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By email

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To Mayors and Chairs of Police Service Boards in Strong Mayor Power Municipalities,

We are writing to provide information on the powers and roles of municipalities, mayors, and police service boards in establishing a police service board budget, particularly in municipalities with Strong Mayor Powers.

In a strong mayor municipality, the Head of Council has the responsibility to prepare and propose the municipal budget on or before February 1 of each year, which would be subject to a council amendment, head of council veto and council override process.

This municipal budget includes estimates of amounts required during the year, including any amounts required for boards, such as the police service boards budget established in accordance with the *Community Safety and Policing Act, 2019 (CSPA)*. **The Head of Council's strong mayor budget powers do not include the power to limit police service board budget increases or veto estimates submitted by police service boards.**

The CSPA provides the purposes for which the funding is to be provided to a police service board, establishes a process for submitting budget estimates, municipal approval of such a budget, and the mechanisms available to address disagreements.

Under section 50 of the CSPA, a police service board must submit their operating and capital estimates to the municipality, which is then responsible for establishing an overall budget for the police service board. **Although municipalities are not required to adopt the board's estimates as submitted, they cannot approve or reject specific line items within the estimates.** Municipalities are required to provide police service boards with sufficient funding to comply with the CSPA and its regulations, as well as pay the expenses of the board's operation, excluding remuneration for board members.

There are dispute resolution mechanisms established under the CSPA to address situations in which a police service board is not satisfied that the budget is sufficient to permit the board to comply with the legislation and pay for the board's operation.

The CSPA provides two dispute resolution pathways: the board and municipality may jointly apply to the Commission Chair of the Ontario Police Arbitration and Adjudication Commission (OPAAC) to appoint a conciliation officer, or the board may give the municipality written notice referring the matter to arbitration.

In arbitration, a municipality can argue, among other things, that costs could be reduced if the board entered an agreement to receive services from another police service. If the municipality can show that the board could reasonably have obtained policing services under an agreement (under section 14 of the CSPA, with another police service board or the Commissioner of the Ontario Provincial Police) at a lower cost while still meeting applicable standards, the arbitrator cannot deem the budget insufficient to the extent of the amount that could have been saved by entering into the agreement.

For example, if a police service board seeks funding for a \$15 million policing budget, and the municipality can demonstrate that equivalent services meeting all standards could have been provided through a budget at \$13 million, where some services are provided pursuant to an agreement with another police service, in this case, the arbitrator could not find the budget insufficient to the extent of the additional \$2 million.

Following arbitration, the municipality shall amend the board's budget to reflect the arbitrator's decision.

Thank you for your continued leadership and commitment to protecting our communities. Please consider this information as you work toward establishing police service budgets. If you or your administrative staff require additional information, please contact Nicole Rogers, Manager, Community Safety Policy Unit, Ministry of the Solicitor General, at Nicole.Rogers@ontario.ca or Shira Babins, Manager, Financial Analysis and Reporting Unit, Ministry of Municipal Affairs and Housing, at Shira.Babins@ontario.ca.

Your work and dedication are important in advancing shared priorities and strengthening public safety to protect Ontario.

Sincerely,



The Honourable Michael S. Kerzner
Solicitor General



The Honourable Rob Flack
Minister of Municipal Affairs and Housing

c: Chiefs of Police

Clerks and CAOs, Strong Mayor Powered Municipalities