare agenda material, circulate the agenda, maintain minutes of board meetings, and to perform any additional duties assigned to the clerk under these rules;

“commission” means the Manitoba Police Commission established by the Act;

“commission manual” means the policy and procedure manual developed for police boards by the commission;

“committee” means a committee of the board established by or in accordance with Part 3;

“committee chair” means the chair of a committee appointed by the board chair in accordance with subsection 25(1);

“committee member” means a member of a committee;

“council” means the Council of the City;

“critical event” means an event that requires human, financial and physical resources significantly beyond the normal capacity of the police service, in order to adequately and effectively maintain public peace, order or security, and includes a “critical issue” as defined in the commission manual;

“FIPPA” means *The Freedom of Information and Protection of Privacy Act*, C.C.S.M. c. F175;

“holiday” means each Saturday and Sunday, New Year's Day, Louis Riel Day, Good Friday, Easter Monday, Victoria Day, Canada Day, the first Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day proclaimed as a holiday by the Governor-General in Council or Lieutenant Governor-in-Council;

“liaison officer” means the senior member of the police service designated by the police chief under section 4;

“police budget” means the annual operating and capital budgets of the police service;

“police chief” means the Chief of the police service appointed by the board;

“police service” means the Winnipeg Police Service established by the City in accordance with the Act;

“policing” includes all activities carried out by police officers in the performance of their duties as set out in section 25 of the Act respecting the enforcement of law, the maintenance of the public peace and the prevention of crime in the City;

“private meeting” means a board meeting or part of a board meeting from which the public has been excluded in accordance with subsection 34(3) of the Act.

“secretary to the board” means the person who has been appointed to the position by the board, to provide executive management for the board and to exercise and discharge the powers and duties set out in these rules;

1(2) Additional definitions

The definitions that apply in the Act and in the board by-law also apply in these rules, unless a different definition is set out in subsection (1).

2(1) Rules to be followed

Subject to subsection (2) and (3), the board and its committees must operate in accordance with these rules.

2(2) Conflict between rules and commission manual

If there is a conflict between a provision of these rules and a requirement set out in the commission manual, the requirement of the manual prevails.

2(3) Board may vary rules

The board, or a board committee, as the case requires, may vary a rule if, in the particular proceedings or circumstances, the board or board committee is satisfied that it would be in the public interest to do so.

3 Publication requirements

A requirement in these rules to publish a notice or other document may be met by making it available to the public by means of:

- (a) the website maintained by the board in accordance with these rules; and
- (b) the decision management information system maintained by the City on its publicly accessible website.

4 Police service liaison officer

The police chief must designate a senior member of the police service to act as the primary contact for the secretary to the board within the police service in respect of administrative activities carried out for and on behalf of the board that

- (a) require information, advice, or support from the police service;
- (b) require cooperation, collaboration and coordination between the secretary to the board and the police service;
- (c) facilitate and support proper management of the relationship and communication between the police chief and the board.

PART 2: BOARD MEETING PROCEDURES

5(1) Rules to be observed

Subject to subsection (3), board members, the police chief, the secretary to the board and the clerk must observe the practices and procedures set out in this Part in respect of board meetings.

5(2) Application of Robert's Rules of Order

In cases where this Part does not set out the procedure to be observed, the chair must determine the appropriate procedure with reference to the most recent revision of Robert's Rules of Order, subject to an appeal to the board.

5(3) Suspension of rules

The board may suspend a rule by a vote of the two-thirds of the board members present, except in cases whereby some other vote is specifically required.

6(1) Regular board meeting schedule to be published

Before December 15 of each year, the board must publish a schedule of the regular meetings that it plans to hold the following year, which must be a minimum of one meeting every three months.

6(2) Changes in meeting schedule

The board may vary the date and time of a regular meeting as circumstances may require, provided notice is given in accordance with subsection (3).

6(3) Notice of meetings

Subject to section 7, the board must give public notice of the place and time of its regular meetings by posting a notice in the office of the City in accordance with section 4 of the Police Board Regulation, M.R. 130/2012, and by publishing the notice in accordance with these rules, at least 21 days before the meeting.

7(1) Special meetings

The board chair or two board members may convene a special meeting of the board in exigent circumstances, upon as much notice as is possible in the circumstances and in accordance with this section.

7(2) Special meeting notice

The board chair or the two board members, as the case requires, must provide written reasons for convening the special meeting to the secretary to the board, including the reasons for the notice period.

7(3) Publication of notice

The secretary to the board must, without delay,

- (a) direct the clerk to publish the special meeting notice, together with the reasons for convening the meeting; and
- (b) provide notice of the special meeting to board members as requested by the chair or the two board members, as the case requires,
 - (i) by e-mail, and
 - (ii) by telephone or other verbal communication if the meeting must be held upon less than 24 hours' notice.

8(1) Board agendas

The secretary to the board must prepare an agenda for each regular board meeting after consultation with the board chair and the liaison officer, and in accordance with the direction of the board chair.

8(2) Police chief request

The police chief may request the secretary to the board to include a matter on a regular board meeting agenda and the secretary to the board must include the matter on the agenda unless directed to the contrary by the board chair.

8(3) Agenda material to be published

The clerk must provide the agenda of each regular board meeting, copies of board committee reports and all other supporting materials that are to be considered at the meeting to board members and must cause them to be published in accordance with City timelines.

8(4) Additional material may be considered

The board may consider an item of business not on the published agenda or materials which have not been provided and published in accordance with subsection (3) only with the consent of the majority of board members present.

8(5) Restriction on agenda of special meeting

The board must not consider or decide any matter not set forth in the notice calling a special meeting without the consent of all board members present.

9(1) Private meetings

In accordance with and without restricting the generality of subsection 34(3) of the Act, the following matters are deemed to involve public security or sensitive financial or personal information and, when considered by the Board, must be considered at a private meeting:

- (a) a critical event;

- (b) the review of a draft budget and related detailed submissions and advice carried out in accordance with chapter 7.1 of the commission manual;
- (c) any matter that would involve the disclosure of information in contravention of FIPPA or *The Personal Health Information Act*, C.C.S.M. c. P33.5;
- (d) a personnel or discipline matter.

9(2) Motion required

During a board meeting, before moving into a private meeting, the board must pass a motion stating the general nature of the matter to be considered in private.

9(3) Disclosure of private meeting

If the board holds a special private meeting between regular board meetings, the chair must publicly report at the next regular board meeting

- (a) the fact of the holding and the time of the private meeting; and
- (b) the general nature of the matter considered at the private meeting.

9(4) Board confidences and advice

In accordance with sections 22 and 23 of FIPPA, and subject to the exceptions set out therein and to an appeal to the board, the chair may refuse to permit the disclosure of information at a public meeting if disclosure could reasonably be expected to reveal

- (a) draft policies and resolutions of the board that have not been considered at a public meeting;
- (b) the substance of deliberations of a private board or committee meeting;
- (c) advice, opinions, proposals, recommendations, analyses or policy options developed for the board;
- (d) plans relating to the management of personnel or the administration of the board that have not yet been implemented;
- (e) information, including the proposed plans, policies or projects of the board, the disclosure of which could reasonably be expected to result in disclosure of a pending policy or budgetary decision.

10(1) Attendance of police chief

The police chief must attend all public board meetings unless excused or excluded by resolution of the board, or on authorized leave.

10(2) Police chief's report

At each board meeting, the police chief must provide a report on matters

- (a) referred to the chief by the board at its previous meeting; or
- (b) placed on the published board agenda for a report from the chief as required by or in accordance with these rules.

10(3) Additional information and advice

At a board meeting the police chief may also provide information and advice on

- (a) any other matter before the meeting, at the request the chair; and
- (b) any urgent matter of which the chief is of the opinion the board should be informed at the meeting, with leave of the chair.

10(4) Where Chief to obtain Board approval

Subject to the limits on the role of the board set out in subsections 28(4) and (5) of the Act, and for the purpose of ensuring that the board is able to effectively carry out its duties under subsection 28(2) of the Act, the police chief must obtain the approval of the board before

- (a) making any material change in the organization structure of the police service;
- (b) making any material change to the policing priorities, objectives, programs and strategies specified in the police service's annual business plan;
- (c) implementing a program or strategy that may place the reputation of the board or the police service at significant risk, or raise concerns that police services may not be delivered in a manner consistent with community needs, values and expectations;
- (d) reallocating the police service budget or directing an expenditure as required by the board in these rules, or that will result in a commitment to increase spending or a material change to the allocation of the police service budget in a future year.

10(5) Submission required

The police chief must apply to the board for an approval required under subsection (4) by providing the secretary to the board with a detailed submission with the content set out in subsection (6), along with any supporting confidential briefing note that the police chief considers advisable as permitted under subsection (7), at least 21 days before the date of the public meeting of the board at which the submission is to be considered unless time is of the essence.

10(6) Content of submission

The submission provided under subsection (5) must include the following content:

- (a) the approval sought;
- (b) background information;
- (c) rationale in support of the approval;
- (d) expected outcomes;
- (e) risks and risk responses; and
- (f) funding implications.

10(7) Confidential information

The police chief may provide additional information involving public security or sensitive financial or personal information in support of the approval sought, as considered advisable, by way of a separate confidential briefing note.

10(8) Referral by Board Chair

The secretary to the board must, without delay, provide a submission received in accordance with subsection (5), and any supporting confidential briefing note provided by the police chief, to the board chair. The board chair may

- (a) direct the secretary to the board to add the matter raised by the submission to the agenda of the next public meeting of the board; or
- (b) after consultation with the police chief, refer the submission and supporting confidential briefing note to a board committee for its review and report.

11(1) Attendance of secretary to the board

The secretary to the board must attend all board meetings unless excused or is excluded by the board chair, or on authorized leave.

11(2) Secretary to the board's report

At each board meeting, the secretary to the board

- (a) must provide a report on the progress that the secretary to the board has made in carrying out the responsibilities of the office in support of the board's duties under the Act; and
- (b) may provide information and advice on any issue before the meeting at the request of the board chair.

12(1) Citizen requests to address the board

A citizen may request that a matter of concern to the citizen be added to the agenda of a board meeting by means of a written submission to the secretary to the board that

- (a) contains the reasons for the request and provides relevant information to demonstrate that
 - (i) the matter is within the jurisdiction of the board,
 - (ii) is of material significance to the board's purposes under the Act, and
 - (iii) either
 - a. the citizen has exhausted all other processes available to address the matter, or
 - b. a process available to address the matter is inadequate for its purpose or is being improperly administered;
- (b) if the board has previously considered the matter, sets out new information of material significance since the board last considered the matter; and
- (c) is received by the secretary to the board at least 14 days before the meeting at which the citizen seeks to have the matter added to the agenda.

12(2) Secretary to the board to make a recommendation

The secretary to the board must, without undue delay, review a submission made by a citizen in accordance with subsection (1) and submit a recommendation to the board chair on whether or not the matter of concern to the citizen should be placed on the agenda of a board meeting.

12(3) Inclusion on agenda

If the board chair, after consideration of the citizen's submission and the recommendation of the secretary to the board, is satisfied that the matter should be placed on the agenda of a board meeting, the secretary to the board must place the matter on the published agenda of the next board meeting.

12(4) Secretary to the board to inform citizen

If the board chair determines that the matter of concern to the citizen should not be placed on the board meeting agenda, the secretary to the board must

- (a) inform the citizen of the chair's decision; and
- (b) if appropriate in the circumstances, make best efforts to direct the citizen to an office or body that may have the authority or responsibility to address the citizen's concern.

