

Regular Meeting Agenda **Midland Police Services Board**

Date: Monday October 16, 2017 at 4:00 p.m.
Location: Midland Municipal Building/Council Chambers
575 Dominion Avenue, Midland, Ontario

1. Call to Order.
2. Approval of Regular Meeting Agenda.
3. Conflict of Interest.
4. Presentations – Nil.
5. Deputations – Nil.
6. Adoption of Minutes:
Adoption of the Minutes of the previous Meeting held September 18, 2017.
7. Business Arising – Nil.
8. Correspondence:
Letter from Midland Police Association regarding Retention of Records.
9. Chief's Department Report for September 2017.
10. Financial Reports:
Remuneration Report for September 2017.
Financial Reports, Operating and Capital, September 2017.
National Bank of Canada Property and Auction Accounts.
11. Midland Police Association Executive Address the Board.
12. New Business:
Discussion regarding Towing Tender.
13. Tabling of In-camera Meeting Agenda.
14. Adjournment to In-camera Meeting Agenda.
15. Reconvene Open Portion of the Public Meeting.

16. In-Camera Meeting Reports.
17. Date for Next Meeting – Monday November 20, 2017.
18. Adjournment.

MINUTES: Regular Meeting of the Midland Police Services Board
DATE: Monday September 18, 2017, 4:00 p.m.
LOCATION: Midland Council Chambers
575 Dominion Avenue, Midland, Ontario

ATTENDANCE: Chair G. Dixon
Vice-chair S. Strathearn
J. Contin
J. Attwood
G. Canning
Chief M. Osborne
Inspector R. Wheeldon
D. Beauchamp (Recording Secretary)
Ms. Jeeti Sahota, MCSCS

REGRETS: Nil

1. **MEETING CALLED TO ORDER** by Chair Dixon at 4:00 p.m.

Chair Dixon moved to go in camera to deal with a Taxi Denial Appeal and then go back to the Regular Meeting after the Appeal.

Vote: Carried

Adjourned to in camera by G. Dixon at 4:02pm.

2. **RECONVENING OF OPEN PORTION:**

The open portion of the meeting reconvened 4:27 p.m.

3. **Approval of Regular Meeting Agenda.**

Chair Dixon Moved to add a draft resolution to New Business on the Regular meeting agenda.

Chair Dixon Moved to have the Owen Sound Police Service Agreement discussion from In Camera to New Business on the Regular meeting Agenda

MOVED by S. Strathearn approve the Regular meeting agenda as amended.

SECONDED BY: J. Contin.

Vote: **CARRIED**

4. CONFLICT OF INTEREST – Nil.

5. PRESENTATIONS – Nil.

6. DEPUTATIONS - Nil.

7. ADOPTION OF MINUTES:

MOVED by G. Canning to adopt the Minutes of the previous Meeting held Monday June 19, 2017

Chief Osborne commented on Overtime Midland Police provided for Town of Midland events.

The court security grant was discussed in relation to overtime and how that can be added to the next application for a court security grant.

Chief Osborne discussed repairs to the building and explained how they were minor in nature and able to be completed within the current repair budget.

SECONDED by J. Attwood.

VOTE – Carried.

8. BUSINESS ARISING:

Mathews Dinsdale – Legal Opinion on Retention of Audio Records
Chair Dixon briefly discussed the opinion.

S. Strathearn MOVED to accept as information.

Seconded by: J. Attwood.

VOTE: Carried.

9. CORRESPONDENCE:

Correspondence from Georgian College
Board reviewed the Letter.

MOVED by Chair Dixon to receive as Information.

VOTE: Carried

Correspondence from O.P.P Commissioner Vince Hawkes
The Board discussed the letter.

Moved by S. Strathearn to receive as information.

SECONDED by G Canning.

VOTE: Carried.

Correspondence from Chief Osborne

Chief Osborne advised the Board that he wrote a subsequent letter after the decision was made by Council, and submitted same.

Chair Dixon questioned the part time policing being "on hold".

Chief Osborne read his letter that he wrote to the public aloud to the Board.

The letter was received as Information.

SIU Annual Report

Moved by S. Strathearn to receive as information.

SECONDED by J. Attwood.

VOTE: Carried.

