



## 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:** March 19, 2024

**Report Number:** CAO-2024-02

**Subject:** OPP Detachment Board Appointments

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### Recommendations

It is recommended:

**That** Report CAO-2024-02 entitled “OPP Detachment Board Appointments” **be received;**

**And that** Council **appoint** Mayor Gary McNamara to be the Town of Tecumseh 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;

**And further that** direction **be given** on the preferred option as outlined in this report regarding appointment of a local community representative with Option \_\_\_ selected for the remainder of this term of office and Option 3 selected for the terms of office following the 2026 municipal elections;

**And furthermore, that** direction **be given** on the preferred option as outlined in this report regarding appointment of an at-large community representative with Option 1 selected for the remainder of this term of office and Option 2 selected for the terms of office following the 2026 municipal elections;

**And furthermore, that** the selection for the at-large community representative **be forwarded** as the Town of Tecumseh’s recommendation to the Town of Essex and the Municipality of Lakeshore for their consideration.

## 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, as of April 1, 2024, the CSPA will replace the current *Police Services Act, 1990* (PSA).

At the May 25, 2021 Regular Meeting of Council, [Report CAO-2021-09](#) was presented outlining the new CSPA requirements and endorsement of the two board model as the preferred detachment board composition. 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 Board proposal had been approved by the Solicitor General.

To prepare for the CSPA coming into effect, the Ministry provided a [description of the regulation](#) for public review and feedback, that will set out OPP Detachment Board compositions and other related matters. Council endorsed Administration's comments in response to the description regulation, as identified in [Report CAO-2024-01](#), and the Town's feedback was forwarded to the Ministry.

As part of the next steps, the Ministry has advised the new board is to be in place on or about April 1, 2024. The current Police Service Board (PSB) ceases to be in effect at that time. A by-law to disband the current PSB is forthcoming in March to give effect to its discontinuance. Town Administration are working with the Town of Essex and Municipality of Lakeshore 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 local representative appointments to the new Essex County OPP Detachment Board – North. Each of the three municipalities represented by the new Board must make two appointments: a Council representative and a local community representative. The three municipal Councils must concur on one at-large 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 PSBs for each of the 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

Name	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

## Comments

As approved by the Ministry, on October 25, 2023, the board composition for the Essex County OPP Detachment Boards is as follows:

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

In accordance with the CSPA, appointment or reappointment of a member to the board shall consider:

*“33 (a) the need to ensure that the police service board is representative of the area it serves, having regard for the diversity of the population in the area;*

*(b) the need for the police service board to have members with the prescribed competencies, if any, and;*

*(c) any applicable diversity plan.”*

The CSPA stipulates that persons are not eligible to be a member of the board if they are:

- a judge/justice of the peace
- member of a police service, a special constable or a First Nations Officer
- any person who practices criminal law as a defence counsel or as a prosecutor
- a director, officer or employee of a prescribed policing provider
- a former member of a police services unless the police service 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.

## **Council Representative**

Each of the three municipalities are required to appoint one (1) member of Council. The description of the regulation proposes the term of a municipal appointment not to exceed the term of the Council that made the appointment. For continuity in this term of office, Council should consider appointing one of its current members to the new Board. As Councillor Tonial is a former member of the current police service, he is not eligible to serve on the new Board. Therefore, it is recommended that Council appoint Mayor Gary McNamara as the Council representative to the Essex County OPP Detachment Board – North. This will provide for continuity during the transition to the new Board.

For Council’s information, the Town of Essex Council appointed Mayor Sherry Bondy as their Council representative to the new Detachment Board on December 4, 2023. The Municipality of Lakeshore appointed Mayor Tracey Bailey as their Council representative on March 5, 2024.

## **Community Representative**

Each of the three municipalities is required to appoint one (1) community representative, together with one (1) at-large community representative (3 municipal community representatives + 1 at-large representative = 4 seats). The description of the regulation proposes the term of a joint appointment not to exceed four (4) years. For each appointment, each municipal Council must adhere to S. 33 a) of the CSPA as well as the ineligibility criteria set out above.

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

### **Options: Community Representative**

With respect to the Town of Tecumseh community representative (1 seat), the following options are put forward for consideration:

1. Reappoint the current Town of Tecumseh community member for the remainder of this four (4) year term.
2. Appoint one (1) of the current Town of Tecumseh provincial appointed members as the community member for the remainder of this four (4) year term.
3. Proceed with a public call for applications for a community representative, in line with defined qualifications for the remainder of this four (4) year term. This option could support the new diversity obligations under the CSPA. Current community and provincial appointees would be eligible to apply, if desirous.

