



CITY OF EDMONTON

BYLAW 14040

EDMONTON POLICE COMMISSION BYLAW

(CONSOLIDATED ON NOVEMBER 27, 2018)

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

- 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:
- (a) “**Act**” means the *Police Act*, S.A. 2000, c. P-17;
 - (b) “**Chair**” means the individual elected under section 7;
 - (b.1) “**Chief of Police**” means the individual appointed as chief of police pursuant to the Act;
 - (c) “**City**” means the municipal corporation of the City of Edmonton;
 - (d) “**City Manager**” means the City’s chief administrative officer or delegate;
 - (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.
 - (i) “**police service**” has the same meaning as defined in the Act;
 - (j) “**procurement agreement**” has the same meaning as defined in the City Administration Bylaw, Bylaw 16620;
 - (k) “**trade agreements**” has the same meaning as defined in the City Administration Bylaw, Bylaw 16620;
- (S9, S10, S11, S12, S13 Bylaw 18605, November 27, 2018)
- RULES FOR INTERPRETATION** 3 The marginal notes and headings in this bylaw are for reference purposes only.

COMMISSION STRUCTURE

DUTIES

- 4 (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.
- (3) The Commission may, subject to ratification by Council, approve the terms and conditions of employment of the Chief of Police.

(S14, Bylaw 18605, November 27, 2018)

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**

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| 6 | The Commission shall develop a protocol to investigate reported breaches of the Oath of Office by a Member and this protocol will: <ol style="list-style-type: none"> (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. |
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PART III - COMMISSION PROCEDURES

GENERAL

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| 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.

**APPROVAL OF
PROCUREMENT
AGREEMENTS**

- 14 (1) Subject to subsection (2), the Commission may approve any procurement agreement related to the powers, duties, or functions of the Commission or the police services where the expenditure or revenue is included within the total budget established by Council pursuant to the Act.

- (2) Unless otherwise directed by Council, the Commission may only approve procurement agreements that comply with applicable trade agreements.
- (3) The Commission may delegate the authority to approve procurement agreements to the Chief of Police, including the authority to further delegate.
(S14 Bylaw 18605, November 27, 2018)

15 *Deleted*

**CONTRACTUAL
REPORTING**

16 *Deleted*

**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*, R.S.A. 2000, c.M-26 and Bylaw 16620 Section 16, 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
- Bylaw 18605, November 27, 2018