13(1) Notice of intention to address the board

A citizen who wishes to speak at a board meeting on a matter which appears on the agenda of that meeting must register his or her intention in writing to the secretary to the board not later than 1:00 p.m. on the business day preceding the meeting.

13(2) When subject not on agenda

If the matter about which the citizen wishes to speak is not on the agenda, the secretary to the board must inform the citizen of his or her right under section 12 to request that the matter be included in the agenda of a future board meeting.

13(3) Written submissions

The board may accept and consider a written submission from a citizen on a matter which appears on the agenda of the board if

- (a) the citizen has registered to speak at the meeting in accordance with subsection (1); or
- (b) the submission has been received by the secretary to the board not later than 1:00 p.m. on the business day preceding the meeting.

13(4) Submissions received for information

A submission or representation from a citizen is received for information only in relation to the agenda item addressed.

14(1) Quorum

A majority of Board members constitute a quorum of the board.

14(2) If quorum not present

If a quorum is not present within thirty minutes after the time appointed to commence the board meeting, the secretary to the board must record the names of the board members present and the meeting shall stand adjourned until the date of the next regular meeting or a special meeting called to deal with the matters on the agenda of the meeting adjourned.

15(1) Chair to preside

The chair presides, maintains order and decorum, and decides questions of order at meetings of the board, subject to an appeal to the board.

15(2) Specific duties of chair

The chair must,

- (a) as soon as a quorum is present, commence the board meeting by taking the chair and calling the board members to order;
- (b) announce the business before the board and the order in which it is to be acted upon;

- (c) receive and submit, in proper manner, all motions presented by board members;
- (d) subject to clause (3)(a), put to a vote all motions which are moved or which necessarily arise in the course of the proceedings, and announce the result;
- (e) enforce on all occasions the rules of procedure and the observance of order and decorum during the meeting; and
- (f) adjourn the meeting when the business is completed or upon a motion to adjourn.

15(3) Specific powers of chair

The chair may,

- (a) when the chair determines that a motion contravenes these rules or is beyond the jurisdiction of the board, decline to put the motion to a vote;
- (b) when the chair finds it is not possible to maintain order, adjourn or suspend the meeting to a time and place specified by him or her, without any motion being put; and
- (c) when the chair deems it proper, permit any question to be asked of the police chief or his designate by a board member, through the chair, in order to provide information to assist any debate.

15(4) Absence of chair

In the absence of the board chair, the board vice-chair may exercise the powers and duties of the chair.

15(5) Absence of both

In the absence of the board chair and vice-chair, the board may elect a board member who may exercise the powers and duties of the chair at the meeting.

16(1) Board member decorum

During a board meeting, a board member must not

- (a) engage in private conversation or any other activity in such a manner as to interrupt or disrupt the business of the board, or as to show disrespect to another board member or a member of the public;
- (b) use offensive or disorderly words;
- (c) speak on any subject other than the subject in debate;
- (d) interrupt any speaker, except to seek leave of the chair to raise a point of order or privilege; or

- (e) disobey the decision of the chair or of the board on questions of order or procedure or upon the interpretation of these rules.

16(2) Public decorum

Members of the public in attendance at meetings of the board must maintain order and decorum and are not permitted to engage in conversation or other behaviour which may disrupt any proceedings of the board or a board committee.

17(1) Designation of consent agenda

The board chair may designate matters proceeding for board consideration as consent agenda items.

17(2) Consent agenda to be moved

Where a board meeting agenda includes a consent agenda, the chair must first move that the consent agenda be adopted.

17(3) Withdrawal of item from consent agenda

Prior to adoption of the motion a board member may, upon request, withdraw an item from the consent agenda.

17(4) Adoption of consent agenda

The board may adopt a consent agenda, as revised by withdrawn items, by a vote of the majority of board members in attendance and such vote shall be taken on all consent items conjointly.

17(5) Adoption of items withdrawn from consent agenda

The chair must ensure that an item that has been withdrawn from a consent agenda is deliberated and voted on separately.

18 Order of business

The sequence of the agenda to be followed at each regular board meeting shall be as follows:

- (a) The secretary to the board confirms that the quorum is present and so advises the chair;
- (b) The chair calls the meeting to order;
- (c) Adoption of the minutes;
- (d) Consent agenda;
- (e) Citizen presentations;

- (f) Report of the board chair;
- (g) Report of the police chief;
- (h) Report of the secretary to the board;
- (i) Reports of board committees;
- (j) Other reports, if any;
- (k) Any additional matters on the agenda;
- (l) Withdrawn consent agenda items;
- (m) Other business to be considered with leave of the board;
- (n) Adjournment.

19(1) Chair may take part in debate

Subject to subsection (2), the chair may participate in the debate on questions before the board without leaving the chair.

19(2) Chair to facilitate consensus

The chair must make his or her best efforts to facilitate a consensus among board members on a question prior to calling for a vote.

19(3) Board to strive to achieve consensus

Board members must strive to achieve consensus on a resolution related to policing priorities, objectives, programs and strategies that reflects their collective best understanding of community needs and values.

20(1) When board members may speak

A board member must signal to the chair his or her desire to speak at a board meeting or public committee meeting by raising his or her hand, and must not speak until called upon by the chair.

20(2) Priority of speaking

Subject to subsection (3), when two or more board members signal their desire to speak, the chair must call upon the member who in the chair's opinion signaled first.

20(3) Mover's priority to speak

When a motion is before the board the chair must provide the mover an opportunity to speak to the motion before permitting any other board member to do so.

20(4) Members must not interrupt

When a board member is speaking, no other board members shall pass between that member and the chair, or interrupt that member except to raise a point of order or privilege.

20(5) Motion may be read during debate

A board member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member who is speaking.

20(6) Member may only speak once

Subject to subsection (7), a member may not speak more than once to the same question or motion, except with leave of the chair.

20(7) Reply permitted

The board member who presented the motion may speak in reply following the conclusion of the speeches of the other members.

20(8) Limit on speaking time

A board member may not speak for more than five minutes to the same question or motion, or in reply, for more than five minutes, without leave of the chair.

20(9) End of debate

After a question has been put by the chair, no member may speak to the question, and no member may make any other motion until after the vote is taken and the result has been declared.

20(10) No board member to leave

A board member must not leave a meeting of the board before it is over, unless permission to do so is received from the chair.

21(1) Members must vote

Subject to subsection (2) and (5), every board member present at a board meeting when a question is put must vote on the question.

21(2) Exception if voting prohibited

A board member must not vote on a question if the member is prohibited from voting by law or the conflict of interest policy.

21(3) Prohibition to be recorded

If a board member is prohibited from voting, the clerk must record in the minutes the fact that the member has abstained from voting and the reason for abstaining.

21(4) Refusal to vote

If a board member refuses to vote, the member is deemed to have voted in the negative.

21(5) When chair may vote

The chair may vote on a question only when his or her vote would change the result.

21(6) Approval by majority

A motion is deemed to have been carried when a majority of the board members present and voting have expressed their agreement with the question.

21(7) Tie vote

A question on which there are an equal number of votes is deemed to be decided in the negative.

21(8) No secret ballots

No vote shall be taken by ballot or by any other means of secret voting.

21(9) Recorded vote

Any board member, before the question is decided, may require that the vote be recorded, in which case the secretary to the board shall call the vote, announce the division, and record the names and votes of every board member on the question.

21(10) Objection to chair's declaration

If a board member disagrees with the announcement of the chair that a question is carried or lost, the member may, but only immediately after the declaration by the chair, object to the chair's declaration and require a recorded vote to be taken.

21(11) Dividing of question

When the chair is satisfied that a question contains distinct proposals, the chair may divide the question or upon the request of a board member, must divide the question, and the vote upon each proposal shall be taken separately.

21(12) Decorum during vote

When the chair calls for the vote on a question, each board member must remain seated until the result of the vote has been declared by the chair, and during such time no board member may speak to any other member or make any noise or disturbance.

22(1) Time limit for citizen presentations

Citizens who have registered to speak at a board meeting in accordance with section 13 may do so for up to 10 minutes or such additional time as the chair may permit.

22(2) Questions of citizen

After the citizen has spoken, board members may ask questions of the citizen, and the citizen may respond, for a total of 5 minutes, or for such additional time as the chair may permit.

22(3) Limit on number of citizens who may speak

If more than two citizens register to speak on a matter, the chair may

- (a) request that those who wish to speak in support of or in opposition to particular position agree on the selection of up to two delegates to speak on their behalf;
- (b) if the citizens fail to agree on their delegates, select the citizens who may speak;
- (c) rule that no additional speakers may be heard; and
- (d) set such limit on the total time the delegates may speak that is considered reasonable.

23(1) Minutes to be taken

The clerk must

- (a) prepare minutes of all board meetings with the content set out in subsection (2);
- (b) at each board meeting, submit the minutes of the preceding meeting for approval or amendment; and
- (c) designate each minute with a progressive number or reference.

23(2) Content of minutes

Minutes of board meetings must include

- (a) the place, date and time of the meeting;
- (b) the names of the presiding officer or officers and the record of the attendance of the board members;
- (c) the confirmation and correction of the minutes of the previous meeting;
- (d) declarations of interest in accordance with the conflict of interest policy;
- (e) all motions and other proceedings of the board, without note or comment.

23(3) Minutes of private meetings

The secretary to the board must ensure that minutes of private meetings are retained in confidence.

PART 3: COMMITTEES

24(1) Committees may be established

The board may establish, by resolution in accordance with this section, such standing committees or committees for special purposes as it considers necessary to effectively carry out its duties.

24(2) Committee terms of reference

The resolution establishing a committee must set out terms of reference for the committee that specify:

- (a) the committee's general mandate and purpose;
- (b) the committee's responsibilities, activities, and tasks;
- (c) the duties and powers that are delegated by the board to the committee, if any, as permitted by section 38 of the Act;
- (d) the committee's meeting requirements;
- (e) for committees established for a specific purpose, a date by which the work of the committee is expected to be completed or on which its mandate expires, subject to renewal by the board;
- (f) the number of board members to be appointed to the committee, which for standing committees must not be less than three members, not including the board chair.

24(3) Required standing committees

The board must establish the following standing committees:

- (a) a Governance Committee;
- (b) a Budget and Risk Management Committee; and
- (c) in accordance with subsection 34(1), a Strategic Planning Steering Committee.

24(4) Advisory committees

The board may establish advisory committees to report on matters within the jurisdiction of the board, and members of the public may be invited to participate in such committees as the board considers appropriate.

25(1) Board chair determines committee members

The board chair must, after consulting other board members, appoint committee members and the committee chair, each for a term of one year.

25(2) Board chair on committees

The board chair is a member of each committee by virtue of the office.

26(1) Quorum for committees

Two members of a committee constitute a quorum to carry out the business of the committee.

26(2) Extended absence of member

If a committee quorum is not attainable due to the absence or inability of a committee member to attend a meeting of the committee, as exigencies require, the board chair may appoint another board member to serve as an alternate committee member for the period of the absence or inability.

26(3) Other board members may attend

Board members who are not appointed to a committee may attend and participate in any meeting of the committee, but may not

- (a) vote on any motion before the committee; nor
- (b) receive remuneration for the attendance, unless the member was invited to attend by the committee chair.

27(1) Schedule of meetings

The chair of a standing committee must before the end of December of each year, establish a schedule for the meetings of the committee in the following year.

27(2) Changes in meeting schedule

The committee chair may call a meeting, or cancel or reschedule a meeting of that committee upon consultation with, and reasonable notice to, the committee members.

