

OFFICE CONSOLIDATION

BYLAW NUMBER 25M97

**A BYLAW OF THE CITY OF CALGARY
TO ESTABLISH A POLICE
COMMISSION**

(As Amended by Bylaw Numbers 46M2000, 47M2001, 52M2001, 59M2004, 38M2005, 61M2010, 40M2011 *Effective 2013 Oct 21*, 47M2011, 47M2012, 46M2013)

WHEREAS the Legislature of the Province of Alberta has passed the Police Act, 1988, S.A. 1988, c.12.01;

AND WHEREAS section 27 of the Police Act provides that a municipality shall establish and maintain an adequate and effective municipal police service under the general supervision of a municipal police commission;

AND WHEREAS section 28 of the Police Act provides that a municipality that has a municipal police service shall establish a police commission;

NOW, THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

Title

1. This Bylaw may be cited as the "Police Commission Bylaw".

Interpretation

2. (1) In this Bylaw,
- (a) "Councillor" means a person elected to Council under the MGA;
 - (b) "Act" means the Police Act, R.S.A. 2000, c. P-17;
 - (c) "Chief" means the chief of police of the Calgary Police Services;
 - (d) "City" means The City of Calgary, a municipal corporation in the Province of Alberta and includes the area contained within the boundaries of The City of Calgary where the context requires;
 - (e) "Commission" means the Calgary Police Commission established by Council under the Act;
 - (f) "Council" means the municipal council of The City;
 - (g) "Executive Director" means the Executive Director of the Commission;
 - (h) "Member" means a member of the Commission;

- (i) "MGA" means the Municipal Government Act, R.S.A.2000, c. M-26
- (4) This Bylaw shall be interpreted to conform with the Act.
(B/L 38M2005, 2005 July 25)
(B/L 40M2011, 2011 July 05 *Effective 2013 Oct 21*)

Creation and Appointment of the Commission

- 3. (1) The City shall have a Commission composed of up to 10 Members appointed by Council, two Members of which shall be Councillors or City employees.
(B/L 61M2010, 2010 December 13)
(B/L 46M2013, 2013 November 19)
- (2) Council must appoint Members for either a two or three year term, effective on November 1 of the year of the Organizational Meeting at which the appointment is made and expiring on the second or third October 31 thereafter as applicable or when a successor is appointed, whichever is later and Subsection 4(2) applies to the appointment of a successor.
(B/L 47M2012, 2012 October 22)
- (3) Notwithstanding the period for which a Member was appointed, a Councillor may be a Member of the Commission only so long as they remain a Councillor.
- (4) A Member is eligible for reappointment to the Commission if the reappointment does not result in more than 10 consecutive years of service on the Commission by that Member.
(B/L 47M2011, 2011 July 25)
- (5) All Members shall be residents of the City.
- (6) Council may revoke any Member's appointment to the Commission for cause.
- (7) Members shall endeavour to attend all meetings of the Commission. A Member shall not miss more than three consecutive meetings without providing a reasonable excuse. Failure to provide a reasonable excuse shall be cause for revocation of the Member's appointment.
- (8) Each Commission member, excluding those members who are members of Council, may be paid an honorarium from the budget of the Commission for attendance at Commission meetings in an amount established by the Commission which amount shall not exceed the honorarium paid to the Chairman and citizen members of the Calgary Subdivision and Development Appeal Board established under Bylaw 25P95.
- (9) Current and former employees of the Calgary Police Service, including both sworn and civilian employees, shall not be appointed to the Commission.
(B/L 46M2000, 2000 November 06)
(B/L 47M2001, 2001 November 05)
(B/L 52M2001, 2001 November 12)
(B/L 59M2004, 2005 January 10)
(B/L 38M2005, 2005 July 25)
(B/L 40M2011, 2011 July 05 *Effective 2013 Oct 21*)

4. (1) Where a vacancy occurs in the membership of the Commission by any reason other than the expiration of the term for which the Member was appointed, Council shall appoint a successor to fill the vacancy or the remainder of the vacating Member's term.
- (2) Where, for any reason, a vacancy occurs Council shall fill the vacancy within 60 days from the date Council is notified that the vacancy has occurred.

