

## MINUTES

### OTTAWA-CARLETON POLICE SERVICES BOARD

#### **SPECIAL MEETING: IMPLICATIONS OF RESTRUCTURING IN OTTAWA-CARLETON FOR POLICE SERVICES AND POLICE GOVERNANCE**

CHAMPLAIN ROOM

19 OCTOBER 1999

4:00 P.M.

#### PRESENT

Chair: Councillor H. Kreling  
Vice Chair: Mr. G. Baskerville  
Members: Ms. E. Buckingham, Regional Chair B. Chiarelli, Mr. J. McCombie

#### REGRETS

Mr. D. Adam, Councillor J. Legendre

#### *ITEM OF BUSINESS*

1. RESTRUCTURING IN OTTAWA-CARLETON  
IMPLICATIONS FOR THE REGIONAL MUNICIPALITY  
OF OTTAWA-CARLETON POLICE SERVICES BOARD  
- Acting Regional Solicitor's report dated 15 Oct 99

Board Chair H. Kreling indicated the purpose of the meeting was to consider reports with respect to restructuring in Ottawa-Carleton. He explained that as a result of a motion put forward by Vice Chair Baskerville at the last Board meeting, the Acting Regional Solicitor prepared a report on this matter for the Board's consideration. He further explained that because the deadline set by the Province's appointed Special Advisor, Mr. Shortliffe, for the receipt of written submissions is 22 October 1999 and the next regular Board meeting is scheduled to take place after that date, a special meeting was called to allow the Board an opportunity to consider the report and make a submission to the Special Advisor.

E. Johnston, Acting Regional Solicitor, stated the report before the Board attempts to summarize as succinctly as possible some of the legislative issues that may arise from a restructuring of local government in Ottawa-Carleton. He explained the report provides some background as to the creation of the Ottawa-Carleton Regional Police Services Board by reviewing the former situation, in terms of policing in the Region, and the legislative provisions that brought about the creation of the Ottawa-Carleton Regional

Police Service and the Board. He indicated the report addresses the two primary alternatives for restructuring, a one-city model and a multi-city model, and makes references to provisions of the *Police Services Act* (PSA) in relation thereto. He also noted the report addresses the status of the rural municipalities in tandem with the other points.

Mr. Johnston stated that in reviewing the legislation and considering relevant information, staff concluded that from the perspective of the Board, which is responsible for overseeing the provision of police service in the Region, the one-city model would appear to be the most expeditious and effective model. The report attempts to raise some of the other issues that may be problematic with respect to an alternative structure, such as the three-city model, though it does not go into any depth because the details and ramifications of that model are unclear.

Vice Chair Baskerville noted that information has been provided to the public on the proposed multi-city models with the statement that common services, such as police, would be run by a service board composed of mayors and other representatives. He believed this was a misconception because the current *Police Services Act* (PSA) and associated regulations do not provide for this form of governance. He referred specifically to Section 39 of the PSA which outlines the budgetary responsibilities of a police board and its council whereby the board submits estimates to municipal council and in turn, council sets the budget envelope. He also referred to Section 32, sub-section 2 of the recently promulgated Adequacy Standards, which outlines the need for certain communications to take place between a police services board and a municipal council with respect to business planning and budgeting. Assuming that there would still be a unified police service, he wondered if a multi-city structure would require the board to submit its budget estimates to all municipal councils and to involve all these councils in the business planning process, thereby making these processes that much more difficult and demanding. Mr. Johnston confirmed that under a multi-city model, the provision of police services becomes problematic because the PSA does not contemplate a multiple city responsibility. Though he could not provide a definitive answer, Mr. Johnston believed that should a multi-city model be implemented with a joint board to oversee police services, it would require the on-going cooperation and agreement of all the municipalities it served. He also believed the legislation would ultimately require that budgetary responsibilities lie with one body.

Vice Chair Baskerville made reference to the *Ontario Municipal Act* (OMA) Sections 209.2 and 209.4 which allow responsibilities to be taken over by an upper-tier municipal government from a lower-tier, and which dictate that once such a change has occurred under these sections of the OMA, it can not be reversed. Though he noted the Acting Regional Solicitor had indicated to him this would not apply to Ottawa-Carleton, he believed it would set some precedent that might have to be considered in the restructuring process.