28(1) Committee of the whole

Board members may meet as a committee of the whole at the call of the board chair or by a vote of a majority of the board.

28(2) Chair of committee of the whole

The board chair is the chair of the committee of the whole.

29(1) Committee procedure

Subject to subsection (2), committee meetings may be conducted informally and the procedure to be followed is in the discretion of the chair.

29(2) Board procedures may be adopted

A committee may adopt procedures for the conduct of its meetings analogous to the procedures set out in Part 2, to the extent the committee considers necessary to ensure the timely and proper carrying out of its business.

30(1) Committee to make recommendations

Subject to the powers expressly delegated to the committee by the resolution of the board establishing the committee, a committee may only make recommendations to the board for its consideration and is not authorized to make decisions on behalf of the board.

30(2) Committee report

The committee chair must present a report on each committee meeting that includes the committee's recommendations, if any, arising from its deliberations, at the next board meeting.

31 Secretary to the board to support committee

The secretary to the board must

- (a) attend each committee meeting unless excused or excluded by the committee chair or on authorized leave; and
- (b) provide administrative support and advice to the committee as requested by the committee chair.

PART 4: STRATEGIC PLANNING**32 Strategic planning mandate**

The board must establish a multi-year strategic plan for the police service in consultation with the police chief, in accordance with the practices and procedures set out in this Part and in compliance with sections 27 and 28 of the Act, section 21 of the board by-law, and chapter 5.1 of the commission manual.

33(1) Planning period

The strategic plan for the police service must be for a five-year period and be updated annually.

33(2) Strategic plan review

The board must conduct a major review and revision of its strategic plan for the police service once every five years, and may carry out such a review and revision at an earlier date if the board's annual systematic risk management audit indicates a major change in the City's policing context has occurred or is anticipated in the coming year.

34(1) Strategic planning steering committee

The board must establish a strategic planning steering committee comprised of the chair, the chair of the governance committee, the chair of the finance committee and one additional board member appointed by the board, to oversee and direct the board's strategic planning process.

34(2) Police executive to participate

The board chair must invite the police chief to each meeting of the strategic planning steering committee and request that he designate up to three senior staff members to attend with the chief, including the liaison officer, to provide advice and input on the planning process and the content of the strategic plan.

34(3) Police chief to designate members to participate

The police chief may designate up to three senior staff members to attend meetings of the strategic planning steering committee, including the liaison officer, and may invite additional members as needed with the consent of the board members on the committee.

34(4) Strategic planning working group

The board may establish a working group to support the strategic planning steering committee, comprised of the secretary to the board, the liaison officer, and any other persons retained, employed or invited by the board for the purpose.

35(1) Steps in the planning cycle

The board must, at a minimum, carry out the following steps in the development of its strategic plan for the police service and in the completion of major reviews or revisions of the strategic plan, in the year preceding the planning period:

- (a) review the most recent public surveys conducted by the police service, and if found necessary, conduct a further public survey;
- (b) review other information received by the board or the police service from the public over the course of the previous year that will assist in determining community needs and values in respect of policing priorities, objectives, programs and strategies;
- (c) conduct an environmental scan as provided in section 36, by early April;
- (d) conduct a strategic planning session jointly with the police chief and senior police service members designated by the chief to review the environmental scan, and to evaluate opportunities and challenges facing the police service, by mid-April;
- (e) publish the environmental scan to facilitate informed participation and engagement by the public in the strategic planning process, by the end of April;
- (f) conduct additional meetings of the steering committee at key milestones in the process;

- (g) conduct public consultation meetings as provided in section 37, to be completed by the end of June;
- (h) conduct a special meeting with senior level representatives of governments, organizations, businesses, and communities engaged or having a substantial interest in crime prevention activities, to obtain input on crime prevention priorities, objectives, strategies and partnerships for the police service, by the end of June;
- (i) prepare and publish a report on the public consultations, by the end of August;
- (j) prepare a draft strategic plan document with the content outlined in section 38, by the end of September;
- (k) provide an ongoing opportunity for input in writing to the board, extending at least one month past the final public consultation meeting;
- (l) consult with the chief administrative officer and senior staff of the City designated by the chief administrative officer on the potential budget implications of the proposed strategic plan, to be carried out during the months of September and October;
- (m) finalize and publish the strategic plan by the end of December.

35(2) Monitoring and reporting on progress

The board must

- (a) carry out ongoing monitoring and evaluation of implementation of the strategic plan; and
- (b) report on implementation of the strategic plan in conjunction with the board's annual reports and strategic plan updates.

35(3) Annual business plan

The police chief must, by the end of January of each year, prepare an annual business plan in consultation with the board that:

- (a) sets out programs and strategies to implement the strategic plan;
- (b) focuses the delivery of policing services in accordance with the strategic plan while reflecting the public interest and incorporating the community's needs and values within specified policing priorities, objectives, programs and strategies and
- (c) contains performance indicators that measure success.

35(4) Quarterly business plan implementation reports

The police chief must provide a quarterly report to the board on progress toward implementation of the annual business plan.

36 Environmental scan

In order to assist the public to meaningfully engage the board's strategic planning process and provide informed input respecting priorities, strategies, and reasonably achievable objectives for the police service, the board must complete and annually update an environmental scan document that contains the following:

- (a) information respecting current political, economic, environmental, social, and technological risks, circumstances and trends as they may affect policing in the City;
- (b) current local crime statistics, trends and projections, patterns of victimization, and regional and national comparisons; and
- (c) an evaluation of the identified external and internal risk factors that may affect the demand for policing services, policing adequacy and effectiveness, and future resource requirements, including both upside risks (opportunities) and downside risks (threats).

37 Public meeting requirements

The following are the minimum requirements for the public meetings referred to in paragraph 35(1) (g):

- (a) a separate meeting must be conducted that addresses the special needs, values and expectations of communities that are disproportionately affected by crime and policing, in a location that is convenient for such communities;
- (b) meetings must be scheduled and structured to provide a reasonable opportunity for meaningful engagement by the public in the development of the strategic plan, in order that the board may ensure that community needs and values are reflected in policing priorities, objectives, programs and strategies.

38 Content of strategic plan

The board's strategic plan for the police service must, at a minimum, contain the following:

- (a) **Mission** - a short statement of what the police service does;
- (b) **Values** – summary descriptions of the values that the police service upholds in carrying out its Mission;
- (c) **Vision** – a concise, memorable statement of the desired future state of public safety and policing in the City;
- (d) **Goals** – the high level, long term outcomes that the police service plans to achieve, that will enable realization of the Vision;
- (e) **Strategies** – the ways or means by which the Goals will be achieved, including strategies for risk management;

- (f) **Targets** – specific, measurable, achievable, realistic and time-bound accomplishments within the period of the strategic plan that contribute to the achievement of a Goal or are necessary for the successful implementation of a Strategy;
- (g) **Performance Indicators** – measures of whether or not progress is being made toward the Goals.

39 Update of strategic plan

The board must at a minimum carry out the following steps each year to update its strategic plan:

- (a) review and update the environmental scan document, by the end of April;
- (b) determine if a major review and revision of the strategic plan is required, after consulting with the police chief, by the end of March;
- (c) if a major review is not required, conduct a minimum of two public meetings, by the end of May, to provide a meaningful opportunity for the public:
 - (i) to receive information on progress toward implementation of the strategic plan, and
 - (ii) to provide input on changes to policing priorities, objectives, programs and strategies that reflect evolving community needs and values;
- (d) provide an ongoing opportunity for written input from the public, to close by the end of September;
- (e) finalize and publish a strategic plan update report by the end of December.

40 Environmental scan review

The board must complete a major revision of the environmental scan as part of the process for a major review and revision of its five-year strategic plan for the police service.

PART 5: RISK MANAGEMENT AND AUDIT

41(1) Definitions

In this Part,

“**risk**” means an uncertain future event or circumstance that might significantly diminish or enhance the ability of the police service to achieve its goals and objectives;

41(2) Definitions incorporated by reference

Subject to subsection (1), terms used in this Part have the same meanings as set out in Clause 2 of National Standard of Canada, CAN/CSA-ISO 31000-10, *Risk Management Principles and Guidelines*.

42(1) Risk management framework

The board must provide general direction and supervision to the police chief respecting the timely preparation and annual review of a risk management framework for the police service that meets the requirements set out in Chapter 3.6 of the commission manual and subsections (3) and (4).

42(2) Consultation with the police chief

The board must consult with the police chief through the budget and risk management committee before providing its direction under subsection (1).

42(3) Alignment with national principles and guidelines

The risk management framework must be in accordance with National Standard of Canada, CAN/CSA-ISO 31000-10, *Risk Management Principles and Guidelines*, while taking into account the particular needs and context of the police service.

42(4) Content of risk management framework

The risk management framework must set out the foundations and organizational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the police service, including:

- (a) a risk management policy that specifies the overall intentions and directions of the police service with respect to the management of risk; and
- (b) a risk management plan that specifies the risk management process, assignment of responsibilities, sequence and timing of activities, and the resources to be applied to the management of risk within the police service.

43 Board oversight of risk management

Subject to section 44, the board must, through regular reporting, questioning, and monitoring, hold the chief to account for the performance of the police service in managing risk.

44(1) Integration of risk management and strategic planning

The board must

- (a) have extensive involvement and collaborate with the police chief in identifying and evaluating strategic risks; and
- (b) integrate identification and evaluation of strategic risks and development of related risk treatment plans with the strategic planning process set out in Part 4.

44(2) Greater role of board with respect to high impact risks

The board must collaborate with the police chief to understand, quantify, prioritize, mitigate and monitor high impact risks identified in the risk management planning process.

44(3) Role and responsibilities of budget and risk management committee

The budget and risk management committee must

- (a) provide general direction and supervision to the police chief in the preparation and review of the police service's risk management framework;
- (b) provide ongoing monitoring of implementation of the risk management framework and the police service's risk management performance, including implementation of risk treatment plans for strategic and high impact risks;
- (c) provide advice to the board respecting
 - (i) the degree of board involvement in evaluating specific risks and developing related risk treatment plans, and in the oversight of a critical event,
 - (ii) modifications to the risk management framework, and
 - (iii) reviews of the effectiveness of risk treatment plans; and
- (d) consult and collaborate with the police chief in carrying out its responsibilities under this Part.

45(1) Monitoring required

The police chief must continuously monitor

- (a) implementation of risk treatment plans; and
- (b) changes in the uncertainty of priority risks; and
- (c) changes in the risk environment of the police service.

45(2) Reports on risk strategy implementation

The police chief must provide reports to the board, through the budget and risk management committee, respecting progress toward implementation of risk treatment plans for specified strategic and high priority risks, as directed by the budget and risk management committee.

45(3) Reports on changes in risks

The police chief must provide, at the earliest practical opportunity, a report to the board respecting

- (a) a material change in the uncertainty of a strategic or high priority risk; and

- (b) the emergence of a new risk with a high likelihood of occurrence and a potentially severe consequence.

45(4) Special meeting

The chair may convene a special board meeting as exigencies require, to address any need for timely determination or provision of a policy decision, a public communications strategy, unbudgeted resources, or direction to the chief, or any other action within its jurisdiction, arising from a report provided under subsection (3).

46(1) Notification of critical event

The police chief must notify the board chair of a critical event at the earliest practical opportunity after its potential occurrence has been identified.

46(2) Budget and Risk management committee meeting

The board chair must convene a private meeting of the budget and risk management committee with the police chief at the earliest practical opportunity after being notified of a critical event.

