

‘Anytown Alberta’
BYLAW XX/2019

A Bylaw to establish a Policing Committee

Whereas:

- i. the Municipal Council of ‘Anytown Alberta’ wishes to establish a Policing Committee pursuant to the Council’s authority under Section 23 of the Police Act;
- ii. subsection 23(14) of the Police Act sets out the substantive powers and duties of policing committees;
- iii. a municipal council that has established a policing committee is required under the Police Act to prescribe the rules governing the operation of the policing committee and to appoint the members of the policing committee;
- iv. the Solicitor General of Alberta has established Oversight Standards for Policing Committees including a requirement that if a municipality establishes a policing committee the municipality must delegate to the policing committee certain duties set out in sections 7 and 8 of the Municipal Police Service Agreement between the municipality and the Government of Canada;
- v. the rules prescribed by a municipality to govern the operations of its policing committee must not be inconsistent with requirements prescribed by the Solicitor General of Alberta under the Police Act in respect of a policing committee’s required Policy and Procedure Manual;

NOW THEREFORE the Municipal Council of ‘Anytown Alberta’ enacts as follows:

PART 1
BYLAW TITLE

1. This Bylaw may be referred to as the “Policing Committee Bylaw”.

PART 2
DEFINITIONS

2. In this Bylaw:
 - (a) “Chair” means the member of the Committee chosen to be the Chair of the Committee in accordance with section 13(1) of this Bylaw;
 - (b) “Chief Administrative Officer” or “CAO” means the person appointed by Council to the position of chief administrative officer under section 205 of the MGA and the City’s Chief Administrative Officer Bylaw;
 - (c) “City” means the municipal corporation of ‘Anytown Alberta’;
 - (d) “Code of Conduct” means the ‘Anytown Alberta’ Policing Committee Code of Conduct set out in Schedule “A” attached to and forming part of this Bylaw;
 - (e) “Committee” means the ‘Anytown Alberta’ Policing Committee established by this Bylaw;
 - (f) “Council” means the City’s municipal council;
 - (g) “Mayor” means the City’s chief elected official;

- (h) "MGA" means the Municipal Government Act;
- (i) "MPSA" means the Municipal Police Service Agreement dated April 1, 2012 between 'Anytown Alberta' and the Government of Canada;
- (j) "Officer in Charge" means the Officer in Charge of the 'Anytown Alberta' RCMP Detachment;
- (k) "Oversight Standard" means a document dated August 2016 issued by the Department of the Solicitor General of Alberta entitled "Alberta Policing Oversight Standards for Policing Committees" and includes any amendment or replacement issued by the Solicitor General;
- (l) "Police Act" means the Police Act RSA 2000 C-P-17 and regulations;
- (m) "Public Complaint Director" means the member of the Committee chosen to be Public Complaint Director in accordance with section 13(1) of this Bylaw;
- (n) "Vice-Chair", means the member of the Committee chosen to be Vice Chair in accordance with section 13(1) of this Bylaw.

**PART 3
COMMITTEE ESTABLISHMENT, DUTIES AND RESPONSIBILITIES**

- 3. The 'Anytown Alberta' Policing Committee is established under this Bylaw.
- 4. The Committee has the duties, functions and responsibilities set out in Section 23 of the Police Act and such additional duties, functions and responsibilities as may be prescribed from time to time by the Solicitor General of Alberta under the authority of Section 3.1 of the Police Act, including anything the Committee is empowered or required to do pursuant to the Oversight Standard.
- 5. The duties, functions and responsibilities of a municipality outlined in Article 7.0 and Article 8.0 of the MPSA are delegated to the Committee to the extent of and pursuant to the language set out in clause R.R. 4.1 of the Oversight Standard.

**PART 4
COMMITTEE MEMBERSHIP**

- 6. The Committee shall consist of a maximum of 9 members appointed by resolution of Council as follows:
 - (a) Voting members:
 - (i) 1 member of Council;
 - (ii) Up to 6 public members who are residents of the City.
 - (b) Advisory non-voting members:
 - (i) the 'Anytown Alberta' RCMP Officer in Charge;
 - (ii) the CAO.
- 7. The Mayor is (not??) an ex officio member of the Committee.
- 8. (1) The term of the public members shall be a maximum of 3 years with an effective date as designated by Council resolution.
 - (2) A public member is eligible for re-appointment if that does not result in more than 10 consecutive years of service by that member.
 - (3) Appointments of varying terms may be made at the discretion of Council in order to stagger the public members' terms of office.

