

**Joint Municipal and Police Services Board Meeting
Re: Essex County OPP Detachment Board**

Minutes

Date: Thursday, May 13, 2021
Time: 9:00 am
Location: Electronic meeting using Zoom

Present:

Municipality of Lakeshore

Mayor Tom Bain
Francis Kennette, PSB Chair
Kristen Newman, Director of Legislative and Legal Services

Municipality of Leamington

Mayor Hilda MacDonald
Peter Neufeld, Chief Administrative Officer
Ruth Orton, Director of Legal and Legislative Services

Town of Essex

Councillor Kim Verbeek, PSB Chair
Chris Nepszy, Chief Administrative Officer

Town of Kingsville

Mayor Nelson Santos
William Chisholm, PSB Vice Chair
John Norton, Chief Administrative Officer

Town of Tecumseh

Mayor Gary McNamara – Meeting Chair
Christopher Hales, PSB Chair
Margaret Misk-Evans, Chief Administrative Officer

Township of Pelee

Mayor Ray Durocher

Also Present:

Councillor Kimberley DeYong, Town of Kingsville (observer)
Ellen Preuschat, Recording Secretary, Tecumseh PSB

1. Welcome and Introduction

Mayor Gary McNamara called the meeting to order at 9:05 am, conducted the roll call and thanked everyone for their participation.

2. Purpose of the Meeting and How to Reach Consensus

Mayor McNamara summarized the agenda and outlined the purpose of the meeting:

- Based on the Solicitor General's recent correspondence and Virtual Information Sessions (See meeting agenda Attachment 1 – Community Safety and Policing Act, 2019: Ontario Provincial Police Detachment Board Framework and Proposal Submission Process, Virtual Information Session, April 20, 2021), municipalities and First Nations within each detachment area are to submit one proposal indicating the composition of their new OPP detachment board and, if requested, their rationale for multiple boards.
- This group needs to settle on a board composition proposal to take to each municipal Council for a resolution prior to submitting the form to the Ministry of the Solicitor General.
- The proposal form is to be submitted by June 7, 2021, although it now appears there is some flexibility to extend this time frame.
- The Solicitor General will establish a ministerial working group to review each proposal received.
- This meeting will consider two different proposal models.
- Following presentations on the proposal models, Leamington is invited to provide an update on policing in their community and then the Mayors and elected officials at today's meeting will be given first opportunity to voice their opinions.

Mayor McNamara noted the Caldwell First Nation (Caldwell FN) was invited to attend, however a response was not received from them.

Discussion followed on how best to reach a consensus today on a board composition proposal. Mayor Santos observed that this joint group does not have the authority to bind anyone, but a 'preferred option' could be recommended to all Councils to support. Mayor McNamara emphasized the importance of developing a proposal so that the final decision on board composition does not rest with the Ministry.

Moved by Mayor Tom Bain, Lakeshore
Seconded by Mayor Ray Durocher, Pelee

That the result of a majority vote by the Mayors or other elected official from the municipalities participating in this meeting represent a consensus on the Essex County OPP detachment board model to be presented to the respective Councils as the preferred option for submission to the Solicitor General.

Carried

3. Presentation – Lakeshore PSB Proposed Detachment Board Model

Kristen Newman summarized the two-board model proposed by the Lakeshore PSB and supported by Lakeshore Council (See meeting agenda Attachment 2 – "Two Board Approach"). The rationale for this model is that it:

- reflects the current operational reality of the OPP Essex Detachment;
- reflects that demographic and industry clusters are similarly aligned in the communities north and south of County Road 8; and

- results in a more manageable size of detachment board that maximizes opportunities for input from communities.

Three versions of the two-board model were presented, in which the Town of Essex either (1) joins Tecumseh and Lakeshore, (2) joins Kingsville, Leamington, Pelee Island, and Caldwell FN, or (3) is split between the two boards.