46(3) Report by police chief

At the meeting held in accordance with subsection (2), the police chief must provide a report to the budget and risk management committee that addresses the matters set out in subsection (5).

46(4) Ongoing reporting requirements

The budget and risk management committee, in consultation with the police chief, must establish such ongoing reporting requirements in respect of the matters set out in subsection (5) as the committee considers necessary for proper oversight of the police service's planning and preparedness for policing the critical event and maintaining adequate and effective regular police services in the City during the event.

46(5) Matters to be addressed

Reports required in accordance with subsections (3) and (4) must address the following matters:

- (a) the date, time and location of the event;
- (b) the nature of the event, including the agencies involved and its attendance;
- (c) the police service's proposed priorities and objectives for policing the event;
- (d) human, financial and physical resources needed to adequately and effectively maintain public peace, order and security during the event;
- (e) specific significant facility and equipment requirements, including facilities for detainee management;

- (f) the funding requirements, and funding sources for the unbudgeted costs, of adequately and effectively policing the event;
- (g) agreements and understandings, or other collaborative and cooperative policing or funding arrangements, proposed or in place;
- (h) applicable legislation and policing standards;
- (i) risk management considerations;
- (j) command and control structure;
- (k) whether the police service is receiving planning or operational direction from another agency;
- (l) contingency planning to ensure regular policing services will be adequately and effectively maintained in the City;
- (m) policy and training issues, including development, implementation and compliance matters.

46(6) Notification of material change

Where an exigent circumstance arises that presents a risk to the achievement of the police service's priorities and objectives for policing the event, the police chief must notify the board chair at the earliest practical opportunity.

46(7) Board may make recommendations

The board or the budget and risk management committee may make recommendations to the police chief respecting plans for policing a critical event, consistent with the board's purposes under the Act and with a view to ensuring police services are delivered in a manner consistent with community needs, values and expectations, but may not provide direction on specific operational plans, tactics and decisions pertaining to the policing or management of the event by the police service.

47(1) Internal audit capability

The board must ensure that the police chief establishes and maintains an internal audit capability, relating to the delivery of adequate and effective police services, in accordance with generally accepted principles and standards for the professional practice of internal auditing.

47(2) Internal audit staff requirements

Subject to paragraph (3), the police chief must ensure that police service staff members involved in audit processes:

- (a) have the knowledge, skills and abilities required to perform the duties required; and

- (b) do not exercise responsibilities respecting or control of any of the individuals, facilities or procedures being examined in an audit in which they are involved.

47(3) When external audit resources to be retained

The police chief may retain qualified external resources, which may include the Office of the City Auditor and Chief Performance Officer, to provide non-financial performance audit services, if the chief is of the opinion that, due to the nature and scope of the project,

- (a) the services required are not within the capacity or expertise of the police service's internal resources; or
- (b) the retention of external resources is advisable to assure that the project is carried out independently, to avoid an appearance of a conflict of interest, or otherwise to ensure the credibility of the findings and results of the audit.

48(1) Annual audit plan required

The police chief must prepare an annual audit plan for the ensuing year, and submit the plan to the budget and risk management committee, by December 31 of each year, based on consideration of the following:

- (a) risk assessments;
- (b) operational priorities of the police service;
- (c) changes in legislation and new case law;
- (d) findings and recommendations of inquests, inquiries, and formal reviews;
- (e) the need to conduct audits in all areas of the police service from time to time to ensure the adequacy of and compliance with policies for the effective management of the police service and internal procedures of the police service.

48(2) Audit reports to be provided

The police chief must provide a report on the findings and results of each audit to the budget and risk management committee without undue delay after its completion.

49(1) Board may direct external audits

The board may directly retain, or may direct the police chief to retain, qualified external resources, which may include the Office of the City Auditor and Chief Performance Officer, to provide non-financial performance audit services, if in the circumstances the board determines it is in the public interest to do so.

49(2) Chief to ensure cooperation

The police chief must ensure that police officers and civilian staff members of the police service fully cooperate with external auditors retained by the board and provide to the auditors any information in the possession of the police service that is necessary for the adequate, timely and proper completion of the project, except any information about individual investigations or intelligence files.

50(1) Board effectiveness evaluations

The board chair must request the budget and risk management committee to initiate a formal, comprehensive evaluation of the board's effectiveness every three years commencing in June 2016, or earlier if, in the opinion of the board chair, a major change has occurred in the board's mandate, organizational structure, personnel, or resources that might present a risk to the board's effectiveness.

50(2) Chief Performance Officer to conduct evaluation

The budget and risk management committee must

- (a) prepare terms of reference for the evaluation project, design the evaluation process, and initiate the evaluation project within 60 days of receiving the request of the board chair under subsection (1);
- (b) request the City's Chief Performance Officer
 - (i) to advise respecting the terms of reference for the evaluation project and the design of the evaluation process;
 - (ii) to independently conduct and complete the evaluation project within 60 days of its initiation; and
- (c) ensure that the evaluation project is carried out in accordance with Chapter 3.9 of the commission manual.

51(1) Informal evaluations

The budget and risk management committee must initiate an informal evaluation of the board's effectiveness in August of each year in which a formal evaluation is not being carried out.

51(2) Secretary to the board to assist

The secretary to the board must, in accordance with the direction of the budget and risk management committee,

- (a) prepare the materials necessary to carry out the informal evaluation project; and

- (b) carry out the informal evaluation project, compile the information obtained, and prepare an evaluation report for the consideration of the committee, within 60 days of initiation of the project.

52 Board members to cooperate with evaluations

Board members must fully cooperate with and provide all responses required by the budget and risk management committee, the Chief Performance Officer, and the secretary to the board, in order to enable completion of effectiveness evaluation projects in a proper and timely manner.

53(1) Committee to prepare evaluation report

The budget and risk management committee must prepare a report on each formal and informal evaluation of the board's effectiveness that includes recommendations to address issues identified in the evaluation that are interfering with the board's effectiveness in carrying out its mandate.

53(2) Committee chair to present report

The budget and risk management committee chair must present the effectiveness evaluation report prepared in accordance with subsection (1) to the board for its consideration at the next public meeting following its approval by the committee.

53(3) Board to direct remedial action

The board must address each recommendation in an effectiveness evaluation report and undertake or direct remedial action as necessary to address issues that it finds are interfering with the board's effectiveness in carrying out its mandate.

53(4) Progress report required

The budget and risk management committee must maintain as a standing item on its agenda, a report on the progress in addressing issues that the board has found are interfering with its effectiveness in carrying out its mandate.

54(1) Board member competencies

The board must establish the specific competencies that board members, individually and collectively, must have in order for the board to be effective in carrying its mandate.

54(2) Board member self-evaluation process

The budget and risk management committee must prescribe and direct a process for and materials to support self-evaluation by board members of their individual and collective effectiveness, based on the competencies established by the board.

54(3) Board members to complete self-evaluations

Each Board member must, before September 1 of each year, complete the self-evaluation process as prescribed and directed by the budget and risk management committee.

54(4) Chair to review evaluations

The board chair must review the self-evaluation completed by each board member with the board member, and the board chair and the member must collaboratively develop a plan to address identified areas of concern.

54(5) Vice-Chair to review Chair's evaluation

The board vice-chair must review the self-evaluation completed by the board chair with the board chair, and the board vice-chair and the board chair must collaboratively develop a plan to address identified areas of concern.

PART 6: COMMUNICATIONS & COMMUNITY LIAISON**55(1) Board communication plan**

The board must establish a communication plan that includes a comprehensive public engagement strategy for the ensuing year, by December 31 of each year, in accordance with Chapter 3.4 of the commission manual and these rules.

55(2) Content of communication plan

The communication plan must address the following matters:

- (a) the objectives of the plan;
- (b) identification and evaluation of the risk factors that may affect achievement of its objectives;
- (c) the specific audiences to which communications and engagement will be targeted;
- (d) the board's understanding of the existing state of knowledge of each audience respecting policing, public safety, crime prevention matters and civilian oversight of the police service and the special information and engagement needs of each;
- (e) the nature and means of communication of information necessary to ensure each audience is able to meaningfully participate in the board's public consultation processes;
- (f) the means by which the board will receive and elicit community input and engagement;
- (g) key messages from the board;

- (h) the means by which the board will deliver its messages, including an advertising plan and a social media strategy, and the timing of their delivery;
- (i) criteria to guide decisions respecting matters for which media releases should be issued;
- (j) the resources required to implement the communication plan.

55(3) Communication plan effectiveness

The board must keep a record of its media coverage, advertising reach and social media metrics and, on an annual basis, measure these results against the objectives of the communication plan.

55(4) Revisions to communication plan

The board may revise the communication plan to respond as it considers appropriate to changing needs and priorities.

55(5) Review of communication policies and plans

The board must carry out a major review of its communication policies and plans every three years that includes input from citizens on their needs and expectations respecting information and engagement, and must reflect the findings of the review in the communication plan for the ensuing year.

56(1) Board spokesperson

Subject to this section, the board chair must be the sole spokesperson for the board.

56(2) When vice-chair may speak on behalf of board

In the absence or inability of the chair, the vice-chair must be the sole spokesperson for the board.

56(3) Alternate spokesperson

The board may designate another board member to speak on behalf of the board in the absence or inability of the chair and the vice-chair.

56(4) Unauthorized communications prohibited

Subject to subsection (5) and (8), a board member or board staff member must not purport to speak on behalf of the board, unless authorized by the board to do so.

56(5) Communication of board positions

If the board has formally adopted a position or made a decision in respect of a matter at a public meeting, a board member may publicly communicate and explain the position or decision.

56(6) Expressions of disagreement

A board member who publicly expresses disagreement with a decision of the board must make it clear that the member is expressing a personal opinion and not the opinion of the board.

56(7) Media inquiries

Subject to subsection (8), board members and board staff members must refer media inquiries and requests for interviews to the board spokesperson, through the secretary to the board.

56(8) Secretary to the board may provide factual information

The secretary to the board may provide factual information to a member of the media related to the mandate and administration of the board, or decisions made by the board at a public meeting, in response to an inquiry.

57(1) Provision of police service media releases

Subject to subsection (2), the police chief must ensure that official media releases by the police service are provided to the board as soon as is practicable.

57(2) Advance approval of certain releases

The police chief must consult with the board chair in advance respecting a media release or a response to a media inquiry that

- (a) pertains to a policy established or approved by the board for the effective management of the police service; or
- (b) addresses an issue that may place the reputation of the board or the police service or public trust in the police service at significant risk.

58(1) Means of compliance by police chief

Unless otherwise directed by the board or the board chair, the police chief may, if it is considered appropriate to the circumstances, comply with a requirement to provide information or an explanation to the board or the board chair as set out in these rules by ensuring that the information or explanation is provided to the secretary to the board through the liaison officer.

58(2) Information not required to be supplied

In complying with the requirements of this section and section 59, the police chief is not required to provide information with respect to the discipline or personal conduct of any police officer or about individual investigations or intelligence files.

58(3) Request for information to be through Committees

Subject to subsections (6), (7) and (8), and section 59, board members and the secretary to the board must make all requests for information or an explanation from the police chief through an appropriate board committee.

58(4) Determination of request for information

The committee must review and consider each request made under subsection (2) and may

- (a) approve or decline the request; and
- (b) provide direction to the police chief respecting its priority in relation to other requests.

