

CITY OF ST. ALBERT

BYLAW 28/2017

Being a Bylaw to establish a Policing Committee within the City of St. Albert.

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WHEREAS

- i. the City of St. Albert and the Government of Canada have entered into an agreement for the provision of municipal policing services by the Royal Canadian Mounted Police;
- ii. the *Police Act* provides that a municipality which has entered into an agreement with the Government of Canada for the provision of municipal policing services by the Royal Canadian Mounted Police may, by bylaw, establish a Policing Committee;
- iii. the Municipal Police Service Agreement indicates that the RCMP Officer in Charge will act under the direction of the Mayor, or other person as the Mayor may designate in writing, in aiding of the administration of justice in the Municipality and in carrying into effect the laws in force in the Province and Municipality; and
- iv. Council deems it desirable to establish a Policing Committee to advise of local policing matters.

NOW THEREFORE the Municipal Council of the City of St. Albert hereby ENACTS AS FOLLOWS:

**PART 1**

**DEFINITIONS**

1. This Bylaw may be referred to as "The Policing Committee Bylaw".
2. In this Bylaw
  - (a) "Annual Performance Plan" means the annual business/action plan that is administered and developed by the RCMP in consultation with all community stakeholders;
  - (b) "Chair", means, the member of the Committee so elected in accordance with this Bylaw;
  - (c) "City" means the City of St. Albert, a municipal corporation of the Province of Alberta, and includes, where the context so requires, the area contained within the boundaries of the City of St. Albert;
  - (d) "City Manager" means the City's chief administrative officer or person delegated to act on his/her behalf;
  - (e) "Committee" means the St. Albert Policing Committee established hereunder;
  - (f) "Council" means the City's municipal council;
  - (g) "CRCC", means the Civilian Review and Complaints Commission that is Federally legislated as the independent (Non-RCMP) civilian oversight committee that has the mandate to jurisdiction to oversee and review all public complaints about RCMP member conduct in Canada;

- (h) "FOIP" means the *Freedom of Information and Protection of Privacy Act* RSA 2000, cF-25;
- (i) "Mayor" means the City's chief elected official;
- (j) "MGA" means the *Municipal Government Act* RSA 2000 c.M-26 and regulations;
- (k) "MPSA" means the Municipal Police Service Agreement between the City of St. Albert and the Government of Canada, which details police services to be provided for the City by the RCMP;
- (l) "Municipal Enforcement Service" means the working unit of the Policing Services Department that provides Bylaw Enforcement and Community Peace Officer services to the community, as directed by the City Manager;
- (m) "Officer in Charge" means the Officer in Charge of the St. Albert RCMP Detachment;
- (n) "PCD" means the Public Complaint Director who receives complaints from the public, acts as liaison between the Committee, the Officer in Charge and the complainant;
- (o) "Police Act" means the *Police Act* RSA 2000 C-P-17 and regulations;
- (p) "Policing Services Department" means the City department that administers services in the area of RCMP, Municipal Enforcement, Emergency and non-emergency call taking and dispatch, general policing support, or other services as directed by the City Manager;
- (q) "RCMP" means the Royal Canadian Mounted Police service or any member of that police service as the case may require; and
- (r) "Vice-Chair", means the member of the Committee so elected in accordance with this Bylaw.

## PART 2

### COMMITTEE ESTABLISHMENT, DELEGATIONS AND SCOPE

- 3. (1) The St. Albert Policing Committee is hereby established.
- (2) The Committee is hereby delegated the authority to act on the Mayor's behalf regarding provisions 7.1, 7.2, 7.3, 7.4 and 8.1 of the MPSA.
- (3) For greater certainty and clarification, as per section 7.1 of the MPSA, where the Mayor may designate another person to act on his/her behalf, that person will be the Committee Chair who speaks for, signs off and represents the Committee in an official capacity.
- (4) Should any conflict arise between the Municipal Police Service Agreement and this Bylaw, the Municipal Police Service Agreement shall be considered the authoritative document.
- 4. (1) In accordance with the MPSA,
  - (a) the Committee cannot set any policing objectives, priorities or goals:

