



Legislation Text

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TAMRMS#: B06

Bylaw 13/2019 - Policing Committee (1st, 2nd & 3rd Reading)

Presented by: David Leflar, Director, Legal & Legislative Services Department

RECOMMENDATION(S)

1. That Bylaw 13/2019, the Policing Committee Bylaw, be read a first time.
2. That Bylaw 13/2019 be read a second time.
3. That unanimous consent be given to proceed immediately to third reading of Bylaw 13/2019.
4. That Bylaw 13/2019 be read a third time.

PURPOSE OF REPORT

The purpose of this Report is to provide Administration's recommendation that Council repeal the existing Policing Committee Bylaw and replace it with the attached new Policing Committee Bylaw, #13/2019.

ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

N/A

ALIGNMENT TO LEVELS OF SERVICE DELIVERY

N/A

ALIGNMENT TO COUNCIL DIRECTION

On April 18, 2016 Council passed the following motion (C236-2014):

That Administration work with the RCMP and the Solicitor General on the establishment of a Policing Committee and bring back a Bylaw or Terms of Reference as appropriate for Council consideration

Bylaw 28/2017, the Policing Committee Bylaw, was then passed on July 7, 2017, and was amended later that same year.

BACKGROUND AND DISCUSSION

Council has previously received confidential legal advice concerning the current Policing Committee Bylaw. Arising from that legal advice Administration is now recommending that the existing Bylaw be

repealed and replaced with a new Bylaw.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

On March 4, 2019 a draft of a proposed new Policing Committee Bylaw 13/2019 was sent to the Chair of the Policing Committee and to the Officer in Charge ("OIC") of the St. Albert RCMP detachment, with a request for comments. The Policing Committee met with the CAO and City Solicitor on March 7, 2019 to discuss the draft Bylaw. The OIC met with Council on March 18, 2019, with the CAO and City Solicitor in attendance, to discuss the draft Bylaw. Comments were also received from the Director of Emergency Services, who is responsible for Policing Services.

IMPLICATIONS OF RECOMMENDATION(S)

The proposed new Policing Committee Bylaw adheres strictly to the scope of what Council is authorized to do with respect to policing committees as set out in the *Police Act*: establish the Committee, provide for appointment of members, and prescribe the rules governing the operation of the Committee. The Bylaw does not speak to the substantive powers, duties, responsibilities and purpose of the Committee, since these matters are addressed in the *Police Act* and in the provincial Solicitor General's Oversight Standards for Policing Committees in Alberta.

Notable features of the new Policing Committee Bylaw include:

- (a) Delegation to the Committee of certain municipal functions and duties under the Municipal Police Service Agreement with the Government of Canada (RCMP), which the municipality is required to do pursuant to the Solicitor General's Oversight Standards;
- (b) Authority for the Committee to establish working sub-committees;
- (c) Authority for the Committee to go *in camera* when necessary to avoid public disclosure of personal information or to preserve the integrity of policing operations;
- (d) Protocol for public communication of official Committee business or positions taken;
- (e) Annual and periodic reporting to Council by the Committee;
- (f) A Code of Conduct applicable to all members of the Committee.

The new Bylaw does not, and could not, resolve certain inconsistencies between relevant provincial and federal legislation (especially as concerns the Public Complaint Director position) but it does ensure that the Bylaw will stay consistent with the provincial statute (the *Police Act*) that authorizes a council to create a policing committee.

Financial Implication

N/A

Legal / Risk:

Discussed in confidential legal briefing previously provided to Council.

Organizational:

Adoption of the new Policing Committee Bylaw, in and of itself, would have no organizational implications since the existing members would continue with their existing terms established by Council resolution.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

Council could choose to not pass the proposed new Policing Committee Bylaw, in which case the current Bylaw would remain in effect unless and until repealed.

Report Date: April 1, 2019

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Committee/Department: Legal & Legislative Services Department

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