58(5) Conveyance of request

The secretary to the board must convey the request as approved by the committee, to the liaison officer in accordance with the committee's direction, and must keep a record of each request and monitor the status of the response to each request.

58(6) Request for information needed by board staff

Where the board or a board committee directs the secretary to the board to carry out a task that requires information in the possession of the police service, the police chief must provide the required information.

58(7) Request from the Chair

The board chair may, on behalf of the board, request the police chief to provide information to the board in urgent circumstances where it is not practicable for a board committee to review, approve and prioritize the request in advance.

58(8) Information for responses to elected representatives

The police chief must, upon the request of the board chair, provide to the board any information in the possession of the police service that the board chair considers necessary to respond to an inquiry from an elected representative.

58(9) Contacts with the service on behalf of citizens

A board member must not contact or communicate with a police officer in respect of a specific operational decision, investigation, or action taken by a police officer, or the conduct of a police officer.

58(10) Citizen request

If a person requests a board member to explain, inquire into or provide information in respect of a specific operational decision, investigation or other action taken by a police officer, or the conduct of a police officer, the board member must only:

- (a) explain to the person the processes available to address concerns of members of the public regarding police operations and complaints regarding the conduct of police officers; and
- (b) provide the contact information for those responsible for administering such processes, including that of the relevant police district office, should the person wish to pursue remedial action; or
- (c) refer the person to the secretary to the board, who may carry out the tasks set out in (a) and (b) on behalf of the board member.

59(1) Notification of issues

The police chief must, without delay, fully inform the board chair respecting an incident, event or issue in the course of or in relation to the management, operation or administration of the police service that might:

- (a) materially diminish the ability of the police service to achieve its goals and objectives;
- (b) give rise to a public perception or concern that police services have not been delivered
 - (i) in a manner consistent with community needs, values and expectations, or
 - (ii) in accordance with a policy established for the effective management of the police service; or
- (c) place the reputation of the police service or public trust in the police service at significant risk.

59(2) Consultation with board chair on issues

The police chief must consult with the board chair respecting public communications in relation to an incident, event or issue about which the board chair has been informed in accordance with

subsection (1), with a view to ensuring timely public disclosure and promoting transparency and public trust, without compromising individual investigations.

60(1) Board members to share information

A board member must share with the board chair, in a timely manner, material information that is received through communication with the police chief or a member of the police service that may be pertinent to the board's consideration of matters before it, or likely to come before it, or that is related to a prior Board decision, or that is of public interest.

60(2) Board chair to share information

The board chair must provide information shared with him or her by a board member in accordance with subsection (1) to the full board by such means considered advisable in the circumstances, and may call a special board meeting if it considered necessary to enable the board to consider the information in a timely manner.

61(1) Private meetings with police chief to facilitate communication

The board, as the committee of the whole, must, at a minimum, meet quarterly in private with the police chief, to ensure a common understanding of emerging or evolving strategic issues, concerns and directions and of the roles and responsibilities of the board and the police chief in addressing such matters.

61(2) Communication within police service

The police chief must ensure that mechanisms are in place to appropriately and effectively communicate strategic issues and directions of the board within the police service.

61(3) Police service communication strategy

The police chief must ensure that the police service's communication plans, strategies and key messages are consistent with the board's policies, strategic directions, and annual communication plan.

62(1) Presentations to Council

The police chief must ensure that no representative of the police service makes a presentation **to council or a standing committee of council on a matter within the jurisdiction of the board**, except in accordance with this section.

62(2) Board chair to be present

The board chair or his or her designate must be in attendance when a representative of the police service makes a presentation to council or a standing committee of council.

62(3) Briefing required

The police chief must ensure that the board chair or his or her designate is provided a briefing on the presentation prior to it being made.

62(4) Board approval may be required

The board chair may direct the police chief not to permit a presentation to council or a standing committee of council on a matter within the jurisdiction of the board to proceed without the approval of the board.

PART 7: POLICE BOARD BUDGETING, REPORTING AND FINANCIAL MANAGEMENT

63(1) Adherence to budget development timeline

The board will adhere to the City of Winnipeg's budget development timeline when preparing annual estimates for the board budget.

63(2) Board budget estimates

After consultation with the chief financial officer, the secretary to the board must prepare and submit to the budget and risk management committee, a proposed board budget that shows estimates of the amounts that will be required in the following three-year period for the board to adequately and effectively carry out its duties under the Act.

63(3) Consideration by committee

The budget and risk management committee must consider the proposed board budget for the following three-year period submitted by the secretary to the board and determine the budget it recommends to the board.

63(4) Consideration by board

The chair of the budget and risk management committee must present the board budget recommended by the committee to the board for its consideration.

63(5) Submission to council

Without delay after approval of the board budget by the board, the secretary to the board must submit the board budget to the chief financial officer, with a request that it be advanced for consideration by Council, in accordance with City budget procedures.

63(6) Where approved budget varies from submitted budget

If council approves a board budget that varies in total amount from the budget submitted by the board, the board must review and determine the allocation of the budget for the following year.

63(7) Reallocation in-year

The board may by resolution approve a reallocation of the board budget at any time as exigencies require.

64(1) Monthly budget update

The secretary to the board must, before the end of each month, prepare and submit to the budget and risk management committee, a budget update report that sets out budgeted and actual expenditures for the previous month and year-to-date, and projected expenditures to the end of the year, for each line of the board budget.

64(2) Quarterly budget update

The secretary to the board must prepare and submit to the budget and risk management committee, before the end of the month following each quarter, a budget update report that:

- (a) sets out budgeted and actual expenditures for the quarter and year-to-date, and projected expenditures to the end of the year, for each line of the board budget; and
- (b) provides a summary explanation of material variances between budgeted and projected expenditures to the end of the year, and risk factors affecting projected expenditures.

64(3) Quarterly budget update consideration

The budget and risk management committee must consider the quarterly budget update report at its next meeting following its submission by the secretary to the board, and the chair must present the report for the consideration of the board as soon as practicable thereafter.

64(4) Quarterly budget update to Standing Committee

The secretary to the board must provide the quarterly budget update report on the board budget to the Standing Policy Committee on Finance for information without delay after its approval by the board.

65(1) Retention of board auditor

The board must retain, before the end of December of each year, the services of a qualified professional accounting firm to act as the board's auditor and to prepare the annual audited financial statements for the board budget and the police service budget required under section 23 of the board by-law.

65(2) Board annual financial statements

The board must direct the auditor, under the supervision of the budget and risk management committee, and with the cooperation and assistance of the secretary to the board,

- (a) to prepare the board's draft annual audited financial statements for review by the budget and risk management committee;

- (b) to prepare the board's annual audited financial statements and present the statements to the board for consideration at a board meeting.

65(3) Submission to Standing Committee

The secretary to the board must submit the board's annual audited financial statements to Council for information through the Standing Policy Committee on Protection, Community Services and Parks without delay after their approval by the board.

66(1) Annual report

The secretary to the board must prepare and submit to the governance committee before May 1 of each year, a draft annual report that includes

- (a) a summary of the board's activities for the year; and
- (b) the content prescribed in Chapter 5.2 of the commission manual.

66(2) Support from police service

The police chief must ensure that the police service provides to the secretary to the board, through the liaison officer, any advice, input, and information in its possession that is necessary for the adequate and proper preparation of the content of the annual report referred to in clause (1) (b).

66(3) Consideration of annual report

The governance committee must consider the draft annual report submitted by the secretary to the board as soon as practicable with a view to ensuring the annual report may be considered and approved at a meeting of the board before June 30 of each year.

66(4) Submission of annual report

The secretary to the board must, before June 30 of each year, submit the annual report as approved by the board to Council for information through the Standing Policy Committee on Protection, Community Services and Parks to the commission.

66(5) Publication of annual report

The secretary to the board must, without delay after submission of the annual report in accordance with subsection (4), publish the document on the board's website.

67(1) Remuneration for meetings

For the purpose of remuneration in accordance with the board by-law, time spent in attendance at meetings of the board includes time spent in attendance at:

- (a) public consultation meetings;

- (b) meetings of committees; and
- (c) member training sessions convened by the chair.

67(2) Tele-presence at meetings

A board member who actively participates in a meeting by telephone or by any other means of electronic presence, with the approval of the chair, is deemed to be in attendance at the meeting.

68(1) Claims for remuneration

Citizen board members must submit claims for the remuneration to which they are entitled in accordance with the board by-law to the secretary to the board, on a form provided by the secretary to the board.

68(2) Expense claims

Board members must submit claims for reimbursement of expenses authorized in accordance with this Part to the secretary to the board, on a form provided by the secretary to the board, together with a copy of a receipt for each expense claimed.

68(3) Receipt requirement dispensation

The board chair may dispense with the requirement to submit a copy of a receipt for an expense if a receipt was not provided or it was lost, if satisfied that the expense was incurred.

68(4) Parking expenses

A board member may claim reimbursement for the out-of-pocket cost of parking that is necessitated by the member's attendance at a meeting for which entitled to remuneration.

68(5) Approval required

Claims for remuneration and reimbursement of expenses, except claims submitted by the board chair, must be approved by the board chair.

68(6) Approval of chair's claims

Claims for remuneration and reimbursement of expenses submitted by the board chair, must be certified by the secretary to the board and approved by the board vice-chair.

69(1) Request for approval to attend conferences, etc.

A board member may request approval of the board chair to attend a conference or training session, or any other event, which would incur a cost to the board, by completing a form provided by the secretary to the board and submitting it to the secretary to the board.

69(2) Secretary to the board to advise chair

The secretary to the board must, without delay, convey the request to the board chair and advise him or her respecting its financial implications.

69(3) Chair may approve attendance

The board chair may approve the request if satisfied that:

- (a) the cost is within the approved board budget; and
- (b) the board member's attendance would strengthen the board's capacity to carry out one or more of its purposes under the Act, in a cost-effective manner.

69(4) Reimbursement of expenses for attendance

Where the board chair has approved the board member's attendance, the member may claim reimbursement for the expenses incurred in respect of that attendance that are allowed under the City's travel policy.

70(1) Approval of other expenses

Subject to subsection (2), the board chair may approve reimbursement or payment of expenses incurred by a board member in the course of board business, in addition to those referred to in subsections 68(4) and 69(4), in accordance with the City's expense reimbursement policies and procedures.

70(2) Advance approval of other expenses

A board member must not claim or receive reimbursement for any expense incurred in the course of board business, other than those referred to in subsections 68(4) and 69(4), unless the board chair has approved the specific expenditure before it was incurred.

71 Record of remuneration and expenses

The secretary to the board must

- (a) ensure board members' remuneration and expense claims are validated and processed in a timely manner;
- (b) maintain a record of the remuneration and expenses paid to board members; and
- (c) prepare an annual board member remuneration and expenses report for inclusion in the board's annual report.

72(1) Delegation of authority for agreements to supply goods and services

The board hereby delegates its authority under section 27 of the board by-law to approve agreements to purchase goods or retain services necessarily incidental to the day-to-day operations of the board, and for the employment of board staff, to the chair, the vice-chair, and the secretary to the board as set out in this section, where the category of the expenditure is expressly included in an approved board budget and the process conforms with the City's Materials Management Policy and all other applicable City procurement and hiring policies, procedures, standards and guidelines.

72(2) Chair's approval authority

The board chair, or in the board chair's absence, the board vice-chair is authorized to approve an expenditure or agreement on behalf of the board where the total consideration does not exceed:

- (a) \$50,000, with the solicitation of competitive offers;
- (b) subject to paragraph (c), \$5,000, without the solicitation of competitive offers; and
- (c) \$35,000, without the solicitation of competitive offers, where the agreement relates solely to the provision of professional consulting services.

