



# **PORT MOODY POLICE BOARD**

## **GOVERNANCE MANUAL**

**2025**

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## Introduction

### *Purpose of the Manual*

This Board Governance Manual (the “Manual”) outlines the roles, responsibilities, and accountability processes for the Port Moody Police Board (the “Board”), its Chair, Vice-chair or delegate (the “Board Chair”), Committees, and members, establishing guidelines for the Board to carry out its duties of stewardship, accountability and responsibilities, as outlined in the *Police Act, RSBC 1996, c. 367*, and its amendments (the “Act”).

### *Aim of the Manual*

The Manual aims to provide the Board with an understanding of the legislation governing its operations to enable the Board to carry out its duties.

The Manual aims to establish an effective governance system based on best practices.

## Chapters

## 1. Governance Framework

### 1.1 Legislative Authority

- 1.1.1 The legislative authority for the Board in British Columbia is primarily derived from the Act. According to Section 26 of the Act, the Board, as a municipal police board, is responsible for establishing the Port Moody Police Department (the “PMPD”), a municipal police department, determining its priorities, goals, and objectives, and ensuring that the PMPD operates in accordance with the law and the needs of the community.

- 1.1.2 The Board is also tasked with providing the necessary accommodation, equipment, and supplies for the PMPD's operations and determining the remuneration for its employees.<sup>1</sup>
- 1.1.3 Per the Act, the Board has the authority to make rules regarding the administration of the PMPD. These rules must be consistent with the Act and its regulations, and they must be filed with the British Columbia Police Commission to be enforceable.<sup>2</sup>
- 1.1.4 Additionally, the Board is the employer of all police officers in Port Moody, and it has the authority to hire the chief of the PMPD and other necessary personnel.
- 1.1.5 The Board is also responsible for creating the policing budget and conducting studies related to policing to ensure the adequacy and effectiveness of the PMPD.
- 1.1.6 In summary, the legislative authority for the Board is established under the Act, which grants the Board comprehensive powers and responsibilities to manage and oversee the PMPD, ensuring it operates effectively and in alignment with community needs and legal requirements.

## 1.2 Operational Independence

- 1.2.1 The Act outlines a clear separation between the operational duties of the PMPD and the responsibilities of the Board.

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<sup>1</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 26 – Municipal police board to establish municipal police department.*

<sup>2</sup> *Police Services Union, District 43 v. Port Moody (District) Police Board, [1989] B.C.J. No. 1380.*

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- 1.2.2 This separation is designed to ensure that the PMPD can carry out their law enforcement duties independently, while the Board focuses on governance and oversight.<sup>3</sup>
- 1.2.3 The Act specifies that the Board is responsible for providing the necessary equipment and supplies for police officers to perform their duties, but it does not involve itself in the day-to-day operational decisions of the PMPD. This distinction is crucial to maintain the operational independence of the PMPD while ensuring that the Board can fulfill its governance role effectively.<sup>4</sup>
- 1.2.4 The Act also outlines a clear separation of powers between the oversight and advisory body duties of the Police Commission and municipal police boards. The functions of the Police Commission include establishing minimum standards for the selection and training of constables, consulting with police boards, developing certain programs, assisting in police coordination, and preparing report upon request from a municipal council or minister.
- 1.2.5 The Act delineates the responsibilities of municipal councils and police commissions, emphasizing that the council is responsible for establishing and funding the police, while the commission allocates the funds and oversees the police service's administration.
- 1.2.6 This separation ensures that the PMPD can operate without undue interference from municipal councils, which are responsible for budgetary and policy decisions.<sup>5</sup>

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<sup>3</sup> *Bagnell v. Taser International, Inc.*, [2006] B.C.J. No. 3235, *Henry v. British Columbia*, [2014] B.C.J. No. 1132, *The Dangers of Police "Operational" Independence*, (2023) 46:1 Man LJ 65 - 80.

<sup>4</sup> *Bagnell v. Taser International, Inc.*, [2006] B.C.J. No. 3235, *Bagnell, Bagnell, and Bagnell Estate v. Vancouver Police Board*, [2008] I.L.R. para. G-2187.

<sup>5</sup> *Henry v. British Columbia*, [2014] B.C.J. No. 1132.

- 1.2.7 The courts have also reinforced this separation, noting that while a board has governance responsibilities, it should not interfere with the operational decisions of the police.
- 1.2.8 For instance, in the context of the G20 protests, it was found that the Toronto Police Service Board erred by not receiving information about operational matters, highlighting the need for the police board to be informed without overstepping into operational territory.<sup>6</sup>
- 1.2.9 In summary, the Act establishes a clear division of responsibilities to ensure that the PMPD operations remain independent from the governance and oversight functions of the Board. This structure is intended to balance the need for effective law enforcement with appropriate oversight and accountability.

### 1.3 Chief Constable

- 1.3.1 Under the Act, the PMPD Chief Constable (the “Chief Constable”) has several key responsibilities. Primarily, the Chief Constable is tasked with the general supervision and command over the PMPD. This includes exercising powers and performing duties assigned under the Act and any other enactment, as well as ensuring compliance with the director's standards as they relate to the PMPD.<sup>7</sup>
- 1.3.2 Additionally, the Chief Constable has the authority to designate a qualified person as a discipline authority in cases involving the conduct of a member or former member of the PMPD. This designation must be promptly notified to the police complaint commissioner and the concerned member or former member.

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<sup>6</sup> *The Dangers of Police "Operational" Independence*, (2023) 46:1 Man LJ 65 - 80.

<sup>7</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 34 – Duties and functions of chief constable and municipal police force.*



- 1.3.3 The Chief Constable can also delegate discipline authority functions to a deputy chief constable or senior officer within the PMPD, or to a chief constable, deputy chief constable, or senior officer of another municipal police department.
- 1.3.4 Such delegations, as outlined above, must be in writing and notified to the police complaint commissioner.<sup>8</sup>
- 1.3.5 In cases where an investigation is initiated into the conduct of a member or former member of the PMPD, the Chief Constable or their delegate acts as the discipline authority. If the police complaint commissioner considers it necessary in the public interest, they may designate another discipline authority.<sup>9</sup>
- 1.3.6 The Chief Constable is also responsible for listing or describing each allegation of misconduct considered in their decision during an investigation.<sup>10</sup>
- 1.3.7 In summary, these responsibilities ensure that the Chief Constable maintains oversight and accountability within the PMPD, a municipal police department, upholding the standards and regulations set forth by the Act and other relevant enactments.

#### **1.4 Police Board Composition, Selection and Appointment**

- 1.4.1 Under the Act, the composition, selection, and appointment of policing and law enforcement boards are outlined in several sections.

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<sup>8</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 134 – Chief constable may delegate discipline authority functions to deputy chief constable or senior officer.*

<sup>9</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 135 – Power to designate another discipline authority if in public interest.*

<sup>10</sup> *Vancouver Police Union v. Vancouver (City) Police Board (Collateral Attack Grievance), [2023] B.C.C.A.A.A. No. 37.*

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- 1.4.2 The Act specifies that the Lieutenant Governor in Council has the authority to appoint members to designated policing boards<sup>11</sup> and law enforcement boards.<sup>12</sup>
- 1.4.3 The appointments include the designation of a chair and vice chair, and the terms of office for these members are not to exceed four years, although reappointment is possible.
- 1.4.4 The regulations<sup>13</sup> also allow for the composition, practices, procedures, and quorum of these boards to be prescribed. This includes the authorization for entities other than the Lieutenant Governor in Council to appoint members, and the establishment of requirements for the election of the Board Chair and vice chair, as well as the filling of vacancies on a board.
- 1.4.5 The PMPD has both Board members appointed by the Governor in Council and members appointed by the City of Port Moody.
- 1.4.6 For the Board, the term of membership is similarly regulated. Council members appointed to the Board serve terms determined by the council, not exceeding four years, and their membership ends if they cease to be council members.
- 1.4.7 Additionally, reappointment is allowed, but there are restrictions on the total consecutive years a person can serve.<sup>14</sup>

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<sup>11</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 14.04 – Appointments to designated policing board.*

<sup>12</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 14.04 – Appointments to law enforcement board.*

<sup>13</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 14.04 – S 74.1- Regulations respecting designated policing; and S 74.2 - Regulations respecting designated law enforcement.*

<sup>14</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 24 – Term of membership on municipal police board.*

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1.4.8 Specifically, a person appointed under certain paragraphs of section 23(1) must not be an appointed member for more than six consecutive years.

1.4.9 In summary, the Act provides a structured framework for the appointment and composition of a police board, ensuring that appointments are regulated, terms are defined, and procedures for filling positions are established to maintain effective governance and oversight.

## 1.5 Oath of Office

1.5.1 The section of the Act that governs the oath of office for a police board member is Section 70. According to the Act, a person must take an oath or affirmation in the prescribed form before assuming office, exercising any power, or performing any duty or function as a member of a board or committee under this Act.<sup>15</sup>

1.5.2 The specific forms of the oath or solemn affirmation are detailed in the Section 1 of the Police Oath/Solemn Affirmation Regulation. This regulation outlines the exact wording and requirements for the oath or affirmation that must be taken by various officials, including members of boards or committees.<sup>16</sup>

1.5.3 The oath or affirmation must be made before a commissioner for taking affidavits for British Columbia and filed appropriately, depending on the appointee's role.<sup>17</sup>

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<sup>15</sup> *Police Act, R.S.B.C. 1996, c. 367, S.1- police oath/solemn affirmation regulation, s1-Form of oath or solemn affirmation; and s2 – Filing of Form.*

<sup>16</sup> *Police Act, R.S.B.C. 1996, c. 367, S.1- police oath/solemn affirmation regulation, s1-Form of oath or solemn affirmation.*

<sup>17</sup> *Police Act, R.S.B.C. 1996, c. 367, S.1- police oath/solemn affirmation regulation, s2 – Filing of Form.*

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- 1.5.4 Lawyers and police officers are examples of a commissioner for taking affidavits for British Columbia. The Chief Constable or his delegate usually perform the role of the commissioner in this context.
- 1.5.5 In summary, Section 70 of the Act, along with the Police Oath/Solemn Affirmation Regulation, governs the oath of office for the Board members, ensuring that they formally commit to their duties and responsibilities before commencing their roles.

