

Municipality of Lakeshore – Report to Council

Legal and Legislative Services

Legal Services



To: Mayor & Members of Council
From: Susan Hirota, Corporate Leader – General Counsel
Date: February 21, 2024
Subject: OPP Detachment Board Appointments

Recommendations

1. Appoint _____ to be the Municipality of Lakeshore’s Council representative on the new Essex County OPP Detachment Board (North), effective April 1, 2024, being the date the *Community Safety and Policing Act, 2019* comes into force;
2. Direct Administration to proceed with Option ___ for the appointment of the Municipality of Lakeshore’s local community representative for the remainder of this term of office and Option 3 for the terms of office following the 2026 municipal election;
3. Direct Administration to proceed with Option ___ for the appointment of an at-large community representative with Option 1 selected for the remainder of this term of office and Option 2 for the terms of office following the 2026 municipal election; and
4. Direct Administration to forward the selection of Option ___ for the at-large community representative to the Town of Essex and the Town of Tecumseh for their consideration, all as presented at the March 5, 2024 Council meeting.

Background

On March 26, 2019, Ontario passed the *Community Safety and Policing Act, 2019* (CSPA) as part of the *Comprehensive Ontario Police Services Act, 2019*. The CSPA comes into force on April 1, 2024 and will replace the current *Police Services Act* (PSA). Effective April 1, 2024, all current OPP police services boards established under section 10 of the PSA are dissolved.

On October 25, 2023, the Ministry of the Solicitor General (Ministry) sent a letter to all local municipalities confirming that the Essex County OPP Detachment proposal had been approved by the Ministry.

The composition of the two Essex County OPP detachment boards approved by the Ministry is as follows:

Board	Communities Serviced	Council Seats	Community Representative Seat(s)	Provincial Appointment Seat(s)	Total Seat(s)
1 (North)	Town of Essex, Municipality of Lakeshore, Town of Tecumseh	3	4	2	9
2 (South)	Town of Kingsville, Municipality of Leamington, Township of Pelee, Caldwell First Nation	4	3	2	9

As part of the next steps, the Ministry has advised that the new Board must be in place by April 1, 2024. The current Lakeshore Police Services Board ceases to be in effect on that date. Administration has been working with the Town of Tecumseh and Town of Essex to develop the administrative components of the new Board for consideration by each respective Council.

This report addresses the first order of business, which is the appointment of Lakeshore’s representatives to the new Board. Each of the three municipalities comprising the new North Board must make two appointments: a Council representative and a local community representative. The three municipal Councils must concur on the fourth at-large community representative. The provincial appointments to the new Board will be made by the Public Appointments Secretariat. For Council’s information, the composition of the current Police Services Boards for each of the three municipalities is as follows:

Town of Tecumseh

Name	Board Position	Type of Appointment
Christopher Hales	Chair	Community Member - Council Appointment
Paul Sweet	Vice Chair	Provincial Appointment
Mayor Gary McNamara	Member	Council Appointment
Councillor Rick Tonial	Member	Council Appointment
Marc Gomes	Member	Provincial Appointment

Town of Essex

	Board Position	Type of Appointment
Mayor Sherry Bondy	Chair	Council Appointment
Councillor Kim Verbeek	Vice Chair	Council Appointment
David Kigar	Member	Community Member – Council Appointment
Timothy Meloche	Member	Provincial Appointment
Karen Robertson	Member	Provincial Appointment

Municipality of Lakeshore

Name	Board Position	Type of Appointment
Ed Hooker	Chair	Provincial Appointment
John Quennell	Vice Chair	Provincial Appointment
Mayor Tracey Bailey	Member	Council Appointment
Deputy Mayor Kirk Walstedt	Member	Council Appointment
Julie Johnston	Member	Community Member- Council Appointment

When appointing a member of a police services board, the following shall be considered pursuant to subsections 33(1) and (2) of the CSPA:

- (a) the need to ensure that the board is representative of the area it serves, having regard for the diversity of the population in the area;
- (b) the need for the board to have members with the prescribed competencies, if any;
- (c) any applicable diversity plan; and

(d) the results of a potential appointee's police record.

The following persons are not eligible to be members of a police services board pursuant to subsections 33(4) and (5) of the CSPA:

- (a) a judge or justice of the peace;
- (b) a member of a police service, a special constable or a First Nation Officer;
- (c) any person who practices criminal law as a defence counsel or as a prosecutor;
- (d) a director, officer or employee of a prescribed policing provider;
- (e) any other prescribed persons;
- (f) a former member of a police service unless the board does not maintain a police service that the person was a member of and at least one year has passed since the person ceased to be a member of any police service.

Comments

Council Representative

Each of the three municipalities are required to appoint one member of their Council to the new Board. The draft regulation to the CSPA proposes that the term of a municipal appointment shall not exceed the term of the Council that made the appointment. For continuity and ease of transition during this term of office, Council should consider appointing one of its current Council appointees to the new Board. For Council's information, the Town of Essex has appointed Mayor Sherry Bondy as its Council representative to the new Board.

Options: Council Representative

Any member of Council could be appointed to the new Board but for the reasons stated above, either Mayor Bailey or Deputy Mayor Walstedt is recommended.

Community Representative

Each of the three municipalities is required to appoint one community representative plus together appoint one at-large community representative (3 municipal community representatives + 1 at-large representative = 4 community representatives total). The draft regulation proposes that the term of a jointly appointed Board member not exceed four years. For each appointment, the three municipal Councils must adhere to the eligibility and ineligibility criteria of the CSPA as outlined in the Background section of this report.

