

PROPOSED

CD2023-0801
ATTACHMENT 2

BYLAW NUMBER 48M2023

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND BYLAW 25M97, THE POLICE COMMISSION BYLAW

WHEREAS Council has considered CD2023-0801 and deems it necessary to amend Bylaw 25M97, the Police Commission Bylaw;

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

1. Bylaw 25M97, the Police Commission Bylaw, as amended, is hereby further amended.

2. In the Preamble:

(a) the words "Police Act, 1988, S.A. 1988, c.12.01" are deleted and replaced with "Police Act, R.S.A. 2000 c.P-17";

and

(b) after the third paragraph the following is added:

"AND WHEREAS the *Police Act* gives City Council different authorities over a police commission as compared to other aspects of the municipal government and requires that a police commission be responsible to oversee the municipal police service and to establish policies for efficient and effective policing;"

3. In section 2, the following is added after subsection 2(1)(i) as subsection 2(1)(j):

"(j) "Minister" means the Minister designated under section 16 of the Government Organization Act, R.S.A. 2000 c. G- 10, as the Minister responsible for the Police Act, R.S.A. 2000 c. P-17."

4. In section 3:

(a) Subsection 3(1) is deleted and replaced with the following:

"3. (1) The Calgary Police Commission is hereby established.

(1.1) Council shall appoint 9 Members to the Commission, 2 Members of which shall be Councillors or City employees.";

(b) the following is added after subsection 3(2) as subsection 3(2.1):

"(2.1) When appointing Members, Council shall endeavour to appoint Members with the appropriate expertise who also reflect the diversity of Calgary and the Indigenous community.";

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and

(c) the following is added after subsection 3(9) as subsection 3(10):

“(10) Each Member must undergo a successful Enhanced Security Clearance from the Calgary Police Service prior to receiving access to confidential information and in-camera meetings.”.

5. The following is added after section 3 as section 3.1:

“3.1 (1) Members of the Commission must comply with the *Code of Conduct for Public Members Appointed to Council Established Boards, Commissions and Committees* (CP2022-05).

(2) The Commission must report to:

(a) Council, in the case of a Member appointed by Council; or

(b) the Minister, in the case of a Member appointed by the Minister;

if a Member misses more than 3 consecutive meetings without a reasonable excuse or if, in the opinion of the Commission, a Member has conducted themselves in a matter that warrants suspension or removal from the Commission.”.

6. In section 5:

(a) subsections 5(2), (5) and (6) are deleted;

(b) subsection 5(3) is deleted and replaced with the following:

“(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 City Manager is responsible for negotiating and ratifying collective agreements with any union representing Calgary Police Services employees, in accordance with the wage settlement mandate determined by Council, in accordance with section 7 of the City Manager Bylaw 52M2022.”;

and

(c) subsection 5(4) is deleted and replaced with the following:

“(4) The Commission shall appoint a Chief, with the initial appointment being subject to the ratification of Council. Prior to requesting Council’s ratification of the Commission’s appointment of a Chief, the Commission shall submit, confidentially, to Council its recommended:

(a) terms of the appointment of the Chief;

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- (b) remuneration to be paid to the Chief over the term of the appointment;
- (c) any relocation expenses to be paid to or on behalf of the Chief including housing costs; and
- (d) any benefits to be provided to the Chief including, but not limited to, the cost of any pension or pension buyout.

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.”.

7. Section 6 is deleted and replaced with the following:

“Commission Procedure

- 6. (1) The Procedure Bylaw 35M2017 does not apply to Commission meetings.
- (2) The Commission shall comply with the following rules of procedure:
 - (a) Annually, the Commission will adopt a schedule of meetings for the subsequent year. The schedule must be provided to all Members and be published on the Commission’s web site at the beginning of each year.
 - (b) The Commission must meet at least 6 times each year, not including committee meetings.
 - (c) No Commission or committee meeting can occur or continue without a quorum of a majority of all voting members being present.
 - (d) Only members of a committee count towards quorum for a meeting of that committee.
 - (e) Agendas for meeting are set by the Chair, in consultation with the Commission’s Executive Director. Once an agenda is set or otherwise published, changes or deletions can only be made by the Commission at the meeting.
 - (f) Members must receive the agenda and written materials for a scheduled meeting at least one week prior to the meeting, and the agenda for any public meeting must be published to the Commission’s web site at least one week prior to the meeting.
 - (g) Members must be notified of and receive the agenda and written materials for a special meeting at least 24 hours before the meeting. The meeting and agenda must also be published to the Commission’s web site at least 24 hours before the meeting.

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- (h) The Chair is responsible for:
 - (i) maintaining order during meetings. Members must be recognized by the Chair before making motions or speaking;
 - (ii) calling special meetings when required;
 - (iii) for the purpose of section 3.(7.1) deciding whether a Member has a reasonable excuse for being absent from meetings;
 - (iv) taking motions and conducting the votes on those motions.
 - (i) All motions and decisions made by the Commission must be recorded in minutes that are published to the Commission's web site.
 - (j) The Commission is to make all decisions by a majority vote.
 - (3) The Commission is authorized to establish such other rules relating to matters of the procedures, operation and conduct of business of the Commission as are deemed appropriate by the Commission.
 - (4) The Commission shall appoint an Executive Director to be responsible for overseeing the day-to-day operations of the Commission, including all support staff and Commission facilities, and to provide independent advice to the Commission.”.
8. Section 7 is deleted in its entirety.
9. Section 9 is renumbered as subsection 9(1) and the following is added as subsection 9(2):
- “(2) The Commission shall, at least quarterly during the budget year, provide The City's City Manager and Chief Financial Officer with budget status reports.”.

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10. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____