## 2. Mandate

### 2.1 Board Mandate

- 2.1.1 The mandate of the Board under the Act includes a range of legislated responsibilities and additional duties aimed at ensuring effective governance and oversight of policing services.
- 2.1.2 Firstly, the Board is responsible for the governance, administration, and operation of the PMPD. This includes making rules consistent with the Act, regulations, and the director's standards and the efficient discharge of duties by the PMPD and its constables. Additionally, the Board must report to the minister or director on the activities of the PMPD upon request.<sup>18</sup>
- 2.1.3 The Board's responsibilities are further detailed in the regulations, which include prescribing requirements for the submission and approval of budgets, determining the priorities, goals, and objectives of the PMPD, and the appointment and qualifications of constables and officers.

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<sup>18</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 14.05 – Powers, duties and functions of designated policing board.*

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- 2.1.4 The regulations also cover the composition, practices, procedures, and quorum of the Board, including the appointment of members and the election of the Board Chair and vice-chair.<sup>19</sup>
- 2.1.5 Moreover, the Board has the authority to establish policies for the effective management of the PMPD, recruit and appoint the Chief Constable and any deputy chief of police, direct the Chief Constable, and monitor their performance.
- 2.1.6 The Board is also responsible for establishing guidelines for dealing with complaints and receiving regular reports from the Chief Constable.
- 2.1.7 The Board's mandate includes providing civilian governance respecting the enforcement of law, maintenance of public peace, and prevention of crime in the municipality, as well as setting the priorities and objectives of the PMPD services.<sup>20</sup>
- 2.1.8 In summary, the Board's mandate under the Act encompasses a broad range of governance, administrative, and operational responsibilities aimed at ensuring the effective and efficient functioning of the PMPD, as well as providing civilian oversight and setting strategic priorities for the PMPD policing services.

## 2.2 Board Governance Style and Commitment

- 2.2.1 The Act covers the governance style and commitment of police boards primarily in Part 5. This part outlines the establishment, composition, and responsibilities of municipal police boards, ensuring that they provide civilian oversight and governance of municipal police forces.

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<sup>19</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 14.04 – S 74.1- Regulations respecting designated policing.*

<sup>20</sup> *Special Issue: Underneath the Golden Boy Bringing the Thin Blue Line into Line: Bill 16, The Police Services Act, (2011) 34:3 Man LJ 71 - 94.*

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- 2.2.2 Section 23 of the Act specifies the establishment of municipal police boards, detailing their composition and the appointment process for board members.
- 2.2.3 It mandates that municipal police boards must include members appointed by the municipal council and the Lieutenant Governor in Council, ensuring a mix of local and provincial oversight.<sup>21</sup>
- 2.2.4 This section also prohibits certain individuals, such as councillors, from being appointed to a board to maintain impartiality and independence in governance.
- 2.2.5 As outlined above, Section 74.1 of the Act provides regulations respecting the composition, practices, procedures, and quorum of designated policing boards.
- 2.2.6 The governance style and commitment of the Board is further emphasized in the responsibilities assigned to it. The Board is tasked with providing general direction and supervision to the PMPD, setting priorities and objectives, and ensuring the enforcement of laws and maintenance of public peace in Port Moody.
- 2.2.7 The Board is also responsible for the administrative direction and organization required to provide adequate and effective police services in Port Moody.
- 2.2.8 In summary, the Act, particularly Part 5, covers the governance style and commitment of the Board, detailing its establishment, composition, responsibilities, and regulatory framework to ensure effective civilian oversight and governance of the PMPD.

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<sup>21</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 23 – Establishment of municipal police boards.*

## 2.3 Board Relationship with the Chief Constable

- 2.3.1 The Act does cover guiding principles for relationships between the Chief Constable and the Board.
- 2.3.2 The Act outlines the duties and functions of the Chief Constable and the Board, establishing a clear framework for the relationship. Section 34 of the Act specifies that the Chief Constable has general supervision and command over the PMPD under the direction of the Board.
- 2.3.3 The Chief Constable is responsible for exercising powers and performing duties assigned under the Act and ensuring compliance with the director's standards as they relate to the PMPD.<sup>22</sup>
- 2.3.4 Section 26 of the Act mandates that the Board is responsible for establishing the PMPD and determining its priorities, goals, and objectives in consultation with a chief constable. This section emphasizes the collaborative nature of their relationship, requiring a board to consider the priorities set by both the minister and the municipal council.<sup>23</sup>
- 2.3.5 The Act also addresses internal discipline matters, where the Chief Constable and the Board Chair must establish procedures for dealing with such issues, ensuring that disciplinary or corrective measures are taken as necessary<sup>24</sup> This further illustrates the shared responsibilities and cooperation between the Chief Constable and the Board.

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<sup>22</sup> *Deeks v. Saanich (District) Police Board*, [1994] B.C.J. No. 797, *Bagnell, Bagnell, and Bagnell Estate v. Vancouver Police Board*, [2008] I.L.R. para. G-2187.

<sup>23</sup> *Police Act*, R.S.B.C. 1996, c. 367, S. 26 – *Municipal police board to establish municipal police department*; *Bagnell v. Taser International, Inc.*, [2006] B.C.J. No. 3235.

<sup>24</sup> *Police Act*, R.S.B.C. 1996, c. 367, S. 175 – *Internal discipline matters*; S. 181 – *Duties of chief constable and chair of boards to ensure disciplinary or corrective measure are taken*.

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- 2.3.6 In summary, the Act provides a structured relationship between the Chief Constable and the Board, emphasizing their respective roles and the need for collaboration in managing the PMPD effectively.

## 2.4 Confidentiality

- 2.4.1 The Act outlines several provisions regarding the confidentiality of the Board, particularly in the context of the PMPD complaint investigations and related procedures.
- 2.4.2 Section 95 of the Act explicitly states that the police complaint commissioner may not disclose that an investigation has been or may be initiated, or any information relating to an investigation, except as otherwise provided under the Act. However, the commissioner may make such disclosures if it is in the public interest.<sup>25</sup>
- 2.4.3 This provision ensures that the confidentiality of ongoing investigations is maintained unless there is a compelling reason to disclose information.
- 2.4.4 Section 51.01 of the Act mandates that the police complaint commissioner, any person employed, retained, or designated by the commissioner, and every investigating officer must maintain confidentiality regarding all matters that come to their knowledge in the exercise of their powers or performance of their duties under the Act.<sup>26</sup>
- 2.4.5 This section reinforces the importance of confidentiality in the handling of police complaints and investigations.

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<sup>25</sup>*Police Act, R.S.B.C. 1996, c. 367, S. 95 – Confidentiality of investigations; and Elsner v. British Columbia (Police Complaint Commissioner), [2016] B.C.J. No. 2178.*

<sup>26</sup>*British Columbia (Information and Privacy Commissioner) v. British Columbia (Police Complaint Commissioner), [2015] B.C.J. No. 1853.*



- 2.4.6 The Act includes guidelines for maintaining confidentiality during investigations.
- 2.4.7 Section 177 outlines the responsibilities of the police complaint commissioner, including establishing guidelines for procedural matters for the disclosure of information to members or former members, and maintaining confidentiality with respect to any aspect of an investigation.<sup>27</sup> This ensures that all parties involved in the investigation are aware of their obligations to keep information confidential.
- 2.4.8 Section 177 mandates the police complaint commissioner to establish guidelines for municipal police boards regarding policies and procedures for handling service and policy complaints. It also requires the commissioner to make recommendations for public inquiries if there are serious or widespread issues that necessitate such action in the public interest.
- 2.4.9 Furthermore, Section 177.02 extends the powers and duties related to systemic investigations to include municipal police departments and boards, ensuring that the police complaint commissioner can effectively oversee and investigate systemic issues within these entities.
- 2.4.10 Section 177.03 reinforces the duty of members of municipal police departments and boards to cooperate fully with the police complaint commissioner during such investigations.

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<sup>27</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 177 – General responsibility and functions of police complaints commissioner.*

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- 2.4.11 Overall, these provisions demonstrate that Section 177 and its subsections are integral to the governance, oversight, and accountability of municipal police forces, ensuring that they operate within established guidelines and are subject to necessary investigations and public inquiries when required.
- 2.4.12 The Act allows for certain disclosures under specific circumstances. For example, Section 2 of the Designated Policing and Law Enforcement Units Complaints Regulation permits the police complaint commissioner to disclose a disposition record to the entity that employs the person who is the subject of the record.<sup>28</sup>
- 2.4.13 This provision allows for necessary disclosures while still upholding the general principle of confidentiality.
- 2.4.14 In summary, the Act establishes a robust framework for maintaining confidentiality in police complaint investigations, with specific provisions that restrict the disclosure of information unless it is in the public interest or under other specified conditions.

## 2.5 Delegation of Board Responsibilities

- 2.5.1 The rules under the Act for delegating police board responsibilities are primarily outlined in sections 28,<sup>29</sup> 14.05, and 14.14 of the Act, as stated above. These sections specify the responsibilities and the framework within which police boards must operate.
- 2.5.2 Section 28 of the Act mandates that the Board must make rules consistent with the Act, the regulations, and the director's standards.

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<sup>28</sup> *Police Act: DESIGNATED POLICING AND LAW ENFORCEMENT UNITS' COMPLAINTS REGULATION, SECTION 2 Application of Part 11 of Act.*

<sup>29</sup> *Police Act, R.S.B.C. 1996, c. 367, S.28 - Rules*

- 2.5.3 These rules must cover the administration of the PMPD, the prevention of neglect and abuse by PMPD members, and the efficient discharge of duties and functions by the PMPD and its members. Importantly, any rule made under this section is enforceable only after it is filed with the director.
- 2.5.4 Section 26(1) outlines that municipal police boards are responsible for establishing rules for the police service, which includes the ability to delegate certain functions and responsibilities.<sup>30</sup>
- 2.5.5 Similarly, Section 14.05 outlines the powers, duties, and functions of a designated policing board.<sup>31</sup>
- 2.5.6 Section 14.14 extends these requirements to designated law enforcement boards, which must also make rules consistent with the Act, the regulations, and the director's standards.<sup>32</sup>
- 2.5.7 While sections 14.05 and 14.14 are relevant in a broader context of understanding policing, it is important to note they do not directly apply to municipal police boards which are governed by different sections of the Act, such as Section 26.
- 2.5.8 In addition, Section 229 of the *Local Government Act* provides that a board may delegate its powers, duties, and functions to a board member, board committee, an officer or employee of the regional district, or another body established by the board.<sup>33</sup>

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<sup>30</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 26(1).*

<sup>31</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 14.05 – Powers, duties and functions of designated policing board.*

<sup>32</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 14.14 – Powers, duties and functions of designated law enforcement board.*

<sup>33</sup> *Local Government Act, R.S.B.C. 2015, c. 1, S 229 – Delegation of Board Authority.*

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- 2.5.9 These legislative provisions collectively enable police boards in British Columbia to delegate their responsibilities to various entities and individuals, ensuring flexibility and efficiency in the administration of police services.