4. Presentation – Proposed Detachment Board Model based on Foresight Management Consulting Report

Margaret Misek-Evans summarized the detachment board framework contained in the “OPP Detachment Board Report” by Foresight Management Consulting (Foresight Report). This report resulted from a joint municipal and PSB meeting held on December 19, 2019. (See meeting agenda Attachment 3 – “Analysis of Foresight Report Detachment Board Framework.”) She noted that Caldwell FN was not included in the analysis, as no communications had been received from them. It may be necessary to increase the number of Provincial appointees to three, rather than two as recommended by the Foresight Report, to meet the threshold of 20% set by the Solicitor General subsequent to the writing of the Foresight Report.

5. Update on Policing Services from Leamington

Ruth Orton reported that Leamington is holding a Special Council Meeting on May 18, 2021, with respect to policing services, and that Administration is recommending Council not accept any proposal submitted in response to the RFP for Police Services.

She noted that even if a proposal were to be accepted there would be a one-year transition period, so in her opinion, Leamington would be part of the Essex County OPP detachment board in the short term.

6. Discussion/Decision on Proposed Detachment Board Models

The Chair opened discussion with an invitation to the Mayors and elected officials to speak first. The following comments were offered during the discussion on the proposed detachment board models:

Mayor Bain – Lakeshore feels strongly that the best way to keep strong representation and a strong voice on the board is through the two board model. The economic activities in the north and south municipalities are quite different, with the Tecumseh and Lakeshore being more industrially oriented and Essex, Kingsville, Leamington and Pelee being more focused on agriculture, including greenhouse industry, and tourism.

Mayor Santos – A single board would be very large, and no community wants to lose representation. Kingsville is very concerned with fair local representation. A two board model best maintains local representation. We need a proposal that would provide balanced representation while meeting the Solicitor General’s requirements.

Mayor MacDonald – It is important that the board not be unwieldy and that the unique needs of each municipality are recognized. Leamington, for example, is dealing with more cannabis related issues than the northern municipalities currently are. A two board system would keep the dialogue more specific. Essex will need to determine its preference.

Mayor Durocher – Pelee is small and does not share the same concerns, but acknowledges that Pelee resembles Leamington and Kingsville to an extent. Recommend the two board system, but not splitting Essex between two boards.

Kim Verbeek – A lot of work went into the Foresight Report and Essex supported it. However, there are valid reasons for considering a two board system, as presented today. Dividing Essex between boards is not recommended. Essex Council will need to consider the options.

Christopher Hales – Wellington County provides a good example of how a board at an amalgamated level functions very differently than a municipal board – it deals only with high level governance matters. In Wellington County, the OPP Detachment Commander meets with the Mayors on a monthly basis to discuss specific municipal policing concerns. (Mayor McNamara noted that all of Wellington County is policed by the OPP so the structure is different than it would be in Essex County.)

Francis Kennette – With the OPP and support staff added to the high number of members, a single board would be very large and cumbersome. An additional concern is that civilian oversight is needed over the provincial functions of the OPP (marine, highway patrol). The governance model should more closely reflect that of S. 31 boards.

Mayor MacDonald – Does not agree that Essex is comparable to Wellington County. Noted that it is important to Leamington to have a voice at the table. She sensed receptiveness to local input on policing by the new OPP Western Region Chief Superintendent during recent conversation.

Mayor McNamara – With respect to oversight of the OPP, both AMO and the Future of Policing Advisory Committee (FPAC) dealt extensively with this issue, and AMO is very supportive of an integrated model, although representation must not be lost in an integrated model. It is important we are unified in addressing oversight locally. There appears to be a preference for a two board system, although splitting Essex is not recommended. It is vitally important that a decision on our local approach not be left up to the Solicitor General. Expressed some reservation between the concept of “the north and the south” as he does not want to convey any divisiveness in Essex County.

Mayor Bain – If we move to a two board system, we should continue holding joint PSB meetings on a regular basis, as we have in the past, to address matters of mutual interest.

Francis Kennette – The inclusion of an at-large member would provide some flexibility to add representation from Indigenous or marginalized groups.

