

LASALLE POLICE SERVICES BOARD

BY-LAW # FOUR

A BY-LAW TO AMEND BY-LAW #ONE, respecting the rules governing the proceedings of the LaSalle Police Services Board.

WHEREAS, a Police Services Board may, by By-Law, make rules for the effective management of the police service under the provisions of the *Police Services Act*;

AND WHEREAS, the LaSalle Police Services Board adopted By-Law #One on June 2nd, 1998, respecting the rules governing the proceedings of the LaSalle Police Services Board, as per Section 31 of the *Police Services Act*;

AND WHEREAS, the LaSalle Police Services Board deems it expedient to amend by-law #One and the Rules of Governance as a result of amendments made to the *Municipal Conflict of Interest Act, R.S.O. 1990*;

NOW THEREFORE, the LaSalle Police Services Board hereby enacts the following:

1. That the Rules of Governance, attached hereto and forming part of this by-law, Section 19.1, Conflict of Interest, be amended to add the following:

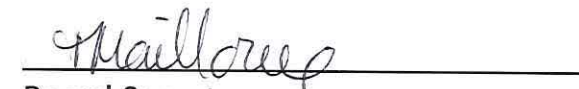
“At a meeting at which a Member discloses an interest, during the meeting or immediately after the meeting, the Member shall file a written statement of the interest and its general nature with the Board Secretary upon the form provided by the Board Secretary. A registry shall be kept in which a copy of each statement filed and a copy of each declaration recorded. The registry shall be available for public inspection on the LaSalle Police Service website.”
2. That any other by-law inconsistent with this by-law are hereby repealed and replaced with this by-law and attached Rules of Governance.
3. That this by-law shall come into full force and effect on the day of the final passing thereof.

READ a first and second time, and **FINALLY PASSED** this 14th day of January, 2019.

1st Reading – January 14, 2019


Chair

2nd Reading – January 14, 2019


Board Secretary

3rd Reading – January 14, 2019

LaSalle Police Services Board

Rules of Governance

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Section 1 - Mission Statement

- 1.1 The Police Services Board for the Town of LaSalle shall strive to provide effective and cost efficient policing services, and shall accept as its responsibility those duties which are defined under Section 31 (1) of the *Police Services Act*.

Section 2 – Independence and Jurisdiction Policy of Police Board

- 2.1 The legislative intent behind the creation of a Police Board is to ensure that the Police Department remains a separate and independent body from the municipality. The Police Board has a unique relationship with the municipal council and it exists, in part, to insulate the Police Department from the political decision making process. The Police Board is responsible for ensuring that the police provide effective and efficient services. The municipal council provides the Police Department with an annual budget to achieve these objectives.

Section 3 – Definitions

- 3.1 In this By-Law:
 - a) “Chair” means the person presiding at the meeting;
 - b) “Board” means the Police Services Board for the Town of LaSalle;
 - c) “Chief of Police” means the Chief of Police for the Town of LaSalle;
 - d) “Town” means the Town of LaSalle;
 - e) “Meeting” means a meeting of the Board;
 - f) “Member” means a Member of the Board;
 - g) “Quorum” means a majority of the Members of the Board;
 - h) “Secretary” means the Secretary of the Board;

Section 4 – Application

- 4.1 The rules or procedure contained in this By-Law shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business before the Board and, where applicable, in a committee of the Board.
- 4.2 The rules of procedure may be suspended by a vote of the majority of the Members present and voting.
- 4.3 All points of order or procedure for which rules have not been provided in this By-Law shall be decided by the Chair in accordance with Robert’s Rules of Order or, if Robert’s Rules of Order are silent on the issue, in accordance with the rules of procedure for proceedings of the municipal council of the Corporation of the Town of LaSalle.

Section 5 – Composition of the Board

- 5.1 The Board shall consist of Members as determined by the provisions of the *Police Services Act*, as amended from time to time.