## **2.6 Risk Management**

- 2.6.1 The Board is responsible for ensuring that the PMPD's financial risk management, internal control systems, and information systems are functioning effectively. This will help produce accurate, relevant, and timely management and financial information.

- 2.6.2 The Board's responsibilities include:

- (1) Periodically reviewing the PMPD's risk management for operational and financial matrix.
- (2) Confirming that the internal control systems are well-designed and effectively implemented by engaging in regular discussions and receiving reports from the PMPD management.
- (3) Monitoring compliance with statutory and regulatory obligations.

## **2.7 Members in Associations**

- 2.7.1 The question of whether any enactment supports the purpose of the BC Association of Police Boards and the Canadian Association of Police Governance, and whether both organizations can be members unless otherwise determined by the Board, is addressed by the relevant documents.

- 2.7.2 The statutory framework within which police boards operate in British Columbia is primarily governed by the Act. As the Manual has discussed, this Act outlines the establishment, governance, and operational standards for municipal police boards, which are like those of the BC Association of Police Boards and the Canadian Association of Police Governance.
- 2.7.3 Therefore, the Act provides the necessary legal foundation for the existence and authority of these police boards, ensuring they operate within a defined statutory framework.<sup>34</sup>
- 2.7.4 The Act also stipulates that municipal police boards, such as the Board, must adhere to specific governance and operational standards. This includes the requirement for the Board authorization prior to joining any organizations other than the BC Association of Police Boards and the Canadian Association of Police Governance.
- 2.7.5 This ensures that the Board's membership in such organizations aligns with its statutory obligations and governance principles.
- 2.7.6 In summary, the Act supports the purpose of the BC Association of Police Boards and the Canadian Association of Police Governance by providing a statutory framework for their operation and governance.
- 2.7.7 Additionally, the requirement for board authorization before joining other organizations ensures that the Board's actions remain consistent with its statutory duties and governance standards.

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<sup>34</sup> *West Vancouver (City) Police Board v. West Vancouver Police Assn. (Gillan Grievance)*, [2010] B.C.C.A.A.A. No. 89, *Transit Security Management Ltd. v. Transit Police Professional Assn. (Renewal Collective Agreement Grievance)*, [2018] B.C.C.A.A.A. No. 12.

### 3. Board - Terms of Office

#### 3.1 Term of Office

- 3.1.1 The term of office for board members is determined by the Lieutenant Governor in Council, and an appointment must not be longer than four years. However, board members may be reappointed, but they cannot serve more than six consecutive years<sup>35</sup>
- 3.1.2 The Act also stipulates that the council member's term on the board is for a term determined by the council, which must not exceed four years and ends if the person ceases to be a member of the council.<sup>36</sup>
- 3.1.3 The Board must elect the Board Chair and vice-chair from among its members every two years.<sup>37</sup>
- 3.1.4 The Act does not specify that the board members are chosen to reflect the demographics of the community. However, the PMPD and the Board must ensure diverse board member representation.<sup>38</sup>
- 3.1.5 In summary, the term of office for board members is determined by the Lieutenant Governor in Council and must not exceed four years, and the Board must elect the Board Chair and vice-chair every two years.

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<sup>35</sup> *Police Act, R.S.B.C. 1996, c. 367, S.24 – Term of membership on municipal police board.*

<sup>36</sup> *Police Act, R.S.B.C. 1996, c. 367, S.24 – Term of membership on municipal police board.*

<sup>37</sup> *Abbotsford (City) Police Department v. Abbotsford (City) Municipal Police Board, [2001] B.C.J. No. 2308.*

<sup>38</sup> *Police Act, R.S.B.C. 1996, c. 367, S.23 – Establishment of Municipal Police Board*

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## 4. Terms of Reference

### 4.1 Chief Constable

- 4.1.1 In terms of definitions, the Act specifies that the term "chief of the police service" includes the Chief Constable in relation to a municipal police department.<sup>39</sup> This definition is crucial for understanding the scope of authority and responsibilities attributed to the Chief Constable within the framework of the Act.
- 4.1.2 The terms of reference for a chief constable under the Act are outlined in several sections of the Act. The Chief Constable of a PMPD has general supervision and command over the PMPD, under the direction of the Board.
- 4.1.3 The Chief Constable must exercise powers and perform duties assigned under the Act and any other enactment and ensure compliance with the director's standards as they relate to the PMPD.<sup>40</sup>
- 4.1.4 The Chief Constable is responsible for the preservation of peace, the prevention of crime, and the administration of justice in the City of Port Moody. This includes performing duties and functions under the director's standards, or under the Act or any other enactment.<sup>41</sup>
- 4.1.5 The Chief Constable has a duty to take every reasonable step to ensure that members of the PMPD preserve evidence relating to complaints or reports concerning the conduct of a member or former member of the PMPD.

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<sup>39</sup> *Police Act, R.S.B.C. 1996, c. 367, S.38.01 – Definitions.*

<sup>40</sup> *Police Act, R.S.B.C. 1996, c. 367, S.34 – duties and functions of chief constable and municipal police.*

<sup>41</sup> *M.P.W. v. Victoria (City), [2020] B.C.J. No. 911.*

- 4.1.6 Overall, the Chief Constable's role is to oversee the PMPD, ensure compliance with legal and regulatory standards, and maintain public order and safety through effective law enforcement and administration of justice.

## 4.2 Board Chair

- 4.2.1 The terms of reference for the Board Chair under the Act includes several key responsibilities and duties. The Board Chair is elected by the Board members once every two calendar years. If the office of the Board Chair position becomes vacant, a new chair must be elected at the next meeting of the Board.
- 4.2.2 The Board Chair is a non-voting member of the Board, except in the case of a tie vote, where the Board Chair must cast the deciding vote.<sup>42</sup>
- 4.2.3 The Board, under the direction of the Board Chair, is responsible for establishing the PMPD and appointing the Chief Constable, as well as other constables and employees.
- 4.2.4 The Board, in consultation with the Chief Constable, determines the priorities, goals, and objectives of PMPD. The Board is also responsible for preparing the PMPD budget and making rules regarding the administration of the PMPD including standards, guidelines, and policies.
- 4.2.5 Additionally, the Board is tasked with ensuring the efficient discharge of the PMPD's duties and functions.<sup>43</sup>

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<sup>42</sup> Police Act, R.S.B.C. 1996, c. 367, S.25- chair and vice-chair of the municipal police board.

<sup>43</sup> Matsqui (District) Police Board (Re), [1993] B.C.L.R.B.D. No. 71.



- 4.2.6 In summary, the Board Chair of the Board in plays a crucial role in the governance and oversight of the PMPD, ensuring that the Board's responsibilities are carried out effectively and in accordance with the Act.

#### 4.3 Vice Chair

- 4.3.1 A vice chair of a police board is also mandated by the Act. Per section 25 of the Act, the Board must elect one of its members as vice chair (the “Vice Chair”) once every two calendar years.
- 4.3.2 If the office of the vice chair becomes vacant, the Board must elect a new vice chair at the next meeting after the vacancy occurs.<sup>44</sup>
- 4.3.3 Additionally, the Vice Chair is required to act as the Chair if the Chair is absent or unable to act. If both the Chair and Vice Chair are absent, the board members present at a meeting must elect a delegate chair to preside over the meeting. This ensures that there is always a designated leader to oversee the board's functions.

#### 4.4 Board Secretary

- 4.4.1 The Act does not explicitly mention the role of a board secretary (the “Board Secretary”) or their reporting structure. Therefore, the Board Secretary's role and reporting lines are clarified through internal policies or additional legislative provisions.
- 4.4.2 The Board, in consultation with the Chief Constable, appoints the Board Secretary. For Board related activities, they are accountable to the Board and report to the Board Chair.

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<sup>44</sup> *Police Act, R.S.B.C. 1996, c. 367, S.25- chair and vice-chair of the municipal police board.*

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- 4.4.3 The Board Secretary is also a staff member of the PMPD, and in this capacity, operationally reports to the Chief Constable.
- 4.4.4 The Board Secretary supports the Board by providing resources, information, and communication links between the Board and the PMPD management, with a particular emphasis on facilitating the flow of information.
- 4.4.5 According to the Act, the Board is responsible for establishing the PMPD and appointing the Chief Constable and other necessary personnel.
- 4.4.6 The Board also determines the priorities, goals, and objectives of the PMPD in consultation with the Chief Constable, who must report to the Board annually on the implementation of these programs and strategies.<sup>45</sup>
- 4.4.7 This structure inherently requires effective communication and information flow between the Board and the PMPD management, which is facilitated by the Board Secretary.
- 4.4.8 Furthermore, the Act mandates that the Board enacts rules regarding standards, guidelines, and policies for the administration of the PMPD.
- 4.4.9 This includes the preparation of budgets and the establishment of rules to ensure the efficient discharge of duties and functions of the PMPD.<sup>46</sup>

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<sup>45</sup> *Dickson v. Vancouver (City)*, [2006] B.C.H.R.T.D. No. 290, *Matsqui (District) Police Board (Re)*, [1993] B.C.L.R.B.D. No. 71

<sup>46</sup> *Surrey (City) Police Board (Re)*, [2022] B.C.L.R.B.D. No. 140

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- 4.4.10 The Board Secretary plays a crucial role in supporting these administrative functions by ensuring that the Board has the necessary information and resources to make informed decisions.
- 4.4.11 Additionally, the Board is responsible for creating the PMPD policing budget, establishing rules for the PMPD, and conducting studies relating to policing. This further emphasizes the need for the Board Secretary to facilitate the flow of information and support the Board in its various functions.
- 4.4.12 In summary, the role of the Board Secretary aligns with the responsibilities and functions outlined in the Act, highlighting the importance of providing resources, information, and communication links between the Board and the PMPD management.

***Duties and Responsibilities***

- 4.4.13 The Board Secretary has specific responsibilities, including the following:
- (1) Serve as the administrative link between the Board, the Chief Constable, Board Committees, and members of the community.
  - (2) Manage and organize the flow of information and documentation.
  - (3) Ensure the smooth operation of the Board and Board Committees by organizing meetings, assisting in setting agendas in consultation with the Board Chair or Board Committee Chair and the Chief Constable, and ensuring proper notice is given for all meetings.