Mayor McNamara – Noted that Caldwell FN has the option to constitute its own board.

Peter Neufeld – With respect to Caldwell FN, Leamington has been in preliminary discussions with them regarding municipal service agreements. It is an urban reserve that they are establishing, and they are looking for service integration. He opined that Caldwell FN may be waiting for Leamington to make a decision on the future direction of its policing service.

Mayor Durocher – Raised the possibility of Pelee Island having a second representative on the two board model.

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.

Carried

7. Nomination of Municipality to Submit Detachment Board Proposal to Ministry of the Solicitor General (deadline June 7, 2021)

Moved by Francis Kennette, Lakeshore PSB Chair
Seconded by Mayor Hilda MacDonald, Leamington

That the Town of Tecumseh submit the Essex County OPP detachment board proposal to the Ministry of the Solicitor General.

Carried

8. Next Steps

Mayor McNamara advised that the meeting minutes will be distributed.

The next step is for all municipalities to submit the consensus recommendation on detachment board composition to their respective Councils for consideration of endorsement.

A decision on which two-board model is preferred by the Town of Essex is required.

All Council motions are to be submitted to Tecumseh for inclusion in the final detachment board proposal to the Solicitor General.

9. Adjournment

Moved by Mayor Nelson Santos, Kingsville
Seconded by William Chisholm, Kingsville PSB Vice Chair

That there being no further business to discuss, the Joint Municipal and Police Services Board Meeting regarding the Essex County OPP Detachment Board, adjourn at 10:34 a.m.

Carried

Attachment: Meeting Agenda of the Joint Municipal and PSB Meeting re: Essex County OPP Detachment Board, Thursday, May 13, 2021 by Zoom teleconference.

Joint Municipal and PSB Meeting
Re: Essex County OPP Detachment Board

Chaired by: Mayor Gary McNamara

Agenda

Thursday, May 13, 2021

9:00 a.m.

Zoom Meeting

ITEM	TOPIC	TIME (min)
1.	Welcome and Introduction <ul style="list-style-type: none">Roll Call	5
2.	Purpose of the Meeting and How to Reach Consensus <ul style="list-style-type: none">SOLGEN PPT – Virtual Information Session	10
3.	Presentation - Lakeshore PSB Proposed Detachment Board Model <ul style="list-style-type: none">Essex County OPP Two Board Concept	5
4.	Presentation - Proposed Detachment Board Model based on Foresight Management Consulting Report <ul style="list-style-type: none">Analysis of Foresight Report Detachment Board Framework	5
5.	Update on Policing Services from Leamington	5
6.	Discussion/Decision on Proposed Detachment Board Models	50
7.	Nomination of Municipality to Submit Detachment Board Proposal to Ministry of the Solicitor General (deadline June 7, 2021)	5
8.	Next Steps	5
9.	Adjournment	

***Community Safety and Policing
Act, 2019: Ontario Provincial
Police Detachment Board
Framework and Proposal
Submission Process***

Virtual Information Session

April 20, 2021

Purpose

- Provide an overview of:
 - The legislative changes under the *Community Safety and Policing Act, 2019* (CSPA) related to OPP detachment boards;
 - Feedback from engagement;
 - The OPP detachment board framework under the CSPA including:
 - Composition requirements
 - Proposal process
 - Next Steps

Context

- On March 26, 2019, Ontario passed the *Comprehensive Ontario Police Services Act, 2019* (Bill 68) and established the *Community Safety and Policing Act, 2019* (CSPA). Once in-force, the CSPA, 2019 will replace the *Police Services Act* (1990).
- The Ministry is working to bring the CSPA into force by early 2022.
- To bring the CSPA into force, the Ministry is required to develop several matters for regulation, including regulations related to the Ontario Provincial Police (OPP) such as:
 - OPP Detachment Boards;
 - OPP Governance Advisory Council; and
 - OPP Billing.
- To do this work, the ministry has engaged several key stakeholders and partners through:
 - OPP Regional Roundtables (February 2020);
 - CSPA Engagement Tables (Community & Social Services, Policing and First Nations Policing);
 - The Ministry/Association of Municipalities of Ontario (AMO) MOU Table; and
 - Conferences (AMO, Rural Ontario Municipalities Association and Ontario Association of Police Service Boards).

