



CITY OF EDMONTON

BYLAW 14040

EDMONTON POLICE COMMISSION BYLAW

(CONSOLIDATED ON DECEMBER 15, 2015)

THE CITY OF EDMONTON**BYLAW 14040****EDMONTON POLICE COMMISSION BYLAW**

Whereas, pursuant to section 27 of the *Police Act*, R.S.A. 2000 c. P-17, a municipality that has assumed responsibility for establishing a municipal police service shall establish and maintain an adequate and effective municipal police service under the general supervision of a municipal police commission;

And Whereas, pursuant to section 28 of the *Police Act*, council shall prescribe rules governing the operations of the municipal police commission and appoint the members;

And Whereas, pursuant to section 28 of the *Police Act*, council may provide for the payment of reasonable remuneration or a gratuity or allowance to members of the municipal police commission;

And Whereas, pursuant to section 29 of the *Police Act*, in developing a budget, council may obtain any information from the commission that may be necessary to enable it to assess the efficiency and the financing requirements of the police service;

And Whereas, pursuant to section 31 of the *Police Act*, council is liable for any legal liability that is incurred by the commission;

And Whereas, pursuant to section 31(5) of the *Police Act*, where a Commission has been established, Council shall not, except as permitted under the Act, perform any function or exercise any power in respect of the Police Service that the Commission is empowered to perform or exercise.

And Whereas, pursuant to section 36 of the *Police Act*, the commission shall appoint for the police service the chief of police subject to the ratification of council;

And Whereas the *Police Act* prescribes the powers, duties, functions and constraints of a municipal police commission;

Edmonton City Council enacts:

(S.9, Bylaw 16516, August 28, 2013)

PART I - PURPOSE, DEFINITIONS AND INTERPRETATION

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| PURPOSE | 1 | The purpose of this bylaw is to continue the municipal police commission established in Bylaw 9304, to provide civilian oversight for the police service within the city of Edmonton. |
| DEFINITIONS | 2 | In this bylaw, unless the context otherwise requires: <ul style="list-style-type: none"> (a) “Act” means the <i>Police Act</i>, S.A. 2000, c. P-17; (b) “Chair” means the individual elected under section 7; (c) “City” means the municipal corporation of the City of Edmonton; (d) “City Manager” means the Chief Administrative Officer of the City or his delegate within the meaning of the <i>Municipal Government Act</i>; (e) “Commission” means the Edmonton Police Commission; (f) “Council” means the Municipal Council of the City of Edmonton; (g) “Councillor” means an elected member of Council; (h) “Member” means a person appointed pursuant to section 5 of this bylaw. |
| RULES FOR INTERPRETATION | 3 | The marginal notes and headings in this bylaw are for reference purposes only. |

PART II - COMMISSION STRUCTURE

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| DUTIES | 4 | <ul style="list-style-type: none"> (1) The Edmonton Police Commission is hereby continued as a municipal police commission for the city of Edmonton. (2) The Commission shall perform all duties and exercise all powers imposed upon it by the Act and this bylaw. |
| MEMBERSHIP | 5 | (1) The Commission shall consist of not less than five members and not more than eleven members appointed by Council, two of whom may be Councillors or employees of the City. |

(S.2, Bylaw 17478, December 15, 2015)

- (2) Members will be appointed by Council for a term of up to three years, but not less than two years, and may only be removed for cause.
- (2.1) Members may re-appointed for successive terms totalling not more than six consecutive years.
- (3) Subject to legislative requirements, and notwithstanding any other provision in this bylaw, Council may make or extend any term of appointment, including the final term, for any length of time it deems appropriate.
- (4) A former Member is eligible for re-appointment.
- (5) Where a vacancy occurs in membership in the Commission by any cause other than the expiration of the term for which the Member was appointed, Council may appoint a successor to fill the remainder of the term.
- (6) Members, other than a Councillor or employee of the City, may be paid such remuneration by the Commission as may be fixed from time to time by Council.

(S.9, Bylaw 16516, August 28, 2013)

BREACH OF OATH OF OFFICE

- 6 The Commission shall develop a protocol to investigate reported breaches of the Oath of Office by a Member and this protocol will:
 - (a) include a requirement for a final report to Council of the results of substantiated breaches;
 - (b) be submitted to Council for review prior to its adoption; and
 - (c) be made available to the public after its adoption.

PART III - COMMISSION PROCEDURES

GENERAL

- 7 At the first meeting of the Commission in each calendar year, the Members shall, subject to the Act, elect one of the Members, other than a Councillor or employee of the City, to act as Chair of the Commission and another Member to act as Vice-Chair in the absence of the Chair.
- 8 (1) The Commission may make such specific assignments to its

individual Members and form sub-committees as it may from time to time deem necessary.

(2) Sub-committees shall:

- (a) be comprised of Members only; and
- (b) report back to the Commission for consideration of findings.