10. CHIEF'S DEPARTMENT REPORT:

Inspector Wheeldon provided the details of the Chief's report. Chief Osborne also commented that a property room audit was completed. He advised that the room was in order, with only a few minor issues regarding tagging of property.

(Chief's Department Report for the summer months 2017, is attached to these minutes and inserted in the Midland Police Service Website www.police.midland.on.ca "From the Chief's Desk".)

11. FINANCIAL REPORTS:

Remuneration

The Board reviewed the Remuneration report for the months of June, July and August 2017.

MOVED by J. Attwood that the Remuneration report for the Midland Police Services Board for months of June and August 2017 be approved once it is amended to change the meeting type of Chair Dixon and Member Strathearn on August 1.

SECONDED by G. Canning

VOTE – Carried.

Treasury Report 2017 to Date

Item deferred to next meeting to amend the report to the end of August, not September.

National Bank of Canada Police Accounts:

The Board reviewed the Police Auction and Property accounts to date.

MOVED by J. Contin to adopt the following financial reports as presented;

- Treasury Report to date
- Police Auction Account to date
- Police Property Account to date

SECONDED by S. Strathearn.

VOTE – Carried.

12. MIDLAND POLICE ASSOCIATION EXECUTIVE ADDRESS THE BOARD.

Vice President Bill Gordon of The Midland Police Association was in attendance. He provided a letter to the Board from the Association regarding record retention periods. He advised the Board that the Association would like a response in writing within 30 days.

13. NEW BUSINESS:

Resolution from the Board

The Board took a 5 minute break to allow Ms. Sahota to review the resolution.

Ms. Sahota explained the Board's responsibilities in relation to the disbandment. The Board decided to write to OCPC that the decision has been made and to request the requirements going forward in order for Board to discharge their responsibilities and learn the process OCPC will take. The Board will report to Council what they have done to complete their responsibilities.

Chief Osborne to provide an inventory going forward of what we have to the Board.

S. Strathearn asked who takes over proceedings for discipline issues and if Members who have outstanding charges be under consideration to be taken on by the Ontario Provincial Police. Chair Dixon advised that the Board will

need to get legal advice on how to proceed with legal proceedings that are outstanding.

Ms. Sahota advised that the Board is still responsible for creating a budget into 2018. She also advised Members that with the transition from a S. 31 Board to a S. 10, Members will stay on the Board when entering into a contract with the OPP, however they will have different responsibilities.

Chair Dixon asked if the Board and Municipality should jointly file for an application with OCPC. Ms. Sahota advised this is the responsibility of the Municipality as the Board is not a signatory to the contract with the Ministry.

MOVED by G. Canning to adopt the proposed resolution.

SECONDED by S. Strathearn.

A discussion was had surrounding retention and destruction of records.

Chief Osborne advised he would get report from OPP on their retention of information and that way the Board can make further decisions knowing their intentions of what they wish to destroy.

VOTE: Carried.

Dispatch Agreement with Owen Sound

The Board had a discussion surrounding the Owen Sound Dispatch Agreement, and it was decided to give notice immediately to terminate the agreement.

14. DATE FOR NEXT MEETING:

October 16, 20, at 4:00 p.m in Council Chambers.

15. TABLING OF IN-CAMERA AGENDA:

Moved to go in camera by J. Attwood at 6:09 p.m.

16. RECONVENING OF OPEN PORTION:

The open portion of the meeting reconvened 7:32 p.m.

17. IN-CAMERA MEETING REPORT:

The Board met In Camera to deal with a Taxi License Denial Appeal. In addition to that we discussed a legal opinion Chief Osborne had obtained and we dealt with 2 items of correspondence from the same person and received advice and recommendation from Chief Osborne concerning that. Finally we

heard a submission from the CAO from the Town of Midland concerning a risk management matter and the Board directed the Chief and CAO to liaise regarding same.

18. MOVED to adjourn to the Regular-camera meeting made by J. Contin

VOTE – Carried.

REGULAR MEETING ADJOURNED at 7:35 p.m.