PSA vs. CSPA: OPP Detachment Boards

Current State

- Municipalities must have a police service board to enter into an agreement with the OPP under section 10 of the Police Services Act 1990 (PSA).
- All other municipalities policed by the OPP (i.e., section 5.1) may establish a Community Policing Advisory Committee (CPAC) but are not required to do so.
- Currently, many municipalities and First Nation communities receiving OPP policing services are unable to provide effective civilian governance due to:
 - Variances in geography, population size, and service demands;
 - Lack of flexibility, adequate funding and communication;
 - Failure to adequately represent the needs of all communities receiving OPP services within a detachment; and
 - High rates of vacancies on boards, specifically related to provincial appointments.

New Legislative Requirements

- Section 67 of the CSPA requires there be an OPP detachment board, or more than one OPP detachment board, for each detachment of the OPP that provides policing in a municipality or in a First Nation community.
- Each municipality and First Nation community receiving OPP services will have an opportunity to participate on an OPP detachment board.
- An OPP detachment board will be required to, among other things:
 - Advise the detachment commander with respect to policing provided by the detachment and on the development of the local action plan;
 - Consult with the Commissioner on the selection and monitor the performance of the detachment commander; and
 - Provide an annual report to municipalities and band councils.
- In addition to the training required for all board members under the Act, detachment board members are required to successfully complete training on the role of boards and responsibilities as members prior to exercising their powers.
- Members must abide by a Code of Conduct that will be in regulation.

OPP Detachment Board Framework

The **OPP Detachment Board Framework** under the CSPA will provide municipalities and First Nation communities receiving OPP policing services with greater civilian governance by:

- Ensuring each municipality and First Nation community receiving policing services from the OPP has an opportunity to represent their local perspectives, needs, and priorities;
- Providing opportunities for municipalities and First Nations to collaborate on efforts to enhance community safety; and
- Enhancing the transparent, coordinated and efficient delivery of OPP services.

The **OPP Detachment Board Framework**:

- Provides each municipality and First Nation community receiving OPP services with the ability to sit on an OPP detachment board.
- Requires the municipalities and First Nations within the jurisdictional area of a detachment to submit one proposal indicating the composition of their board and, if requested, their rationale for multiple boards.
- Includes a set of composition requirements set by the ministry that completed proposals must meet.
 - The ministry will follow up with detachment areas that fail to submit a proposal or where proposals do not meet the composition requirements.
- Establishes a ministerial working group to review each proposal submitted to the ministry.

OPP Detachment Board Composition

Overview

- Municipalities and First Nations within a detachment will be required to submit a proposal that meets the composition requirements (below), indicating the proposed composition of your board.
- All municipalities and First Nations within the detachment area must agree on the proposal.
- One municipality/First Nation must be designated to submit the proposal.
- The proposal must include a rationale for more than one detachment board (if needed/ desired).

Composition	Minimum Requirements
Minimum Size	Minimum of 5 members
Maximum Size	No maximum
Community Representatives	20% community representation (minimum)
Provincial Appointments	20% provincial appointees

First Nation OPP Boards

- First Nations may request that the Solicitor General constitute a First Nation OPP board to oversee the policing provided by the OPP Commissioner **pursuant to an agreement** in a First Nation reserve or other specified area.
- First Nation(s) making the request to the Solicitor General propose their own:
 - Area in respect of which the board will operate;
 - Composition of the proposed board;
 - Method of appointing members of the proposed board;
 - Name of the proposed board; and,
 - Term of office of members of the proposed board.
- There are limitations in the CSPA on the ability to amend or revoke a regulation that constitutes a First Nation OPP board to help to ensure long-term sustainability of First Nation OPP boards.

