

# Municipality of Lakeshore – Report to Council

## Strategic & Legal Affairs



**To:** Mayor & Members of Council

**From:** Kristen Newman, Corporate Leader-Strategic & Legal Affairs

**Date:** November 18, 2022

**Subject:** Lakeshore Policing Contract

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### Recommendation

Direct the Corporate Leader-Strategic & Legal Affairs, in consultation with the Corporate Leader-Chief Financial Officer, to negotiate a 4 year contract with the Ontario Provincial Police; and Authorize the Mayor and Clerk to sign the agreement; and that the necessary by-laws be prepared.

### Background

The *Police Services Act* (PSA) governs the delivery of policing throughout Ontario. The OPP is the default policing services provider in Ontario where a municipality has not chosen to create a municipal police force or a municipality has not entered into a contract for policing otherwise. Municipalities that enter into policing contracts with the OPP are referred to in the industry as acting under a section 10 agreement. Municipalities that do not have a municipal police force and that have the OPP as its police force by default are referred to as acting under section 5.1.

The PSA sets out the required standard for policing in Ontario: adequate and effective policing. Police services are required to perform community-based crime prevention work and conduct law enforcement on a 24 hour, 7 days per week basis. The standard is a requirement reflected in the section 10 contract, as well.

Lakeshore has contracted services for policing with the OPP and that contract expires at the end of 2022. The current contract states the required standard and that Lakeshore has engaged the OPP for a 3 year period. The contracts addresses the following:

- Assumption of liability by the OPP,
- Requirements of the Detachment Commander to act as the local police chief,
- Enforcement of by-laws by the OPP where mutually agreed upon,
- Service enhancement discussion framework,
- The billing process,

- Reviews of the billing process,
- Payment terms,
- Dispute resolution mechanisms, and
- Municipal role in detachment commander selection.

The contract does not address the actual cost of the police service.

### ***How is Lakeshore billed for police services?***

The policing contract does not set out pricing for policing. The OPP uses a province-wide billing model that includes base fees and calls for service annually. Estimates for police services are delivered to municipalities on an annual basis in advance of the year that is to be billed. Municipalities are billed for services throughout the year based on the estimate. After the completion of the year, the estimate is reconciled with the actual calls for service and the adjustment made in the next annual billing estimate. The annual billing estimate for 2023 is attached as attachment A.

### **Comments**

The OPP have asked whether Lakeshore intends to renew its contract. Council has 2 options available to it in order to ensure that it satisfies its obligation to the community to ensure a police service is in place in Lakeshore.

Lakeshore has 2 options available to it:

- 1) Elect to enter into a new contract with the OPP (continue the section 10 relationship); or
- 2) Default to OPP Policing (section 5.1 relationship).

The OPP has provided a chart describing the differences in the 2 options (attachment B). The most significant benefits to Lakeshore can be gained through engaging in a contract. This will permit certainty around having a police force in Lakeshore and engaging in a standard at which policing shall be delivered. Furthermore, the creation of a board which has oversight into the types and number of calls for service and the board is a means by which community input can make its way into local policing. Thirdly, there is an added financial benefit of having greater access to grants available for RIDE programs to help fund RIDE programs in the community. As such, Administration recommends engaging in a contract for services with the OPP the length of which can be 3, 4, 5, or 6 years. Lakeshore would also be able to access service enhancements, if it wished to do so.

Administration recommends entering into a 4 year contract at minimum to ensure stability in policing. A 4 year term will enable Council time to contemplate whether it wishes for any service enhancements in future years and allow for Administration to

work with OPP to explore such enhancements and budget accordingly for them. Also, in the event that Lakeshore wished to explore alternative police servicing models, Administration would require specific Council direction and time to conduct such a review.

Finally, it should be noted that changes to the PSA are expected to come into force at a later date which will terminate section 10 contracts altogether. Administration will provide further information on this issue at a later date as more details become available. In the interim though, there are still benefits to be gained from engaging in a section 10 agreement.

### ***Financial Implications for 2023***

Whether or not the Municipality enters into a contract with the OPP, the 2023 billing estimate is \$4,836,837. The OPP advised that the current Ontario Provincial Police Association uniform and civilian collective agreements will expire on December 31, 2022. As such, the OPP has estimated salary rates to increase by 1% and incorporated that increase in the 2023 billing statement.<sup>1</sup> This is less than the 2022 billing estimate of \$4,974,890 (actuals to be determined and reconciled at a later date) and less than the 2021 actual invoiced amount of \$4,998,736.

### **Others Consulted**

Ontario Provincial Police

### **Attachments**

A-2023 Billing Estimate

B-Section 5.1 and section 10 Comparison

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<sup>1</sup> Letter to Mayor et al from Ontario Provincial Police dated September 29, 2022.

## Report Approval Details

Document Title:	PolicingContract.docx
Attachments:	- A-2023BillingEstimate.pdf - B-Comparison_of_s.5.1_and_s.10_policing_arrangements.pdf
Final Approval Date:	Nov 24, 2022

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

Prepared by Kristen Newman

Approved by Justin Rousseau and Truper McBride