George Dixon
Chair

October 16, 2017



MIDLAND POLICE ASSOCIATION

Monday, September 18, 2017

George Dixon, Chair
Midland Police Services Board

RE: Board Retention Policy Change

Please be advised that it has come to the attention of the Midland Police Association, that the Board has adopted a new policy that will see in-camera audio recordings archived indefinitely. Furthermore, we have learned that the personnel matters discussed in camera, regarding our members would be part of that permanent record. This is problematic on three fronts:

- 1 Any "allegations" or "discussions" around a member (civilian or uniform) will be one-sided and will not contain any subsequent details about the results of a matter deemed to be an operational issue and forwarded to the Chief of Police for further consideration. The only time the board would be privy to an update about such matters would be if those matters became a grievance and evolved into a conciliation and/or arbitration proceeding. This was clearly communicated to the Chair in the legal opinion (found in your correspondence package for this afternoon's Board meeting) that was sought from Mathews, Dinsdale & Clark LLP and was received on June 22nd 2017.

The retention of this data and its potential disclosure could place the board in jeopardy of litigation for disclosure of material which could constitute libel and is tantamount to providing only one side of a recorded conversation. Without the legal authority to receive the other side of that conversation, a wholesome depiction of an allegation and the resulting investigation should not be kept by the Board if it knew that it could be disclosed and potentially damage the individual(s) involved.

- 2 The board had a longstanding policy that required the destruction of the audio recordings after 3 months. That policy was in place until May 19 2017. It has come to our attention that the Board had not been following that process and that recordings exist going back several years. The audio recordings should not exist and the fact that the Board has discovered their existence and chosen to create a new policy that would preserve them is troubling. The audio recordings that were created before the new policy was enacted should be destroyed in keeping with the Board's duty to follow its own policies.

/cont'd



MIDLAND POLICE ASSOCIATION

- 3 In the same legal opinion referred to above you received the following advice that could mitigate this problem entirely:

"The Board may wish to amend its retention policy pertaining to audio recording of in-camera Board sessions, so that these recordings are destroyed at regular intervals, which would address the Chief's concern with respect to retention of any comments made at a Board in-camera session. It is not clear to me why the Board would wish to retain indefinitely recordings of in-camera discussions"

Therefore, the Association makes the following requests of the Board.

1. Undertake to destroy the archived recordings (and any copies) that should have been destroyed prior to the passing of your amended retention and provide a document affirming that process, its completion and the Board's agreement to comply.
2. Adopt the advice of both the Chief of Police and your own legal opinion and modify your retention policies and revert to destroying in-camera audio recordings at regular intervals – we are suggesting a return to 3 months to allow for minutes to be captured and all clerical work to be completed.
3. Respond to this request, in writing, with your intentions within 30 days from now.

Respectfully submitted,



William Gordon, VP
Midland Police Association

CC: Adam Hawes, President



**Midland Police Service Board
Remuneration Report
For the Period of: September 1 to 30, 2017**

Date/Reason	Chair Dixon	Member Strathearn	Member Contin	Member Attwood	Member Canning
September 15, 2017 Meeting with Town of Midland Counsel Mr. Sidhu	\$100.00	\$0	\$0	\$0	\$0
September 18, 2017 Regular & In- Camera Meeting	\$100.00	\$100.00	\$100.00	\$100.00	\$100.00