72(3) Secretary to the board's approval authority

The secretary to the board is authorized to approve an expenditure or agreement on behalf of the board where the total consideration does not exceed:

- (a) \$10,000, with the solicitation of competitive offers; and
- (b) \$5,000, without the solicitation of competitive offers.

72(4) Secretary to the board may hire board staff

The secretary to the board may approve an agreement for the employment of a board staff member if the total costs of the employee's salary, benefits and related incremental operating costs are included within an approved board budget.

72(5) Report to budget and risk management committee

The secretary to the board must, before each meeting of the budget and risk management committee,

- (a) prepare a report that sets out the particulars of agreements made under delegated authority since the last meeting of the committee, including, if an agreement is entered into without the solicitation of competitive offers, the reasons for doing so; and

- (b) present the report for review by the budget and risk management committee at the meeting.

73(1) Agreements requiring board approval

In cases where the approval of the board of an agreement is required in accordance with section 27 of the board by-law, the secretary to the board must prepare and submit a proposal to the finance and budget committee that sets out:

- (a) the proposed procurement process, its rationale and advice as to its compliance with the City's procurement policies, procedures, standards and guidelines;
- (b) the estimated total cost of the proposed agreement and other substantive terms;
- (c) the budgetary implications of the agreement; and
- (d) the rationale for entering into the agreement.

73(2) Finance committee report and recommendation

The budget and risk management committee must review a proposal submitted by the secretary to the board in accordance with subsection (1) and determine its report and recommendation respecting the proposed agreement as soon as practicable.

73(3) Committee chair to report

The budget and risk management committee chair must present the report and recommendation of the committee determined under subsection (2) for review and consideration by the board as soon as practicable.

73(4) Authority to sign agreements

The board chair or the secretary to the board may submit an agreement on behalf of the board for signing by an authorized officer of the City if the agreement has been approved in accordance with section 72 or this section.

74(1) Association memberships

The board may become a member of an association or any other form of organization if

- (a) the cost of membership and an adequate and proper level of participation in the activities of the organization is within a board approved budget; and
- (b) it is satisfied membership in the organization would improve the capacity of the board to carry out one or more of its purposes under the Act, in a cost-effective manner.

74(2) Fees and renewal of membership

Where the board determines to become a member of an association or other organization, the secretary to the board may:

- (a) complete and sign all necessary forms and information returns;
- (b) pay membership fees and subscribe to publications of the organization;
- (c) renew the membership annually, unless the membership costs have increased sufficiently to have material implications for the board's budget or the board has determined to terminate its membership.

PART 8: POLICE SERVICE BUDGETING, REPORTING AND FINANCIAL MANAGEMENT

75(1) Adherence to budget development timeline

The board will adhere to the City of Winnipeg's budget development timeline when preparing and submitting estimates for the annual operating and capital budgets for the police service.

75(2) Police service budget estimates

The police chief must prepare and submit to the board's budget and risk management committee, before June 1 of each year,

- (a) information respecting implementation of new initiatives prioritized in the board's strategic plan for the police service;
- (b) information respecting opportunities for cost reductions and improved efficiencies for the police service;
- (c) information respecting any other proposed changes in the organization and operations of the police service that may have material budgetary implications;
- (d) operating and capital estimates that show the amounts that will be required to operate and maintain the police service and provide it with equipment and facilities, in the next three fiscal years for the operating estimates, and in the next five fiscal years for the capital estimates;
- (e) a proposed allocation of the required funds that will enable the police service to provide adequate and effective policing services and to meet its strategic goals and objectives;
- (f) any additional information that the committee considers necessary to enable it
 - (i) to assess the financial requirements of the police service, and

- (ii) to ensure the proposed budget is aligned with the strategic plan for the police service.

75(3) Consideration by committee

The budget and risk management committee must consider the proposed police service budget estimates and related information submitted by the police chief, and determine at its meeting in June of each year, the preliminary estimates of the operating and capital costs required to operate and maintain the police service that it recommends for board consideration.

75(4) Consideration by board

The chair of the budget and risk management committee must present the police service budget preliminary estimates recommended by the committee to the board for its consideration at a private meeting of the board, sitting as the committee of the whole, held before the City deadline for submission of preliminary estimates.

75(5) Submission to chief financial officer

Without delay after approval by the board's committee of the whole, the secretary to the board must submit the police service preliminary operating and capital estimates to the chief financial officer for analysis and consolidation with the estimates of other City departments by the City administration, in accordance with City budget procedures.

75(6) Committee to recommend estimates

The budget and risk management committee must consider the analysis of the police service preliminary operating and capital estimates carried out by the City administration, and determine its recommendations to the board respecting the amounts that will be required to maintain the police service and provide it with equipment and facilities in each of the following three fiscal years in respect of operating expenditures and in each of the following five fiscal years in respect of capital expenditures, and the information required to enable council to determine the financing requirements of the police service.

75(7) Board approval of estimates

The board must consider the recommendations of the budget and risk management committee and determine the operating and capital estimates that it will formally submit to council in accordance with section 19 of the board by-law, along with sufficient information to enable Council to determine the financing requirements of the police service.

75(8) Presentation by chair

The board chair must present the operating and capital estimates for the police service and related information as determined by the board, to Executive Policy Committee of Council, in accordance with City budget timelines and procedures.

75(9) Board to allocate approved budget

The board must review and determine the allocation of the budget for the following year approved by council that will enable the police service to provide adequate and effective policing, and to meet its strategic goals and objectives, without delay after approval of the budget by council.

76(1) Monthly budget update

The police chief must, before the end of each month, prepare and submit to the budget and risk management committee, a budget update report that sets out budgeted and actual expenditures for the previous month and year-to-date, and projected expenditures to the end of the year, for the police service budget, in a format approved by the board.

76(2) Quarterly budget update

The police chief must prepare and submit to the budget and risk management committee, before the end of the month following each quarter, a budget update report in a format approved by the board that:

- (a) sets out budgeted and actual expenditures for the quarter and year-to-date, and projected expenditures to the end of the year; and
- (b) provides a summary explanation of material variances between budgeted and projected expenditures to the end of the year, and risk factors affecting projected expenditures.

76(3) Quarterly budget update consideration

The budget and risk management committee must consider the quarterly budget update report at its next meeting following its submission by the police chief, and the chair must present the report for the consideration of the board as soon as practicable thereafter.

76(4) Quarterly budget update to Standing Committee

The secretary to the board must provide the quarterly budget update report on the police service budget to the Standing Policy Committee on Finance for information without delay after its approval by the board.

77(1) Reallocation in-year

The board may by resolution approve a reallocation of the police service budget at any time as exigencies require, on the recommendation of the police chief or on its own initiative.

77(2) Authority of Chief to reallocate funds in-year

Subject to subsection (3) and section 79, the police chief may approve a reallocation of the police service budget at any time as exigencies require, if:

- (a) the cumulative total amount to be reallocated does not exceed
 - (i) \$500,000.00 in respect of operating expenses; or

- (ii) \$2,000,000 in respect of a salary and benefit expenses; and
- (b) the reallocation would not
- (i) establish a new program or service area, a new division of the police service, or an executive position reporting directly to the chief;
 - (ii) effectively eliminate or substantially impair the adequacy and effectiveness of an existing program or service area, or an existing division of the police service;
 - (iii) be inconsistent with a policy established by the board or direction given to the chief by the board.

77(3) Board approval required

The police chief must obtain board approval in advance of the acquisition by the police service, whether by purchase or lease, of a single asset which has a value of \$100,000 or more and a useful life of 10 years or more, whether or not sufficient funds are available within a budget allocation.

77(4) Expenditures not to exceed allocated budget

The police chief must not permit police service expenditures to exceed the allocated budget without prior approval from council.

77(5) Police chief spending authority may be suspended

If the board determines, after consulting with the police chief, that police service expenditures are likely to exceed the allocated budget without prior approval from council, the board may suspend or limit the expenditure authority of the chief upon such terms and for such period as it considers necessary.

77(6) Unanticipated expenditures

If the police chief determines that the amount necessary to operate and maintain the police service in a particular year might exceed the budget allocated for that year due to unanticipated expenditure requirements or reduced revenues, the police chief must submit a report to the board that specifies:

- (a) the amount of the anticipated funding shortfall;
- (b) the reasons the additional funding is required; and
- (c) alternatives for funding the requirements from within the allocated budget.

77(7) Request to council for additional funding

If, after considering the report of the police chief submitted under subsection (5), the board is satisfied that there are no viable funding alternatives within the police service's allocated budget, the board may submit a request to council for supplementary funding, together with any contingency plans and information that council may require to properly assess the request.

78(1) Police service annual financial statements

The budget and risk management committee must collaborate with and provide oversight and direction to the board's auditor to ensure that the auditor is able to prepare

- (a) draft annual audited financial statements for the police service budget, for review by the budget and risk management committee, by May 1 of each year; and
- (b) annual audited financial statements for the police service budget, for review and approval by the board, by June 1 of each year.

78(2) Submission to Standing Committee

The secretary to the board must submit the annual audited financial statements for the police service budget to council for information through the Standing Policy Committee on Protection, Community Services and Parks without delay after their approval by the board.

79 Compliance with City policies respecting management and control

The police chief must ensure that the police service operates in compliance with all applicable City policies, procedures, standards and guidelines respecting financial accounting, control and management, internal audit, human resources, and the management and procurement of assets and services.

PART 9: POLICE CHIEF POSITION DESCRIPTION, RECRUITMENT AND APPOINTMENT

80(1) Police Chief position description

The board must prepare and adopt a police chief position description in accordance with section 6.1 of the Commission manual and this section.

80(2) Competencies to be included

The police chief position description must set out and define the competencies, and the proficiency level and associated behaviours for each competency, required of the police chief, which must at a minimum include and be consistent with the competencies selected by the Police Sector Council for inclusion in its Chief Competency Profile as the most important for successful job performance by a police chief.

80(3) Public consultation

The board must consult with citizens regarding the experience, skills and traits that are important for the City's police chief before finalizing or revising the police chief position description.

80(4) Consultation process

The process for consultation under subsection (3) must include, at a minimum, publication of a draft police chief position description, an opportunity to provide input to the board in writing, and an opportunity to appear at a regular public board meeting at which consideration of the police chief position description has been placed on the agenda.

80(5) Advice from City Administration

The board may seek advice from the City's Corporate Human Resources Division in developing and revising the police chief position description.

81(1) Police Chief recruitment strategy

The board must prepare a police chief recruitment strategy without delay after it determines that the police chief's appointment is not to be renewed or is to be terminated, or the police chief has resigned. The recruitment strategy must address:

- (a) the means by which the board will advertise and otherwise publicize the job posting;
- (b) the geographic area in which the job posting will be advertised;
- (c) the timing of the recruitment process;
- (d) the term of the position; and
- (e) any other factors relevant to the specific needs of the community.

81(2) Police Chief's pay and benefits

The secretary to the board must request the chief administrative officer to inform the board respecting the City's proposed pay range and benefits for the police chief without delay after the board has initiated preparation of the recruitment strategy.

82(1) Recruitment Committee

The board must establish a police chief recruitment committee to implement the recruitment strategy, including direction of the recruitment process, interviewing candidates, and recommending a candidate for appointment.

