



BY-LAW NO. 180-99

A BY-LAW RESPECTING PRIVATE SECTOR FUNDING

1 PREAMBLE

- 1.1 Whereas Section 31 of the *Police Services Act*, R.S.O. 1990, c.P.15 and amendments thereto, sets out the responsibilities of Police Services Boards, including the responsibility to provide adequate and effective police services in the municipality;
- 1.2 And whereas Section 31(1)(b) provides that the Board shall generally determine, after consultation with the Chief, objectives and priorities of the Police Service;
- 1.3 And whereas Section 31(1)(c) provides that the Board shall establish policies for the effective management of the police force;
- 1.4 And whereas issues have arisen with respect to the receipt of Private Sector Funding in respect of certain policing programs;
- 1.5 And whereas the Board considers it expedient to enact this by-law to provide guidelines to the Police Service and the Board in respect of all issues relating to the receipt of Private Sector Funding.

2 DEFINITIONS

- 2.1 “Act” means the *Police Services Act*, R.S.O. 1990, c.P.15 and amendments thereto.
- 2.2 “Article” means an Article or Subarticle of this By-law.
- 2.3 “Board” means the Regional Municipality of Niagara Police Services Board.
- 2.4 “Donor” means a private individual, or a corporation, partnership, club or other organization, whether for profit or not, which contributes money, goods or services to the Service pursuant to a Private Sector Funding arrangement.
- 2.5 “Chief” means the Chief of Police of the Niagara Regional Police Service.
- 2.6 “Member” means a Member of the Niagara Regional Police Service as defined by the Act.

- 2.7 *"Private Sector Funding"* means any money paid or proposed to be paid to the Service from any non-government source, but does not include monies received by the Service under Section 132 of the Act, or monies paid on account of a pay duty arrangement.
- 2.8 *"Qualified Donor"* means a Donor who meets the approval criteria set out in Article 10.4 of this by-law.
- 2.9 *"Qualified Program"* means a policing program which meets the approval criteria set out in Article 10.3 of this by-law.
- 2.10 *"Section"* includes subsection, paragraph, subparagraph, clause and subclause and refers to sections of the Act.
- 2.11 *"Service"* means the Niagara Regional Police Service.

3 APPLICATION

- 3.1 This by-law applies to:
- 3.1.1 any offer of Private Sector Funding,
- 3.1.2 any program proposed to be funded by a Private Sector Funding arrangement,
- 3.1.3 any Donor,
- 3.1.4 the receipt and/or disbursement of any monies received pursuant to a Private Sector Funding arrangement.

4 RESTRICTIONS

- 4.1 The Chief shall ensure that no solicitation for Private Sector Funding is made by any Service Member.
- 4.2 The Chief shall ensure that no offer of Private Sector Funding is accepted by any Service Member, except in accordance with the provisions of this by-law.
- 4.3 Neither the Service nor the Board shall enter into any arrangement in which the Service or the Board endorses a product or service.
- 4.4 The Board shall not approve any Private Sector Funding arrangement which may in the opinion of the Board compromise the integrity, objectivity or impartiality of the Service.

5 SERVICE PROCEDURE

- 5.1 The Chief shall:
- 5.1.1 develop a written procedure relative to Private Sector Funding arrangements in accordance with the provisions of this by-law on or before September 30th, 1999.

5.1.2 provide a copy of the said written procedure to the Board upon completion.

6. FUNDING NOT EXCEEDING \$5,000

6.1 The Chief may accept an offer of Private Sector Funding without Board approval if,

6.1.1 the amount of the funding offered by a Donor, including past donations by that Donor, does not exceed \$5,000,

6.1.2 the cost of the program for which the funding is to be used does not exceed \$5,000,

6.1.3 the Chief ensures that the approval criteria in Article 10 are met, and

6.1.4 a report on the Private Sector Funding arrangement is included in the annual Private Sector Funding report pursuant to Article 9.

7 INITIAL REPORTING REQUIREMENTS

7.1 This Article applies to any offer of Private Sector Funding for any policing program, except those defined in Article 6.