Date: _____
Moved By: _____
Second: _____
Carried: _____

TOWN OF MIDLAND
OPERATING FINANCIAL STATEMENT
As of September 30, 2017

	2016 YTD	2017 YTD ACTUAL	2017 YTD BUDGET	2017 BUDGET	\$ REMAINING BUDGET
1 OPERATIONS					
44 POLICE SERVICE					
221 POLICE					
0510 REVENUE					
0229 MINISTRY GRANT PROVINC		(5,880.00)			5,880.00
0230 PROV MINISTRY GRANT	(8,610.00)				
0234 ONT COURT SECURITY GRA	(253,271.41)	(279,716.07)	(279,716)	(279,716)	0.07
0236 PEM GRANT		(24,500.00)			24,500.00
0289 DISPATCH - MPUC					
0316 COST RECOVERIES	(8,000.00)	(8,000.00)	(10,120)	(10,120)	(2,120.00)
0317 F.O.I. FEES	(85.00)	(99.40)	(112)	(150)	(50.60)
0332 ADMINISTRATION RECOVER	(1,011.80)	(1,227.30)	(2,914)	(4,000)	(2,772.70)
0336 HYDRO RECOVERIES					
0354 FALSE ALARMS	(800.00)	(2,003.00)	(1,600)	(1,600)	403.00
0357 POLICE REPORTS	(2,425.00)	(2,685.00)	(2,619)	(3,400)	(715.00)
0358 RECORD CHECKS	(37,927.00)	(41,671.00)	(44,684)	(63,795)	(22,124.00)
0413 TAXI DRIVER LICENSING	(1,935.00)	(1,725.00)	(1,763)	(2,500)	(775.00)
0611 FINES	(1,461.25)	(825.00)	(1,293)	(1,600)	(775.00)
0880 GAIN/LOSS ON SALE OF AS					
0912 DISPATCH - FIRE DEPT					
Total 0510 REVENUE	(315,526.46)	(368,331.77)	(344,821)	(366,881)	1,450.77
1000 PAYROLL					
0227 PROV EMPL GRANT	(6,046.02)				
0333 WSIB RECOVERIES	(931.96)	(217.14)			217.14
0334 PAY DUTY RECOVERIES	(82,180.00)	(5,060.79)	(74,225)	(75,000)	(69,939.21)
1110 DISTRIBUTED LABOUR	578.43	7,160.31			(7,160.31)
1120 FULL TIME SALARIES	1,946,007.61	1,779,725.84	1,890,583	2,592,834	813,108.16
1140 OVERTIME - FULL TIME	186,026.78	130,312.06	104,496	142,993	12,680.94
1190 SERVICE PAY			366	500	500.00
1210 DISTRIBUTED BENEFITS	86.76	2,086.58			(2,086.58)
1219 PAYROLL BENEFITS	612,882.29	512,351.56	570,706	772,878	260,526.44
1221 TOWN FUNDED BENEFITS	5,000.00	4,703.32	12,739	17,433	12,729.68
4290 LITIGATION - SETTLEMENT	50,000.00				
7011 INTER-DEPT'L TOWN HALL			1,845	2,463	2,463.00
Total 1000 PAYROLL	2,711,423.89	2,431,061.74	2,506,510	3,454,101	1,023,039.26
1020 PAYROLL - CIVILIAN					
1110 DISTRIBUTED LABOUR	(6,591.74)	(3,550.57)			3,550.57

TOWN OF MIDLAND
OPERATING FINANCIAL STATEMENT
As of September 30, 2017

	2016 YTD	2017 YTD ACTUAL	2017 YTD BUDGET	2017 BUDGET	\$ REMAINING BUDGET
1120 FULL TIME SALARIES	353,691.67	250,232.58	281,195	384,798	134,565.42
1130 PART TIME SALARIES	223,655.80	207,284.84	234,152	321,158	113,873.16
1137 INTER-DEPT'L STAFF SUPP	(33,264.00)		(32,533)	(44,520)	(44,520.00)
1140 OVERTIME - FULL TIME	5,782.16	8,800.30	18,539	25,370	16,569.70
1151 SICK BANK PAYOUT					
1190 SERVICE PAY				1,480	1,480.00
1210 DISTRIBUTED BENEFITS	(1,559.23)	(793.43)			793.43
1219 PAYROLL BENEFITS	152,850.58	110,582.47	122,500	165,647	55,064.53
Total 1020 PAYROLL - CIVILIAN	694,565.24	572,556.19	623,853	853,933	281,376.81
1111 EXPENSES					
2120 LEGAL FEES	49,044.01	14,257.00	24,652	80,000	65,743.00
3005 INSURANCE	29,049.11	31,369.67	31,370	31,370	0.33
3006 INS CLAIM MANAGEMENT					
3015 LICENSES	1,138.00	1,138.00	1,416	1,416	278.00
3020 MEETING EXPENSES	3,029.13	3,308.11	2,779	3,800	491.89
3025 CONFERENCES	3,909.45	6,164.93	8,628	10,200	4,035.07
3026 BUSINESS PLAN EXPENSES			3,753	5,000	5,000.00
3030 TRAINING	5,200.45	8,707.33	22,296	30,000	21,292.67
3032 TRAINING - FIREARMS	6,324.25	750.00	5,500	5,500	4,750.00
3034 TRAINING - HEALTH & SAFE	137.38	274.76	550	550	275.24
3036 SUBSCRIPTIONS & PUBLICA	909.99	1,366.55	1,550	1,550	183.45
3040 MEMBERSHIPS & DUES	706.60	3,326.02	3,400	3,400	73.98
3045 UNIFORMS	11,552.58	5,186.78	13,938	25,000	19,813.22
3050 OFFICE SUPPLIES	5,732.38	2,963.85	4,873	7,000	4,036.15
3056 PHOTO/ID SUPPLIES	1,044.46	955.33	4,000	4,000	3,044.67
3060 COPIER COSTS	8,598.59	8,884.43	9,214	9,500	615.57
3070 POSTAGE & SHIPPING	2,116.30	2,851.18	2,505	3,400	548.82
3075 TELEPHONE	23,576.86	13,459.55	41,937	38,431	24,971.45
3079 BAIL COURT-VIDEO LINES	585.12	4,192.51	800	10,815	6,622.49
3080 INTERNET/ ITC	419.78	859.81	302	500	(359.81)
3085 ADVERTISING	304.80		210	1,200	1,200.00
3203 FIREARMS & SUPPLIES	10,840.44	16,459.80	9,310	14,250	(2,209.80)
3204 SUPPLIES - HEALTH & SAFE	614.46	(1,682.71)	195	1,000	2,682.71
3245 INVESTIGATIVE EXPENSES	5,315.92	1,968.06	4,959	6,500	4,531.94
3246 COURT EXPENSES	2,241.25	4,669.20	5,295	8,000	3,330.80
3290 SUNDRY	3,714.17	4,860.46	4,826	6,180	1,319.54
3292 GIFTS & MEMENTOS	1,154.68	1,513.64	1,592	2,000	486.36