- (4) Notify Board members, the PMPD staff, and city staff of the deadlines for submitting materials to be included in meeting packages.
- (5) Ensure that the agenda materials for public Board meetings are provided five (5) days prior to the meeting.
- (6) Ensure that minutes from each of the Board and the Board Committee meetings are prepared and distributed to the respective members of the Board and the Board Committees.
- (7) Ensure that the minutes of the Board meetings are filed with the PMPD after their adoption by the Board.
- (8) Prepare correspondence to reflect the decisions made by the Board and the Board Committees.
- (9) Maintain an accurate record of all the Board proceedings and correspondence, and provide procedural, historical, and policy information to the Board as needed.
- (10) Maintain custody and control of the Board records.
- (11) Keep a schedule of monitoring and other reports to be received by the Board, ensuring all the Board members are fully informed of any developments requiring their attention.
- (12) Review correspondence, reports, and current legislation in preparation for the Board meetings, ensuring that the Board is fully briefed.
- (13) Conduct research, analysis, and write reports for and on behalf of the Board as required.
- (14) Maintain and update the Board Manual as necessary.
- (15) Liaise with municipal and provincial government officials and staff from other police boards.

- (16) Act as the Board’s coordinator for FOIPPA access requests and manage service and policy complaints filed with the Board to ensure compliance with legislative requirements.

***Confidentiality***

- 4.4.14 The Board Secretary must maintain confidentiality regarding all matters before the Board, restricting discussion to Board Members and necessary the PMPD and City staff involved in their duties.

***Conflict of Interest***

- 4.4.15 If there is a conflict of interest—whether actual, potential, or perceived—regarding any specific matter between the Board Secretary's responsibilities within the PMPD and their obligations to the Board, it is the Board Secretary's duty to bring this conflict to the attention of the Board, through the Board Chair.

## 5. Board Committees

### 5.1 Establishment of Board Committees

- 5.1.1 The Board may establish standing or ad hoc committees to inquire into and report on any matter within the jurisdiction of the Board, and it may define the mandate and appoint the committee members.
- 5.1.2 The establishment of board committees and the delegation of tasks to these committees is a common practice in corporate governance. Committees such as the Finance Committee, Governance Committee, and Human Resources Committee are typical examples of standing committees that the Board may establish to handle specific areas of responsibility.

- 5.1.3 These committees allow the Board to delegate detailed work and focus on broader strategic Issues.
- 5.1.4 The Board has the authority to define the mandate of its committees and appoint their members. This includes delegating tasks and projects to the committees, such as preparing policy alternatives and implications for deliberation of the Board.
- 5.1.5 It is essential that the expectations and authorities of these committees are clearly stated to avoid conflicts with the authority delegated to the Chief Constable.
- 5.1.6 The Board Committees are:
- (1) Finance Committee.
  - (2) Governance Committee.
  - (3) Human Resources Committee.
- 5.1.7 In summary, the practice of establishing the Board committees and delegating tasks to them is consistent with good governance principles and is supported by the relevant legal and regulatory frameworks.
- 5.1.8 The Board's ability to define committee mandates and appoint members ensures that these committees can operate effectively within their designated areas of responsibility.

## **5.2 Establishment of Review Panels**

- 5.2.1 Under the Act that the Board may establish Review Panels to meet legislative requirements and may assign Board Members as liaisons to the PMPD committees, as required.

- 5.2.2 Review Panel Members and chair shall be appointed by Board resolution. The list of Board Committees, Review Panels, and liaison functions shall be reviewed annually and revised accordingly.
- 5.2.3 The Act allows for the establishment of Review Panels by the Board. Specifically, the Board Chair has the authority to establish one or more review panels to conduct hearings, specifying the number of its members, appointing its members, and designating a member to chair the Review Panel.
- 5.2.4 The Board has the discretion to form review the Review Panels as needed to fulfill its legislative obligations.
- 5.2.5 Furthermore, the Board's ability to assign members as liaisons to PMPD committees is supported by the general governance framework.
- 5.2.6 The Board may establish various committees and appoint officers and members to these committees as necessary.
- 5.2.7 This includes the authority to review and revise the list of committees, the Review Panels, and liaison functions annually.<sup>47</sup>
- 5.2.8 This practice ensures that the Board's structure and functions remain relevant and effective in meeting its legislative and operational requirements.
- 5.2.9 In summary, the Act provides the Board with the authority to establish the Review Panels and assign members to various committees and liaison roles.

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<sup>47</sup> Order F21-22; *Victoria and Esquimalt (City) Police Board (Re)*, [2021] B.C.I.P.C.D. No. 26.

- 5.2.10 These appointments and the structure of the Review Panels and committees are subject to annual review and revision to ensure they meet the evolving needs of the Board and the legislative framework.

### **5.3 The Board Committee Chair Terms of Reference**

- 5.3.1 Board appoints the chairs of the Board Committees based on the recommendation of the Board Chair. The Committee Chair is responsible for providing independent and effective leadership to the Board Committee in carrying out its duties as outlined in the Board Committee's Terms of Reference.

- 5.3.2 The responsibilities of the Board Committee Chair include:

- (1) Ensuring that the Board Committee meets as often as necessary to fulfill its obligations effectively.
- (2) Collaboratively establishing the agenda for each Board Committee meeting with input from the Board Chair, Board Committee Members, the Board Secretary, and relevant PMPD management.
- (3) Allowing sufficient time during meetings to thoroughly discuss all agenda items.
- (4) Presiding over all Board Committee meetings, including closed sessions.
- (5) Encouraging all Board Committee Members to ask questions and share their viewpoints during meetings.
- (6) Effectively addressing dissent and working constructively towards decisions and consensus.
- (7) Reporting on the activities, findings, and recommendations following each Committee meeting.



- (8) Taking all reasonable steps to ensure that Board Committee members receive written information and presentations from PMPD management to fulfill their responsibilities outlined in the Terms of Reference.
- (9) Ensuring that resources and expertise are available to the Board Committee to conduct its work effectively and efficiently.
- (10) Communicating directly with the Chief Constable or their designated representatives when PMPD staff assistance is needed for the Board Committee.
- (11) Coordinating with the Board Committee to hire, oversee, compensate, and terminate independent advisors to support the Committee's activities.
- (12) Performing any other appropriate duties and responsibilities assigned by the Board or delegated by the Board Committee.

## 6. Board Committee Operating Guidelines

### 6.1 Mandate

- 6.1.1 The function of a Board Committee is to assist the Board in fulfilling its responsibilities and exercising its authority.

### 6.2 Composition

- 6.2.1 Board Committee Chairs and Members shall be appointed by the Board resolution process. A member may serve on multiple committees simultaneously. The Board Chair is an ex-officio member of the Board Committees when not appointed as a full member. In this case, the Board Chair will not be counted towards establishing quorum and will not have voting rights.

### 6.3 Meetings

6.3.1 Board Committees will meet as frequently as necessary to fulfill their responsibilities. The Chair of the Board Committee will determine how often meetings occur. Whenever possible, meetings will be scheduled one year in advance.

6.3.2 The Chair of the Board Committee will attempt to give five (5) clear days<sup>48</sup> notice of a meeting, along with the proposed agenda and any supporting materials. A quorum for conducting business at a Board Committee meeting shall consist of a majority of the appointed members. Decisions at meetings will be made by a majority vote of the Board Committee Members present. Any Board Member is permitted to attend Board Committee meetings.

### 6.4 Agenda

6.4.1 The chair of the Board Committee will determine the agenda for each meeting.

### 6.5 Recommendations

6.5.1 The Board Committees make recommendations to the Board unless specific authority is delegated to the Committee for decision-making. The Board will consider these recommendations but is not bound by them.

### 6.6 Staff Support

6.6.1 The Board Secretary will collaborate with the Board Committee Chair to establish meeting agendas and prepare meeting materials.

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<sup>48</sup> *Further Detention of Things Seized (Re)*, [2021] B.C.J. No. 1619 - The term "clear days" means that when calculating the notice period, both the day on which the notice is given, and the day of the meeting are excluded.

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- 6.6.2 The Board Secretary or Chair and the Board Committee Chair will also ensure that the minutes of each of the Board Committee meetings are accurately prepared and distributed to all the Board Committee Members in a timely manner.<sup>49</sup>
- 6.6.3 The chair of the committee will inform the Chief Constable if the Committee wishes to utilize the PMPD staff for support. It will then be the responsibility of the Chief Constable or another appropriate Executive Team member to designate staff for Committee assistance.

## **6.7 Accountability to the Board**

- 6.7.1 Each Board Committee must obtain direction from the Board regarding its activities or mandate.
- 6.7.2 The chair of the Board Committee will provide a written report on every significant matter discussed at a committee meeting during the Board's next scheduled meeting. Any information, materials, or recommendations that require Board review and approval must be submitted at least three calendar days before the next scheduled meeting.
- 6.7.3 The Board Committees may not speak or act on behalf of the Board or the PMPD unless they have been formally granted such authority for specific and time-limited purposes.

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<sup>49</sup> *Police Act, R.S.B.C. 1996, c. 367, Section 71* - Every board and committee must keep minutes of its meetings and hearings and records of its inquiries.

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## 7. Finance Committee – Terms of Reference

### 7.1 Mandate

7.1.1 The primary function of the Finance Committee is to assist the Board in fulfilling its oversight responsibilities under the Act by reviewing the following:

- (1) The budget development processes and financial planning.
- (2) The financial results, forecasts and reserves.
- (3) The financial information that will be provided to the Board, City Council, and other stakeholders.
- (4) The systems of internal controls established by the Board and the PMPD. This includes periodically reviewing the PMPD's risk management controls and policies, as well as ensuring compliance with relevant policies, plans, procedures, laws, and regulations.
- (5) Any audit processes that are independent of a city audit.

7.1.2 The primary responsibility for budget development, financial reporting, information systems, risk management, and internal controls for the PMPD lies with management and is overseen by the Board.

### 7.2 Composition and Operations

7.2.1 The Finance Committee shall consist of three or more members appointed by the Board, with one member designated as chair.

7.2.2 The appointment of Finance Committee Members will follow the relevant sections of the Board Manual.

- 7.2.3 The Committee will operate in accordance with the provisions outlined in Chapter 5 of the Board Manual.
- 7.2.4 Whenever possible, all Finance Committee Members should be financially literate, and at least one member must have accounting or related financial expertise.
- 7.2.5 Financially literate means the ability to read and understand a statement of assets and liabilities, a statement of operations, and a cash flow statement, in accordance with Generally Accepted Accounting Principles (GAAP).
- 7.2.6 Accounting or related financial expertise means the ability to analyze and understand a complete set of financial statements, including any attached notes, in accordance with Canadian GAAP.
- 7.2.7 In the event of a financial audit of the PMPD, the Finance Committee shall meet with the auditors as deemed appropriate to discuss any matters that the Committee or auditors believe should be brought to the Board's attention.
- 7.2.8 The Committee may invite Board Members and outside parties, as well as employees, in consultation with the Chief Constable, to attend meetings and assist in discussions regarding the Committee's business.