9. Council members appointed to the Committee shall serve 2 years commencing on the date of appointment.
10. (1) To be eligible for appointment to the Committee as a voting member a person must:
 - a) not be an employee of or contracted with or to the City, the RCMP, any Provincial or Municipal Police or Peace Officer service/agency, or the Department of the Attorney General or the Solicitor General of Alberta;
 - b) be a Canadian Citizen or landed immigrant and resident of the City for at least 12 consecutive months immediately preceding the date of advertising for applications;
 - c) be of the full age of 18 years;
 - d) supply a criminal record check showing no convictions for a criminal offence;
 - e) be recommended to Council by the CAO as a suitable candidate for Committee membership in consideration of the above-referenced requirements along with reference checks and interview results; and
 - f) take the oath of office prescribed by the Police Act.

(2) When the Council is considering appointments for membership on the Committee, cultural diversity of the community shall be considered in accordance with the Oversight Standard.

(3) The Committee member that is appointed Public Complaint Director must obtain and maintain a RCMP Enhanced Security Clearance before commencing to perform the duties and functions of Public Complaint Director.

(4) All voting members of the Committee shall obtain and maintain an RCMP facility access security clearance.

(5) All voting members of the Committee must take the prescribed Oath of Office prior to commencing to perform the duties and functions of Committee members.
11. (1) If a voting member of the Committee resigns or otherwise ceases to be a member of the Committee before the end of the member's term of appointment, Council may appoint a resident of '*Anytown Alberta*' as a replacement member, and Council shall appoint a Council member as a replacement Committee member if the departing Committee member is a Council member.
- (2) A replacement member referred to in subsection (1) shall serve the remainder of the departing member's term.
12. The following acts or omissions are deemed to be "cause" within the meaning of subsection 23(13) of the Police Act for Council to revoke the appointment of a person as a member of the Committee:
 - (a) a Committee member violates the Code of Conduct, Committee policy, this Bylaw, the Police Act, or any directive of the Solicitor General of Alberta issued under the authority of the Police Act;
 - (b) a Committee member fails to attend 3 consecutive meetings of the Committee, unless that absence is due to illness or authorized in advance by the Chair;
 - (c) a Committee member ceases to be a resident of the City;
 - (d) a Committee member fails to maintain the qualifications listed in section 10 of this Bylaw; or

(e) a Committee member discloses publicly any information that if made public could jeopardize police operations, or any information provided to the member or to the Committee in confidence.

PART 5 COMMITTEE MEETINGS

13. (1) At the first regular meeting of each year the voting members shall choose, from the public members of the Committee, a Committee Chair and Vice-Chair and a Public Complaint Director.

(2) In addition to any other duties or responsibilities specified in this Bylaw, the Police Act or the Oversight Standard, the role of the Chair is to chair the meetings of the Committee.

(3) The Vice-Chair shall act in the Chair's absence.
14. The Committee shall hold no less than 6 regular meetings per year, at such times and locations determined by the Chair.
15. Special meetings may be called by the Chair by providing all Committee members with 24 hours' notice, unless such notice is waived by unanimous consent.
16. Five voting members at a Committee meeting constitutes a quorum.
17. The hierarchy the procedural rules governing meetings of the Committee is as follows, in rank order of precedence:
 - (a) the MGA and any applicable regulations under the MGA;
 - (b) this Bylaw;
 - (c) the City's Procedure Bylaw applied mutatis mutandis to the Committee;
 - (d) Council-approved policies, procedures and guidelines specifically applicable to the Committee;
 - (e) Robert's Rules of Order, Newly Revised.
18. Meetings of the Committee shall be open to the public except where a majority of the members present at a meeting vote in favour of a motion to deal with a matter in camera on the basis that public disclosure of the matter or an aspect of the matter would be a breach of personal privacy and/or could jeopardize delivery of policing services.
19. The Committee has the authority to establish one or more sub-committees either on a standing basis or for a time-limited specific task or purpose, and the meetings, deliberations or other activities of a sub-committee may be closed to the public at the discretion of the sub-committee members.
20. Committee Meeting Agendas shall be made available to the public at least 5 days prior to a meeting.
21. Meeting minutes shall be prepared for every Committee meeting and shall contain the following:
 - (a) the date, time and location of the meeting;
 - (b) the names of all Committee members present and those absent;

- (c) the name of any other person who participated in the Committee meeting (but not including members of the public who attend a Committee meeting solely for the purposes of observing); and
- (d) any motions made at the meeting, along with the results of the vote on the motion.