TOWN OF MIDLAND
OPERATING FINANCIAL STATEMENT
As of September 30, 2017

	2016 YTD	2017 YTD ACTUAL	2017 YTD BUDGET	2017 BUDGET	\$ REMAINING BUDGET
3405 BUILDING MAINTENANCE	5,263.61	3,139.35	7,590	8,742	5,602.65
3410 HYDRO	21,085.48	17,017.76	19,957	26,250	9,232.24
3415 WATER	1,854.52	1,571.71	1,829	2,295	723.29
3420 NATURAL GAS	4,248.35	3,259.96	5,409	6,565	3,305.04
3430 JANITORIAL SERVICE	2,493.80	2,960.60	2,983	4,000	1,039.40
3490 FACILITY RENTAL			378	500	500.00
3510 EQUIP REPAIRS & MAINT	2,865.92	303.24	3,668	6,500	6,196.76
3516 RECORD SYSTEMS FEES	20,146.84	17,161.13	25,169	44,500	27,338.87
3536 ALARM MONITORING COST.	274.74	2,694.19	225	275	(2,419.19)
3605 VEHICLE LEASE	3,291.15	2,961.05	2,772	3,600	638.95
3610 VEHICLE REPAIRS & MAINT	14,888.16	17,219.31	31,613	40,000	22,780.69
3620 VEHICLE LICENSES	1,440.00	1,320.00	1,500	1,500	180.00
3630 UNLEADED GAS	28,127.46	19,743.28	38,567	50,000	30,256.72
4120 BANK CHARGES	862.34	1,058.83	579	900	(158.83)
7005 DISPATCHING FEES	138,867.83	131,219.88	154,832	207,676	76,456.12
7011 INTER-DEPT'L TOWN HALL			5,742	7,657	7,657.00
Total 1111 EXPENSES	422,970.36	359,434.55	512,663	721,522	362,087.45
2210 POLICE SERVICES BOARD					
1137 INTER-DEPT'L STAFF SUPP	33,264.00		32,533	44,520	44,520.00
1192 REMUNERATION				19,200	19,200.00
1219 PAYROLL BENEFITS					
2120 LEGAL FEES	829.17	5,281.34	20,000	20,000	14,718.66
3020 MEETING EXPENSES	156.61	141.66	265	550	408.34
3025 CONFERENCES	6,249.29	3,877.28	7,114	6,500	2,622.72
3026 BUSINESS PLAN EXPENSES					
3030 TRAINING				2,865	2,865.00
3036 SUBSCRIPTIONS & PUBLICA	417.39				
3040 MEMBERSHIPS & DUES	1,530.30	1,116.31	2,265	2,265	1,148.69
3050 OFFICE SUPPLIES		30.45		1,061	1,030.55
3070 POSTAGE & SHIPPING			45	58	58.00
3075 TELEPHONE	463.26	697.23	605	910	212.77
3085 ADVERTISING				500	500.00
3292 GIFTS & MEMENTOS	122.08	282.26	750	750	467.74
Total 2210 POLICE SERVICES BO	43,032.10	11,426.53	63,577	99,179	87,752.47
2212 TRAFFIC MANAGEMENT PROC					
6200 GENERAL SUPPORT	201.48				
Total 2212 TRAFFIC MANAGEME	201.48				