For Option 3 above, Administration has developed a set of qualifications for Council's consideration. 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 the options above for the remainder of this term of office, it is recommended that Option 3 be selected as the appointment process for forthcoming terms commencing after the 2026 municipal elections.

Letters of interest for the community representative and at-large appointments have been received and are appended to the report. ([Attachment 1](#))

### **Options: At-Large Representative**

For the at-large representative, concurrence must be achieved by all three municipalities for the successful candidate. Senior Administration from the collective municipalities have discussed geographic rotation of the at-large representative to allow for equitable representation from each municipality. The at-large member appointment could be rotated based on a +/- 1-year term or for the entire term. For example, an at-large representative residing in the Town of Tecumseh would serve a 1-year term, followed by a Municipality of Lakeshore and then a Town of Essex resident. In the alternative, an at-large representative residing in the Town of Tecumseh could serve the remainder of the current 4-year term, thereafter the next two 4-year terms would see the

appointment of at-large members from each of Lakeshore and Essex. In discussions with our Advisor from the Ministry, the 1-year rotation is considered to be too short for any new member to fully assimilate into the Board appointment, particularly if they lack any prior experience.

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 term of office, 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 would be from Tecumseh, for 2025 the member would be from Lakeshore and for 2026, the member would be from Essex. Following this term of office, Option 2 would take effect.
2. Under the same qualification criteria as for the municipal community representatives (outlined above for Option 3), a call for application 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 indicate the first 4-year term appointment would be from Essex, followed by Lakeshore, then followed by 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 office and Option 2 going forward, commencing after the 2026 municipal elections. This two-tiered appointment strategy would accomplish the following advantages:

- For the first term of the new Board, it would facilitate the (re-)appointment of Detachment Board members with prior board experience. As there are several administrative matters to be determined in this initial term as well as input to Board policies and the local action plan, it would be helpful to have members that have had prior Board experience as well as exposure to the development of the CSPA and its regulations over the past 5 years.
- Option 1 above would assist with meeting the timeline of new Board appointments, with members in place by April 1, 2024, as there would be no need for a notification period and consideration of applications by all three Councils.
- Whilst the Advisor has expressed concern over short-term appointments to the Board (+/- 1 year), a shorter rotation of appointments for the remainder of this term of office coupled with the appointment of experienced members helps to allay these concerns.

- 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.

At their March 4, 2024 regular meeting, the Town of Essex appointed Dave Kigar (current PSB community member) as the community member representative for the new Board until the end of this Council term and approved the selection for the at-large member follow Option 1, as listed above, for the remainder of the term of Council and then Option 2, as noted above, to take effect with the new term of Council in 2026.

Similarly, on March 5, 2024 the Municipality of Lakeshore appointed their current community representative, Julie Johnston, as the community member for the new Board for the remainder of this term of office. Council approved proceeding with Option 1 for the appointment of the at-large member and Option 2 for the terms of office following the 2026 municipal elections.

## **Provincial Representative**

Provincial appointments (2 seats) will be at the pleasure of the Minister through the Public Appointments Secretariat. Current provincial appointees' term will conclude as of the date 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 Board members. However, currently there are six (6) Provincial appointees serving the three local boards. As only two (2) will remain, the other four (4) may be eligible to be appointed as local community representatives, should they wish to continue their service.

It is the intention to have the municipal Council and community representatives appointed as of or close to April 1, 2024. While awaiting provincial appointments, the partial board can continue determining the administrative components, including cost sharing formulas between the municipalities for the new board. Subsequent reports will be presented to Council to stand up the new board.

## **Consultations**

Ron LeClair, Ministry of 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 Implications**

There are no financial implications associated with this report.



## Link to Strategic Priorities

Applicable	<a href="#">2023-2026 Strategic Priorities</a>
<input type="checkbox"/>	Sustainable Growth: Achieve prosperity and a livable community through sustainable growth.
<input type="checkbox"/>	Community Health and Inclusion: Integrate community health and inclusion into our places and spaces and everything we do.
<input checked="" type="checkbox"/>	Service Experience: Enhance the experience of Team Tecumseh and our citizens through responsive and respectful service.

## 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:

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Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

Attachment Number	Attachment Name
1	Community and Provincial Representative Letters of Interest