- 22. Details of the content of debate shall not be recorded in the minutes.
- 23. Minutes may at the request of a member include any action item accepted by that member and may also with the approval of the Committee include action items for the entire Committee or for a sub-committee.
- 24. No member shall participate in any discussion nor vote upon any matter in which the member has a conflict of interest, or in which the member has a pecuniary interest as defined in the MGA.

PART 6
COMMITTEE RELATIONSHIP WITH CITY ADMINISTRATION

- 25. The CAO shall provide administrative support to the Committee including a recording secretary to attend the Committee meetings.
- 26. Neither the Committee nor any individual Committee member has any authority with respect to the City's administrative matters or functions, including but not limited to:
 - (a) establishing any policies, procedures or protocols with respect to the actions of City employees, units or departments;
 - (b) giving direction to any City employee;
 - (c) hiring, appointing, suspending, removing, terminating, or reviewing the performance of any City employee;
 - (d) establishing or directing organizational structures or work assignments; and
 - (e) expending or authorizing expenditure of any City funds including funds budgeted by Council for support of the Committee.
- 27. The CAO shall ensure that the Committee receives relevant information in the City's possession to assist the Committee in carrying out its duties, functions and responsibilities, including information concerning the Policing Services Department and Municipal Enforcement Services.
- 28. The Committee, and individual Committee members, shall comply with any protocol or directive established by the CAO for supplying to the Committee any information in the City's possession or control, including a requirement that such information be kept confidential.
- 29. At the request of the Committee the CAO shall cause a section of the City's public website to be created for the Committee, including:
 - (a) A statement of the Committee's duties, functions and responsibilities;
 - (b) Names of members of the Committee;
 - (c) Details of any work plan the Committee may adopt, and any report from the Committee on its progress on the work plan;
 - (d) Committee agendas and approved minutes;
 - (e) Calendar of committee meeting dates and times;

- (f) Copies of any reports or recommendations to Council from the Committee, other than those made on a confidential basis;
- (g) Details of how a member of the public may make a complaint to the Public Complaint Director;
- (h) Details of how a member of the public may make a submission to a meeting of the Committee.

30. (1) The Chair of the Committee (or the Vice Chair acting in the absence of the Chair) is the only member of the Committee authorized to make public statements on behalf of the Committee.

(2) No public statement shall be issued on behalf of the Committee in any manner or in any media of communication unless the Chair (or the Vice Chair acting in the absence of the Chair) has first:

- (a) consulted with the CAO if the proposed public statement would reference the City directly or indirectly; and
- (b) consulted with the Officer in Charge if the proposed public statement would reference the RCMP directly or indirectly.

PART 7 COMMITTEE REPORTING TO COUNCIL

31. The Committee is required to make an annual report to Council on its activities during the previous year and may in addition make such other reports or recommendations to Council at it deems advisable from time to time concerning matters within the Committee's scope of duties, functions and responsibilities.

32. A report or recommendation from the Committee to Council may be made in whole or in part on a confidential basis if the Committee considers it necessary to do so in order to maintain confidentiality of private information or to avoid jeopardizing the delivery of policing services.

PART 8 MISCELLANEOUS

33. Committee members act as volunteers without remuneration but will be reimbursed by the City in accordance with Council policy for out-of-pocket expenses associated with performing their duties for the Committee.

34. In the event of a conflict between the MPSA and this Bylaw that cannot be resolved by application of rules of interpretation established by statute or common law, the provisions of the MPSA shall prevail over the provisions of this Bylaw.

35. Members of the Committee are bound by the Code of Conduct and shall adhere to the provisions of the Code of Conduct.

36. Members of the Committee shall not be held personally liable for any actions or claims arising out of their lawful and good faith exercise of the powers granted to the Committee pursuant to this Bylaw.

37. The CAO must inform the Department of the Solicitor General of Alberta when a Committee has been established in accordance with this Bylaw or has been dissolved through repeal of this Bylaw.