MEETINGS

9 All meetings of the Commission shall be governed according to the following procedures:

- (a) Subject to this bylaw and every applicable statute or regulation of the Province of Alberta, the Commission may establish its own rules of procedure governing its meetings, hearings and investigations;
- (b) Subject to section 18 of AR 200/95, *Freedom of Information and Protection of Privacy Regulation*, meetings of the Commission shall be open to the public;
- (c) In the absence of the Chair, the Vice-Chair shall preside over the meeting, and in the absence of the Vice-Chair, the Commission may elect one of its Members to preside at a meeting;
- (d) The Commission shall, unless otherwise resolved by the Commission, meet at least once in each month;
- (e) Quorum for a meeting of the Commission is a majority of the existing appointed Members, and Councillors who are Members shall be counted as “existing appointed members” for the purposes of determining quorum only if they are in attendance at that meeting;
- (f) Each Member has one vote; and
- (g) A motion is lost when the vote is tied

SPECIAL MEETINGS

10 (1) The rules governing special meetings of the Commission are as follows:

- (a) The Chair may call special meetings of the Commission whenever he or she considers it expedient to do so, but shall do so when required in writing by a majority of the Members;
- (b) Written notice shall be given of any special meeting stating the time and place, and in general terms the nature of the business to be transacted, and shall be sent to each

Member’s residence or place of business not less than twenty four hours prior to the meeting;

- (c) The Chair may call a special meeting upon shorter verbal notice if all of the Members give their written consent before or at the commencement of the meeting or if all Members are present and resolve to dispense with written consent.

- (2) Where a special meeting is called, no business other than the business indicated in the notice may be transacted without the consent of all Members.

PECUNIARY INTEREST

- 11 No Member shall participate in any discussion nor vote upon any matter that may involve a pecuniary interest within the meaning of the *Municipal Government Act*.

EXPENSE AND HOSTING

- 12 The Commission shall:
 - (a) reimburse employees for expenses in accordance with approved City directives and procedures for City employees; and
 - (b) establish a policy that will define hosting requirements and provide for the reimbursement of member expenses in line with the responsibilities of serving as Commissioners.

**PART IV - COMMISSION OPERATIONS:
BUDGET, CONTRACTS AND AGREEMENTS**

BUDGET

- 13 (1) The Commission shall submit a request for a total budget in accordance with City budget procedures.
- (2) The Commission shall provide sufficient information to enable Council to determine the financing requirements of the police service, including, if directed by Council, strategic plans, variance reports, capital plans and variance analysis.

CONTRACTUAL AUTHORITY

- 14 (1) The Commission is authorized to approve and enter into all of the following agreements necessarily incidental to carrying out its statutorily imposed duties:
 - (a) agreements to purchase goods or retain the services of an individual or corporation and related to the operations of the Commission where the expenditure or revenue is included in an approved budget, and the agreement process conforms with the City’s procurement policies, procedures,

- standards and guidelines;
- (b) agreements to initially retain the Chief of Police, which have been ratified by Council;
 - (c) appointments of police officers, in accordance with the Act;
 - (d) agreements related to employment of Commission staff where the expenditure or revenue is included in an approved budget.
- (2) The Commission may delegate the authority under 14(1)(c) to the Chief of Police.
- (3) Notwithstanding 14(1), agreements for interests in land and insurance shall be entered into in accordance with Bylaw 12005, the City Administration Bylaw.
- 15 (1) In this section, “Chief of Police” includes a person with authority to enter into agreements on behalf of the Chief of Police.
- (2) The Commission is authorized to establish a procurement approval process for the Commission and the Edmonton Police Service relating to agreements for goods and services required in the provision of police services, to be entered into by the “City of Edmonton”.
- (3) The process established under 15(2) shall be in accordance with approved policies, procedures, standards, and guidelines of the City.
- (4) The Chief of Police or the Commission, as the case may be, in accordance with the approval process established under 15(2), shall submit the agreement to:
- (a) the City Manager if the expenditure or revenue is within an approved budget, and within the authority of the City Manager under Bylaw 12005, the City Administration Bylaw, or
 - (b) Council or a Committee of Council.
- 16 **CONTRACTUAL REPORTING** The Commission shall every six months or as otherwise directed by Council, prepare and submit a report listing:
- (a) settlements of all actions, claims or demands against the Commission;
 - (b) insurable and uninsurable losses; and
 - (c) all agreements entered into under this bylaw since the

previous reporting;

of any loss, expenditure, revenue, or payment greater than \$100,000, or for an expenditure that exceeds the current budgeted year.

PART V - COMMISSION OPERATIONS: INFORMATION AND RECORDS MANAGEMENT

RECORDS MANAGEMENT

- 17 (1) In this section, “Records” includes quotations, contracts, correspondence, invoices, vouchers, timesheets, and any other documents that support actions taken by the Commission.
- (2) All Records shall be subject to retention and disposition schedules.
- (3) Any accounting Records shall be maintained in accordance with generally accepted accounting principles.

COUNCIL REQUEST FOR INFORMATION

- 18 In order to assess the efficiency of the police service in respect of the funds provided by Council:
- (a) Council may request the Commission to provide a written or verbal report to a City Council meeting;
- (b) Council may request Records from the Commission and the Commission shall provide the Records requested; and
- (c) Council may direct the City Auditor or external auditors to audit any Records provided.

PART VI - GENERAL

REPEAL

- 19 Bylaw 9304 is repealed.

(NOTE: Consolidation made under Section 69 of the *Municipal Government Act*, S.A. 2000, c.L-26 and Bylaw No. 12005, and printed under the City Manager’s authority.)

Bylaw 14040 passed by Council September 28, 2005:

Amendments:

Bylaw 16516, August 28, 2013

Bylaw 17478, December 15, 2015