Mr. Johnston responded the sections of the OMA referenced by Vice Chair Baskerville contain what might be termed as “migration provisions” which permit the migration of a service from a lower-tier to an upper-tier and vice versa. He explained that in addition to those specific legislative sections, there are related regulations that prescribe lists of services that are subject to the migration and there are in essence two categories. One category lists services that can migrate from a lower-tier to an upper and the second category lists those services that can migrate from an upper to a lower-tier municipality. He reminded members of the Board that these provisions of the OMA were not utilized with respect to Ottawa-Carleton by virtue of Bill 143, however he believed they can be interpreted as a good indication of a preference for police service to be provided on a larger geographical area because it is one of the services listed in the first category. Though it has not been directly applicable in the experience of Ottawa-Carleton, Mr. Johnston maintained it could be in the arsenal of arguments that are put forward in making a case in favour of a one city model.

Member Buckingham expressed her appreciation for the report, but questioned the date quoted in the discussion of amendments to the PSA requiring all municipalities to pay the cost of policing. She believed there had been a 1996 Ontario Civilian Commission on Police Services (OCCPS) decision to that effect for Ottawa-Carleton. She wanted to ensure the report was factually correct. Mr. Johnston believed there were discussions and an advance announcement of the intention of proposed legislation which had a bearing on the planning process, though the effective date of the legislative changes was 1997.

Vice Chair Baskerville provided some clarification. Though he could not recall the exact dates, he confirmed that discussions began in 1996 between the Solicitor General, the Ontario Association of Police Boards, the Ontario Association of Chiefs of Police and the Police Association of Ontario so that all stakeholders knew the direction the government was heading with the legislation enacted in 1997. Based on those discussions, the Board reconsidered its options for contracting with the OPP. A group was set up to conduct community consultation and as a result of that, the decision was made to take over the OPP areas on a phase-in basis in order to address the cost issue that would come about as a result of the legislation. He further clarified that in December 1996, the Board and Police Service made a presentation to OCCPS on a transition plan and organizational model. The presentation was received by OCCPS at that time and the plan was officially approved in January 1997. Chair Kreling asked that staff verify the timelines and ensure the report is factually correct before it is forwarded to the Special Advisor.

Chair Kreling noted that under the three-city model, it is being suggested that certain services, such as policing, would be overseen across the region by service boards. He asked legal staff to confirm that under the current legislation, that type of board can not take over the provision of policing services. Mr. Johnston confirmed Chair Kreling’s statement, however he noted that there are a number of possible options for the provision of policing services under a three-city model, they include: one of the three cities agreeing to provide the service on a contract basis; three cities operating three police services; or some arrangement for a joint board. He noted the last possibility re-introduces issues with

regard to budgeting and operational matters. He re-iterated that the PSA, as it currently exists, does not contemplate such a model of police governance.

Chair Kreling invited questions from the Board on a report prepared by the Police Service on operational issues which had been distributed at the meeting.

Vice Chair Baskerville indicated he was glad the report made reference to the recently promulgated Adequacy and Effectiveness Standards Regulation. He explained these standards and associated guidelines specify certain definitive standards that have to be met for very specific police functions and/or units. For example, the guidelines state that a police service has to have: counter-terrorism capabilities; criminal investigation management plans; emergency plans; procedures and training for a host of teams such as tactical, hostage rescue, crisis negotiations and explosive disposal to name a few. He felt that meeting these requirements and ensuring compliance would prove to be challenging even for a large police service and its board, and that there would be financial implications. He noted that many smaller municipalities, in order to comply, will have to either contract services from larger police forces or amalgamate with neighbouring forces. He maintained this trend is obviously opposite to what would occur in a multi-city structure. Vice Chair Baskerville believed that the Police Services' report should be forwarded to the Special Advisor along with the Acting Regional Solicitor's report so that he is made aware of the trends in policing in Ontario and the possible impact.