TOWN OF MIDLAND
 OPERATING FINANCIAL STATEMENT
 As of September 30, 2017

	2016 YTD	2017 YTD ACTUAL	2017 YTD BUDGET	2017 BUDGET	\$ REMAINING BUDGET
8708 ORGANIZATIONAL CHANGES					
4814 DEBT PRINCIPLE - INTERNA	180,342.00				
Total 8708 ORGANIZATIONAL CH	180,342.00				
9990 TRANSFERS TO RESERVE					
0632 INTEREST - OTHER		(11,465.76)			11,465.76
7117 TO POLICE CAPITAL RESER	110,853.00	152,300.00	114,228	152,300	
7145 TO SICK LEAVE RES - POLIC	6,003.00	16,465.76	1,179	5,000	(11,465.76)
7166 TO POLICE OPERATING RES	2,997.00	4,000.00	2,997	4,000	
Total 9990 TRANSFERS TO RESE	119,853.00	161,300.00	118,404	161,300	
Total 221 POLICE	3,856,861.61	3,167,447.24	3,480,186	4,923,154	1,755,706.76
Total 1 OPERATIONS	3,856,861.61	3,167,447.24	3,480,186	4,923,154	1,755,706.76

Town of Midland
CAPITAL FINANCIAL STATEMENT
As of September 30, 2017

	2017 YTD ACTUALS	2017 BUDGET	\$ REMAINING BUDGET
221 POLICE			
221-0510 REVENUE			
0883 SALE OF VEHICLES		(4,000)	(4,000)
Total 221-0510 REVENUE		(4,000)	(4,000)
221-0590 TRANSFERS FROM RESERVE			
0967 FROM POLICE EQUIP/VEHICLE RES	(23,816)	(152,300)	(128,484)
0985 FROM DC RES - POLICE			
0998 FROM PROJECT CARRYFORWARD			
Total 221-0590 TRANSFERS FROM RESERVE	(23,816)	(152,300)	(128,484)
221-1111 EXPENSES			
2298 PROJ CARRYFORWD EXPENSE BUDGET	3,663		(3,663)
4810 DEBT CHARGE			
5410 BLDG ADDN'S & IMPR		10,000	10,000
5520 EQUIPMENT PURCHASES		13,500	13,500
5540 COMPUTER SOFTWARE	13,263	25,000	11,737
5541 COMPUTER HARDWARE	3,900	27,800	23,900
5600 VEHICLE PURCHASES	3,051	80,000	76,949
Total 221-1111 EXPENSES	23,877	156,300	132,423
Total 221 POLICE	61		(61)
Total	61		(61)

Police Property Account Report

National Bank of Canada

Midland Police Services Board Meeting

Meeting Date: October 16, 2017

Previous Balance

Reported at meeting held September 18, 2017:

\$20,560.79

TRANSACTIONS SINCE PREVIOUS REPORT:

September 5, 2017	Bank Fees	-\$	10.95
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Current Balance

As of October 10, 2017:

\$20,549.84

George Dixon
Chair

October 16, 2017

Police Auction Account Report

National Bank of Canada

Midland Police Services Board Meeting

Meeting Date: October 16, 2017

Previous Balance

Reported at meeting held September 18, 2017:

\$4,639.26

TRANSACTIONS SINCE PREVIOUS REPORT:

Nil.

Current Balance

As of October 10, 2017:

\$4,639.26

George Dixon
Chair

October 16, 2017