### **7.3 Budgetary Development and Financial Planning**

- 7.3.1 The Finance Committee is responsible for reviewing the budget development and financial planning processes and guidelines for the PMPD and recommending any necessary revisions to the Board.

## 7.4 Financial Statement and Reporting

- 7.4.1 The Finance Committee is responsible for the following tasks (which the committee may delegate to the City Chief Finance Officer or General Manager):

### ***Financial Information Review***

- (1) The committee will review and recommend for approval by the Board any financial information that will be forwarded to the City or made publicly available. This includes:
- (a) the financial content of the annual report, forecasts, and any reports required by the Board, the City, or the Provincial Government, and
  - (b) any management report accompanying published financial statements, to ensure consistency in the disclosures regarding the financial position or operating results.

### ***Periodic Financial Information Review***

- (2) The committee will review the regular internal financial information provided to the Board, which includes:
- (a) monthly financial operating statements, and
  - (b) any audited financial statements.

### ***Timely Reporting***

- (3) The committee will ensure that the Board receives timely and meaningful reports that keep it well-informed of the PMPD's financial situation. This information is essential for effective decision-making.

***Financial Management Policies Review***

- (4) The committee will review and discuss, as and when applicable, the following:
  - (a) The appropriateness of financial management policies and reporting practices used by the PMPD.
  - (b) Any significant proposed changes in financial reporting and management practices to be adopted by the PMPD.
  - (c) New or pending developments in accounting and reporting standards that may affect the PMPD.

***Budget Reporting***

- (5) The committee is responsible for reporting the proposed operating and capital budgets of the PMPD to the City and the City Council for approval.

**7.5 Level of Spending Authority**

7.5.1 The Finance Committee shall:

- (1) Collaborate with PMPD management to develop a policy, using City limits, for both operating and capital expenditures, then present this statement to the Board for approval.
- (2) Oversee capital plans and expenditures to ensure the PMPD has sufficient facilities and equipment.

**7.6 Policy Development**

7.6.1 The PMPD's financial policies generally align with those of the City.

7.6.2 The Finance Committee will review any significant, unique financial policies created by the PMPD Finance Division that are exceptions to this guideline.

## **7.7 Audit**

- 7.7.1 The Finance Committee shall oversee the use of the audit funds at the PMPD.

## **7.8 Accountability**

- 7.8.1 The Finance Committee will review its Terms of Reference each year and suggest any necessary revisions to the Board.
- 7.8.2 The Committee will also maintain a record of its meetings.
- 7.8.3 The chair will provide oral or written reports to the Board on financial matters relevant to:
- (1) The Board and the PMPD.
  - (2) Any additional reports requested by the Board.

# **8. Governance Committee – Terms of Reference**

## **8.1 Mandate**

- 8.1.1 The Governance Committee aims to enhance the performance of both the Board and the PMPD by focusing on effective governance.
- 8.1.2 This committee evaluates Board effectiveness and ongoing development for Board Members.
- 8.1.3 Additionally, it leads the process of recommending criteria for Board Member appointments to the province for consideration.
- 8.1.4 Further, it may review non-financial policies and oversee the PMPD strategic plan development for the Board approval.



## **8.2 Composition and Operation**

- 8.2.1 The Governance Committee will consist of three or more members appointed by the Board, with one member designated as the chair. The appointment of Governance Committee members will follow the relevant sections outlined in the Board Manual.
- 8.2.2 The Governance Committee will operate in accordance with the provisions specified in this Board Manual.
- 8.2.3 The Committee may invite Board Members and outside parties to attend meetings, as well as employees, in consultation with the Chief Constable, to assist in discussions and considerations related to the Committee's business.

## **8.3 Duties and Responsibilities**

- 8.3.1 Subject to the powers and duties of the Board, the Governance Committee shall:
- (1) Initiate an annual review of the Manual and seek Board approval of necessary amendments.
  - (2) Receive and consider suggested amendments to the Manual from the Chief Constable.
  - (3) Regularly assess the Board's effectiveness, both on the general performance of the Board and the governance processes.
  - (4) Develop recommendations regarding the qualities and skills for potential Board Members, taking into consideration the Board's short-term needs and long-term succession plans.
  - (5) Ensure that the Board Chair and the Police Services Division have relevant information on vacancies, appointments and reappointments of Board Members.

- (6) Conduct Board member orientation and ongoing development to assist Board members in being fully prepared for their role.
- (7) Annually review the Conflict-of-Interest Guidelines and recommend revisions to the Board, as required.
- (8) Annually require Board Members to sign an acknowledgement that they have reviewed the Conflict-of-Interest and Code of Conduct Guidelines and are unaware of any matters that contravene the guidelines.
- (9) Provide initial orientation about the Board's role, practices, issues and objectives to a new Board Chair, as required.
- (10) Develop the Board's annual work plan calendar.

#### **8.4 Accountability**

- 8.4.1 The Governance Committee will conduct an annual review of its Terms of Reference and recommend any necessary revisions to the Board.
- 8.4.2 Additionally, the Committee will maintain records of its meetings, and the chair will provide oral reports to the Board on governance matters relevant to both the Board and the PMPD or submit other reports as requested.

## 9. Human Resources Committee – Terms of Reference

### 9.1 Mandate

- 9.1.1 The main role of the Human Resources Committee is to support the Board in meeting its oversight and employer responsibilities under the Act, specifically regarding human resource and compensation issues.
- 9.1.2 Additionally, the committee ensures that there is a plan for the continuity and development of senior management.
- 9.1.3 Management holds the primary responsibility for human resource management, performance management, labor relations, employee health and safety, and career planning within the PMPD. The Board oversees these areas.

### 9.2 Composition and Operation

- 9.2.1 The Human Resources Committee will consist of three or more members appointed by the Board, with one member designated as the chair.
- 9.2.2 The appointment of the Human Resources Committee members will follow the relevant sections outlined in the Board Manual.
- 9.2.3 The Committee will operate in accordance with the provisions specified in Chapter 5 of the Board Manual.

- 9.2.4 The Human Resources Committee may invite Board members and external parties, as well as employees in consultation with the Chief Constable, to attend meetings and contribute to the discussions regarding the Committee's business.

### 9.3 Duties and Responsibilities

- 9.3.1 Subject to the powers and responsibilities of the Board, the Human Resources Committee shall:
- (1) Recommend a performance evaluation process for the Chief Constable, and once approved, lead its implementation.
  - (2) Work with the Chief Constable to manage the Unions' collective bargaining processes.
  - (3) Monitor the PMPD's compensation philosophy and guidelines, including protocols and service agreements with the City to ensure their continued relevance.
  - (4) Periodically review human resource policies at the PMPD's request.
  - (5) Discuss any significant outside commitments the Chief Constable is considering, such as roles as a director or trustee in for-profit and non-profit organizations, before any commitments are made.
  - (6) Monitor PMPD processes aimed at attracting, retaining, developing, and motivating uniform and civilian employees to ensure the organization's ongoing health and long-term sustainability.

- (7) Ensure that the Board conducts an annual review of the Chief Constable's executive succession plans to guarantee timely and effective leadership continuity.
- (8) Assist the Board in recruiting the replacement for the Chief Constable.

#### 9.4 Accountability

9.4.1 The Human Resources Committee will review its Terms of Reference on an annual basis and recommend any necessary revisions to the Board. It will maintain a record of its meetings that, when necessary, allows them to be used as evidence in legal proceedings.<sup>50</sup> The chair may provide oral or written reports to the Board, or other written reports upon request, regarding human resource matters that are relevant to both the Board and the PMPD.

## 10. Definitions and Acronyms

10.1 The Board and PMPD commonly use the following acronyms:

AG	Attorney General of BC
BCAPB	BC Association of Police Boards
BCPPS	BC Provincial Policing Standards
CAPG	Canadian Association of Police Governance
FOIPPA	<i>Freedom of Information and Protection of Privacy Act</i>
IIO	Independent Investigations Office of BC
JIBC	Justice Institute of BC
OPCC	Office of Police Complaints Commissioner
PA	<i>Police Act</i>
PSS	Professional Standards Section

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<sup>50</sup> *Police Act, R.S.B.C. 1996, c. 367, S.67*

## 11. Board Policies – Appendices

11.1 The following approved Board Policies are appended:

- A. Chief Constable Annual Performance Evaluation Process
- B. Code of Conduct
- C. Conflict of Interest
- D. Financial Accountability
- E. Oath of Office
- F. Risk Management
- G. Remuneration and Expenses

## Appendix A

### **Port Moody Policy Board Policy**

#### **Chief Constable Annual Performance Evaluation Process**

##### **1. Term**

- 1.1 The Chief Constable's annual performance evaluation process will take approximately sixteen (16) months from start to finish and will be conducted as follows:
- (1) By the end of January, the Human Resource Committee should meet.
  - (2) During this meeting, the Human Resource Committee may collaboratively identify up to six key goals and objectives to be endorsed by the Board. These goals will serve as the foundation for the annual evaluation.
  - (3) By the middle of February, the Human Resource Committee should aim to have the Police Board and Chief Constable's written approvals for the goals and objectives in place.
  - (4) The Human Resource Committee will discuss the final evaluation process with the Chief Constable. During that discussion, the Chief Constable may recommend two individuals from outside the PMPD to be included in the group of candidates selected for an interview or on-line survey.

##### **2. Objectives**

- 2.1 The Chief Constable's objectives must be specific, attainable, and measurable.
- 2.2 Progress towards these objectives may be reviewed in a semi-annual discussion with the Chief Constable.

**3. Communication**

- 3.1 The Human Resource Committee will meet with the Chief Constable at least once each calendar year for a semi-annual progress review. No documentation will be necessary.
- 3.2 The review and discussion of the annual objectives will be included as an agenda item for the Police Board meeting.
- 3.3 The Human Resource Committee will present the final draft.

