

# The Corporation of the Township of Huron-Kinloss



## BY-LAW No.

**2024-15**

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Being a By-Law to Adopt a Terms of Reference for the South Bruce O.P.P. Detachment Board Community Appointee Advisory Committee

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**WHEREAS** Section 8(1) and 9 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provide that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues and has the capacity, rights, powers and privileges of a natural person for the purposes of exercising its authority under this or any other Act;

**AND WHEREAS** the Municipal Act S.O. 2001, c 25, Section 5(3), as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges shall be exercised by By-law unless the municipality is specifically authorized to do otherwise;

**AND WHEREAS** the Community Safety and Policing Act, 2019, S.O. 2019, c. 1 Schedule 1 will be effective April 1<sup>st</sup>, 2024 and will result in the formation of the South Bruce O.P.P. Detachment Board composed of Municipality of Arran-Elderslie, Municipality of Brockton, Township of Huron-Kinloss, Municipality of Kincardine and the Municipality of South Bruce with one Council seat from each for a total of 5 Council appointed members, 2 Community Representative Seats and 2 Provincial Representative Seats;

**AND WHEREAS** Council deems it advisable to adopt a Terms of Reference for the South Bruce O.P.P. Detachment Board Community Appointee Advisory Committee to govern the composition and responsibility of the Committee;

**NOW THEREFORE** the Council of The Corporation of the Township of Huron-Kinloss **ENACTS** as follows:

- 1.0 That The Corporation of the Township of Huron-Kinloss Council hereby approves the Terms of Reference for the South Bruce O.P.P. Detachment Board Community Appointee Advisory Committee which is attached as Schedule "A" and forms part of this By-Law.
- 2.0 This By-law shall come into full force and effect upon final passage.
- 3.0 This By-law may be cited as the "Terms of Reference South Bruce O.P.P. Detachment Board Community Appointee Advisory Committee By-Law"

**READ a FIRST and SECOND TIME** this 11th day of March, 2024.

**READ a THIRD TIME and FINALLY PASSED** this 11th day of March, 2024

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Mayor

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Clerk

## **Terms of Reference South Bruce O.P.P. Detachment Board Community Appointee Advisory Committee**

### **1. Purpose**

These Terms of Reference will provide guidance to the South Bruce OPP Detachment Board Community Appointee Advisory Committee during the selection process of Community Appointed Representatives in accordance with the board composition provided in the regulations made under the *Community Safety and Policing Act, 2019*.

### **2. Definitions**

“Community Member” means a Community Appointed Representative of the South Bruce O.P.P. Detachment Board.

“Member Councils” means the Councils of the Municipality of Arran-Elderslie, Municipality of Brockton, Township of Huron-Kinloss, Municipality of Kincardine and the Municipality of South Bruce.

### **3. Mandate of the Committee**

The South Bruce OPP Detachment Board Community Appointee Advisory Committee shall be established solely to review community member applications to the South Bruce OPP Detachment Board and make recommendations to the Member Councils who, collectively, shall form the appointing body for the purposes of satisfying section 33 of the *Community Safety and Policing Act, 2019*.

Members of the South Bruce OPP Detachment Board Community Appointee Advisory Committee shall be committed to acting in an ethical manner with the avoidance of conflict of interest as a body and as individuals in accordance with applicable legislation.

### **4. Composition of Committee**

The Community Appointee Advisory Committee shall be comprised of the elected officials from each member municipality appointed to the South Bruce OPP Detachment Board. The five (5) member municipalities are:

- Municipality of Arran-Elderslie
- Municipality of Brockton
- Township of Huron-Kinloss
- Municipality of Kincardine
- Municipality of South Bruce

Committee secretary services shall be provided by the secretary of the South Bruce OPP Detachment Police Services Board.

## **5. Term**

The term of the Community Appointee Advisory Committee shall begin upon formal appointment of all elected officials from the Member Councils and shall follow the term of Council.

A Chair shall be elected from amongst its members at the first meeting of the Community Appointee Advisory Committee and shall serve as Chair for the length of the committee term.

Members are expected to attend meetings as scheduled. In the event a member is unable to attend a meeting, the member must contact and advise the Chair and the committee secretary in advance. Should the Chair of the committee be unable to attend, the committee shall name an Interim Chair at the beginning of the meeting.

Meetings

All meetings shall follow a written agenda with minutes kept of all decisions. A quorum comprised of 50% plus one of appointed members will be required to hold a meeting. The Committee is subject to the open meetings requirements of the *Municipal Act, 2001*.

The Committee shall meet as many times as deemed necessary to complete the following activities:

- a) Thoroughly review all community member applications to the South Bruce OPP Detachment Police Services Board.
- b) Prepare and provide recommendations regarding which applicant to appoint to said Board to each member municipality

## **6. Remuneration**

Remuneration for appointed members of the Community Appointee Advisory Committee shall be in accordance with each municipality's remuneration policy.

## **7. Appointments and Vacancies**

While reviewing the applications and forming a recommendation to the Member Councils, the Committee shall consider the following factors:

- a) the need to ensure that the Board is representative of the area it serves, having regard for the diversity of the population in the area;
- b) the need to have members with the prescribed competencies, if any; and
- c) any applicable diversity plan;
- d) The results of a potential appointee's police record check that was prepared within the past 12 months.

## **8. Ineligibility**

The following persons are not eligible to be members the Board:

- a) A judge or justice of the peace.
- b) A member of a police service, a special constable or a First Nation Officer.
- c) Any person who practises criminal law as a defence counsel or as a prosecutor.
- d) A director, officer or employee of a prescribed policing provider.
- e) Any other prescribed persons.

A former member of a police service is not eligible to be a member of the Board unless,

- a) the O.P.P. Detachment Board does not maintain a police service that the person was a member of; and
- b) at least one year has passed since the person ceased to be a member of any police service.

An ineligible person as set out above, does not prevent a person who was a member of a Police Services Board immediately before the Act came into force from serving the remainder of their term.

## **9. Recruitment Process**

The opportunity for community members to make an application to serve on the Board shall be advertised throughout the detachment area jointly by each member municipality in accordance with each municipality's standard recruitment processes.

Applications shall be accepted by each member municipality with submissions being directed to the Clerk. Upon closing of the application period, all applications shall be provided to the Committee Secretary.

Community representatives will be appointed at-large and shall serve as the representative for all member municipalities equally.

The Advisory Committee shall receive applications in a redacted format to ensure that each application is evaluated on the merits of the qualifications, without consideration for the residence of the applicant.

Following a thorough review of all applications received, the Committee will make recommendations to member municipalities regarding community member appointments to the South Bruce OPP Bruce Detachment Police Services Board.

Official Appointments shall be unanimously made by way of resolution from each member municipality, which, upon appointment shall be forwarded to the Committee Chair and Secretary.

## **10. Dispute Resolution**

In the event that unanimous support for the appointment recommendations is not received by all Councils, the disputing Council shall provide the reasons for dispute to the Committee Chair and Secretary in writing.

The Chair shall call a meeting of the Advisory committee to consider the reasons for dispute and make a subsequent recommendation to each Municipal Council outlining the dispute reasons and subsequent recommendation.

Each Council shall be required to reaffirm the original appointment, provide a new recommendation, or shall provide the reasons for dispute to the Committee Chair and Secretary in writing.

In the event a unanimous appointment cannot be agreed upon by all Councils, the Advisory Committee may seek additional applicants by reinstating the recruitment process.