Section 6 – Meetings of the Board

- 6.1 The Board shall hold at least four meetings each year.
- 6.2 At the first meeting of each year the Board shall:
- a) Elect a Chair for the year;
 - b) Elect a Vice Chair for the year;
 - c) Choose dates for the year on which the regular meeting of the Board will be held;
 - d) Appoint Committees as required.
- 6.3 Notice of any special meeting shall be at least 24 hours in advance delivered in writing, verbal notification by telephone, or distributed by electronic means to each member at his/her residence or place of business. If two-thirds of the Members consent to the time and purpose of the meeting, it shall be called.
- 6.4 Special meetings of the Board may be called as follows:
- a) by the Chair at any time;
 - b) by the Chair at the written request of a majority of the Board;
 - c) by the Secretary at the written request of a majority of the Board, when the Chair is absent or the office of the Chair is vacant.

Section 7 – Committees of the Board

- 7.1 The Board may, at any time by resolution, appoint one or more Members to a Committee of the Board to inquire into any matter within the jurisdiction of the Board.
- 7.2 The following standing committees of the Board are established, having power to exercise any authority conferred upon the Board in accordance with the provisions of the *Police Services Act* within the terms of reference of the Committee herein set forth:
- a) Negotiating Committee which shall consist of two Board members appointed by the Board, and the Board Secretary, shall have the authority delegated to bargain under the provisions of the *Police Services Act*. The Board Solicitor or agent, or such other person as the Board deems necessary, may be invited to attend negotiation meetings in the capacity of advisors pursuant to the provisions of the *Police Services Act*. The Chief or his nominee shall attend negotiation meetings.

- b) Budget Committee shall have the authority to inquire into and make recommendations to the Board with respect to any matters affecting the budget of the LaSalle Police Service or the LaSalle Police Services Board.
 - c) Policy Committee shall research and draft for Board review such policies or by-laws as the Board shall request from time to time.
- 7.3 Committee Members shall request assistance directly from the Chief of Police, or his designate, when services are required from a member of the LaSalle Police Service to assist the committee.
- 7.4 Committees shall report upon their work to the Board at the meeting of the Board next following the holding of any Committee meeting.

Section 8 – Selection of Chair

- 8.1 The Members of the Board shall elect a Chair at the Board's first regular meeting each year in the following manner (unless the Chair is selected by acclamation):
- a) The election of Chair will be conducted by the immediate past Chair, or, if he or she seeks election, by another Board member who is not seeking election. In the absence of such a Board member, the election shall be conducted by the Board Secretary;
 - b) Nominations will require a mover and seconder who are Members of the Board;
 - c) Where more than one nominee stands for election, a vote shall be taken;
 - d) Prior to the vote being taken, each nominee shall be given ten minutes to make a presentation. Candidates shall be called upon in alphabetical order;
 - e) After the presentations have been completed, the vote will be conducted by ballot;
 - f) If nominees are tied on the first vote, a ten minute recess shall be held, followed by a second vote. If on the second vote the nominees remain tied, a further ten minute recess shall be held, followed by a third vote. If nominees remain tied after the third vote, the election of the Chair shall be decided by lot drawn by the Board Secretary;
 - g) In the event the Chair of the Board resigns mid year, elections will be held at the first meeting following receipt of the notice of resignation, and will be in effect until the first meeting of the Board in the next year.

Section 9 – Duties and Responsibilities of the Board

- 9.1 The Board shall be responsible for the duties as set out in the *Police Services Act*.

Section 10 – Duties of the Chair

10.1 It shall be the duty of the Chair to:

- a) act as the sole Board spokesperson for the major decisions of the Board (although Members remain free to publicly express their views, in their personal capacity and not speaking for the Board, respecting any matter);
- b) represent and support the Board, declaring its will and implicitly obeying its decision in all things;
- c) set the agenda for all meetings;
- d) open the meeting of the Board by taking the Chair and calling the Members to order;
- e) receive and submit, in the proper manner, all motions presented by the Members;
- f) put to vote all questions, which are duly moved, and to announce the result;
- g) decline to put to vote motions which infringe upon the rules of procedure, or which are beyond the jurisdiction of the Board;
- h) restrain the Members when engaged in debate, within the rules of procedure;
- i) enforce, on all occasions, the observance of order and decorum by the Members;
- j) call by name any member persisting in breach of the rules of procedure and, following the procedure set out in S. 14.2, to order him or her to vacate the room in which the meeting is being held;
- k) inform the Board on any point of order as deemed necessary;
- l) adjourn the meeting upon motion duly moved when business is concluded;
- m) adjourn the sitting without the question being put, or suspend the sitting for a time to be specified by him or her, if he or she considers it necessary because of grave disorder;
- n) sign all documents for and on behalf of the Board including but not limited to by-laws, resolutions, orders and agreements which have been approved by the Board;
- o) The Chair is to approve monthly personal expenses of the Chief.

