



The Corporation of the Town of Tecumseh

Chief Administrative Officer

To: Mayor and Members of Council

From: Margaret Misek-Evans, Chief Administrative Officer

Date to Council: May 25, 2021

Report Number: CAO- 2021-09

Subject: Essex County OPP Detachment Board Composition

Recommendations

It is recommended:

That Tecumseh Town Council **endorse** the two board model as the preferred detachment board composition for the Essex County OPP Detachment Board, as outlined in Attachment 1 to Report No. CAO-2021-09, Essex County OPP Detachment Board Composition.

And that Report No. CAO-2021-09, Essex County OPP Detachment Board Composition **be received**.

Executive Summary

In March 2021, the Ministry of the Solicitor General issued correspondence requesting submissions regarding detachment board composition for OPP police service detachment areas, in accordance with the new *Community Safety and Policing Act, 2019*. Municipalities and First Nations were tasked with reaching consensus on a board detachment model for submission to the Province by June 7, 2021.

A joint meeting was organized, with invitations to the Chairs, Mayors and Chief Administrative Officers (CAOs) of all Essex County Section 10 Police Services Boards, Pelee Township and the Caldwell First Nation. The purpose of the meeting was to seek consensus on a detachment board model. Representatives of all municipalities with OPP police services attended the joint meeting held on May 13, 2021.

Joint meeting attendees deliberated on two board models consisting of a one board model and a two board model. The Minutes indicate that consensus was reached to proceed with a two board model, supported by all Mayors and elected Officials in attendance. The Minutes were sent to each municipality for consideration by each municipal Council, seeking endorsement of

the preferred two board model for the new Essex County OPP Detachment Board. Accordingly, this report seeks the support of Tecumseh Town Council for a two board model, consisting of one of the following two options, with the final to be determined by Essex:

- Lakeshore and Tecumseh as a north shore board and Essex, Kingsville, Leamington and Pelee Island as a south shore board; or
- Lakeshore, Tecumseh and Essex as a north shore board and Kingsville, Leamington and Pelee Island as a south shore board;

Submission on behalf of the Essex County municipalities is due by June 7th and will be made by Tecumseh Administration, once all municipal Council resolutions have been received.

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*. Once in force, the CSPA will replace the current *Police Services Act, 1990* (PSA).

The Ministry is currently working to bring the CSPA into force by early 2022 by developing numerous matters for regulation, including the establishment of OPP Detachment Boards. These will replace the current Police Services Board (PSB) system constituted under the PSA.

The CSPA creates a requirement for one OPP detachment board per OPP detachment. The regulation will set out requirements for community representation and input, including board composition, terms of office and remuneration. The regulation will also address detachment board flexibility to address geography, where more than one board may be needed. Additionally, OPP detachment boards are to represent the full diversity of population groups within a detachment area. Municipalities in a detachment are responsible for sharing the costs of operating a detachment board.

A meeting was convened on December 18, 2019 with the Mayors, PSB Chairs and respective municipal Chief Administrative Officers from Tecumseh, Lakeshore, Essex, Kingsville and Leamington, all currently policed by the Essex County OPP Detachment, to prepare recommendations for the Ministry of the Solicitor General in relation to this regulation. The resulting document, "OPP Detachment Board Report", prepared by Foresight Management Consulting (Foresight Report) was received by the Tecumseh PSB at its March 4, 2020 meeting (PSB – 07/20). The report was seen to represent a consensus reached at the joint PSB meeting on how to move forward with a recommendation for a single Essex County OPP detachment board. It was submitted by the Town to the Ministry of the Solicitor General as well as to the Ontario Association of Police Services Boards (OAPSB).

Subsequent to the completion of the Foresight Report, the Town received correspondence dated January 30, 2020, from the Clerk for the Town of Lakeshore, which advised of Lakeshore Council's resolution of support (22-01-2020) for the Lakeshore Police Services Board's proposal of a 'two board system' for Essex County as its preferred option.

This letter was considered by Tecumseh Town Council at its meeting of February 25, 2020, where it was referred to the Tecumseh PSB. The PSB held its next meeting on March 4, 2020, at which the following resolution was passed (PSB 11/20):

Whereas a consensus was reached at the joint meeting of Mayors, Police Services Board Chairs, and Chief Administrative Officers of the Towns of Essex, Kingsville, Lakeshore, Leamington and Tecumseh held on December 18, 2019 in Essex, ON, on the recommendations to the Solicitor General for a regional approach to the establishment of an OPP Detachment Board; and

Whereas this consensus was recorded in the report by Foresight Management Consulting dated January 23, 2020 entitled "OPP Detachment Board Report" (Foresight Report); and

Whereas no written objection to the contents of the Foresight Report was received by the Tecumseh Police Services Board;

Therefore be it Resolved that the Tecumseh Police Services Board recommend to Tecumseh Town Council that the Mayor send a letter to the Town of Lakeshore, in response to their letter dated January 30, 2020, confirming support for the recommendations as set out in the Foresight Report, with a copy to be sent to the Solicitor General and the other OPP policed municipalities in Essex County.

Tecumseh Town Council accepted this recommendation at its March 24, 2020 meeting, and Mayor McNamara wrote to Lakeshore Mayor Tom Bain on March 31, 2020 to confirm the Town's support for the recommendations as set out in the Foresight Report.