Each of the community representatives for Lakeshore, Tecumseh and Essex must live in the respective municipality while the at-large representative must live in any of Lakeshore, Tecumseh or Essex.

Options: Community Representative

With respect to the Municipality of Lakeshore's community representative (1 seat), the following options are put forward for consideration:

1. Appoint Lakeshore Police Services Board's current community representative (Julie Johnston) for the remainder of this Council's term, if she is willing;
2. Appoint one of the Lakeshore Police Services Board's current provincial appointees (Ed Hooker or John Quennell) as the community representative for the remainder of this Council's term, if he is willing; or
3. Proceed with a public call for applications for a community representative, in line with defined qualifications for the remainder of this Council's term. This option could support the new diversity obligations under the CSPA. Current community and provincial appointees would be eligible to apply, if they so desire.

For Option 3 above, Administration has conferred with Tecumseh and Essex on developing a standard set of qualifications that each of the three municipalities would use when advertising for community representatives. It is recommended that community representatives be a Canadian citizen, 18 years of age or older, and possess a demonstrated knowledge and understanding of community issues, experience working on a committee/board or volunteer involvement and be a strategic thinker with proven communication and interpersonal skills. Academic and/or career background in corporate or public governance, law, public policy, social services, mental healthcare, or similar would be ideal.

Notwithstanding there are three options identified above for the remainder of this Council term, it is recommended that Option 3 be selected as the appointment process for subsequent Council terms commencing after the 2026 municipal election.

At-Large Community Representative

For the at-large representative, all three municipalities must agree upon the appointee. Senior administration from the three municipalities have discussed geographic rotation of the at-large representative to allow for equitable representation from each municipality. The at-large representative could be appointed for a portion of the current Council term or the rest of the Council term. For example, an at-large representative residing in the Municipality of Lakeshore could serve for a 1-year term, followed by a Town of Tecumseh resident and then a Town of Essex resident. In the alternative, an at-large representative residing in the Municipality of Lakeshore could serve the

remainder of the current Council term, thereafter the next two 4-year terms would see the appointment of at-large members from Tecumseh and Essex. Our Advisor from the Ministry, however, felt that a 1-year rotation was too short for any new member to fully assimilate into the Board if they lacked any previous police services board experience.

Options: At-Large Community Representative

The following two options are proposed for the at-large member appointment:

1. For the initial appointment of a member to serve for the remainder of this Council term, each municipal Council could appoint an eligible member from their existing Board to serve for a +/- 1-year term. For example, for the remainder of 2024, the at-large member could be from Tecumseh, for 2025 the member could be from Lakeshore, and for 2026, the member could be from Essex. Following this Council term, Option 2 would take effect.
2. Under the same qualification criteria as for the municipal community representative (outlined in Option 3 above), a call for applications for the at-large representative could be posted. Prior to such posting, the three municipalities must first agree on the order of geographic rotation for the term appointments. For example, a neutral ordering based on alphabetical order would have the first 4-year term appointee from Essex, followed by Lakeshore, then Tecumseh. Appointment of an at-large member from the pool of applicants must be agreed upon by all three municipalities regardless of which municipality the applicant is from.

Administration recommends Option 1 for this term of Council and Option 2 going forward, commencing after the 2026 municipal election. This two-tiered appointment strategy has the following advantages:

- For the first term of the new Board, the at-large representative would be a person with prior police services board experience. Several administrative matters will have to be dealt with during the initial term such as developing local Board policies and a local action plan. It would be helpful to have members with relevant prior experience as well as an understanding of how the CSPA and its regulations have developed over the past 5 years.
- Option 1 will help facilitate the timely appointment of the at-large representative from an existing pool of candidates with relevant experience. The new Board appointees must be in place by April 1, 2024 which leaves little time for Option 2 which will require the three municipalities to agree on the selection criteria, post a call for applications, agree upon the geographical rotation, vet the applications and unanimously select the successful applicant.

- While our Advisor from the Ministry expressed concern over short-term appointments to the Board (+/- 1 year), the appointment of experienced members helps mitigate that concern.
- Over the longer term, Option 2 will assist with meeting the diversity requirements set out in the CSPA and provide opportunities for more members of the public to apply for a position on the Board. It will also facilitate a fair geographic representation over the three municipalities.

Provincial Representative

The new Board will have two provincial appointees who serve at the pleasure of the Minister through the Public Appointments Secretariat. The current provincial appointees' terms will conclude on April 1, 2024 when the CSPA comes into effect. It is our understanding that the current provincial appointees will be contacted by the Secretariat to determine their interest in continuing to serve as new Board members. However, currently there are six provincial appointees serving the three local OPP boards. As only two will remain on the new Board, the other four would be eligible to be appointed as local community representatives by their respective municipalities, should they wish to continue their service.

It is the intention to have the municipal Council and community representatives appointed by April 1, 2024. While awaiting the provincial appointments, the partial board can continue developing the administrative components, including cost sharing formulas between the municipalities for the new Board.

Others Consulted

Ron LeClair, Ministry of the Solicitor General - Advisor to the OPP Police Service Boards in Essex County

Senior Administration from Municipalities within the Essex County OPP Detachment Board (North)

Financial Impacts

There are no financial implications associated with this report.

Report Approval Details

Document Title:	OPP Detachment Board Appointments.docx
Attachments:	
Final Approval Date:	Feb 28, 2024

This report and all of its attachments were approved and signed as outlined below:

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Approved by Justin Rousseau and Truper McBride