Section 11 – Duties of the Acting Chair

- 11.1 In the absence of the Chair, the Vice Chair shall act, and while so acting, shall have the same authority, rights and powers of the Chair as listed in Section 10 while presiding at the meetings as the Chair would have if present.
- 11.2 In the absence of the Chair and the Vice Chair, the Acting Chair shall have the same authority, rights and powers of the Chair, and shall also have the same duties and responsibilities as the Chair as listed in Section 10.

Section 12 – Duties of the Board Secretary

- 12.1 It shall be the duty of the Board Secretary to:
- a) attend all meetings of the Board and to record the minutes, orders, and requests of all such meetings;
 - b) notify the Members of the Board of each regular and of special meetings of the Board called pursuant to Sections 7 and 10;
 - c) give notice to Members of the Board of all meetings thereof other than those fixed by adjournment, said notice to be telephoned, emailed, mailed or delivered to each Member not later than twenty-four hours prior to the meeting. The notice shall be accompanied by the minutes if any, and any other matters so far as known, to be brought before such meeting. Lack of receipt of the notice shall not affect the validity of holding the meeting or any action taken there at. The notice calling a special meeting shall state the business to be considered at the special meeting, and no business other than that stated in the notice shall be considered at such meeting except with the unanimous consent of the Members present and voting;
 - d) furnish the Chief of Police with copies of all resolutions and enactments and orders of the Board as soon as possible after the meeting of the Board at which the action of the Board in respect thereof takes place, and in any event, not later than the fourth working day after the Board meetings;
 - e) forward the minutes of the Board meetings to each member of the Board as soon as possible after the Board meeting;
 - f) prepare and distribute the agenda for regular meetings, as per the Act, two days prior to the regular meeting. Such agenda shall be accompanied by explanatory materials as determined by the Chief in consultation with the Chair, and shall be picked up by the member at the LaSalle Police Station;
 - g) compose all correspondence arising from the minutes of the Board meetings, unless otherwise directed;
 - h) draft the estimates of Board expenses for the approval of the Board.

Section 13 - Petty Cash

13.1 Petty Cash, in the amount of \$100.00, is to be held by the Board Secretary. The Petty Cash Policy details how the funds are to be handled and approved.

Section 14 – Conduct of Members

14.1 No Member shall:

- a) use offensive words or unparliamentary language in meetings of the Board or against another Board Member;
- b) speak on any subject other than the subject in debate;
- c) disobey the decision of the Chair or the Board on questions of order or procedure as set out in this By-Law or resolution of the Board, or upon the interpretation of the rules of the Board.

14.2 If a member persists in disobedience after having been called to order by the Chair, the Chair, in accordance with S. 10.1 (j), shall forthwith put the question, no amendment or debate being allowed: “That such Member be ordered to leave his or her seat for the duration of the meeting of the Board”.

14.3 If a member who has been ordered to leave his or her seat apologizes to the Chair and the other Members, he or she may, by vote of the Members, be permitted to retake his or her seat.

14.4 No meeting of the Board shall be recorded by a member of the Board without prior disclosure of that recording to the other Members of the Board.

Section 15 – Board Member Orientation

15.1 It is the responsibility of a new Board Member to follow the New Board Member Orientation Policy.

Section 16 - Board Relationship with Chief

16.1 The Board may give orders and directions to the Chief of Police, but not to other members of the police force, and no individual member of the Board shall give orders or directions to any member of the police force.

16.2 The Board shall not direct the Chief of Police with respect to specific operational decisions or with respect to the day-to-day operation of the police force.