7.2 Prior to acceptance of any offer of Private Sector Funding the Chief shall make a written report to the Board containing the following information:

7.2.1 full particulars of the offer,

7.2.2 full particulars of the proposed program for which funding is being offered including a program budget, and including a statement as to whether or not, in the opinion of the Chief, the program is a Qualified Program as defined in this by-law,

7.2.3 a statement as to whether or not, in the opinion of the Chief, the program is one that would benefit the Service, or the public, with reasons,

7.2.4 the cost to the Board, if any, including personnel costs,

7.2.5 full particulars of the Donor or Donors including a statement as to whether, in the opinion of the Chief, the Donor or Donors are Qualified Donors as defined in this by-law.

8 INTERIM REPORTING REQUIREMENTS

8.1 The Chief shall,

8.1.1 make a written report to the Board in the event that the program or the program budget changes, with an explanation of such changes and an explanation of the cost, if any, to the Board, including personnel costs,

8.1.2 make a written report to the Board in the event that further funding is offered in respect of the program,

and shall ensure compliance with the procedures set out in this by-law in respect of such changes or subsequent offers.

9 ANNUAL REPORTING REQUIREMENTS

9.1 On or before March 31st of each year, the Chief shall make a written report to the Board containing the following information:

9.1.1 the number of programs funded through Private Sector Funding arrangements, together with a brief description of the programs,

9.1.2 an explanation of the status of the program funded by the Private Sector Funding arrangement,

9.1.3 a statement of budgeted and actual program receipts and expenditures in respect of each Private Sector Funding arrangement, including the amount received from Donors in respect of each program,

9.1.4 the budgeted cost to the Board in respect of any of the programs so funded, including personnel costs,

9.1.5 the unbudgeted cost to the Board in respect of any of the programs so funded, including personnel costs.

9.2 The Chief shall ensure that costings in program budgets include personnel costs of Members.

10 APPROVAL CRITERIA

10.1 In deciding whether to approve an offer of a Private Sector Funding arrangement the Board shall consider the criteria set out in this Article.

10.2 With respect to Private Sector Funding:

10.2.1 the proposed Donor must meet the requirements of Article 10.4,

10.2.2 the Private Sector Funding must relate to a specific program or programs which meet the requirements of Article 10.3.

10.3 With respect to programs funded through Private Sector Funding:

10.3.1 the program must be consistent with the Service's mission, values and beliefs,

10.3.2 the program must not, in the Board's opinion, form a part of a generally accepted minimum policing levels which the Board is obligated to provide pursuant to the Act.

10.4 With respect to Donors:

- 10.4.1 a Donor's marketing methods must not compromise the integrity, objectivity or impartiality of the Service and its community partners,
- 10.4.2 a Donor's promotional material must be compatible with the Service's community policing messages,
- 10.4.3 the Donor's public image in the marketplace must be favourable,
- 10.4.4 present and past activities of the Donor must not be in conflict with those of the Service,
- 10.4.5 a Donor's products and services should not have a negative impact on the environment,
- 10.4.6 a Donor must be a good corporate "citizen",
- 10.4.7 a Donor must be of good standing in the community,
- 10.4.8 a Donor must have corporate values consistent with the Service's mission, vision and values,
- 10.4.9 a Donor must have a reputation of integrity and ethical standing,
- 10.4.10 the Board shall consider whether or not the Donor is involved in the sale or distribution of tobacco or liquor, the nature of that involvement, and whether or not the nature of such involvement offends any aspect of the above approval criteria.

11 ENACTMENT

- 11.1 This by-law shall come into force upon the date of its passage by the Board.
- 11.2 The Chief shall implement this by-law, where applicable, through General Order and shall ensure that all present and future Members of the Service are instructed as to the requirements of this by-law and of the General Order.

ENACTED AND PASSED this 12th day of August, 1999

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

CHAIRPERSON original signed by Shirley Cordiner

ADMINISTRATOR Original signed by Wendy Southall