Duties of the Commission

5. (1) The Commission is responsible for the general supervision of the Calgary Police Service and shall perform its functions according to the Act and this Bylaw.
- (2) The Commission shall establish policies for efficient and effective policing.
- (3) The Commission is not responsible for collective bargaining negotiations with the Calgary Police Service. Subject to the Police Officers Collective Bargaining Act, section 4(1)(b) and the Labour Relations Code, the Board of City Commissioners shall appoint a Committee which shall be responsible for negotiating salary, benefits and working conditions for employees of the Calgary Police Service.
- (4) The Commission shall appoint a Chief, subject to the approval of Council. Prior to the approval of Council, the Commission shall submit the employment contract for the Chief to Council. The employment contract for the Chief is subject to the approval of Council and Council may make a final determination on any of the terms in the employment contract.
- (5) The Commission shall not issue an instruction to a police officer other than to the Chief.
- (6) The Commission shall cause to be prepared estimates of all money required for the fiscal year and a yearly plan according to section 29(1) of the Act. These estimates and the yearly plan shall be submitted to Council and are subject to the approval of Council.

Commission Procedure

6. At the first meeting of the Commission after Council's organizational meeting, the Members shall:
 - (1) Elect one of the Members, other than a Councillor or a municipal employee, to act as chair of the Commission and one or more Members to act as vice-chairs.
 - (2) Subject to section 28(2) of the Act, the Commission shall follow The City's Procedure Bylaw 30M2002 for the conduct of Commission meetings.
 - (3) The Commission shall appoint an Executive Director who shall prepare an agenda for each meeting, circulate the agenda to Members prior to the meeting and record decisions and recommendations made by the Commission.
 - (4) The Commission may close all or part of its meetings to the public if the matter to be

discussed is within one of the categories of information, referred to in Division 2 of the Freedom of Information an Protection Privacy Act, R.S.A. 2000, c. F-25 as replaced or amended from time to time, in which a public body may or must refuse to disclose information.

(B/L 38M2005, 2005 July 25)

(B/L 40M2011, 2011 July 05 *Effective 2013 Oct 21*)

Access to Information

7. (1) The Executive Director shall, on the request of any person, provide to that person, information in the possession of the Commission, except when that information:
 - (a) relates to a Commission meeting closed to the public, or
 - (b) is required to be kept confidential, or may be kept confidential, in accordance with the Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25 as replaced or amended from time to time.
- (2) The Executive Director shall give a written notice that the information is withheld and the reason why it is withheld to the person who requested the information.
- (3) A written appeal may be made to the Commission,
 - (a) by a person who receives a written notice that information is withheld, within 15 days of receiving notice, or
 - (b) by a person who does not receive the requested information and does not receive a written notice that the information is withheld, within 60 days of requesting the information.
- (4) The only grounds for an appeal are that the released information was not complete, that the information has been withheld without any reason being stated or that the reason for withholding the information was insufficient or wrong.
- (5) The Commission shall not consider an appeal unless the persons to whom the information relates and the persons who would be affected by the release of the information have been notified or reasonable attempts have been made to notify them of the appeal.
- (6) The Commission's decision to withhold or release information must be in writing and is final.

(B/L 38M2005, 2005 July 25)

Pecuniary Interest and Disqualification

8. No Member shall participate in any discussion nor vote upon any matter that may involve a conflict of interest of the type referred to in sections 170, 172, 173 and 174 of the MGA.

Accounts and Audit

9. The Commission shall keep such accounts as are necessary to provide for its own expenses and such accounts shall be subject to inspection and audit by the internal or external auditors appointed by the City.

Repeal

10. Bylaw Number 8862 is repealed.

Effective Date

11. This Bylaw comes into force on the date it is passed with the exception of Section 3.(5) which will come into force 1997 October 27.

READ A FIRST TIME THIS 23RD DAY OF JUNE, 1997.

READ A SECOND TIME, AS AMENDED, THIS 23RD DAY OF JUNE, 1997.

READ A THIRD TIME, AS AMENDED, THIS 14TH DAY OF JULY, 1997.

(Sgd.) A. Duerr
MAYOR

(Sgd.) D. Garner
CITY CLERK