82(2) Recruitment services may be engaged

The board may engage the services of the City's Corporate Human Resources Division or a third party recruiting firm to administer the police chief recruitment process in accordance with the recruitment strategy and the direction of the police chief recruitment committee, including

preparing and advertising the job posting, screening and short-listing candidates, and preparing interview questions.

83 Police Chief job posting

The police chief recruitment committee must ensure that the police chief job posting includes:

- (a) the position description, except the definitions, proficiency level and associated behaviours for each competency set out in the position description;
- (b) the term of the position; and
- (c) pay and benefits information for the position.

84(1) Candidates considered in private

The police chief recruitment committee must meet in private to consider the suitability of prospective candidates and to determine the candidate recommended for appointment.

84.1(1) Appointing an acting police chief for short term absences

The police chief must designate a deputy chief to serve as acting chief for periods when the police chief is on temporary leave.

84.1(2) Appointing an acting chief when chief is unable to serve or resigns

The board must, without undue delay, appoint a deputy chief to serve as acting police chief if the current police chief is no longer capable of performing his or her duties, or resigns before the board can appoint a new police chief.

84.1(3) Appointing an acting chief on an interim basis

The police chief must, in advance, designate in writing to the board a deputy chief who will serve as acting chief from the time the police chief is no longer capable of performing his or her duties, or resigns, until the board makes an appointment under subsection (2).

84(2) Employment contract approval required

Before appointing a police chief, the board must ensure that:

- (a) the City solicitor has approved as to form and content a contract of employment with the successful candidate specifying that
 - (i) the board will direct the police chief and monitor his or her performance as required by paragraph 28(1)(c) of the Act,

- (ii) the police chief will be accountable to the board as required by subsection 22(2) of the Act, and
 - (iii) the police chief will ensure that the police service operates in compliance with all applicable City policies, procedures, standards and guidelines respecting financial accounting, control and management, internal audit, human resources, and the management and procurement of assets and services, as required by section 79; and
- (b) council has approved the contract of employment.

84(3) Prescribed qualifications

The board must ensure that a person it proposes to appoint to serve as police chief meets the qualifications prescribed by regulation under the Act.

84(4) Appointment made at public meeting

The board must formally appoint a police chief at a public meeting. At the meeting, or as soon as practicable thereafter before assuming his or her duties, the police chief must take the oath or affirmation approved by the minister responsible for the administration of the Act

PART 10: POLICE CHIEF PERFORMANCE MONITORING

85(1) Police chief performance plan

After consulting with the police chief, the board must establish and implement a plan to monitor and evaluate the performance of the police chief and must review and update that plan annually, in accordance with this section.

85(2) Content of performance plan

The plan established under subsection (1) must, at a minimum, include evaluation of the police chief's performance in respect of the following areas of responsibility:

- (a) the enforcement of law, the prevention of crime and the preservation of the public peace in the City;
- (b) the management, administration and operation of the police service;
- (c) the maintenance of discipline in the police service;
- (d) ensuring that the police service meets all requirements imposed by the Act and that its police officers carry out their duties in accordance with the Act;

- (e) implementing policies established by the police board respecting the police service in a timely manner and managing, administering and operating the police service in accordance with those policies;
- (f) managing, administering and operating the police service in accordance with the priorities and objectives established by the police board under the Act, including in particular, implementing the strategic plan established by the board under Part 4 of these Rules in a timely manner;
- (g) demonstration of the competencies set out in the police chief's job description as adopted by the Board under section 80.

85(3) Performance measures

The plan established under subsection (1) must include, where practicable, measures of performance in respect of each area of responsibility set out in paragraphs (2) (a) to (f), sufficient to demonstrate that the police chief is effectively carrying out these responsibilities.

86(1) Regular performance reporting

The board, as the committee of the whole, must, at a minimum, meet quarterly in private with the police chief,

- (a) to monitor and evaluate his or her performance in accordance with this section; and
- (b) to provide any direction required to address any areas of deficiency or concern.

86(2) Police chief self-evaluation

The police chief must complete a self-evaluation of his or her performance in the previous year before the first quarterly meeting held in accordance with subsection (1), in accordance with the performance plan established under section 85.

86(3) Annual formal performance review

At the first quarterly meeting of each year held in accordance with subsection (1),

- (a) the police chief must provide the board with the results of his or her self-evaluation in writing;
- (b) the police chief must provide a report to the board in writing on the progress made in the previous year toward implementation of the strategic plan established by the board under Part 4; and

- (c) the board must conduct a formal review of the performance of the police chief in accordance with the performance plan.

86(4) Consideration of response to complaints

During the annual performance review under paragraph 86(3)(c), in addition to the matters set out in the performance plan, the board will consider the police chief's response to complaints respecting his or her performance administered in accordance with section 92.

86(5) Quarterly informal performance reporting

At the three quarterly meetings of each year following the first quarterly meeting held in accordance with subsection (1),

- (a) the police chief must provide a summary report in writing to the board on the progress made in the previous quarter toward implementation of the strategic plan established by the Board under Part 4; and
- (b) the board must discuss with the police chief any areas of deficiency or concern arising from the police chief's report or its own consideration of the police chief's performance.

86(6) Disciplinary action

If at any time the board is not satisfied with the performance of the police chief, the board may determine to take disciplinary action against the police chief, up to and including dismissal, after providing him or her with a hearing in accordance with section 95.

PART 11: COMPLAINTS AGAINST THE POLICE CHIEF

87(1) Interpretation

In this Part,

"civilian director" means the person appointed as the civilian director of the independent investigation unit under the Act;

"Commissioner" means the Commissioner appointed under Law Enforcement Review Agency;

"complaint" means a complaint respecting the conduct or the performance of the police chief and can be broadly separated into three categories of complaint: a complaint that is described under s. 29 of *The Law Enforcement Review Act* (disciplinary default); a criminal complaint; a conduct complaint related to a failure to perform the duties described in the position description of the Chief.

“director” means the person appointed as the Director of Policing under the Act;

“investigating authority” means any agency or entity with authority and responsibility to investigate a complaint respecting the conduct or performance of a police chief under a statute or upon the request of the Minister responsible for the administration of the Act. The Board is not an ‘investigating authority. Investigating authorities may include:

- (i) the Independent Investigation Unit established under the Act;
- (ii) the Commissioner under *The Law Enforcement Review Act*; and
- (iii) a police service other than the Winnipeg Police Service.

“LERA” means The Law Enforcement Review Act, C.C.S.M. c. L75;

“Minister” means the minister responsible for the administration of these Acts, or his or her designate.

87(2) Complaints about the Chief’s conduct or performance

The board must ensure that a complaint is received and administered in accordance with the Commission’s policy and procedures.

87(3) Action pending investigation

If a complaint against the police chief is under investigation by an investigating authority, the board:

- (a) may recommend that the City place the police chief on administrative leave pending the outcome of the investigation; and
- (b) may at any time recommend that the City suspend the police chief pending the outcome of the investigation;

must not interfere in any manner with a lawful investigation.

88(1) Complaints to be in writing

Any person may make a complaint by

- (a) setting out in writing the particulars of the complaint and the means by which the board is to communicate with the complainant;

- (b) signing and dating the complaint; and
- (c) submitting the complaint to the secretary to the board.

88(2) If complainant unable to write

If a citizen is not capable of submitting a complaint in writing, the secretary to the board may assist the complainant.

89(1) Determination of appropriate process

Without delay after the submission of a complaint, the secretary to the board must provide the complaint to the board chair, and the board chair must consider the nature of the complaint and determine the appropriate process by which the complaint must be administered.

89(2) Governance committee oversight and direction

The board chair must

- (a) advise that a complaint has been received;
- (b) provide a report to the governance committee at its next meeting respecting administration of the complaint.

90(1) Allegation of criminal offence

If a complaint alleges that the police chief has committed a criminal offence, the board chair must

- (a) refer the complaint to the Minister with a request to determine and inform the board respecting how an investigation of the alleged complaint is to proceed; and
- (b) provide a copy of the communication referred to in paragraph (a) to the civilian director and to the governance committee.

90(2) City to be informed of complaint

If the Minister refers a criminal allegation to an investigating authority, the board chair must inform the chief administrative officer respecting the complaint.

91(1) Allegation of disciplinary default

If a complaint alleges that the police chief has committed a disciplinary default as defined in LERA, the board chair must

- (a) inform the complainant of his or her ability to file a complaint with the Commissioner under section 11 of LERA; and

- (b) inform the governance committee respecting the complaint.

91(2) City to be informed of complaint

If the board chair becomes aware that a complaint has been filed with the Commissioner, the board chair must inform the chief administrative officer respecting the complaint.

91(3) Imposition of LERA penalty

Where

- a) the Commissioner recommends that a penalty be imposed against the police chief under LERA; or
- b) a provincial judge has ordered a penalty against the police chief under LERA, the board
- c) shall recommend that the City impose the penalty;

92(1) Allegation of inadequate or improper performance

This section applies to a complaint alleging that:

- (a) the police chief has not adequately, effectively or properly carried out his or her responsibilities under the Act, including the responsibility to manage, administer and operate the police service in accordance with the priorities, objectives and policies established by the board;
- (b) the police service is not providing adequate and effective policing services or has contravened a policy established by the board; or
- (c) the police chief has engaged in conduct unbecoming a chief of police that is not criminal or a disciplinary default.

92(2) Board Chair may seek informal resolution

The board chair must acknowledge receipt of the complaint and schedule a meeting to discuss the complaint with the police chief at the soonest opportunity. The meeting shall include at least one other board member designated by the board chair and a senior staff member of the City Corporate Human Resources. At this meeting one of the following options may be considered:

- (a) informal resolution of the complaint;
- (b) formal resolution of the complaint
- (c) dismissal of the complaint.

92(3) Where complaint resolved informally

If an informal resolution is reached the board must be informed of the resolution.

92(4) Action by Board Chair

If formal resolution is pursued the board chair must, without delay, convene a special private meeting of the board for the police chief to discuss the matter at issue.

92(5) Notice to Police Chief

The board must provide the police chief with notice in writing of the special meeting of the board and the substance of the complaint, at least 15 days before the date of the special meeting.

PART 12: REQUIREMENTS RESPECTING BOARD MEMBERS' CONDUCT AND PERFORMANCE

93 Code of Ethical Conduct

In this Part, "the code" means *The Code of Ethical Conduct for Police Board Members* developed by the commission under paragraph 7(c) of the Act.

94(1) Duty to assist in enforcing the code of ethical conduct

Every board member must assist the board in carrying out its responsibilities with respect to the enforcement of section 35 of the Act.

94(2) Board member to inform chair

If a board member or the secretary to the board becomes aware of information that provides reasonable grounds to believe that another board member may have breached the code, the board chair must be informed without undue delay, except if the board member who may have breached the code is the board chair, the board member or secretary to the board must inform the vice-chair.

95(1) Public complaint

Any person who perceives that a board member has breached the code may submit a complaint in writing to the secretary to the board. The complaint must set out detailed information to substantiate its allegations respecting the board member's conduct or performance.

95(2) Secretary to the board inform to chair

The secretary to the board must provide a complaint submitted under subsection (1) to the board chair without undue delay after its receipt, except if the board member who may have

breached the code is the board chair, the secretary to the board must provide the complaint to the vice-chair.

96(1) Private meeting to be convened

If the board chair, or the vice-chair, as the case requires,

- (a) is informed in accordance with subsection 98(2);
- (b) receives a complaint from the secretary to the board in accordance with subsection 99(2); or
- (c) otherwise becomes aware of information that provides reasonable grounds to believe that another board member may have breached the code,

a private meeting of the board must be convened, excluding the board member who may have breached the code, without undue delay.