- (i) that are inconsistent with those of the Provincial Minister,
    - (ii) more frequently than annually, and
    - (iii) that are not in harmony with the annual RCMP planning cycle and format.
  - (b) the internal management of the RCMP including its administration and the determination and application of professional police standards and procedures, will remain under the control of Canada; and
  - (c) the RCMP will not be required to perform any duties or provide any services that are not appropriate to the effective and efficient delivery of police services in the City.
- (2) In accordance with the MGA and City Manager Bylaw,
- (a) nothing in this Bylaw shall be interpreted as authority for the Committee or Committee members to have control over or to direct City Administrative matters including but not limited to:
    - (i) giving direction to any City employee;
    - (ii) establishing any policies or procedures that govern the actions of City employee's units or departments;
    - (iii) hiring, appointing, suspending, removing, terminating, or reviewing the performance of any City employee;
    - (iv) establishing or directing organizational structures or assignments; and
    - (v) authorizing any expenditure of City funds or pledging the credit of the City.
- (3) Notwithstanding any provision within this Bylaw, the City Manager, may establish a memorandum of understanding, terms of reference or working protocol that specifically relates to the release and/or providing of City information to the Committee to ensure that there is no conflict of between Committee direction/requests and City Manager authority.

### **PART 3**

#### **COMMITTEE PURPOSE, DUTIES AND RESPONSIBILITIES**

- 5. (1) The overall purpose of the Committee is to maintain a proper balance between the independence and authority of the RCMP and accountability to the community and civilian authority through community input, increased transparency regarding policing operations, removal of political interference perceptions and assistance with dealing with local complaints.
- (2) The overall objective of the Committee is to act as a liaison between City Council, the RCMP Detachment, the Policing Services Department and City residents to foster responsible community actions towards the creation of a safe and secure community.
- 6. (1) The Committee is responsible for:
  - (a) working collaboratively with the RCMP Officer in Charge on setting and approving the local RCMP objectives, priorities and goals in harmony with the RCMP Annual Performance Planning cycle and format;
  - (b) complying with the standards that are established by the Alberta Justice and Solicitor General for Policing Committees in accordance with the

Alberta Police Act, including the establishment of an all-encompassing Policing Committee Policy and Procedures manual;

- (c) reporting to Council and community at large on the approved Annual Performance Plan, implementation and progress;
- (d) reviewing statements and information that they receive from the RCMP Officer in Charge as well as City Manager;
- (e) overseeing the administration of the MPSA;
- (f) acting on behalf of the Mayor to assist in the selection of the RCMP Officer in Charge in accordance with the RCMP's policies;
- (g) communicating the interests and concerns of the public members and Council to:
  - (i.) the Officer in Charge in relation to RCMP matters; and
  - (ii.) the City Manager in relation to Municipal Enforcement Service matters.
- (h) assisting the RCMP Officer in Charge in resolving public complaints;
- (i) appointing a Public Complaints Director;
- (j) cooperating and liaise with community groups as necessary; and
- (k) upon the request of Council or as the Committee may deem appropriate from time to time, making recommendations to Council relating to policing matters or related community issues.

#### **PART 4**

##### **RCMP AND CITY MANAGER RESPONSIBILITIES**

- 7. (1) Subject to the limitations and reservations noted elsewhere in the Bylaw, the MPSA and the RCMP policies, the RCMP will:
  - (a) work collaboratively with the Committee and consider feedback on matters related to RCMP Services in order to foster responsible community actions toward the creation of a safe secure community;
  - (b) implement the objectives, priorities and goals as determined by the Committee;
  - (c) report as reasonably required to the Committee on matters of law enforcement in the city and on implementation of the objectives, priorities and goals set and approved by the Committee;
  - (d) provide information and statistics to the Public Complaint Director related to RCMP member code of conduct matters such as total numbers, basic categories and investigation outcomes that are in accordance with and permitted by RCMP policy;
  - (e) provide information and statements to the Committee as may be reasonably requested from time to time on the composition of the St.

Albert RCMP member contingency including such information as organizational charts, location and function of the federal employees, vacancies, surplus to the establishment and when required explanations of changes since previous statements;

- (f) consult with the Committee prior to the appointment of a permanent Officer in Charge; and
  - (g) review and receive and give full consideration to any written request from the Committee regarding the removal of a member of the RCMP from the local detachment.
- (2) Subject to the limitations and reservations noted elsewhere in the Bylaw, the MGA, the City Manager Bylaw, and any agreement established under section 4(3) the City Manager will:
- (a) work collaboratively with the Committee as well as consider feedback on matters related to Municipal Enforcement Services, to foster responsible community actions towards the creation of a safe secure community;
  - (b) report as reasonably required to the Committee on Municipal Enforcement Service matters such as action planning, calls for service and enforcement statistics;
  - (c) provide information and statistics to the Public Complaint Director related to Community Peace Officer code of conduct matters such as total numbers, basic categories and investigation outcomes that are in accordance with and permitted by City and Alberta Justice and Solicitor General policy;
  - (d) provide information and statements to the Committee as may be reasonably requested from time to time on the composition of the Policing Services Department, including such information as organizational charts, location and function of the employees, vacancies and when required explanations of changes since previous statements.

