



BYLAW: 5969
DATE OF CONSOLIDATION: December 22, 2020

Amendment History:

BYLAW 6256	Adds new section 39.1

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Bylaw last revised: June 29, 2020
Effective: July 1, 2020
Bylaw 6223

**A CONSOLIDATED BYLAW OF THE CITY OF LETHBRIDGE TO PROVIDE
FOR A MUNICIPAL POLICE COMMISSION FOR THE CITY OF LETHBRIDGE**

WHEREAS the City of Lethbridge and Town of Coaldale had previously entered into an agreement to form the *Lethbridge Regional Police Service* and to constitute a Regional Police Commission;

AND WHEREAS pursuant to Section 24 of the *Police Act* the Town of Coaldale has obtained the approval of the Minister to withdraw from the regional police service which withdrawal will be effective the 1st day of January, 2016;

AND WHEREAS the City of Lethbridge wishes to continue to provide a municipal police service in the City of Lethbridge as the *Lethbridge Police Service*;

AND WHEREAS Section 27 of the *Police Act* provides that a municipality that has assumed the responsibility for establishing a municipal police service shall establish and maintain that service under the general supervision of a municipal police commission;

AND WHEREAS pursuant to Section 28 of the *Police Act*, Council shall prescribe rules governing the operations of the municipal police commission and appoint the members;

AND WHEREAS pursuant to Section 29 of the *Police Act*, in developing a budget, Council may obtain any information from the Commission that may be necessary to enable it to assess the efficiency and financing requirements of the police service;

AND WHEREAS pursuant to Section 31 of the *Police Act*, where a Commission has been established Council shall not, except as permitted under the Act, perform any function or exercise any power in respect of the police service that the Commission is empowered to perform or exercise, or issue any instructions to a police officer;

AND WHEREAS, pursuant to Section 36 of the *Police Act*, the Commission shall appoint for the police service the Chief of Police subject to ratification of Council;

AND WHEREAS a bylaw is required for Council to establish a municipal police commission;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Lethbridge duly assembled hereby enacts as follows:

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

DEFINITIONS

“**Act**” means the *Police Act, RSA 2000* and amendments thereto.

“**City**” means the municipal corporation of the City of Lethbridge.

“**City Council**” means the Council of the City of Lethbridge

“**Commission**” or “**Municipal Police Commission**” means the Lethbridge Police Commission.

“**Lethbridge Police Service**” means the Municipal Police Service established to provide police service to the City of Lethbridge.

“**Member**” means a member of the Commission.

APPOINTMENTS & TERMS

1. A Municipal Police Commission for the City is hereby established under the Act and constituted with the powers and duties set forth in this Bylaw and under the Act.
2. The Municipal Police Commission shall consist of nine (9) Members which Members shall be appointed by City Council. Two (2) of which shall be members of City Council and the remainder of which shall be designated from the citizens of the City of Lethbridge at large.
3. All Members shall be appointed at the Organizational Meeting of City Council. Members shall be appointed for a term of three (3) years.
4. If any Member appointed to the Commission ceases to be a Member due to resignation, disqualification or death during the term for which they are appointed, their place on the Commission shall be filled at the earliest convenience of City Council by another Member by resolution of City Council to hold office for the residue of the then current term of office.
5. Former Members are eligible for reappointment provided such reappointment does not result in more than two (2) consecutive terms of service on the Commission by that Member.
6. Notwithstanding Article 5 above City Council may, on a two-thirds vote, re-appoint a Member to the Committee for which they have served the

preceding two consecutive terms for one additional consecutive term if City Council, in its sole discretion, determines that extra-ordinary conditions warrant such an appointment.

7. Any Member of the Commission may resign at any time upon sending written notice to the Chair of the Commission with a copy to City Council.
8. Any member of City Council who is a Member of the Commission and ceases to be a member of City Council shall be deemed to have resigned from the Commission.
9. Any Member of the Commission may be removed from office for cause by a resolution of City Council.
10. A Member of the Commission shall be disqualified from being a Member if they:
 - a) Cease to be a resident within the boundaries of the City of Lethbridge.
 - b) Are hired in any capacity with the Lethbridge Police Service, the Royal Canadian Mounted Police or any Province of Alberta Police Service.
 - c) Are convicted of any crime under the *Criminal Code* of Canada.
 - d) Absent themselves, without being authorized by a motion of the Commission to so do, from the meetings of the Commission for three (3) regular consecutive meetings.
11. All persons appointed to be Members of the Commission shall take the Official Oath prescribed by the Act.

PROCEEDINGS AT MEETINGS

12. The Commission shall hold regular meetings at the date, time and place so established by the Commission.
13. Subject to this Bylaw, and applicable legislation, the Committee may establish its own rules of procedure governing meetings, hearings and investigations.
14. The Members of the Commission may consider or transact any business, at any regular meeting, having given reasonable notice to the Chair to enable the item to be placed on the agenda.
15. The Chair upon the approval of at least three (3) Members may call special meetings at any agreed time.
16. If the Chair is absent, or refuses to call a special meeting when requested by the Chief of Police or any Member of the Commission, the Secretary shall call a special meeting if requested in writing by at least three (3) Members of the Commission.
17. The agenda of the Special Meeting shall be circulated to all Commission Members, in advance of the Special Meeting, and only those items on that agenda shall be discussed.
18. A majority of the Commission Members shall form a quorum.