Section 17 – Agenda for Meetings

- 17.1 The Board Secretary shall meet with the Chair of the Board and Chief of Police, or his/her designate, to receive reports and supporting materials for the agenda one week before the Board meeting is to be held, which shall be reviewed prior to the inclusion in the agenda and distribution to the Board Members. An item which is not included in the agenda may not be introduced at the meeting without the consent of a majority of the Members present.

Section 18 – Correspondence as an Agenda Item

- 18.1 Every letter, petition and other communication addressed to the Board shall be received by the Board Secretary who shall:
- a) where in the opinion of the Chair, the subject matter of any communication is properly within the jurisdiction of the Board, such communication shall be placed upon the agenda for the next regular meeting of the Board by the Board Secretary, and be dealt with during such meeting;
 - b) where in the opinion of the Chair, the subject matter of any communication is properly within the jurisdiction of the Police Service, such communication shall be referred to the Chief of Police for necessary action and a report presented by the Chief at the next Board meeting, if required.

Section 19 – Conflict of Interest

- 19.1 The Chair and Members shall be governed by the *Municipal Conflict of Interest Act*, and the *Police Services Act* Code of Conduct, and the agenda shall include a provision for Members to declare conflict or conflicts of interest. The Board Secretary shall record in reasonable detail the particulars of any conflict of interest disclosures made by Members, and any such record shall appear in the minutes of that particular meeting of the Board. Members of the Board declaring a conflict of interest shall immediately vacate the meeting, if it is an in camera meeting, until the matter is no longer under consideration. **At a meeting at which a member discloses an interest, during the meeting or immediately after the meeting, the member shall file a written statement of the interest and its general nature with the Board Secretary upon the form provided by the Board Secretary. A registry shall be kept in which a copy of each statement filed and a copy of each declaration recorded. The registry shall be available for public inspection on the LaSalle Police Service website.**

Section 20 – Quorum and Proceedings of Meetings

- 20.1 A majority of the Members of the Board shall constitute a quorum.
- 20.2 The Chair shall call the Members to order as soon as there is a quorum present after the time appointed to commence the meeting.
- 20.3 If a quorum is not present within 15 minutes after the time appointed to commence the meeting, the Board Secretary shall record the names of the Members in attendance and the meeting shall stand adjourned until the time appointed for the next meeting.
- 20.4 If the Chair does not attend within the 15 minutes after the time appointed to commence the meeting, the Vice-Chair shall call the meeting to order. If the Vice-Chair is also absent, the Board Secretary shall call the Members to order and, if a quorum is present, the Members present shall appoint one from among them to preside over the meeting or until the Chair or Vice-Chair arrives, with all the same rights and powers of the Chair.

Section 21 – Rules of Debate

- 21.1 Before speaking to a question or motion, a Member shall address the Chair.
- 21.2 When a Member wishes to speak to any question, motion or item, they shall, in an orderly fashion, attempt to obtain the Chair's attention to indicate that such Member wishes to speak, and the Chair shall keep a list of those Members who have so indicated a desire to speak. The Chair shall then recognize the Members who wish to speak in the order in which their intentions have come to the Chair's attention and appear on the list.
- 21.3 When two or more Members indicate their intention to speak, the Chair shall recognize the Member who, in his or her opinion, first indicated their intention to speak, as the Member who may speak to the question or motion first.
- 21.4 When a Member is speaking, no other member shall interrupt that Member except to raise a point of order.
- 21.5 A Member may require the question or motion under discussion to be read at any time during the debate, but so as not to interrupt a Member who is speaking.
- 21.6 A Member shall not speak more than once to the same question or motion without leave of the Chair, except to explain a part of his or her speech which he or she feels may have been misconstrued, but shall not be permitted to introduce any new matter.
- 21.7 Notwithstanding S. 20.4, a reply may be made by the Member who has presented a motion to the Board, following the conclusion of the speeches of the other Members.
- 21.8 No Member shall speak to the same question or motion, or in reply, for more than three minutes, without leave of the Board.