## **PART 5**

### **COMPOSITION AND OPERATION OF THE POLICING COMMITTEE**

#### **Members**

8. The Committee shall consist of a maximum of nine (9) members who shall be appointed by resolution of Council as follows:
- (a) Voting members:
    - (i) one (1) member of Council;
    - (ii) six (6) volunteer public members who are residents of the City.
  - (b) Advisory Non-Voting members:
    - (i) the St. Albert RCMP Officer in Charge;
    - (ii) the City Manager.

### **Administrative Assistance**

9. The City Manager shall provide administrative assistance to the Committee as necessary, including appointing a recording secretary to attend the Committee meetings in a non-voting capacity to provide administrative support services to the Committee.

### **Voting Membership Term**

10. (1) The term of the public members shall be a maximum of three (3) years with the effective date as designated by Council resolution.
- (2) A public member may not serve more than three (3) terms.
- (3) Appointments of two (2), or three (3) years may be made at the discretion of Council in order to stagger the public member's terms of office.
- (4) Notwithstanding subsection (3), a majority of the public members appointed to a newly established Committee shall be appointed for three (3) years and the remaining public members shall be appointed for two (2) years.
11. The Council member appointed to the Committee shall serve two (2) years commencing on the date of appointment.

### **Voting Membership Qualifications / Requirements**

12. (1) To be eligible for appointment to the Committee as a voting member, an individual must:
- (a) other than the appointed Council member, 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 Justice and Solicitor General of Alberta;
- (b) be a Canadian Citizen or landed immigrant and resident of the city for at least twelve (12) consecutive months immediately preceding the date of advertising for applications;
- (c) be of the full age of eighteen (18) years;
- (d) undertake and present a clean criminal record check;
- (e) be recommended as a suitable candidate by the City Manager, 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 appointments are considered for membership on the Committee, in accordance with the Alberta Department of Justice and Solicitor General Policing Committee Standards, cultural diversity of the community shall be considered.
- (3) The Committee member that is appointed Public Complaint Director must successfully obtain and maintain a RCMP Enhanced Security Clearance or as otherwise deemed necessary by the RCMP Officer in Charge.
- (3.1) All committee voting members shall obtain and maintain a RCMP facility access security clearance for the duration of their term(s).

- (4) All voting members must take an Oath of Office prior to taking office as a member of the Committee.

#### **Vacancies / Removals**

13. (1) If, for any reason, a voting member of the Committee vacates his or her membership on the Committee part of the way through that member's term, Council shall appoint as a replacement member
  - (a) a resident of St. Albert; or
  - (b) a Councillor, if the vacating member is a Councillor.
- (2) The replacement Member referred to in subsection (1) shall serve the remainder of the vacating member's term.
14. Council may terminate a member's appointment to the Committee at any time if that member,
  - (a) violates written Committee policy;
  - (b) fails to attend three (3) consecutive meetings of the Committee, unless that absence is due to illness or authorized in advance by the Chair;
  - (c) ceases to be a resident of the City;
  - (d) fails to maintain the qualifications listed in section 12; or
  - (e) fails to observe the Oath of Office, or discloses any information that jeopardizes a police operation, or police/public safety, or confidentiality associated with the nature of policing, including personnel, conduct, contracts with the RCMP and the security of police operations.

#### **Officers of the Committee**

15. (1) At the first regular meeting of each year the voting members shall elect, from the public members of the Committee, a Committee Chair and Vice-Chair.
- (2) In addition to any roles specified throughout this Bylaw, the role of the Chair is to administer the meetings of the Committee and act as the Committee spokesperson.
- (3) The Vice-Chair shall act in the Chair's absence.
- (4) The Mayor is not an ex officio member of this committee.
- (5) If the City Manager delegates all or parts of his/her authority to another City employee to act on his/her behalf, he/she may still attend the Committee meetings and act in an advisory capacity.

