



Frequently Asked Questions: Provincial Appointments to Municipal Police Commissions

The following document provides questions and answers on the process and procedures for Municipal Police Commission appointments.

How are provincial appointments made?

The Government of Alberta uses the same open, transparent and competency-based recruitment practices for the commissions as for all public agencies, boards, and commissions (ABCs). Processes for effective, consistent and efficient recruitment ensure members have the skills, knowledge, experience or attributes required for effective board governance. This includes processes to match skills, knowledge and competencies to the requirements of each ABC.

Recruitment includes a range of activities from identifying recruitment needs and any other requirements, to recommending candidates for appointment. The representatives that participate in recruitment and their roles vary depending on the body to which the appointment is being made.

The Minister may select the manner of recruitment, including reappointment, direct appointment, or open competition.

The recruitment process can be divided into three stages:

- i. Planning: involves collaboration with commissions to identify and prioritize recruitment needs and confirm the recruitment approach.
- ii. Recruitment: entails the assessment of candidates based on competencies required for members of the commission.
- iii. Appointment: relates to the approval of the appointment by the Minister or Cabinet.

All appointments are made at the Minister's discretion. Although Municipal Police Commissions are non-government agencies, provincial appointments will align with the standard recruitment process to support the government's principles of competency-based recruitments and appointments.

Can a commission contribute to the selection process of a provincial appointee?

For future recruitment of provincial appointees, there may be opportunities to engage with the department, Municipal Police Commissions, and stakeholders in advance of the appointments.

During the recruitment process, there may be opportunities for input from commissions in certain areas, such as potential names for appointment and/or the identification of a particular skill set that's lacking in the current complement of the commission.

Does the provincial appointee receive remuneration?

As per section 28(5) of the *Police Act*, the commission may provide for payment of reasonable remuneration, gratuity, or allowance to members of the commission, including the provincial appointee.

What is the role and reporting structure of the provincial appointee?

The role of the provincial appointee is the same as a municipal appointee. Appointees share the same roles, responsibilities, accountability and mandate as explained by the Municipal Police Commission's governance documentation, including in the mandate and roles documents, terms of reference, codes of conduct and/or similar documents.

A provincial appointee is accountable to the Minister and the chair of the commission.

The provincial appointee must act honestly and in good faith, leaving aside personal interests to advance the public interest and the mandate of the commission.

Can a provincial appointed member be terminated?

As per section 28(12.1) of the *Police Act*, the member's appointment may be revoked at the Minister's discretion. The municipal council may not revoke the provincial appointed member.

Should the municipal council feel the provincial appointee is negligent in the performance of their duties, the council may make a recommendation to the Minister that the appointee's appointment be revoked or terminated.

What is the term length of a provincial appointed member?

A person provincially appointed to a commission may be appointed for a term of office of up to three years.

Is a provincial appointee subject to the same screening process as a municipal appointee?

A provincial appointed member is required to evaluate and declare any conflicts of interest that may be present should they accept the appointment through a Conflict of Interest Declaration. The provincial appointee is also asked to complete a criminal record check. Other optional background checks may include financial record and academic verification.

Background checks are not required for all appointments, and are at the discretion of the Minister, unless specified in the legislation regulating the agency membership.

Commissions may conduct additional background checks for a provincial appointee that aligns with their prescribed security clearance requirements.

Consideration may be given to conducting a screening process that aligns with the prescribed security clearance requirements of the Municipal Police Commission, or to default to having the Municipal Police Commission to complete the specified security clearance process prior to the appointments being made. Engagement with the commissions will be required to determine their independent requirements.

What happens if the provincial appointee has a perceived conflict of interest?

If a conflict of interest arises, this would not necessarily preclude an appointment. The commission may conduct an additional assessment of real or apparent conflict of interest based on their code of conduct and/or internal process.

If it is determined by the Minister or commission that a provincial appointee has a real or apparent conflict of interest, it is at the Minister's and the commission's discretion to determine steps for managing and/or mitigating the conflict of interest.

Can a provincial appointed member chair a commission?

The provincial appointed member may chair a commission; however, this is at the discretion of the Municipal Police Commission in accordance with their bylaws.

How many provincial appointments can be made to a Municipal Police Commission?

A municipal council may appoint up to nine members to the commission as per the *Police Act* section 28(2.2).

As per section 28(2.3) of the *Police Act*, the Minister may appoint one member if the municipal council has appointed one to three members. If the council has four to six members appointed, the Minister may appoint up to two members, and if the council has appointed seven to nine members, the Minister may appoint up to three members.

If a council has appointed more than nine members prior to the *Police Act* amendments, the members appointed prior remain as members of the commission; however, the council may not reappoint or appoint a member unless in compliance with the *Police Act*.

Where Municipal Police Commission bylaws conflict with the *Police Act* (e.g., total composition of a Municipal Police Commission), the *Police Act* would supersede said bylaw.

More information on the provincial appointments to Municipal Police Commissions can be found in section 28 of the *Police Act*, found at:

https://kings-printer.alberta.ca/1266.cfm?page=P17.cfm&leg_type=Acts&isbncln=9780779843046&display=html