96(2) Determination to investigate

At the meeting convened in accordance with subsection (1), the secretary to the board must present the available relevant information to the board for its consideration, and the board may

- (a) determine to take no further action, if a reasonable person would not perceive the alleged conduct or performance of the board member in question to be a breach of the code; or
- (b) determine to further investigate or inquire into the conduct or performance of the board member, and provide direction to the secretary to the board respecting the investigation or inquiries to be undertaken.

96(3) Disclosure of determination

If the board determines to further investigate or inquire into the conduct or performance of the board member under paragraph (2) (b), the board chair must disclose the fact that the board has made this determination at the next public meeting of the board.

96(4) Confidentiality of information

Subject to subsection (3) and subsections 102(3) and (4), and the requirements of FIPPA, information received or obtained by the board respecting the conduct or performance of the board member who may have breached the code that is not publicly available must not be disclosed to any person except the board member.

97(1) Secretary to the board to investigate

If the board determines to further investigate or inquire into the conduct or performance of the board member under paragraph 100(2) (b), the secretary to the board must, without undue delay,

- (a) notify the board member who may have breached the code respecting this determination and provide the information considered by the board in making this determination to him or her;
- (b) request the board member who may have breached the code to provide information to the board in response to the information provided in accordance with paragraph (a);
- (c) remind the board member that under section 15 of the code, duties shall not be exercised as a member of the board for the duration of the investigation or inquiry; and
- (d) carry out the investigation and make the inquiries directed by the board, and convey the information obtained to the board members.

97(2) Board member must cooperate

A board member whose conduct or performance is being investigated or inquired into by the board must reasonably cooperate with the investigation or inquiry and must provide to the board any information relevant to the investigation or inquiry requested by or on behalf of the board, within the knowledge or possession of the board member or that may be available or disclosed to the board member upon his or her request.

98(1) Meeting to consider if breach has occurred

The board chair or vice-chair, as the case requires, without undue delay after receiving the information provided by the secretary to the board under paragraph 101(1) (d), must convene a meeting of the board to consider and determine whether or not the board member has breached the code and if so, the appropriate sanction in accordance with section 16 of the code.

98(2) Notice requirements

The secretary to the board must send by electronic mail to the board member who may have breached the code, at least 3 days before the date of the meeting convened under subsection (1),

- (a) a request, on behalf of the board, to attend the meeting;
- (b) the information that the board proposes to consider at the meeting;
- (c) notification of the specific provision of the code that the board may determine the board member has breached; and

- (d) notification that the board member will be provided an opportunity at the meeting to respond to the information and to questions from board members.

98(3) Publication of determination

If the board determines that the board member has breached the code, the board must publish its minute of this determination with the agenda of its next public meeting. The minute must refer to the specific provision of the code that the board has determined the member has breached.

98(4) Information to be conveyed to Council

If the board determines to request that council, or that the Lieutenant Governor in Council, as the case requires, revoke the appointment of the board member, the board must convey such information in support of its determination as it considers necessary to enable council or the Lieutenant Governor in Council to make a reasonably informed and well-founded decision, as follows:

- (a) if the board member was appointed by the Lieutenant Governor in Council, the information must be conveyed to the minister responsible for the administration of the Act;
- (b) if the board member was appointed by council, the information must be conveyed to the Mayor and to the Speaker of council.

99(1) Record of compliance with training requirements

The secretary to the board must

- (a) maintain a record of every board member's compliance with the orientation and training requirements set out in section 36 of the Act, Chapter 3.7 of the commission manual, and section 3 of the code, in the member's personnel file; and
- (b) notify the board chair, in a timely manner, if a member is not in compliance with these requirements.

99(2) Training for new board members

In addition to the training arranged by the commission under paragraph 7(d) of the Act, the secretary to the board must arrange orientation and training sessions to be provided to new board members

- (a) by the police service, in accordance with the direction of the board chair after consideration of the advice of the police chief respecting the scope of the training, and with the cooperation and assistance of the liaison officer; and

- (b) by the secretary to the board, or a qualified individual retained by the board on the advice of the board chair or the secretary to the board, on the following matters:
- (i) the environment for policing in the City,
 - (ii) the priorities, objectives and policies established by the board for the police service,
 - (iii) the board's practices and procedures, and
 - (iv) any other matters as directed by the board chair.

99(3) Board members' handbook

The secretary to the board must prepare handbook containing information and documents related to the duties and responsibilities of the board, including the following:

- (a) general briefing notes on the mandate and operations of the board;
- (b) the Act;
- (c) the commission manual;
- (d) the board by-law;
- (e) these rules;
- (f) the terms of reference of board committees;
- (g) policies established by the board under subsection 28(1) of the Act;
- (h) the current strategic plan for the police service, including the current environmental scan, established under Part 4;
- (i) the most recent annual report of the board and the annual statistical report of the police service;
- (j) the current communication plan of the board.

99(4) Board members to read handbook

The secretary to the board must provide the handbook prepared in accordance with subsection (3) to each board member without delay after his or her appointment. Every board member must read the handbook before the board member's attendance at the second board meeting after his or her appointment.

99(5) Additional training

The board chair may direct the secretary to the board to arrange additional training for board members on an as needed basis on topics of interest and importance to the City that the board chair or a board committee believes will assist board members in fulfilling their responsibilities.

PART 13: INFORMATION AND RECORDS MANAGEMENT**100(1) Definitions**

In this Part,

“access and privacy officer” means the board staff member designated by the board chair under subsection (3);

“confidential information” means information that is not publicly available

- (a) regarding the police service, its staff, operations, facilities or administration that is
 - (i) disclosed to a board member or a board staff member, unless the information is disclosed by the police service at a public board meeting; or
 - (ii) contained in a record which has not been published by the board in accordance with these rules;
- (b) that is disclosed at a private meeting of the board;
- (c) that involves public security or sensitive financial or personal information; or
- (d) that the head of a public body must or may refuse to disclose in accordance with FIPPA;

“FIPPA” means *The Freedom of Information and Protection of Privacy Act*, C.C.S.M. c. F175;

“protected information” means confidential information that a public body must or may refuse to disclose in accordance with section 25 of FIPPA and which has a higher standard of security for internal circulation and records management;

“record” means a record of information in any form that is created or received by, or in the custody and control of the board, and includes information that is written, photographed, recorded or stored in any manner, on any storage medium or by any means including by graphic, electronic or mechanical means, but does not include electronic software or any mechanism that produces records.

100(2) Board chair is board head under FIPPA

The board chair is designated as the head of the board for the purposes of FIPPA.

100(3) Access and privacy officer

The board chair may designate a board staff member as the access and privacy officer for the board and delegate to the access and privacy officer the responsibilities, duties, and powers of a head of local public body under FIPPA.

101(1) Security of confidential information

Subject to subsections (2) and (3), the board, board members and board staff members:

- (a) must not disclose confidential information; and
- (b) must keep secure confidential information in their possession, including confidential information in their personal notes, in accordance with this Part.

101(2) Information disclosable under FIPPA

The board chair and the access and privacy officer must carry out and exercise the responsibilities, duties, and powers of a head of local public body under FIPPA.

101(3) Information to be shared with Board members

Board members and board staff members may share confidential information with each other, and board members must share information in accordance with section 60.

101(4) Deliberations are confidential

Discussions and deliberations in a private meeting and a board committee meeting must not be disclosed to any person, except

- (a) to a board member;
- (b) to board staff member or a member of the police service, who needs to know the information in order to carry out tasks assigned by the board or the board committee;
- (c) through minutes that do not contain confidential information and are approved for publication by the board or the board committee; or
- (d) by the chair in accordance with section 9.

102(1) Classification of confidential and protected information

The board will exercise a higher level of care when filing or circulating any records or information

- a) that is identified as protected or particularly sensitive information by the organization that provided the information;
- b) that contain personal information about past, present or prospective board members, staff or police chiefs; or
- c) is determined by the board chair or the secretary to the board to be of a particularly sensitive nature.

102(2) Identification of confidential and protected information

The secretary to the board must ensure that, effective June 30, 2018, all records

- (a) that contain confidential information are clearly marked with the word “Confidential”; and
- (b) that contain protected information are clearly marked with the words “Confidential – Protected” and “Do Not Copy”.

103 Confidentiality agreements

The board chair must ensure that board staff members and independent contractors engaged by the board enter into an agreement prohibiting the disclosure of confidential information and requiring that confidential information be kept secure from inadvertent disclosure.

104(1) Electronic transmission of confidential information

Board members and board staff members must not electronically transmit or permit electronic access to a record containing confidential information, other than protected information, unless

- (a) the document is sent or accessed within a secure local area network;
- (b) the document is located on a site accessible on the internet by the use of a password provided only to board members and board staff members;
- (c) a password is required to open or access the record, the password is sent in a separate transmission from the transmission of the record;
- (d) the document is a draft minute or draft committee report that is proposed to be made public; or
- (e) the record was received by the board electronically over a public network.

104(2) Electronic transmission of protected information

Board members and board staff members must not electronically transmit or permit electronic access to a record containing protected information, unless the document is sent or accessed within a secure local area network and the document is only viewable by

- (a) a board member,
- (b) a board staff member, or
- (c) a member of the police service who requires the information in order to assist the police chief in carrying out a direction from the board.

104(3) Delivery of confidential information

A board member or board staff member who sends a physical record that contains confidential information other than protected information to a board member or staff member must ensure that the record is placed in a sealed envelope or other closed opaque package addressed to the recipient and is delivered to the recipient by a board member, a board staff member, or the City of Winnipeg internal mail service.

104(4) Provision of protected records

Board staff members may only make the number of physical copies of a record that contains protected information that are required for each board member and police service member attending a private meeting to have a copy. Board members and police service members who receive a physical copy of record that contains protected information must return the copy to a board staff member at the conclusion of the meeting.

104(5) Securing confidential information

A physical record that contains confidential information and an electronic device which can be used to access confidential information must be kept in a secure location when unattended. An electronic device which can be used to access confidential information must require the use of a password to operate the device.

104(6) Protected records to remain in board office

A physical record that contains protected information must remain within the board office and must be stored in a locked filing cabinet at all times when it is not required for the review or consideration of a board member or board staff member, until it is transferred or disposed of in accordance with the City's Records Management By-law.

104(7) Securing the board office

The secretary to the board must ensure that access to the board's office and its records is restricted to prevent unauthorized access to confidential information.

104(8) Discussions in public

Confidential information must not be discussed in a public environment where there is a risk of being overheard.

104(9) Termination of online access

Confidential information and records stored on secure servers with remote access may only be accessed by board members and board staff members while they are in the service of the board.

105(1) Compliance with Records Management By-law

The board, board members and board staff members must comply with the requirements for the retention and disposition of records set out in the City's Records Management By-law. The secretary to the board must ensure that all records are retained, transferred, or disposed of in the appropriate manner.

105(2) Destruction of confidential records

Subject to subsection (1), the secretary to the board must ensure the destruction and disposal of a record that contains confidential information after it is no longer required by the board.

105(3) Board members' records

Subject to subsection (1), board members must deliver copies physical records in their possession that contain confidential information to the secretary to the board, and must destroy copies of records stored on electronic devices in their possession that contain confidential information, after they are no longer required by the board member.

105(4) Destruction of records

Records identified for destruction must be destroyed in a manner that

- (a) is consistent with FIPPA; and
- (b) ensures the protection of confidentiality and completeness of destruction without the possibility of reconstruction.