**PART 9
BYLAW REVIEW**

38. The CAO shall conduct regular reviews of this Bylaw and the functioning of the Committee and shall report the findings of the review and any recommendations arising from the review to Council. Reviews shall:
- (a) be completed every 24 months, at minimum;
 - (b) include consultation with the RCMP, Council, municipal staff, members of the Committee, and the public; and
 - (c) include consideration of such specific matters as the CAO deems appropriate, or as required by Council.

**PART 10
COMING INTO EFFECT**

39. This Bylaw comes into effect when it is passed.

READ A FIRST TIME this _____ day of _____, 2019

READ A SECOND TIME this _____ day of _____, 2019

READ A THIRD TIME this _____ day of _____, 2019

SIGNED AND PASSED THIS _____ day of _____, 2019

_____ Mayor

_____ Chief Legislative Officer

**SCHEDULE “A” TO BYLAW XX/2019
‘ANYTOWN’ POLICING COMMITTEE CODE OF CONDUCT**

The purpose of this Code of Conduct is to set out ethical rules for persons appointed as members of the *Anytown Alberta*’ Policing Committee so that they may achieve the objective of carrying out their duties with impartiality and dignity, recognizing that the primary responsibility of the Committee is service to the community.

To further this objective, certain core ethical principles and behaviors must characterize the conduct of Committee Members so that they will maintain the highest standards of public service and faithfully discharge their duties. Accordingly, Members shall comply with the following:

1. Govern their conduct in accordance with the requirements and obligations set out in the Province of Alberta Police Act and Regulations, the Solicitor General's Oversight Standards for Policing Committees, the bylaws and policies of *Anytown Alberta*’ and the Committee’s Policy and Procedure Manual.
2. At all times conduct themselves in a manner that is respectful and courteous of other Members, City employees, the Officer in Charge and other RCMP officers, and the public.
3. Preserve the integrity and impartiality of the Committee.
4. Not use their status as a Committee Member to secure any special privileges, favours or exemptions for themselves or any other person.
5. Not use their status as a Committee Member to advance their personal interests or the interests of any person or organization with whom or with which they are associated.
6. Not use their position as a Committee Member to obtain employment with the City or with the RCMP for themselves, family members, close associates or their firms.
7. Not attempt to exercise individual authority over the Officer in Charge of the *Anytown Alberta*’ RCMP detachment or over any other RCMP officer in any location.
8. Not speak to the media or post on social media on behalf of the Committee unless delegated the authority to do so by the Committee Chair.
9. If speaking to the media or posting on social media in their individual capacity, state clearly that they are speaking strictly for themselves and not for the Committee.
10. If expressing disagreement with an action or decision of the Committee, state clearly that they are expressing a personal opinion only, and not the opinion or the position of the Committee.
11. Keep confidential any information discussed at an in camera meeting.
12. Attend at and actively participate in Committee meetings and notify the Chair or Vice Chair of any anticipated absences.
13. Declare any real or perceived conflict of interest. A conflict of interest is any situation in which a Member’s (e.g. financial, occupational, familial) may affect or appear to affect their objectivity, judgment or ability to act in the best interests of the Committee or the community.

The interests of immediate relatives of a Member are also considered to be the interests of the Member.

- a) If a Member is not certain whether there is a real or perceived conflict of interest, they must bring it forward to the Committee.
- b) It is the responsibility of every Member who is aware of a real or perceived conflict of interest on the part of a fellow Member to raise the issue for clarification, first with the Member in question, and, if still unresolved, with the Chair.
- c) The Committee will determine by majority vote if a conflict exists. The Member potentially in conflict shall be absent from the discussion and shall not vote on the issue of whether a conflict exists.
- d) Where a Member has declared a conflict in a matter or a majority of the Committee has voted that a conflict of interest exists for a specific Member in a matter, the affected Member shall leave the meeting room for the duration of any discussion on the matter, abstain from participating in any discussion on the matter, not attempt to influence the outcome, and shall not vote on the matter.

14. For a period of twelve months after leaving the Commission, abide by the ethical standards of conduct listed above, except those related to confidential information which shall apply in perpetuity.

Members must not assume that activities not specifically addressed by these ethical guidelines of conduct are therefore condoned. If in doubt about actions they may be contemplating, Members are encouraged to seek advice from the Chair, who may in turn ask the City's Chief Administrative Officer to facilitate providing legal advice to the Member.