**4. Evaluation**

- 4.1 The final evaluation may consist of information from the following sources:
  - (1) Evaluation forms.
  - (2) Interviews or online survey.
  - (3) The Chief Constable's annual self-evaluation.
- 4.2 During February, the Chief Constable Evaluation forms may be distributed to the following individuals:
  - (1) Police Board members (excluding the Board Chair).
  - (2) Inspectors.
  - (3) City of Port Moody Manager of Finance.
  - (4) City Managers.
  - (5) PMPD Head of Victim Services.
  - (6) PMPD Head of Finance.
  - (7) The Chief Constable's direct reportees.
- 4.3 The Human Resource Committee may schedule and conduct interviews or surveys in accordance with the Chief Constable Evaluation. The following individuals may participate:
  - (1) Deputy Chief Constable.



- (2) PMPD members.
- (3) Police Union President.
- (4) Manager of Human Resources for the City.
- (5) Board Chair.
- (6) Interviewees recommended by the Chief Constable.

- 4.4 The interviews must be completed by February.
- 4.5 The Human Resource Committee will meet with the Chief Constable by March for a final review of the previous year's objectives.
- 4.6 The Chief Constable must complete and submit a self-assessment to the Human Resource Committee by March.
- 4.7 After receiving the Chief Constable's self-assessment, the Human Resource Committee will finalize the draft of the Chief Constable's annual performance evaluation for the previous year by March.
- 4.8 The Human Resource Committee will present the final draft of this evaluation for feedback to the Police Board during its April meeting, along with any recommendations for the current year.
- 4.9 The Human Resource Committee will then present the feedback and subsequently approved performance evaluation to the Chief Constable and the City Human Resource Manager for record keeping.
- 4.10 A summary of all raw evaluation data collected, without identifying the source, may be provided to the Chief Constable upon request.

## Appendix B

### **Port Moody Police Board Policy**

#### **Code of Conduct**

##### **1. Purpose**

- 1.1 The Port Moody Police Board (Police Board) ensures effective governance by having its Board Members fulfill their roles and responsibilities with the utmost standards of conduct. Board Members are expected to perform their duties in a way that fosters public confidence in the abilities and integrity of the Police Board. They are committed to adhering to the following Code of Conduct for Board Members.

##### **2. Application**

- 2.1 The Code of Conduct applies to all members of the Board.

##### **3. Principles**

- 3.1 Board members are required to perform their duties with due diligence, honesty, impartiality, and in good faith, in accordance with the Act, any relevant legislation, and any regulations, rules, or by-laws as outlined in their oath or affirmation of office.
- 3.2 Board members must regularly attend Police Board meetings, adequately prepare for their responsibilities, and utilize their knowledge and expertise when addressing the affairs of the PMPD.
- 3.3 Board members are not permitted to interfere with the PMPD's operational decisions or its day-to-day operations.

- 3.4 Board members must maintain confidentiality regarding any information disclosed or discussed during in-camera meetings of the Police Board, in accordance with their oath or affirmation of office.
- 3.5 No Board member may speak on behalf of the Board unless authorized to do so by the Board. Board members must also adhere to the communication provisions outlined in the Board Governance Manual (the Manual).
- 3.6 In addition, Board members should refrain from engaging in conduct that could discredit or undermine the integrity of the Board or the PMPD.
- 3.7 Board members must prioritize the interests of the community above all conflicting loyalties, including those to advocacy groups or membership on other boards or staff organizations.
- 3.8 This accountability takes precedence over any personal interests that a Board member may have as an individual consumer of the PMPD's services.
- 3.9 Board members are prohibited from using their position to advance their personal interests or those of any individuals or organizations they may be associated with.

#### **4. Procedures**

- 4.1 When a conflict is declared, the Board Secretary will record the declaration in the minutes of the Police Board meeting.

**5. Approvals**

- 5.1 There are no associated approval processes.

**6. Related Forms and Documents**

- 6.1 Appendix B – Conflict of Interest and Declaration  
6.2 Appendix G – Oath of Office

**7. Exceptions**

- 7.1 This Code of Conduct has no exceptions.

**8. Reporting Requirements**

- 8.1 The Affirmation of the Oath of Office must be filed with the Ministry of Justice, Police Services Division, and the completed Conflict of Interest Declaration should be submitted to the Board Secretary.

## Appendix C

### Port Moody Policy Board Policy

#### Conflict of Interest

##### 1. Purpose

- 1.1 Board members are expected to carry out their duties diligently and in a way that avoids any conflict between their personal interests and the best interests of the Board and the PMPD.
- 1.2 A conflict of interest occurs when a Board member's private interests take precedence over their commitment to the PMPD. This situation can arise from a real, potential, or apparent conflict of interest.

##### 2. Application

- 2.1 All Board members are required to adhere to the Conflict-of-Interest Guidelines.

##### 3. Guidelines

- 3.1 A Board member is required to declare any conflicts of interest and provide a full disclosure before discussing any relevant issues.
- 3.2 This process allows the Board to address any unclear situations and helps resolve conflicting interests before any problems can arise.
- 3.3 The definition of a conflict of interest under the Act can be understood through the interpretation provided in the case of *Kokilev v. Picquic Tool Company Inc.* In this case, a conflict of interest is described as a real or seeming incompatibility between one's private interests and one's public or fiduciary duties.

- 3.4 This definition highlights that a conflict of interest arises when there is a clash between personal interests and the responsibilities owed to the public or a fiduciary duty, which can lead to disqualification if the dual representation adversely affects either client or if the clients do not consent.<sup>50</sup>
- 3.5 This interpretation aligns with the broader understanding of conflicts of interest in legal and fiduciary contexts, emphasizing the importance of maintaining impartiality and prioritizing public or fiduciary duties over personal interests to avoid any real or perceived bias.
- 3.6 A real conflict of interest arises when a Board member uses their official authority or fulfills an official responsibility while simultaneously being aware that their actions may advance a personal interest.
- 3.7 A potential conflict of interest arises when a Board member has a private interest that could influence their performance of duties or the exercise of their power, even if that duty or function has not yet been carried out.
- 3.8 A seemingly incompatible conflict of interest arises when a well-informed person might reasonably believe that a real conflict of interest exists for a Board member.
- 3.9 A Board member who is uncertain about a potential conflict or has questions regarding an ethical issue should consult with the Board Chair.

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<sup>50</sup> *Kokilev v. Picquic Tool Company Inc.*, [2010] B.C.J. No. 1973.

#### 4. Procedure

- 4.1 The procedure for addressing a conflict of interest for police board members under the Act involves several steps to ensure transparency and fairness.
- 4.2 Firstly, the Act mandates that any member who has reasonable grounds to believe they have a conflict of interest must disclose the general nature of the conflict and withdraw from any proceedings or meetings concerning the matter.<sup>51</sup> This ensures that the member does not influence the decision-making process in any way that could benefit their private interests.
- 4.3 Practically, when a conflict is declared, the Board Secretary must note it in the minutes of the Board meeting.
- 4.4 Additionally, the Act provides procedural rules that the Board must follow before making decisions that could be influenced by a conflict of interest. These rules are designed to balance the interests of the public and the police officers involved, ensuring that any actions taken are fair and just.<sup>52</sup>
- 4.5 The Act does not provide a specific definition of "public interest," but it emphasizes the importance of maintaining public trust and respect for the police force.<sup>53</sup>

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<sup>51</sup> *Sandhu v. British Columbia (Police Complaint Commissioner)*, [2024] B.C.J. No. 88.

<sup>52</sup> *Vancouver (City) Police Board v. Vancouver Police Union (Wage Grievance)*, [2016] B.C.C.A.A. No. 118.

<sup>53</sup> *Port Moody, District 43, Police Services Union v. Port Moody (District) Police Board (B.C.C.A.)*, [1991] B.C.J. No. 243, *Police Services Union, District 43 v. Port Moody (District) Police Board*, [1989] B.C.J. No. 1380.

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- 4.6 In cases where a conflict of interest is identified, the Board must take steps to address the issue, which may include appointing an external investigator or taking other measures to ensure that the investigation and decision-making process are impartial and free from undue influence.<sup>54</sup>
- 4.7 This process is crucial in maintaining the integrity of the police force and ensuring that all actions taken are in the best interest of the public.
- 4.8 Overall, the Act provides a comprehensive framework for addressing conflicts of interest among the Board members, emphasizing the importance of transparency, fairness, and maintaining public trust in the police force.
- 4.9 The Board member in conflict must refrain from participating in discussions or voting on that specific matter, contract, or arrangement.
- 4.10 There are no exceptions to these guidelines regarding conflicts-of-interest.
- 4.11 The Act does not explicitly mention exceptions to the conflict-of-interest law. However, the City of Port Moody, being a municipality other than Vancouver, falls under the jurisdiction of the Community Charter.
- 4.12 The Community Charter provide exceptions to conflict restrictions. The Community Charter lists exceptions such as common pecuniary interest with electors, local service tax, remuneration or benefits for council members, remote or insignificant interest, or prescribed by regulation.<sup>55</sup>

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<sup>54</sup> *Sandhu v. British Columbia (Police Complaint Commissioner)*, [2024] B.C.J. No. 88.

<sup>55</sup> *Community Charter, Section 104 – Exceptions from conflict restrictions.*

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- 4.13 According to the Act, the Board members are generally protected from personal liability for acts done in the course of their duties. Specifically, section 21(2)<sup>56</sup> provides that no action for damages lies against a police officer or any other person appointed under the Act for anything said or done or omitted to be said or done by them in the performance or intended performance of their duty or in the exercise of their power, or for any alleged neglect or default in the performance or intended performance of their duty or exercise of their power. This protection is subject to certain exceptions, such as acts done with malicious intent or gross negligence.<sup>57</sup>
- 4.14 Furthermore, if the Board is of the opinion that a member of the Board is in a conflict of interest in relation to a complaint, the Board must exclude the member from consideration of the complaint. This ensures that the conflict of interest does not affect the decision-making process and maintains the integrity of the Board's actions.
- 4.15 In summary, while the Act provides protections for the Board members from personal liability, it also includes mechanisms to address conflicts of interest by excluding conflicted members from participating in relevant decisions. This balance helps to ensure that the Board members can perform their duties without undue risk of personal liability while maintaining the integrity of their decision-making processes.

## 5. Monitoring Requirement

- 5.1 The Board Members must annually confirm that they have reviewed the Conflict-of-Interest Guidelines and are not aware of any issues that violate these guidelines by signing the Conflict-of-Interest Declaration.

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<sup>56</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 21(2)*

<sup>57</sup> *Frimpong v. Gillespie, [1999] B.C.J. No. 524.*

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- 5.2 The members shall submit their Conflict-of-Interest Declarations to the Board Secretary.