- 21.9 After a question is put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

Section 22 – Motions

- 22.1 Wherever possible, the actions and decisions of the Board shall be affected by means of motion or resolution. A motion shall be moved and seconded before being discussed or being put to a vote.
- 22.2 The Board Secretary shall read a motion before a vote is taken if required to do so by a Member.
- 22.3 After a motion has been moved, it may be withdrawn by the mover at any time before a vote is taken.
- 22.4 A motion properly before the Board for decision must receive disposition before any other motion can be received, except motions:
- a) to adjourn;
 - b) to amend;
 - c) to refer;
 - d) to suspend the rules of procedure;
 - e) to table the question;
 - f) to vote on the question
 - g) notice of motion
- 22.5 A motion to adjourn the meeting may be made at any time except:
- a) when a Member is speaking or during the taking of a vote;
 - b) when the question has been called;
 - c) when a Member has already indicated to the Chair that he or she desires to speak on the question; and, when resolved in the negative, cannot be made again until the Board has conducted further proceedings.
- 22.6 A motion to amend:
- a) shall be relevant to the question to be decided;
 - b) shall not be received if it, in essence, constitutes a rejection of the main question;
- 22.7 A motion to refer the question shall include:
- a) the name of the Committee, other body or official to whom the question is to be referred;
 - b) the terms upon which the question is to be referred;

- c) a debate only in respect of the desirability of referring the question and the terms of the referral, and no discussion of the main question or an amendment thereto shall be allowed until after its disposition.
- 22.8 After any question, except one of indefinite deferment, has been decided by the Board, any Member who was present and who voted in the majority may, at a subsequent meeting of the Board, move for the reconsideration thereof, provided due notice of such intention is given as required by the By-Law, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.
- 22.9 No question shall be reconsidered more than once at a meeting of the Board.
- 22.10 A Notice of Motion will be introduced by a Member at a meeting to provide advance notice to Members of a matter that the Board will be asked to take a position on, and must include the topic, action being requested by the Board and indication of when the item is to be dealt with, typically at the next available meeting unless otherwise specified. The Notice of Motion will not be dealt with at the same meeting unless the Board has a procedure in place to waive the notice rule to allow for discussion/debate at the same meeting.

Section 23 – Voting on Motions

- 23.1 A motion shall be deemed to have been carried when a majority of the Members present and voting have expressed their agreement with the question.
- 23.2 When the Chair is satisfied that a question contains distinct proposals, he or she may divide the question, or upon the request of a Member, shall divide the question, and the vote upon each proposal shall be taken separately.
- 23.3 If a Member present abstains from voting when a question is put, he or she shall be deemed to have voted in the negative, except where the Member is prohibited from voting by statute.
- 23.4 When a recorded vote is requested by a Member, or is otherwise required, except during the in-camera session of the meeting, the Board Secretary shall record the names and vote of every Member on the question. During the recorded vote, all Members may vote including the Chair.
- 23.5 Any question on which there is an equality of votes shall be deemed to have been decided in the negative.
- 23.6 The Chair may vote (except if otherwise disqualified) on all questions;
- 23.7 Decision of the Chair may be appealed to the full Board by motion made immediately after the decision appealed from, and the decision may be overturned upon a majority vote of the Board, including the Chair. In the event of a tie vote the appeal shall be deemed to be defeated.

Section 24 – By-Laws

- 24.1 Every by-law shall be introduced upon motion by a Member, and any number of by-laws introduced together in one motion, but the Chair may, at the request of a Member, deal separately with any by-law.
- 24.2 Every by-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act, and shall be complete with the exception of the number and the date of the by-law.
- 24.3 Every by-law which has been passed by the Board shall be numbered, dated and signed by the Chair and the Board Secretary, and shall be filed by the Board Secretary.

