

TO:	CHAIR AND MEMBERS CORPORATE SERVICES COMMITTEE MEETING OF December 13, 2016
FROM:	DAVID G. MOUNTEER – ACTING CITY SOLICITOR
SUBJECT:	LONDON POLICE SERVICE BOARD – APPLICATION TO INCREASE BOARD SIZE FROM FIVE TO SEVEN MEMBERS

RECOMMENDATION

That, on the recommendation of the Acting City Solicitor, the following actions be taken:

- a) That Civic Administration **BE DIRECTED** to submit a letter to the Lieutenant Governor as application to increase the size of the London Police Services Board from five to seven members in accordance with section 27(9) of the Police Services Act R.S.O. 1990, c.P. 15; and,
- b) That this report **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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- Ontario Police Services Act Review – Corporate Services Committee, April 26, 2016

BACKGROUND

In February 2016, the Ontario Minister of Community Safety and Correctional Services launched consultations for the *Strategy for a Safer Ontario*, the Ontario Government’s framework to “ensure that Ontario’s approach to policing aligns with 21st century community needs.” This consultation process built upon an ongoing three-year review of the Ontario Police Services Act. Individuals and organizations were invited to provide input into the process through online and in person consultation forums.

On March 10, 2016, Council directed Civic Administration to submit a letter to the Minister and report back to Council. A letter was sent, and presented to the Corporate Services Committee on April 26, 2016. A further recommendation was added at Committee to submit an application to the Lieutenant Governor in Council to increase the size of the London Police Services Board:

b) the Civic Administration BE DIRECTED to submit an application to the Lieutenant Governor in Council to increase the size of the London Police Services Board in accordance with section 27(9) of the Police Services Act R.S.O. 1990, c.P.15.

Council considered the report and recommendations at its meeting on May 3, 2016. There was discussion about the added recommendation, with Council members expressing an interest in additional information from the City Solicitor’s Office. A motion to refer the matter back to Administration for a report back was passed 12-2.

Since this time, Civic Administration has reviewed the matter. Staff contacted the Lieutenant Governor’s office to determine the process for expanding the size of the Police Services Board, as well as the provincial staff leading the Ontario Police Services Act Review to determine whether police service board composition was subject to change under the review process. Staff were advised that the City could apply under the process outlined in the act (via letter to the Lieutenant Governor in Council), but that the Police Services Act review was intended to be comprehensive and could potentially include police service board composition. While the Ontario Government has not scheduled a release date for results from the review, the Minister’s mandate letter requests results in spring 2017.

Civic Administration has also reviewed the eligibility criteria for an increase in police board membership, according to the current Ontario Police Services Act. Section 27(9) of the *Police Services Act* R.S.O. 1990, c. P.15. which states:

(9) The council of a municipality whose population according to the last enumeration taken under section 15 of the Assessment Act exceeds 300,000 may apply to the Lieutenant

Governor in Council for an increase in the size of its board; if the Lieutenant Governor in Council approves the application, the board shall consist of,
(a) the head of the municipal council or, if the head chooses not to be a member of the board, another member of the council appointed by resolution of the council;
(b) two members of the council appointed by resolution of the council;
(c) one person appointed by resolution of the council, who is neither a member of the council nor an employee of the municipality; and
(d) three persons appointed by the Lieutenant Governor in Council. 1997, c. 8, s. 19 (1).

London’s population at its last enumeration under the *Assessment Act* was 377,580, significantly exceeding the 300,000 necessary to justify an application to the Lieutenant Governor in Council. Based on staff’s review of the available information, London is the largest municipality in Ontario without representation by a seven member police services board, and the only municipality with a population of over 300,000 with a five member board. Regions/municipalities of a similar size with seven member boards include Niagara Region (431,000), Hamilton (519,000), and Waterloo Region (507,000).

During its review staff have not identified any legal issues affecting the Corporation related to the increase in the size of the Police Services Board. It should be noted that if the Lieutenant Governor in Council approves the City’s application, the size of the Police Services Board is automatically increased from 5 to 7.

There will be obvious business and logistical implications to increasing the size of the Police Services Board, including increased costs relating to the remuneration of the additional Board member appointed by the Lieutenant Governor in Council. These business and logistical issues would need to be resolved by the London Police Service, not the City.

Civic Administration has communicated with the Chief of Police regarding this matter, and understand that a letter from the Board will be submitted to Council under separate cover.

With Council direction, the attached letter (see Appendix A) would be submitted to the Lieutenant Governor of Ontario to request consideration of an increase to the size of the London Police Services Board from five to seven members. Any response to this letter will be shared with City Council.

This report was prepared with the assistance of Kate Graham, Director, Community and Economic Innovation.

PREPARED AND RECOMMENDED BY:
DAVID G. MOUNTEER ACTING CITY SOLICITOR

C.C. Kate Graham, Director, Community and Economic Innovation

APPENDIX A:
Draft Letter re: Increasing the London Police Service Board

The Hon. Elizabeth Dowdeswell, Lieutenant Governor of Ontario
Office of the Lieutenant Governor of Ontario
Queen's Park
Toronto, Ontario
M7A 1A1

RE: Increasing London Police Service Board to Seven Members

At the December 19, 2016 meeting of City Council, it was resolved that:

- a) *That Civic Administration **BE DIRECTED** to submit a letter to the Lieutenant Governor as application to increase the size of the London Police Services Board from five to seven members in accordance with section 27(9) of the Police Services Act R.S.O. 1990, c.P. 15; and,*

In accordance with the *Police Services Act R.S.O. 1990*, the City of London requests consideration for an increase in the size of the London Police Services Board from five members to seven members.

London's Police Service Board serves the largest population of any five member board in Ontario. In addition to our 381,000 residents, the City of London is a regional hub in Southwestern Ontario, welcoming over 50,000 visitors daily from the region. An increased capacity on our Police Service Board is required to keep up with the increasing community safety demands which come with population growth and regional service provision.

Further, the City of London has been taking an active role in expanding inclusionary policy and ensuring representative leadership. Expanding the size of the Police Services Board would allow for a wider range of opinions and experiences to be reflected in Police Service Board decision making and ensure that one of the city's most significant governing bodies continues to represent our diverse community.

We thank you for your consideration in this matter.

Sincerely,

Mayor Matt Brown
City of London