**CONFLICT OF INTEREST DECLARATION**

I, *<name of Board member>*, confirm that I have read, understand and agree to conduct myself in accordance with the Port Moody Police Board Conflict of Interest Guidelines.

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Signature

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Date

## Appendix D

### Port Moody Policy Board Policy

#### Financial Accountability

##### 1. Purpose

- 1.1 The Board's mandate under the Act involves comprehensive oversight and governance of the PMPD, including policymaking, resource allocation, training, and community engagement, all aimed at ensuring effective and accountable policing services.<sup>58</sup>
- 1.2 The Board has several fiscal responsibilities under the Act. Primarily, the Board is responsible for preparing the provisional budget for the PMPD. This budget must be included in the council's budget, adjusted to reflect any changes agreed upon by the council and the Board, or determinations made by the director under the relevant section of the Act.<sup>59</sup>
- 1.3 Additionally, the Board is responsible for the remuneration of its employees, which is typically managed through collective bargaining. Although the city must ratify the Board's collective agreements, the primary responsibility for compensation practices rests with the Board.
- 1.4 The Board understands that citizens have the right to expect police services to be delivered effectively and efficiently. Therefore, the Board is dedicated to ensuring that the principles of fiscal integrity and accountability guide the financial planning and management practices of the PMPD.

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<sup>58</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 26 – Municipal Board to establish municipal police department; S. 23 – Establishment of municipal police boards; and S. 28 – Rules.*

<sup>59</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 27 – Estimates and expenditures.*

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- 1.5 The Board ensures that policing programs and initiatives align with the vision and support the goals, objectives, and priorities set forth in the Strategic Plan. The Board evaluates and manages the allocation of funds for operational, strategic, and policy programs and initiatives to achieve the desired outcomes. Additionally, the Board is responsible for the organization's financial resources, ensuring that these resources are used prudently.

## **2. Application**

- 2.1 This policy applies to the Board.

## **3. Principles and Guidelines**

- 3.1 This policy defines three key objectives regarding financial governance:
- (1) Maintain accountability to the Port Moody citizens.
  - (2) Ensure financial support for the Strategic Plan.
  - (3) Promote the efficient use of the PMPD resources and funding.
- 3.2 The policy outlines procedures for effective financial management in the PMPD.

## **4. Legislative Responsibility**

- 4.1 Section 27(1)<sup>60</sup> of the Act mandates that the Board must prepare and submit a provisional budget to the Port Moody City Council for its approval by November 30 each year. This provisional budget is intended to cover the costs of providing policing and law enforcement services in the City of Port Moody for the following year.

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<sup>60</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 27(1).*

- 4.2 Section 27(2)<sup>61</sup> explicitly states that any changes to the provisional budget must be submitted to the council on or before March 1 of the year to which the provisional budget relates. This requirement ensures that the council is promptly informed of any modifications to the budget, allowing for timely review and approval processes.
- 4.3 Additionally, case law underscores the importance of adhering to the timelines set forth in the Act for budget submissions and changes.<sup>62</sup>
- 4.4 Furthermore, the court reiterated that a police board must prepare and submit a detailed estimate of the money required for the next year to the council for approval before March 1.<sup>63</sup>
- 4.5 Under the Act, in the event of a dispute between the City Council and the Board over budget approvals, either the Board or the City Council may apply to the Director of Police Services (the “Director”), Ministry of Justice, to determine whether an item or amount should be included in the budget. This provision ensures that there is a mechanism to resolve budgetary disputes and maintain the operational efficiency of the PMPD.
- 4.6 According to Section 27,<sup>64</sup> if the City Council does not approve an item or amount in the provisional budget, the Council must promptly notify the municipal police board. Either the Council or the municipal police board may then request the Director to determine whether the disputed item or amount must be included in the budget. This request must be made before May 15 of the year to which the provisional budget relates.

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<sup>61</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 27(2).*

<sup>62</sup> *Reid v. Vancouver Police Board, 2005 CLLC para. 230-024.*

<sup>63</sup> *Saanich (District) (Police Board) v. Saanich Police Assn. (Salary Grievance), [1984] B.C.C.A.A. No. 362.*

<sup>64</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 27.*

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- 4.7 If there are still unresolved items by May 15, the Council must request the Director to decide, and the Director's decision is binding.
- 4.8 Furthermore, the City Council is required to include the provisional budget costs in its budget and must pay for the expenditures within the submitted budget. This is reinforced by the legal structure established by the Act, which mandates that the City Council is responsible for financing the operations of the PMPD. The Board prepares the budget, but the City Council has the final approval authority, subject to the dispute resolution mechanism involving the Director.<sup>65</sup>
- 4.9 Under Section 27 of the Act, the Board may not make expenditures, or agree to make expenditures, that are not specified in its budget and approved by City Council.
- 4.10 The police board must act within the legal capacities and restrictions specified in the Act, including the requirement that no board shall make an expenditure, or enter into an agreement to make an expenditure, that is not specified in the board's estimates and approved by a council.<sup>66</sup>
- 4.11 A police board is empowered to enter into agreements involving the expenditure of money only if such expenditure is specified in the board's estimates or it obtains the Municipal Council's approval.<sup>67</sup>

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<sup>65</sup> *Victoria (City) Police Services Board (Re)*, [1975] B.C.L.R.B.D. No. 66, *Reid v. Vancouver Police Board*, 2005 CLLC para. 230-024.

<sup>66</sup> *Victoria (City) Police Services Board (Re)*, [1975] B.C.L.R.B.D. No. 66.

<sup>67</sup> *Saanich Police Assn. (Re)*, [1976] B.C.L.R.B.D. No. 73.

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- 4.12 Additionally, the Act prohibits a police board from making expenditures not contained in a budget adopted by the municipality unless such expenditures are approved by the municipality.<sup>68</sup>
- 4.13 A police board no power to raise money and all police expenditures must be included in a city's budget.<sup>69</sup>
- 4.14 The Board is restricted from making or agreeing to make expenditures that are not specified in its budget and approved by the City.

## 5. **Contracts and Execution of Documents**

- 5.1 The Board must approve all contracts for legal and other professional services related to Board business before any fees are awarded or incurred. All accounts for legal and professional services must be reviewed and approved by the Board prior to payment. These accounts should be itemized and include the appropriate documentation for the services provided.
- 5.2 The Board may delegate authority to individuals (referred to as a "Delegate") to act on its behalf. The Delegate can have either full or limited authority to execute documents for the Board, if they have obtained the necessary external and internal approvals in advance, ensured that funds are available or appropriated, and met all other pre-conditions.
- 5.3 The Board Chair or the Delegate is authorized to sign documents on behalf of the Board when execution is required. All contracts, agreements, and other documents intended to be legally binding and commit the Board must be executed by the Board Chair or the Delegate.

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<sup>68</sup> *Saanich (District) (Police Board) v. Saanich Police Assn. (Salary Grievance)*, [1984] B.C.C.A.A.A. No. 362.

<sup>69</sup> *Vancouver (City) Police Board v. Vancouver Municipal and Regional Employees Union (Communications Operators Grievance)*, [1990] B.C.C.A.A.A. No. 227.

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## **6. Donations and Sponsorship**

- 6.1 Core policing activities that ensure law enforcement in the City must be funded by the City Council, as specified in Section 27 of the Act. However, the Board supports the idea that sponsorships and donations can be utilized to enhance and expand the services of the PMPD, with the goal of improving public safety.
- 6.2 All donations must be reported to the Board for approval prior to acceptance. Additionally, the Conflict-of-Interest Policy will be reviewed and assessed concerning any proposed donation or sponsorship.<sup>70</sup>

## **7. Finance Committee**

- 7.1 The Board shall create a Finance Committee to assist in fulfilling its financial oversight responsibilities, including budget development, financial reporting, information systems, risk management, and internal controls.
- 7.2 The procedures for the financial accountability of the Board include:
- (1) The Board acknowledges that responsible management of funds is one of its primary responsibilities.
  - (2) The Board holds the Chief Constable accountable for the allocation of financial resources within the approved budget, ensuring compliance with established policies, and maintaining efficiency and economy in operations. This must be done in alignment with the Board's policies and direction, as well as the achievement of annual objectives.
  - (3) The Board ensures that the PMPD does not exceed the approved operating and capital budgets or undertake operating projects without prior approval from the Board.

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<sup>70</sup> *Police Act, R.S.B.C. 1996, c. 367, S. 16 – Municipal policing and law enforcement by R.C.M.P.*



- (4) The Chief Constable is required to inform the Board immediately of any actual or potential fiscal deficiencies.

## **8. Priorities and Planning**

8.1 In consultation with the Chief Constable and stakeholders, the Board will set objectives and priorities for policing in a city.

8.2 The planning and priority-setting process involves:

- (1) The formulation of comprehensive long-term plans.
- (2) A clear articulation of goals, strategies, and performance metrics in each three-year strategic plan for the PMPD.
- (3) The establishment of detailed annual operating and capital budgets.

8.3 To develop a budget:

- (1) The Board will collaborate with the Chief Constable to develop the annual and multi-year operating and capital budgets for the Board's approval.
- (2) The Finance Committee will coordinate with the PMPD's Chief Constable to provide advice, keep the Board informed of any issues, and seek direction from the Board when necessary.
- (3) The Board will approve draft operating and capital budgets, requests for adjustments to the base budget, business cases for new initiatives, and requests for new and non-recurring (NNR) funding before these are submitted to City Council as part of its provisional and final budget submissions. However, the prioritization of appeals and NNR requests must receive endorsement from the Board prior to submission to the City.

- (4) Communication with City Council regarding budgetary matters will follow the established procedures outlined in the PMPD – Procedures for Council Consideration of the Board budget.

## **9. Internal Control**

- 9.1 The Board will oversee the PMPD to ensure the establishment of adequate internal control processes within the organization. Additionally, the Board will ensure that management and staff comply with legislative requirements, Board policies, provincial regulations, and financial procedures.

## **10. Exceptions**

- 10.1 The Financial Accountability Policy has no exceptions.

## **11. Monitoring and Reporting Requirements**

- 11.1 The financial reporting requirements are:
  - (1) The Board shall ensure that the PMPD's financial reporting is timely, accurate, and relevant.
  - (2) The Board requires the following reports at a minimum:
    - (a) monthly reporting on financial performance,
    - (b) bi-annual reporting on year-end financial forecasts, and
    - (c) other financial reports as requested by the Board.
  - (3) The Board shall ensure compliance with all external reporting requirements and will approve, or delegate authority to the City Chief Financial Officer or General Manager to approve, the reports before they are released.
  - (4) The Board shall monitor the PMPD's financial policies, performance, variances, and other key performance indicators, addressing any exceptional circumstances with the Chief Constable and management as they arise.