19. Each Member shall have one vote.
20. A motion is lost when the vote is tied.
21. No Member shall participate in any Committee discussion nor vote upon any matter that may involve a pecuniary interest within the meaning of the *Municipal Government Act*.
22. At the Commission's first meeting of each year there shall be elected from the Members a Chair.
23. No elected official shall be Chair of the Commission.
24. There shall be appointed by the Commission a Secretary who may be a member of the Commission and shall:
 - a) Keep a complete record of the minutes of the meetings.
 - b) Maintain all records, correspondence, orders and discussions of the Commission.
 - c) Carry out such functions as the Commission may delegate.
25. The Chief of Police and such other staff as the Chief may appoint shall attend all meetings of the Commission in an advisory capacity, but shall not be entitled to vote.
26. Meetings of the Commission shall be open to the public, subject to the provisions and requirements of the *Freedom of Information and Protection of Privacy Act*. Without limiting the generality of the foregoing all matters relating to discipline, personnel conduct, contract negotiations and security of police operations, shall be conducted in closed private meetings with the exception of those matters required by law to be conducted in public.
27. The Commission may make such specific assignments to its individual Members and form sub-committees as it may from time to time deem necessary.
28. Sub-committees shall be comprised of Members of the Committee only and shall report back to the Committee for consideration and findings.

DUTIES OF THE COMMISSION

29. The Commission shall be responsible for the administrative direction, organization and policy required to maintain a municipal police service for the City within the limits of the approved budget.
30. Members of the Lethbridge Police Service, including the Chief of Police, shall be appointed by the Commission. The appointment of the Chief of Police is subject to ratification by City Council.
31. The Commission shall have the power to make policy governing the Lethbridge Police Service and shall issue advice and instructions to the Chief of Police.
32. No Member of the Commission shall issue or purport to issue any order, direction

- or instruction to any member of the Lethbridge Police Service, other than to the Chief of Police, relative to his/her duties as a member of the Lethbridge Police Service.
33. The Commission shall have the power to create policy for the rules of conduct of the Lethbridge Police Commission.
 34. The Commission may conduct a hearing to inquire into the administration, operation, or requirements of the Lethbridge Police Service, and for this purpose has the powers of a Commissioner appointed under the *Police Act*.
 35. The Lethbridge Police Commission in consultation with the Chief of Police shall cause to be prepared:
 - (a) estimates of all money required for each fiscal year within the budget cycle to
 - (i) pay the remuneration of the police officers and other persons employed for the police service, and
 - (ii) provide and pay for the maintenance of accommodation, equipment and operating costs of the police service,
 and
 - (b) a budget plan specifying the level of police service and programs to be provided by the Lethbridge Police Service, and shall submit those estimates and plans to the City Manager for consultation; and subsequently to City Council for its consideration,
 and
 - (c) After considering all relevant matters, City Council shall then approve a budget for the Lethbridge Police Service.
 36. The Commission shall provide sufficient information to enable Council to determine the financing requirements of the police service.
 37. Pursuant to the *Police Officers Collective Bargaining Act*, R.S.A.2000, City Council shall, prior to negotiations, by resolution, appoint a committee comprised of officers or servants of the City of Lethbridge to bargain on behalf of the City in negotiations with the Police Association. Commission Members may be observers of the process and will be called upon to approve the Collective Agreement prior to sending the collective agreement to City Council for ratification.
 38. All salary negotiations with non-sworn members of the Lethbridge Police Service shall be conducted by the City Manager or his/her designate and shall be subject to approval by City Council.
 39. All purchases by the Lethbridge Police Service shall be made pursuant to City of Lethbridge Purchasing Policies.
 - 39.1 In the event the Commission is required to report to Council, the Commission will report to the Community Safety Standing Policy Committee.

POLICE SERVICE

40. There shall be maintained and operated in the City a municipal police service known as "Lethbridge Police Service".
41. The Lethbridge Police Service shall consist of a Chief of Police and as many police officers and non-sworn staff as may be considered necessary from time to time by the Commission, provided it is within the funding limits established by the approved budget.
42. The Chief of Police or persons acting for the Chief, except when inconsistent with the provisions of the Act, shall be responsible for the direction of the Lethbridge Police Service, the actual day to day enforcement of laws in the City of Lethbridge, and discipline with the Lethbridge Police Service.
43. All members of the Lethbridge Police Service shall be appointed and hold office at the pleasure of the Commission.
44. Subject to the paramount authority of the Commission, the members of the Lethbridge Police Service shall obey all lawful directions, and be subject to the orders of the Chief of Police, and shall be charged with the duty of preserving the peace, apprehending offenders and generally with the performance of all duties that by law devolve upon police officers.
45. Each member of the Lethbridge Police Service, before entering upon their duties, shall take and subscribe the official oath prescribed by the Act.
46. The salaries for the Chief of Police and all non-association personnel shall be subject to ratification by City Council upon the recommendation of the Lethbridge Police Commission.

COMPLAINTS

47. All policing complaints shall be conducted pursuant to the provisions of Part 5 of the Act.

TERM

48. This Bylaw shall come into force and effect on the latter of January 1, 2016 or the date of final passing.
49. Upon this Bylaw coming into force Bylaw 5245 is repealed.

READ A FIRST TIME THIS 9th DAY OF November 2015
READ A SECOND TIME THIS 23rd DAY OF November 2015
READ A THIRD TIME THIS 23rd DAY OF November 2015.

C.A. Spearman (Sgd.)
Mayor
D. Sarsfield (Sgd.)
Deputy City Clerk