

CITY OF LACOMBE BYLAW 78

Consolidation to March 29, 2016

A Bylaw of the City of Lacombe to provide for a Municipal Police Commission.

Preamble

Pursuant to the provisions of the Police Act, S.A. 1988, c. P-12.01, the Council of the City of Lacombe in the Province of Alberta enacts as follows: (12/12/88)

Definitions:

1. In this By-law:

"Chair" shall mean that member of the Commission appointed Chair pursuant to Section 4 of this By-law. (78.7, 10/13/15)

"Chief" shall mean Chief of Police of the Service. (78.7, 10/13/15)

"Commission" shall mean the Lacombe Municipal Police Commission appointed pursuant to this By-law.

"Council" shall mean the Municipal Council of the City of Lacombe.

"Service" shall mean the Lacombe Police Service.

Deleted (b.78.8, 03/29/2016)

Deleted (12/12/88)

"Public Member" shall mean a member appointed from the public at large pursuant to Section 3(3) of the By-Law.

"City" shall depending on its context mean either

(a) the territory within the corporate boundaries of the City of Lacombe.

(b) the Municipal Corporation of the City of Lacombe, its administration, personnel, agents or representatives.

"Resident" means a person whose primary residence is in the City for at least the past six months. If more than one place of residence exists, the person shall designate their primary residence address using in order of priority a Driver's License, Income Tax, or Mail for confirmation to the Commission. (b.78.8, 03/29/2016)

Establish Police Commission

2. A Municipal Police Commission is hereby established and instituted with the powers and duties hereinafter set forth.

Appointment of Commission Members

3. (1) The Commission shall consist of seven (7) members, six (6) of which shall be selected from the public at large and one (1) shall be a member of Council of the municipality.
 - (2) The Member of Council shall be selected from time to time by resolution of Council. (12/12/88) (04/10/95)
 - (3) The six (6) public members shall be appointed by resolution of Council at a meeting by Council. (b.78.6, 10/22/12)
 - (4) A Public Member may serve on the Commission for a maximum of two consecutive three-year terms, unless at least two thirds of the whole Council passes a resolution stating that a Public Member may be reappointed for more than two consecutive terms, and as long as reappointment does not result in more than 10 consecutive years of service by that member. (04/10/95) (09/09/02) (08/24/15) (78.7, 10/13/15)
 - (5) Applications submitted from the public are forwarded by administration to the Chair for evaluation using a skills matrix, ranked, and forwarded to the Mayor's office for review. Applications approved by the Mayor will be forwarded to the Commission for information, and subsequent ratification by Council per clause 3(3) and Section 28(2b) of the Police Act. (78.7, 10/13/15)
 - (6) A Public Member shall be a resident of the City of at least 18 years of age. (b.78.8, 03/29/2016)
 - (7) A Public Member shall cease to be eligible to be a member of the Commission if that member:
 - (a) ceases to be a resident of the City; (b.78.8, 03/29/2016)
 - (b) is hired in any capacity with the Service, or any other law enforcement agency; (78.7, 10/13/15)
 - (c) ceases to satisfy the provision of Sections 170, 172 and 174 of the *Municipal Government Act* S.A. 1994, c. M-26.1 as if those provisions were imposed in this context. (04/10/95)
 - (8) The Council may terminate the appointment of a Member of commission for cause.

- (9) Where a vacancy is created in the membership of the Commission the Council shall appoint a Member to complete the remainder of the original term of appointment .

Appointment of Chair

4. The Commission at its first meeting of the Commission held after January 1st in each year shall elect a Chair and Vice Chair from among the Public Members. (12/12/88)

Meetings of the Commission

5. The Commission shall hold at least six meetings more or less distributed evenly through the year.
6. (1) Special Meetings of the Commission maybe called by the Chair upon 48 hours written notice. (78.7, 10/13/15)
- (2) Notwithstanding subsection (1) a meeting may be called by the Chair on sooner written or verbal notice provided at least four members agrees to such sooner notice. (b.78.6, 10/22/12)
- (3) If the Chair is absent, or refuses to call a special meeting when requested by the Chief of Police or any members of the said Commission, the Secretary shall call a special meeting if requested in writing by four (4) members of the said Commission. (b.78.5, 10/22/12)
- (4) The Members of the Commission may consider or transact any business either special or general, at any meeting.
- (5) Each Member of the Commission, including the Chair, shall each have one vote on all voting matters of the Commission. (b.78.5, 05/30/11)

Rules Governing Meetings

7. A quorum of the Commission shall be any four (4) members. (b.78.6, 10/22/12)
- (1) A decision of the members forming a quorum at a duly convened meeting of the Commission shall be deemed to be the decision of the whole Commission. (78.7, 10/13/15)
- (2) The Chair shall be responsible for the conduct of a meeting. (78.7, 10/13/15)
8. (1) Subject to section 18 of AR 200/95, Freedom of Information and Protection of Privacy Regulation and section 18 of The Freedom of Information and Protection of Privacy Act, R.S.A. 2000, c. F-25, meetings of the Commission shall be open to the public.(b.78.5, 05/30/11)
- (2) The Commission may adopt any other additional rules and procedures governing the meetings and activities of the Commission insofar as they are not inconsistent with the Police Act or this Bylaw.