#### **Public Complaint Director**

16. The Public Complaint Director may be:
  - (a) a public member; or

- (b) the City Manager.
17. (1) In accordance with the *Police Act* and in relation to RCMP complaints only, the Public Complaint Director shall:
- (a) receive complaints from the public and refer them to the Officer in Charge;
  - (b) act as a liaison between the Committee, the RCMP Officer in Charge and the complainant;
  - (c) perform the duties assigned by the Committee in regard to public complaints;
  - (d) provide complaint reports to the Committee as required.
- (2) Notwithstanding section 17(1), in consideration of current established RCMP and CRCC policies and procedures on receiving, reviewing and communicating details regarding public complaints, the Public Complaint Director shall,
- (a) consult with the Officer in Charge in order to ensure interactions involving public complaints are in compliance with all RCMP and CRCC policies; and
  - (b) acknowledge that due to the existing framework for RCMP and CRCC public complaint reporting and procedures, some details and responsibilities surrounding public complaints may preclude information being permitted to be shared by the RCMP.

### **Meetings**

18. The Committee shall hold no less than six (6) regular meetings per year, at such times and locations determined by the Chair.
19. Special meetings may be called by the Chair by providing all Committee members with twenty-four (24) hours' notice, unless such notice is waived by unanimous consent.
20. Five (5) voting members at a Committee meeting shall be considered quorum.
21. The precedence of the rules governing the procedures of the Committee is as follows, from high to low:
- (a) the *Municipal Government Act*, associated Regulations or other applicable legislation;
  - (b) this Bylaw;
  - (c) the Procedure Bylaw;
  - (d) Committee terms of reference, if any;
  - (e) Council-approved policies, procedures and guidelines specifically applicable to the Committee;
  - (f) Robert's Rules of Order, Newly Revised.



22. Meetings of the Committee shall be open to the public, except where the Committee is authorized under FOIP or an act of Parliament to close the meeting to the Public.

### **Meeting Records**

23. Meeting Agenda shall be made available to the public at least five (5) days prior to a meeting.
24. Meeting minutes shall be prepared for every Committee meeting and 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; and
  - (d) any motions made at the meeting, along with the results of the vote on the motion.
25. Minutes may, at the discretion of the Committee members, include action items agreed upon by unanimous consent, including but not limited to, action items accepted by individual committee members.
26. Questions and debate shall not be recorded in the Committee meeting minutes.
27. The Committee shall follow the City records management processes and procedures for maintaining Committee files including retention and disposition schedules.

### **Conflict of Interest**

28. No member shall participate in any discussion nor vote upon any matter that may involve a pecuniary interest as defined in the *Municipal Government Act*.
29. Members of the Committee shall not be held personally liable for any actions or claims arising out of the exercise of the powers granted to the Committee pursuant to this Bylaw.

### **Notices**

30. The City Manager must inform the Department of Justice and Solicitor General of Alberta when a Committee has been established in accordance with this Bylaw or dissolved thereafter including the reasons for the dissolution.

### **Remuneration**

31. Public Committee members act as such on a voluntary basis, however will be reimbursed for out-of-pocket expenses in accordance with Council policy.

### **Member Education and Training**

32. The Committee Chair shall ensure that the Committee members receive education and training as follows:
- (a) orientation of policing oversight online training program provided the Department of Justice and Solicitor General of Alberta;
  - (b) RCMP and City complaint processes, administrative process and statistical reporting; and

- (c) orientation to RCMP Professional Standards, *Freedom of Information and Privacy Act*, the *Peace Officer Act* or other areas deemed necessary by the Department of Justice and Solicitor General of Alberta.

**Planning and Reporting**

- 33. The Committee shall, in consultation with the Officer in Charge and City Manager, prepare a work plan for the proposed activities of the Committee.
- 34. The Committee shall communicate/share its work plan with Council and the community at large.
- 35. The Committee shall annually report progress on its activities and accomplishments with Council and the community at large.
- 36. The Committee shall report as required to the Department of Justice and Solicitor General of Alberta.

**Purchasing and Expense Authority**

- 37. Neither the Committee nor any voting member shall have the power to pledge the credit of the City or RCMP in conjunction with any matters whatsoever, nor shall the Committee or any member thereof have any power to authorize any expenditure to be charge against the City or RCMP.

**PART 6**

**BYLAW REVIEW**

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

**PART 7**

**BYLAW COMING INTO EFFECT**

- 39. This Bylaw shall take effect upon third and final reading.

READ a first time this 1<sup>st</sup> day of May, 2017.

READ a second time this 23<sup>rd</sup> day of May, 2017.

READ a third and final time this \_\_\_\_ day of \_\_\_\_\_, 2017.

SIGNED AND PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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MAYOR

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CHIEF LEGISLATIVE OFFICER