For more information relating to:

- First Nations Policing in Ontario please contact Alana Jones at Alana.Jones@Ontario.ca
- First Nation OPP Boards please contact Elsbeth Schokking at Elsbeth.Schokking@Ontario.ca

Next Steps

- OPP detachment board proposal process
 - Launched: March 18, 2021
 - Deadline for submissions: June 7, 2021
 - Ministry review and approval of proposals (Summer 2021)
- Development and filing of OPP-related matters for regulation (Spring – Fall 2021)
- Formal establishment of OPP detachment boards – early 2022 (TBC)

Two Board Approach

History

On January 27, 2020, the Lakeshore Police Services Board passed the following resolution:

That the Board supports a two board system approximately divided between the north and south Municipalities of the County for the region with billing apportioned by municipality.

On January 28, 2020, Lakeshore Council also provided its support for a Board comprised of the northern Essex County local municipalities passing the following resolution:

Support the January 27, 2020 motion of the Lakeshore Police Services Board regarding a proposed two board system approximately divided between the north and south municipalities of the County for the region with billing apportioned by municipality.

Rationale

- **Reflects Current Reality**
- Essex Detachment operations are currently divided by North and South (Essex Detachment is divided operationally)
- **Community Attributes**
- Communities north of County Road 8 are similarly aligned in terms of demographic and industry clusters (bedroom communities to the North; tourism/greenhouse industry to the South)
- **Board Size**
- Reduces size of Board meetings to allow for more efficient decision-making process while maximizing opportunities for input from communities
- Reduces size of Board while ensuring the Provincial minimum Board size of 5 members

Options

- 3 options proposed below that contemplate 2 Boards

1. Two Board Option – Essex with South

- Reflects principle of more representation over population 10,000 (Foresight Report)
- Municipal appointee can be chosen from municipal council or community (Foresight Report)
- Achieves 20% community and 20% provincial appointee membership (Provincial requirement)
- Achieves requirement of minimum of 5 Board members (Provincial requirement)

*Community Member numbers can be increased by an additional member to provide an odd number for Board composition. Also, for North Board without formal First Nations Membership an at large member could be selected

**Community representatives selected by Municipal Council that the Community Member represents

North Board

Municipality	Community Members** (20% required)	Municipal Appointee	Provincial Appointee (20% required)	Total
	Elected	Appointed		
Tecumseh	1	1		2
Lakeshore	1	1		2
Province			2	2
Total	2 (33.33%)	2 (33.33%)	2 (33.33%)	6
Total with at large member*	3 (42.9%)	2 (28.57%)	2 (28.57%)	7

*Could add general community member with First Nations background to be added as an at large member which would increase Board composition to a total of 7 members

South Board

Municipality	Community Members** (20% required)	Municipal Appointee	Provincial Appointee (20% required)	Total
	Elected	Appointed		
Essex	1	1		2
Kingsville	1	1		2
Pelee Island		1		1
Caldwell FN		1		1
Province			2	2
Total	2 (25%)	4 (50%)	2 (25%)	8
Total with Leamington	3 (30%)	5 (50%)	2 (20%)	10
Total with at large member**	3 (33.33%)	4 (44.44%)	2 (22.22%)	9

*Could add general community member to be added as an at large member which would increase Board composition to a total of 9 members

2. Two Board Option – Essex with North

- Reflects principle of more representation over population 10,000 (Foresight Report)
- Municipal appointee can be chosen from municipal council or community (Foresight Report)
- Achieves 20% community and 20% provincial appointee membership (Provincial requirement)
- Achieves requirement of minimum of 5 Board members (Provincial requirement)

*Community Member numbers can be increased by an additional member to provide an odd number for Board composition. Also, for North Board without formal First Nations Membership an at large member could be selected

**Community representatives selected by Municipal Council that the Community Member represents

North Board

Municipality	Community Members** (20% required)	Municipal Appointee	Provincial Appointee (20% required)	Total
	Elected	Appointed		
Essex	1	1		2
Tecumseh	1	1		2
Lakeshore	1	1		2
Province			2	2
Total	3 (37.5%)	3 (37.5%)	2 (25%)	8
Total at large member	4 (44.44%)	3 (33.33%)	2 (22.22%)	9

