



City of  
**Peterborough**

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**To:** Members of the Committee of the Whole

**From:** Patricia Lester, City Solicitor and Director of Legal Services

**Meeting Date:** June 8, 2015

**Subject:** Report OCS15-005  
Temporary Appointment to the Peterborough Police Services Board

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## **Purpose**

A report advising Council it has the legislated authority to appoint a temporary member to the Peterborough Police Services Board, when the position is vacant or if the member is absent or unable to act.

## **Recommendation**

That Council approve the recommendation outlined in Report OCS15-005, dated June 8, 2015 of the City Solicitor and Director of Legal Services as follows:

That Council appoint a temporary citizen representative to the Peterborough Police Services Board to replace Garth Wedlock, until such time as Mr. Wedlock is able to resume his duties, or if he is not able to return, until a permanent replacement is appointed.

## **Budget and Financial Implications**

There are no budget or financial implications associated with the recommendation.

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## **Background**

Section 27(5) of the *Police Services Act* authorizes Council to appoint various persons to a five member police services board. Staff has learned that Mr. Garth Wedlock, the Council citizen appointee to the Peterborough Police Services Board (PPSB), is currently unable to fulfil his role or carry out his duties and is unable to confirm the duration of his inability to carry out his duties.

As such, it is Staff's recommendation that a temporary appointment be made by Council to the PPSB.

### **Council's Authority to appoint a temporary member**

The *Legislation Act* provides general appointment powers which apply to any statutory power of appointment. Subsection 77(c) provides that the power to appoint a person to public office includes the power to temporarily appoint another person to the office if the office is vacant or if the holder of the office is absent or unable to act. Pursuant to this power, Council can make a temporary appointment allowing Council to ensure the duties and powers of a public office holder can be exercised.

The *Legislation Act* also, in section 64 provides direction on the interpretation of all Ontario statutes. Acts must be interpreted as remedial and shall be given such fair, large and liberal interpretation as best ensures the attainment of their objects.

This temporary appointment would be made in the same manner as Council has previously authorized, when appointing Councillor McWilliams to the former Peterborough Lakefield Police Services Board, as set out in Report OCS14-002, dated March 31, 2014.

Staff recommend that the temporary appointment be in place until such time as Mr. Wedlock is able to resume his duties and /or until November 30, 2015, when the citizen appointment would expire. At that time applications will be solicited and the Citizen Appointment Selection Committee will review and make recommendations to Council in late Fall 2015.

### **If Council Wishes to Appoint a Temporary Citizen Representative to the PPSB**

If Council desires to appoint a temporary replacement to the Police Service Board for Mr. Wedlock, the recommendation in this report should be replaced by the motion provided in the report as Appendix A.

## Summary

Council does have the ability to appoint a temporary member under the authority of the *Legislation Act* to the PPSB and if Council should choose to make such temporary appointment, the following wording in the attached motion can be used.

Submitted by,

*for W. H. Jackson*

Patricia Lester

City Solicitor/ Director, Legal Services

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Attachment:

Appendix A – Motion to Appoint a Temporary Citizen Representative to the PPSB

Appendix A

MOTION

Whereas since June 23, 2014 Mr. Garth Wedlock has served as Peterborough City Council's citizen representative on the Peterborough Police Services Board;

And Whereas, Mr. Wedlock is unable to fulfil his role or carry out his duties and is unable to confirm the duration of his inability to carry out his duties;

And Whereas, under subsection 77(c) of the *Legislation Act, 2006* Council may temporarily appoint another person to the Peterborough Police Services Board while Mr. Wedlock is unable to act.

Therefore, Be it Resolved:

That \_\_\_\_\_ be appointed to the Peterborough Police Services Board to replace Garth Wedlock, until such time as Mr. Wedlock is able to resume his duties, or if he is not able to return, until a permanent replacement is appointed by November 30, 2015.