Chief Attend Meetings

9. (1) The Chief, or where when unable to attend, the Chief's delegate shall attend all meetings of the Commission in an advisory capacity but may not vote.
(04/10/95)
- (2) The Chief or designate attending a meeting of the Commission may at the discretion of the Commission be excluded from any private session of a meeting.

CAO Attend Meetings

10. (1) With reasonable written notice, the CAO or designate attends as a delegation to Commission meetings following a written invitation for specific agenda items.
(78.7, 10/13/15)

Secretary to the Commission

11. In the absence of a Commission supported secretary, Council by resolution or the CAO shall appoint an employee of the Municipality as Secretary to the Lacombe Police Commission who shall: (04/10/95) (78.7, 10/13/15)
 - (a) attend all meetings and keep a record of all proceedings of the Commission including hearings (78.7, 10/13/15)
 - (b) keep and maintain at a place designated by the Commission all records, correspondence and other documents
 - (c) perform such other duties related to the position of Secretary as the Commission may require. (04/10/95)
 - (d) not vote (78.7, 10/13/15)

Information to Council

12. (1) The meeting minutes related to the portion of the Commission meeting open to the public and approved by the Commission shall be made available for public viewing. (b.78.5, 05/30/11)
- (2) Council may request any information it considers necessary to enable it to assess the efficiency and financing requirements of the Service.
- (3) The Chair shall respond to the Mayor on any requests for information made under Subsection (2) above.

Powers and Duties of the Commission

13. The Commission shall oversee the Service by:
 - (a) allocating the funds that are provided by council

- (b) establishing policies to provide for efficient and effective policing
- (c) issuing instructions, as necessary, to the Chief in respect to such policies
- (d) ensuring that sufficient persons are employed for the Service for the purposes of carrying out the functions of the Service
- (e) monitoring the compliance and achievement of the goals, objectives and policies of the Service (12/12/88)

Appointment of Chief

14. The Commission shall appoint the Chief of Police, with such appointment subject to ratification of Council. (78.7, 10/13/15)

Appointment of Members

15. The Commission shall have the power to appoint Members of the Service other than the Chief but may by resolution delegate this responsibility to the Chief.

Preparation of Policing Plan

15.1 Annually the Commission shall submit to the Council a Policing Plan for the next ensuing fiscal year which, among other things, will detail the level of policing and programs to be provided by the Service. (12/12/88) (78.7, 10/13/15)

Preparation of Budget

16. Annually the Commission shall submit to Council estimates of all money required in the next ensuing fiscal year to: (04/10/95) (78.7, 10/13/15)

- (a) pay the wages, salaries and other personnel costs of the Police officers and other persons employed by the Service (78.7, 10/13/15)
- (b) meet the costs of operation of the Service
- (c) support such capital purchases as may be contemplated by the Commission (12/12/88)

Funding

17. (1) The Council, by December 31 of each year, shall determine the amount of funding that will be provided to the Service for the next fiscal year.

(2) Upon confirmation of the amount of funds to be received from Council, the Commission shall adopt a budget allocating the funds available. (04/10/95)

Authorization of Expenditures

18. Upon approval of the budget, the Chief may authorize expenditure of funds in accordance with the provisions of the budget, subject to the purchasing policies of the City and the authority of the Chief Administrative Officer of the City. (04/10/95)
(b.78.8, 03/29/2016)

a) deleted (12/12/88)

b) deleted (12/12/88)

c) deleted (12/12/88)

Negotiation of Collective Agreement

19. (1) The Council shall approve the Collective Agreement with the Lacombe Police Association under the authority of the Police Officers Collective Bargaining Act.

(2) The negotiating committee shall be composed of the Chief Administrative Officer (CAO), the Manager of Human Resources (HR), and the Chief of Police or designate who is a current member of the Lacombe Police Service with a contract outside the collective agreement between the City and the Lacombe Police Association.

(3) The Commission shall be entitled to provide its views and recommendations to the negotiating committee during the period of negotiations. (b.78.8, 03/29/2016)

Determination of Wages and Salaries

20. (1) The Commission shall annually review and establish wage and vary levels for the positions of those Police Officers not included in the Lacombe Police Association and for other persons employed for the Service. (12/12/88)

(2) The Commission shall establish personnel policies for non-association staff positions that are not markedly inconsistent with the policies established for other City staff. (12/12/88)

General

21. This By-Law shall come into effect upon final passing thereof.

22. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid. (78.7, 10/13/15)

READ a first time this 8th day of September, A.D. 1986.

READ a second time this 22nd day of September, A.D. 1986.

READ a third time and passed this 22nd day of September, A.D. 1986.

(Original Signed)

Mayor

(Original Signed)

Municipal Secretary

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Appendix A

For Applicants:

Lacombe Police Commission:

Purpose: Meets once monthly and has 1 Councillor included on the Commission. The Police Act and City of Lacombe Bylaw #78 establishes the role of the Commission and its governing rules. The Commission will handle all business of the Lacombe Police Service including all matters regarding the Police Chief including his appointment.

Role of Councillor: The Commission consists of 7 members of which one is a member of Council. All members, including members of Council, are active voting members.

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