Due to the COVID-19 pandemic and provincial state of emergency, there was little movement in 2020 on the development of regulations related to the CPSA. Then, on March 17, 2021, the Solicitor General wrote to heads of Council and First Nations Chiefs indicating that "municipalities and First Nation communities receiving direct and/or supplemental services from an OPP detachment are being asked to submit one proposal (per detachment) indicating the composition of their board and, if needed, a rationale for multiple boards and the composition of each additional board." (This correspondence was included on the March 23, 2021 RCM agenda). Proposals must meet the base requirements set by the ministry and be submitted by only one municipality on behalf of all parties. The deadline for submissions is June 7, 2021. It should be noted that, during the Ministry's Virtual Information Session on this initiative in April, Ministry staff indicated there was some flexibility in meeting this deadline.

In order to reach a consensus on the required proposal regarding the composition of the Essex County OPP detachment board, a Zoom meeting was hosted by Tecumseh on May 13, 2021, to which the Mayors, PSB Chairs and Chief Administrative Officers (or delegate) of the five OPP policed municipalities were invited. The Mayor and CAO of the Township of Pelee were also invited as, under the new detachment board model, Pelee is included. It is currently policed by the OPP without a contract or PSB. Representatives of Caldwell First Nation were invited as their new reserve community is located in the service area of the OPP Essex County Detachment.

Prior to this meeting, the Tecumseh PSB reaffirmed its support for the recommendations contained in the aforementioned Foresight Report at the April 8, 2021 board meeting (PSB – 18/21).

Comments

The Minutes of the joint PSB meeting of May 13, 2021, are attached to this report as Attachment 1. Contained within those Minutes is the Joint Meeting Agenda. As outlined in the Agenda and documented in the Minutes, the purpose of the meeting was to reach consensus on a detachment board model for consideration by each of the respective Councils within the OPP Essex County Detachment area and the Caldwell First Nation. Accordingly, all jurisdictions were invited to participate and all, except for Caldwell First Nation, were represented at the joint meeting.

To frame the deliberations on a detachment board model, the Ministry of the Solicitor General provided a framework document setting out minimum requirements. These requirements are summarized in the first attachment of the Joint Meeting Agenda (attached to the Minutes) in the document titled: “Community Safety and Policing Act, 2019: Ontario Provincial Police Detachment Board Framework and Proposal Submission Process, Virtual Information Session, April 20, 2021”. Briefly summarized, the detachment board must have at least 5 members, with 20% of members consisting of community representatives and 20% of members consisting of Provincial appointees. There is no maximum size stipulated.

Two proposed models for detachment boards were considered at the joint meeting:

- The one board model as set out in the Foresight Report; and
- The two board model as proposed by the Lakeshore PSB.

Both models are summarized in the second and third attachments to the Joint Meeting Agenda. The summary provides an analysis of each model’s consistency in meeting the Provincial framework criteria. Both models had options relative to whether Leamington would be part of the detachment board, given the Town’s recent decision to terminate their OPP policing contract. During the meeting, Leamington Administration provided an update on the status of police service deliberations and concluded that, at least in the short-term, Leamington would likely seek representation on the detachment board.

Further, whilst Tecumseh Mayor and Administration have twice made overtures to Caldwell First Nation to invite representatives to attend a PSB meeting and to attend the Joint Meeting, we have received no response nor any indication of proposed policing arrangements for the new reserve community. However, Peter Neufeld, Chief Administrative Officer for Leamington, indicated that the Caldwell First Nation has been in preliminary discussions with Leamington regarding municipal service agreements. Furthermore, as an urban reserve, they may seek service integration on police services, in addition to other municipal services.

The two board model contained three variations:

- Lakeshore and Tecumseh as a north shore board and Essex, Kingsville, Leamington and Pelee Island as a south shore board;

- Lakeshore, Tecumseh and Essex as a north shore board and Kingsville, Leamington and Pelee Island as a south shore board;
- Lakeshore, Tecumseh and the north half of Essex as a north shore board and the south half of Essex, Kingsville, Leamington and Pelee Island as a south shore board.

During deliberations, as documented in the attached Minutes, the two board model was more favourably received than the one board model. The most common reason cited was to maintain more local community representation. Of the three, two-board models, the least favoured was the model that split Essex in two. It was left to Essex Council to best determine whether they preferred alliance with the north shore communities or the south shore communities.

Consensus was reached on a vote by the Mayors and elected officials with the following motion adopted:

Moved by Mayor Tom Bain, Lakeshore
Seconded by Mayor Hilda MacDonald, Leamington

That the consensus of the elected officials attending today is to recommend a two-board model to our municipal Councils for consideration of support, permitting the Town of Essex to determine which board they wish to join;

And that the municipal Councils and Caldwell First Nation be provided with this motion and the minutes from today's meeting.

The Minutes (as attached) have been provided to all of the attending municipalities and the Caldwell First Nation. Accordingly, each of the municipalities will seek Council endorsement of the two board model in preparation for submission to the Solicitor-General. Accordingly, this report recommends endorsement of the two board model by Council for submission to the Province. Tecumseh PSB representatives concurred that it is important to self-determine detachment board composition, rather than have it imposed by the Solicitor-General, which would be the outcome should local consensus not be achieved.

At the Joint Meeting, Tecumseh was nominated to compile the consensus position of the municipalities for submission to the Solicitor General. Administration will endeavour to meet the June 7th timeline, with the assistance and cooperation of the other municipalities.

Consultations

Mayors, Elected Officials, PSB Members and Senior Administration from all Essex County municipalities currently policed by the OPP

Financial Implications

There are no financial implications associated with this report.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable ☒

Website ☐

Social Media ☐

News Release ☐

Local Newspaper ☐

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Prepared by:

Ellen Preuschat
Recording Secretary, Police Services Board

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Meeting Minutes of the Joint Municipal and PSB Meeting re: Essex County OPP Detachment Board, Thursday, May 13, 2021 by Zoom teleconference