*Could add general community member with First Nations background to be added as an at large member which would increase Board composition to a total of 9 members

South Board

Municipality	Community Members (20% required)	Municipal Appointee	Provincial Appointee (20% required)	Total
	Elected	Appointed		
Kingsville	1	1		2
Pelee Island		1		1
Caldwell FN		1		1
Province			2	2
Total ***	1 (16.67%)	3 (50%)	2 (33.33%)	6
Total with at large member	2* (28.57%)	3 (42.86%)	2* (28.57%)	7
Total with Leamington	2 (25%)	4 (50%)	2 (25%)	8

***Not in keeping with legislative requirements: Require community member to ensure 20% representation of community members

3. Two Board Option - Essex Split

- Reflects principle of more representation over population 10,000 (Foresight Report)
- Municipal appointee can be chosen from municipal council or community (Foresight Report)
- Achieves 20% community and 20% provincial appointee membership (Provincial requirement)
- Achieves requirement of minimum of 5 Board members (Provincial requirement)

*Community Member numbers can be increased by an additional member to provide an odd number for Board composition. Also, for North Board without formal First Nations Membership an at large member could be selected

**Community representatives selected by Municipal Council that the Community Member represents

North Board

Municipality	Community Members (20% required)	Municipal Appointee	Provincial Appointee (20% required)	Total
	Elected	Appointed		
Essex		1		1
Tecumseh	1	1		2
Lakeshore	1	1		2
Province			2	2
Total	2 (28.57%)	3 (42.86%)	2 (28.57%)	7

South Board

Municipality	Community Members (20% required)	Municipal Appointee	Provincial Appointee (20% required)	Total
	Elected	Appointed		
Kingsville	1	1		2
Essex	1			1
Pelee Island		1		1
Caldwell		1		1
Province			2	2
Total	2 (28.57%)	3 (42.86%)	2 (28.57%)	7

Analysis of Foresight Report Detachment Board Framework

The tables below set out the resulting framework summarized in the Foresight Report relative to the OPP detachment board composition requirements provided by the Solicitor General (Fact Sheet attached to the Letter of March 17, 2021).

- The minimum size of the detachment board is 5 members:

Municipality	Community Members	Provincial Appointees	Total
Essex	2	2	
Kingsville	2		
Lakeshore	2		
Leamington	2		
Pelee*	1		
Tecumseh	2		
Size with Leamington	11	2	13
Size without Leamington	9	2	11

* Confirmation required.

Should Leamington choose not to participate on a detachment board in light of their recent decision to terminate the OPP Policing contract, the total number of members would be reduced to 11.

- There is no maximum size for the detachment Board.
- Composition of the detachment board requires a minimum of
 - o 20% community representatives
 - o 20% Provincial appointees

Municipality	Community Members		Provincial Appointees	Total
	Elected	Community Representative		
Essex	1	1	2	
Kingsville	1	1		
Lakeshore	1	1		
Leamington	1	1		
Pelee*	1			
Tecumseh	1	1		
Composition with Leamington	6 46%	5 38%	2 16%	13 100%
Composition without Leamington	5 45%	4 36%	2 18%	11 100%

* Confirmation required.

It may be necessary to increase the number of Provincial appointees to 3 in order to meet the minimum 20% threshold set out by the Solicitor General.

On community representation to the detachment board, the Foresight Report summarized (p. 5 c)):

“The group discussed the fact that the Board provides oversight, however the Council approves the contract/budget and that these are different functions. From that perspective, it is important to have Mayor/Council representation on the board. The final conclusion, following further discussion, was that it should be up to each individual Council to decide who will represent them.”

For the purposes of the table above, community members have been evenly split between Council representation and community representation, except for Pelee where there is only one representative proposed.

Note that the FAQ also indicates that Municipal Councils within a detachment board will have the ability to nominate individuals for consideration as Provincial appointees.