Member Buckingham noted that on the third page of the report, under the heading *Impacts of Altering the Status Quo*, it says: "any change to the status quo will have a profound impact on the Ottawa-Carleton Regional Police Service." Based on what the report outlines as impacts of moving to a one-city model, she felt the wording should be changed to say "any change to the status quo will have an impact on the Ottawa-Carleton Regional Police Service." She argued that the impacts of the one-city model are relatively minor compared to the impacts of other models.

Member McCombie believed that, as in the past, the province would provide some funding to help with transition costs resulting from their decision.

Chair Kreling referenced a motion he had circulated to Board members and indicated its purpose was to communicate to the Special Advisor the Ottawa-Carleton Regional Police Services Board's preference for a one-city model. He explained the reasons for his motion, stating his belief that: police boards serve a special function and exist under unique circumstances unlike any other municipal service; the one-city model would most nearly preserve the existing organization and structure of police services in Ottawa-Carleton; and unless some very unique legislation is created or existing legislation dramatically amended, the single city model is the one in which the Police Service and the Board will fit most appropriately.

Though Vice Chair Baskerville agreed with Chair Kreling's comments he proposed a friendly amendment in order that the motion reflect: the Board's concerns with the impact

of the Adequacy Standards; the Board's desire that the two reports be forwarded to the Special Advisor; the Board's request that the Special Advisor pay special attention to the unique circumstances and legislation which pertain to police services board; and the statement that it is in the context of police governance and police structure that the Ottawa-Carleton Regional Police Services Board recommends the one-city model of municipal governance. He stressed that the Board's role and responsibilities pertain to policing.

Chair Kreling agreed to amend his motion accordingly.

Regional Chair B. Chiarelli expressed his wholehearted support for the amended motion. He felt that in light of the Police Service that exists in Ottawa-Carleton and its recent restructuring, the community needs continuity of policing and of its management and he maintained that the best way to achieve this is with a one-city model. He believed any other model of restructuring would cause a significant amount of disruption.

Moved by H. Kreling

**WHEREAS the Provincial Government has announced its intention to restructure municipal government in Ottawa-Carleton in advance of the next municipal election scheduled for November 2000; and**

**WHEREAS the Minister of Municipal Affairs and Housing has appointed Glen Shortliffe as Special Advisor to undertake a review of the available municipal governance alternatives and to prepare a report outlining his recommendations for local government reform in Ottawa-Carleton; and**

**WHEREAS the selection of the appropriate model for the delivery of municipal services may have significant impact on the future organization and structure of the Ottawa-Carleton Regional Police Service and the Police Services Board; and**

**WHEREAS the implementation of a single city would most nearly preserve the existing organization and structure of police services in Ottawa-Carleton; and**

**WHEREAS the Ottawa-Carleton Regional Police Service has just completed a major amalgamation process and extension of Regional Police services to all areas of Ottawa-Carleton in order to best meet its obligations under the *Police Services Act*; and**

**WHEREAS the Police Services Board is of the view that the residents of Ottawa-Carleton have benefited significantly from the amalgamation and reorganization of police services in the Region; and**

**WHEREAS the dissolution of Regional Government, to be replaced by a number of separate municipalities, could jeopardize the improvements in police services that have been achieved as a result of amalgamation, and could limit the ability to respond to the**

**new demands imposed by the recently promulgated Police Adequacy Standards Regulation;**

**THEREFORE BE IT RESOLVED THAT the Regional Municipality of Ottawa-Carleton Police Services Board:**

- 1. Submit to the Special Advisor, Mr. Shortliffe, the reports received this date on the impact of municipal restructuring on Police Governance and the delivery of Police Services;**
- 2. Recommend that the Special Advisor give special attention to the unique legislation and circumstances under which a Police Service Board must operate; and**
- 3. Recommend the one-city model of municipal governance as being the most efficient and effective for police governance and delivery of police services.**

CARRIED

**ADJOURNMENT**

The meeting adjourned at 4:50 p.m.

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W. Fedec  
Executive Director

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H. Kreling  
Chair