

OFFICE CONSOLIDATION

BYLAW NUMBER 25M97

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

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(Amended by 46M2000, 47M2001, 52M2001, 59M2004, 38M2005, 61M2010, 40M2011, 47M2011, 47M2012, 46M2013, 64M2014, 46M2015, 39M2020, 45M2023, 48M2023)

WHEREAS the Legislature of the Province of Alberta has passed the Police Act, R.S.A. 2000, c. P-17;

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;

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.

(48M2023, 2023 October 17)

**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
- (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.

(48M2023, 2023 October 17)

- (2) This Bylaw shall be interpreted to conform with the Act.

(38M2005, 2005 July 25)

(40M2011, 2011 July 05)

Creation and Appointment of the Commission

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

(61M2010, 2010 December 13)

(46M2013, 2013 November 19)

(46M2015, 2015 November 16)

(39M2020, 2020 September 15)

(48M2023, 2023 October 17)

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

(48M2023, 2023 October 17)

- (2) Council must appoint Members for a two year term, effective on November 1 of the year of the Organizational Meeting at which the appointment is made and expiring on the second October 31 thereafter or when a successor is appointed, whichever is later and Subsection 4(2) applies to the appointment of a successor.

(47M2012, 2012 October 22)

(64M2014, 2014 October 20)

- (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.

(48M2023, 2023 October 17)

- (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.

(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.
(46M2000, 2000 November 06)
(47M2001, 2001 November 05)
(52M2001, 2001 November 12)
(59M2004, 2005 January 10)
(38M2005, 2005 July 25)
(40M2011, 2011 July 05)
- (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.
(48M2023, 2023 October 17)
- 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).
(48M2023, 2023 October 17)
- (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.
(48M2023, 2023 October 17)
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 for 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) DELETED BY 48M2023, 2023 OCTOBER 17.
- (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 Chief Administrative Officer 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 Chief Administrative Officer Bylaw 52M2022.
- (48M2023, 2023 October 17)
(45M2023, 2023 October 17)
- (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;
 - (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.
- (48M2023, 2023 October 17)
- (5) DELETED BY 48M2023, 2023 OCTOBER 17.
- (6) DELETED BY 48M2023, 2023 OCTOBER 17.

Commission Procedure

6. (1) The Procedure Bylaw 35M2017 does not apply to Commission meetings.
- (48M2023, 2023 October 17)
- (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 the 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.
 - (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.
(48M2023, 2023 October 17)
- (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.
(48M2023, 2023 October 17)
- (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.
(38M2005, 2005 July 25)
(40M2011, 2011 July 05)
(48M2023, 2023 October 17)

Access to Information

7. DELETED BY 48M2023, 2023 OCTOBER 17.

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. (1) 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.
- (2) The Commission shall, at least quarterly during the budget year, provide The City's Chief Administrative Officer and Chief Financial Officer with budget status reports.
(48M2023, 2023 October 17)
(45M2023, 2023 October 17)

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