

Report to Council

Report Title: Community Safety and Policing Act 2019 Regulations

Prepared By: Sarah Johnson, Deputy Clerk

Department: Clerk's

Date: February 6, 2024

Report Number: CLK2024-04 **File Number:** C11CL, P16PO

Attachments: Email from Ministry of Solicitor General – CSPA Regulations
Letter from Municipal Policing Bureau – OPP 2024 Annual Billing Statements

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number CLK2024-04 - Community Safety and Policing Act. 2019 Regulations, prepared by Sarah Johnson, Deputy Clerk and in doing so provides the following comments on the proposed OPP Detachment Board regulations:

Report:

Background:

Staff brought forward Report Number CLK2024-02 – Community Safety and Policing Act, 2019 Update (CSPA) on January 9, 2024, describing updates regarding the South Bruce O.P.P. Detachment Board, and summarizing the CSPA which is to be sworn into force on April 1, 2024.

Analysis:

On January 31, 2024 the Ministry of the Solicitor General advised that the Community Safety and Policing Act, 2019 (CSPA) regulations (under Part V of the CSPA) regarding the O.P.P. Detachment Board compositions and other related matters have been posted on the [Ontario Regulatory Registry](#) for public review and feedback. Comments on these regulations are due to be submitted by February 13, 2024.

The regulations specify the following:

- Composition of O.P.P. detachment boards
- Term of office, remuneration and expenses of members of O.P.P. detachment boards
- Determination of each municipality's share of the costs of board operation.

Composition of O.P.P. Detachment Boards

“The regulation will set out the composition of each O.P.P. detachment board including, the number and composition of individuals who are members of a municipal or First Nation council ("council members"), the number of individuals who are not council members but who are appointed by a municipal or First Nation council ("community representatives"), and the number of individuals appointed by the minister ("provincial appointees").”

As Council are aware, the South Bruce O.P.P. Detachment Board composition of Municipalities within the South Bruce catchment area: the Municipality of Arran-Elderslie, Municipality of Brockton, Township of Huron-Kinloss, Municipality of Kincardine, Municipality of South Bruce.

Council Member Seats :5

- All communities in the detachment are responsible for the appointment of 1 council member each.

Community Representative Seats: 2

- All communities in the detachment are jointly responsible for the appointment of the 2 community representatives.

Provincial Appointees: 2

Total Board Member Seats: 9

Term of Office of O.P.P. Detachment Board Members

“The Ministry is proposing the following terms of office for detachment board members appointed by municipalities or First Nations to an OPP detachment board:

- Members appointed by a single municipality or First Nation:
 - The term of office will be set out by the municipality or First Nation in the appointment but shall not exceed the term of office of the municipal or First Nation council that appointed the member.
- Members appointed jointly to O.P.P. detachment boards:
 - The term of office will be jointly determined by the municipalities and First Nations making the appointment and will be set out in the appointment but cannot exceed a term of four years.
- The member (whether individually or jointly appointed) may continue to sit until the earlier of,
 - (a) six months after the expiry of their term of office; or
 - (b) the day the member's successor is appointed by the municipality or First Nation.
- Members appointed by the Minister:
 - The term of office for a member of an O.P.P. detachment board who is appointed by the Minister shall be set out by the Minister in the member's appointment.”

The Council member appointment to the South Bruce O.P.P. Detachment Board will last until the term of office for that Council member (Example: The Council member appointed to the Board in 2024 would serve until approximately November 2026 when their Council term of office expires).

The community representatives who are jointly appointed by all Municipal Councils to the South Bruce O.P.P. will serve for a term of four (4) years.

Remuneration of O.P.P. Detachment Board Members

“The Ministry is proposing the following requirements for remuneration and expenses of O.P.P. detachment boards:

- Each year, municipalities receiving policing services from an O.P.P. detachment will be required to pay an amount of remuneration for ministerial appointees serving on the board. The amount of remuneration will be determined by unanimous agreement by the municipalities within the detachment area.
- If the municipalities receiving policing services from an O.P.P. detachment are unable to mutually determine the amount of remuneration to be paid to ministerial appointees serving on the board, the minister shall determine the amount to be paid by all municipalities within the detachment area.
- Municipalities receiving policing services from the O.P.P. detachment may also decide to distribute the costs among themselves in a manner different from equal shares. As long as unanimous agreement is maintained, the costs will be shared according to the agreed-upon arrangement among the municipalities within the detachment area.

Remuneration of members must be determined unanimously by all Municipalities, and if they are unable to do so the Minister can determine the amount to be paid. Municipalities may also decide if they wish to distribute remuneration costs in a different manner rather than equal shares, through unanimous agreement.

Allocation of Estimated Costs Among Municipalities

The Ministry is proposing the following as it relates to the allocation of estimated costs among municipalities:

- O.P.P. detachment boards will be required to prepare estimates on an annual basis detailing the total amount necessary to cover the operational expenses of the board, excluding the remuneration of board members.
- Board costs will be allocated equally among all municipalities that receive OPP policing services from the detachment unless the municipalities in the detachment area unanimously decide to allocate the costs among themselves in some other manner. As long as unanimous agreement is maintained, the costs will be shared according to the agreed-upon arrangement among the municipalities in the detachment area.

Boards must prepare an annual budget/estimate, excluding remuneration. The Ministry is proposing that board costs are allocated equally among Municipalities unless it is unanimously decided that the Municipalities will distribute costs in a different manner (Example: expensing costs to each Municipality based on their population).

Municipal Policing Bureau Confirmation of Policing Costs

According to the attached letter from the Municipal Policing Bureau, Regulation 413/23 also “preserves the cost-recovery methodologies” currently in effect such that Brockton can rely on the 2024 annual billing statement that has already been provided.

Commenting Period

These regulations are posted on the [Ontario Regulatory Registry](#) for public review and feedback. Comments are due to be submitted by February 13, 2024.

Staff wish to determine if Council have any comments they wish to submit on the proposed CSPA regulations.

Strategic Action Plan Checklist:

What aspect of the Brockton Strategic Action Plan does the content/recommendations in this report help advance?		
• Recommendations help move the Municipality closer to its Vision		Yes
• Recommendations contribute to achieving Heritage, Culture, and Community		Yes
• Recommendations contribute to achieving Quality of Life		Yes
• Recommendations contribute to achieving Land Use Planning and the Natural Environment		N/A
• Recommendations contribute to achieving Economic Development		N/A
• Recommendations contribute to achieving Municipal Governance		Yes

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective?
N/A

Depending on the unanimous decision made by all South Bruce O.P.P. Detachment Board members, Board expenses and remuneration may be distributed equally or authorized in another manner which would impact the 2024 and subsequent budgets.

As noted above, the actual cost for policing services for 2024 will remain consistent with the annual billing statement that was already provided and presented in the 2024 Budget.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:



Sarah Johnson, Deputy Clerk

Reviewed By:

A handwritten signature in black ink, appearing to read "Sonya Watson", with a long, sweeping horizontal line extending to the right.

Sonya Watson, Chief Administrative Officer