

The Regional Municipality of York

Police Services Board

Public Board Meeting
June 22, 2022

Report of the Executive Director

Approvals During Summer Recess

1. Recommendations

1. That during any period when regular meetings of the Board are suspended, either over the summer months or for any other reason, the Board Chair and the Chief of Police (or their delegate), or in the absence of the Chair, the Vice Chair and Chief of Police (or their delegate) be authorized to:
 - a. Award and execute contracts and other forms of commitment where such matters are not otherwise currently delegated by the Board, including leases;
 - b. Approve the exercise of the Board's rights and remedies at law including termination of contracts and settlement of claims, appeals and other matters before the courts or administrative tribunals.
2. That the exercise of this authority be subject to the following conditions:
 - a. The Chair and the Chief of Police (or their designate) or in the absence of the Chair, the Vice Chair and Chief of Police (or their designate) being satisfied that the authorization is required to prevent interruption of service delivery or to avoid incurring unnecessary costs;
 - b. A memorandum outlining the necessity of such requests be submitted to the Chair and the Chief of Police by the respective Officer in Charge;
 - c. Any contracts or documentation be subject to review and approval by Region Legal Services as to form and content; and
 - d. A report be submitted to the Board at its next regular meeting to advise of the approval of any contracts under this authority.
 - e. Reporting is only required if any commitments have been made under this authority.
3. That the conditions set out in Recommendation No.2 in this report apply equally to the approval of purchases by the Chief of Police, during any period when regular meetings are suspended including summer recess, under the Board's Purchasing Bylaw.
4. That during the summer recess period from June 23, 2022 to September 27, 2022, the Board delegate to the Chair and Vice Chair of the Board the authority conferred on it by the *Police Services Act* as provided for in Section 34.

2. Summary

The purpose of this report is to seek the Board's authorization to delegate approval of certain matters that are not already delegated, in order to ensure the continuity of services during those periods when regular meetings are suspended.

3. Background

The Board's Purchasing Bylaw delegates the authority to award and execute contracts for goods and services subject to certain conditions and expenditure limits. The Purchasing Bylaw also provides that the Chief of Police may award any contract during any period that regular Board Meetings are suspended including the summer recess, providing a report is submitted when the Board resumes setting out the details of any contract awarded. However, the Purchasing Bylaw does not contain any preconditions which require justification of the necessity of the approval. It is recommended, therefore, that the preconditions set out in Recommendation No. 2 in this report apply equally to the approval of purchases by the Chief of Police, during any period when regular meetings are suspended including summer recess, under the Board's Purchasing Bylaw.

There are some matters which are not governed by the Purchasing Bylaw and which would still require Board authority. For instance, leases are not governed by the bylaw. In addition, the extension of existing agreements which may not be the subject of a competitive process may also require Board authority. As well, matters before the courts or tribunals may need resolution during Board recess.

The Board's Execution of Documents Bylaw authorizes the Chair or Vice Chair to execute contracts and agreements but only where such agreements have been authorized by the Board pursuant to section 3.1 of the bylaw. Such authorization cannot be obtained during the Board's summer recess.

Section 34 of the Police Services Act allows a Board to delegate to two or more of its members the authority conferred on it by this Act, except the authority to bargain under Part VII, which may be delegated to one or more members.

4. Analysis

During a recess period authorization may be required to approve contracts and authorize leases that are not currently authorized by the Purchasing Bylaw. Other matters that may require resolution include contract disputes, litigation matters and issues arising during hearings (for example, judicial review). In these circumstances, it is recommended that the authority to make such commitments be jointly delegated to the Chair and the Chief of Police. It is also recommended that certain procedures be put in place as follows:

- That a memorandum be submitted by the respective Officer in Charge indicating the need for the approval;
- That any contract or other form of commitment be subject to review and approval by Legal Services; and
- That the authorization to approve the transaction or activity is required to prevent interruption of service delay or to avoid incurring extra costs.

A similar practice has been established in past years to ensure continuity of service delivery.

5. Financial

Any commitment authorized under the approval process set out in this report will be subject to funds being available in the annual police budget.

6. Conclusion

In order to ensure continuity of service delivery during the period when regular Board meetings are suspended, it is recommended that a process be adopted as set out in this report of matters not currently authorized by the Purchasing Bylaw or other delegated authorities. The authority would be exercised only where strictly essential and would be subject to a report to the Board at the next regular meeting of the Board to advise of any commitments made under this authority.

Approved for submission: Mafalda Avellino
Executive Director