Section 25 – Public and In Camera Meetings

- 25.1 All meetings of the Board shall be open to the public subject to the provisions of s.25.2.
- 25.2 The following subjects may be discussed at properly constituted closed meetings of the Board:
- a) intimate, financial and personnel matters where a named employee or prospective employee is involved, or where employee relations or reputations could be damaged, unless the employee or employees involved have requested that the matter be discussed in a meeting open to the public and the majority of the Board concurs;
 - b) negotiations on salaries or working conditions of employees, and matters arising out of the administration of collective agreements;
 - c) property matters in which premature public disclosure could cost the public money, or be prejudicial to the interests of a property owner or the Town when the acquisition or sale of property is being investigated or negotiated;
 - d) matters in which public discussion could prejudice the Board's legal position, or be detrimental to the Board in proceedings before any Court or Administrative Tribunal;
 - e) matters in which public discussion could prejudice the Board's or the Town's legal position, or be detrimental to the Board/Town in proceedings before any Court or Administrative Tribunal;
 - f) consideration of Awards of Merit or other outstanding achievements;
 - g) matters that are specifically restricted by legislation regarding the protection of privacy;
 - h) matters, the revelation of which would endanger the security of police officers, citizens or property, or the operations of the Police Service.

- 25.3 No person, other than Board Members, the Board Secretary, the Chief and Deputy Chief of Police, and persons invited by the Board, shall attend closed meetings of the Board and persons other than the Board Members shall vacate the meetings if requested to do so by the Board.
- 25.4 Members shall not publicly disclose or discuss confidential information, including information which cannot be disclosed as a result of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* obtained in their capacity as Members.
- 25.5 Members of the media shall be provided copies of the agenda for all public meetings of the Board, such material to be made available at the LaSalle Police Service 2 business days prior to the date of the meeting.

Section 26 – Hearing of Delegations

- 26.1 The hearing of any delegation will be at the discretion of the Board. Any delegation shall give at least one week notice to the Board Secretary of his or her wish to appear, along with a list of who will be appearing before the Board, and a copy of the materials that will be presented. Delegations shall be restricted to presentations of ten minutes, which may be extended at the discretion of the Board.

Section 27 – Tenders

- 27.1 All tenders called and specifications pertaining thereto, issued by the Board, shall be prepared by the Chief of Police and all responses thereto shall be addressed to the Board Secretary, LaSalle Police Services Board.
- 27.2 Except in cases of emergency, a minimum of ten days shall elapse from the date of the first insertion of an advertisement or other action initiated, to the closing date of all tenders called for the supplying of work, labour, material, goods, wares, or merchandise required by the LaSalle Police Service.
- 27.3 Tenders shall be opened as soon as practicable after the closing time, and the general public may be present. The following are authorized to open tenders and must be in attendance at all tender openings:
- a) the Chair of the Board, or designate; and
 - b) the Chief of Police, or designate
- 27.4 When the tenders are opened, they shall be numbered consecutively and initialed by the persons opening the tenders. A recording of the tender opening shall be made by the Chief of Police or his/her designate, and the report shall be submitted at the next Board meeting, and then filed in the applicable tender file for the appropriate year.

- 27.5 The Treasurer for the Town of LaSalle is authorized to make payments on all contract Progress Estimates in accordance with the terms of the contract when certified by the Chief of Police, except for payment of any hold-back or any subsequent payment under the contract, which shall be referred to the Board for approval before payment is made. The Town Treasurer is also authorized to make payment for goods and equipment which have been purchased by tender accepted by the Board if the Chief of Police has certified satisfactory delivery.

Section 28 – General

- 28.1 The Board shall review policy issues relating to the Budget for the coming fiscal year in October preceding the fiscal year. The Board shall approve and submit the budget of the LaSalle Police Service and the LaSalle Police Services Board to the Corporation of the Town of LaSalle by January of the budget year.
- 28.2 Legal Counsel to the Board shall provide legal services to the Board only when requested to do so by two or more Members. Continuance of such retainer is contingent upon the retainer being confirmed at the next regular meeting of the Board.
- 28.3 The Board and its Members shall not give orders or direction to any member of the LaSalle Police Service excepting the Chief, and the Board shall not direct the Chief with respect to specific operational decisions or the day to day operations of the LaSalle Police Service.
- 28.4 In the By-Law, words importing the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse.
- 28.5 Board Assessment Process - The Board recognizes the need to assess its performance both on how the governance functions of the Board take place (process), and also the general performance of the Board (product). The Terms of Reference for the Board's Governance Standing Committee contain direction for evaluation of the Board.
- 28.6 Performance Evaluation – Board Secretary - An annual evaluation of the Board Secretary performance, and the role, will be conducted by the Chair and or Committee of the Board prior to March 31st of each year.