## Appendix E

### Port Moody Police Board Policy

#### Oath of Office

##### AFFIRMATION OF OFFICE

##### THE POLICE BOARD OF

##### PORT MOODY

I, <name of police board member>, do solemnly swear/affirm that:

I will faithfully, honestly and impartially perform my duties as a member of the **Port Moody Police Board**.

I will not, except in the proper performance of my duties, disclose to any person any information obtained in the course of those duties.

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Signature

Declared before me at Port Moody

British Columbia, this \_\_\_\_\_

day of \_\_\_\_

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<insert name> Chief Constable

Commissioner for Taking Affidavits

for British Columbia

## Appendix F

### **Port Moody Police Board Policy**

#### **Risk Management**

##### **1. Purpose**

- 1.1 The Port Moody Police Board shall hold the Chief Constable accountable for the performance of the PMPD in managing risk.

##### **2. Application**

- 2.1 The Risk Management Policy shall be applicable to all members of the Board.

##### **3. Principles and Guidelines**

- 3.1 In accordance with its governance and oversight responsibilities as outlined in the Port Moody Police Board Governance Manual, it is the Board's duty to identify all significant risks that the PMPD may face in achieving its goals and to ensure that an effective risk management system is implemented.
- 3.2 Consideration of risks should be integral to all organizational planning. This is essential for the strategic planning process and is also important for annual planning and the development of new initiatives.
- 3.3 The types of risks to be considered can vary widely and may include, but are not limited to, financial, operational, reputational, organizational, demographic, and technological risks.

#### **4. Procedures**

- 4.1 The Board has established a framework for managing risk. Its role involves collaborating with the Chief Constable to critically assess and identify both internal and external risks. This includes discussing the likelihood and severity of these risks and prioritizing which ones require specific mitigation strategies.
- 4.2 The Chief Constable is responsible for creating a management plan that utilizes risk analysis and management tools, assigning responsibilities for necessary actions, and integrating strategies for managing these risks into operational policies as appropriate.

#### **5. Approval Process**

- 5.1 There are no associated approval processes.

#### **6. Related Forms and Documents**

- 6.1 There are no associated forms or documents.

#### **7. Exceptions**

- 7.1 There are no exceptions to the Risk Management Policy.

#### **8. Monitoring and Reporting Requirements**

- 8.1 The Chief Constable will provide reports on the effectiveness of the mitigation strategies, and the Board will decide on the time frame for these reports.
- 8.2 Additionally, the Chief Constable must report any changes in the risk environment and adjustments to the priorities for managing those risks.

## Appendix G

### **Port Moody Policy Board Policy Remuneration of Expenses**

#### **1. Purpose**

- 1.1 The members of the Board participate in various conferences, seminars, and meetings related to their responsibilities. An annual budget is allocated to cover the costs associated with their attendance at these events.
- 1.2 The Expense Reimbursement Policy outlines the guidelines for attendance, travel, eligible expenses, and the reimbursement process for expenses incurred by Board Members while attending functions related to their duties or training.

#### **2 Application**

- 2.1 This policy is applicable to all the Board members.

#### **3 Principles and Guidelines**

- 3.1 Annual funding will be allocated to the PMPD budget to enable Board Members to attend the BC Association of Boards (BCAPB) and Canadian Association of Police Governance (CAPG) conferences, as well as any other relevant conferences deemed appropriate by the Board.
- 3.2 The arrangements for conference registration, attendance, travel, meals, and lodging will be made in a practical and cost-effective manner. To ensure effective information sharing, Board Members will provide a verbal report highlighting the key takeaways from the conference at the next scheduled Board meeting.

## **4 Procedures**

### ***Travel arrangements***

- 4.1 Travel arrangements should be made promptly to secure the lowest fares.
- 4.2 The Board Secretary will handle all conference and travel arrangements for Board Members, including registration, travel, and accommodations.
- 4.3 Board members are responsible for organizing their own companion programs at conferences.

### ***Eligible Expenses and Reimbursements***

- 4.4 Approval and reimbursement of travel expense claims will follow these procedures:
  - 4.4.1 The cost of purchasing out-of-country medical insurance and travel cancellation insurance is an allowable expense, provided appropriate receipts are submitted.
  - 4.4.2 The maximum coverage will be limited to the premium for single coverage for the actual number of days spent traveling on business.
  - 4.4.3 Costs for privately arranged air travel insurance will not be reimbursed.
  - 4.4.4 When combining personal travel with Board-approved business travel, Board Members will be reimbursed only for the portion of travel costs directly related to business activities.

- 4.4.5 Per diem allowance rates are based on the annual rates established by the City.
- 4.4.6 A per diem allowance will be provided for each full day of travel, including the day of departure and the day of return. If claiming all three meals for the day, the amounts for each meal can vary if the daily maximum is not exceeded. If claiming fewer than three meals for the day, the maximum for those meals will apply. Receipts are not required for reimbursement of per diem allowances.
- 4.4.7 Per diem allowances are only provided if Board Members travel and stay overnight outside the Metro Vancouver region, unless prior approval is obtained from the Board.
- 4.4.8 Meal expenses, where per diem allowances are not applicable, must adhere to this policy. Original receipts are required for the reimbursement of meal expenses.
- 4.4.9 If meals are provided at an event or conference, no meal expense or per diem allowance will be provided.
- 4.4.10 Meal expenses may be claimed for local meetings, seminars, and training sessions if meals are not provided at the event.
- 4.4.11 Accommodation expenses will be reimbursed at a single occupancy rate for a standard room in the conference hotel at the conference rate, if available, or for standard accommodations in another hotel at an equivalent or lower cost. Original receipts are required for reimbursement of accommodation expenses.



#### 4.4.12 Reimbursement for Air, Rail, and Automobile Travel

(1) Air and Rail Transportation.

- Reimbursement will be made for the actual cost of the fare on the most direct route, using the lowest available economy class fare.
- Claims must be supported by original receipts.
- Whenever possible, advance bookings should be made to take advantage of lower fares.
- If booking decisions must be delayed, a reasonable explanation is required; otherwise, only the average fare for the advance booking will be paid by the Board, with the difference covered by the individual.
- If the lower fare requires the individual to extend their trip, the Board will cover any additional accommodation and per diem costs, provided overall cost savings are achieved.
- Associated travel costs that may be claimed include: transportation to and from the airport; business-related excess baggage charges; pre-booking fees (e.g., seat selection); other business-related travel costs.

(2) Automobile Transportation.

- When an individual chooses to travel by automobile, reimbursement will be the lesser of the travel claim (including associated costs defined below) plus extra meals based on prevailing rates or the transportation costs that would have been incurred had the individual traveled by air, unless approval is granted by the appropriate authority as specified in section A.

- Associated costs of automobile travel, such as parking fees, bridge, ferry, or highway tolls, and enroute accommodation, are also claimable, provided they are supported by original receipts.

(3) Mileage.

- Mileage reimbursement will be based on the actual mileage incurred from the starting point to the endpoint of the business-related travel.
- Mileage will be reimbursed at the allowance rates established by the City.
- For carpooling arrangements, the mileage will be reimbursed to the driver, with costs allocated equally among all passengers, where expenses are reported in Public Bodies.

(4) Rental Cars.

- If a rental car is deemed necessary, authorization for the rental should be obtained at the same time as approval for the trip.
- The type of car booked should be a reasonable size based on specific circumstances, with the exception that sports cars or luxury cars will be reimbursed at the rate of what would be considered a reasonable vehicle for the situation.
- Applicable additional car rental costs, such as insurance and gasoline, will also be reimbursed.
- All claims must be accompanied by original receipts.

(5) Board Member Travel Reimbursement.

- Upon request by a Board Member, the Board may authorize reimbursement for travel costs to and from Board-authorized meetings and events.

(6) Telephone Call Reimbursement.

- Reasonable telephone calls made from hotel rooms or mobile phones, supported by receipts, may be claimed when the per diem allowance is not submitted.

**4.5 Ineligible Expenses**

4.5.1 The Board will not reimburse Board Members for costs incurred in the following situations: 1.

- (1) Attending regularly scheduled monthly Board meetings.
- (2) Expenses incurred by individuals not specifically covered by this policy, such as the families and friends of Board Members.
- (3) Personal loss of property that may occur while traveling on behalf of the Board.
- (4) Social events not included in the conference registration (e.g., golf tournaments).
- (5) Expenses related to stopovers or other destinations when not engaged in the Board business.
- (6) Charges for alcoholic beverages.
- (7) Incidental expenses on hotel bills, such as movie rentals and dry cleaning.
- (8) Extended travel periods for reasons not authorized by the Board.

## **5 Reimbursement Process**

### **5.1 Guidelines for Completing Personal Expense Claim Forms (Claim Form).**

5.1.1 All original receipts and supporting documents must be included if you are not claiming the full per diem allowance.

5.1.2 Provide explanations for any unusual circumstances that resulted in additional expenses.

5.1.3 Board members must submit the completed and signed Claim Form to the Board Chair or their delegate for approval.

5.1.4 The Claim Form, along with all required receipts, must be submitted to the Board Secretary within ten business days following the completion of travel.

5.2 A Board member must follow the guidelines at 5.1 when filling out a Claim Form.

## **6 Approval Process**

6.1 The Board has the authority to approve the attendance and travel of any Board Member at seminars, conferences, conventions, training sessions, and business meetings that are considered beneficial to the Board.

6.2 Approval for such attendance is contingent upon the availability of funds within the annual operating budget or the interim estimates of the PMPD budget.

## **7 Board PBE (Police Board Expense) Forms**

PBE 1 - EFT (Electronic Funds Transfer) Form

PBE 2 - Expense requisition Form

PBE 3 - Missing Receipt Form

PBE 4 - Per Diem Allowance Rates

## **8 Exceptions**

8.1 There are no exceptions to this Expense Reimbursement Policy.

## **9 Monitoring and Reporting**

9.1 Expenses incurred by Board Members for attending events covered by this Policy will be charged to Cost Centre 650, Account 6109 of the PMPD's annual operating budget.

9.2 Reimbursements for travel and other business-related expenses are subject to review by both internal and external auditors, including the Canada Revenue Agency.

9.3 If the Board reimburses expenses that are later determined to be non-compliant with this Policy, the Board Member will be required to repay those amounts to the Board.