



EDMONTON POLICE COMMISSION - APPOINTMENT CHANGES

RECOMMENDATION

That Edmonton City Council replace Council members on the Edmonton Police Commission with public members at a time established by Council.

Report Purpose

Council decision required.

Executive Summary

- The Alberta *Police Act* (the *Act*) requires a municipality with its own police service to establish a police commission.
- The *Act* has provisions for the appointment of Commissioners and stipulates that, in Edmonton's case, up to 9 members may be appointed by the municipality. Three members are currently appointed by the Government of Alberta.
- The *Act* provides options for a municipality of Edmonton's size to appoint up to two members of council or employees of the municipality, if desired.
- Bylaw 14040 (Edmonton Police Commission bylaw) sets out further clarity regarding appointments of Commissioners. Pertinent elements are that under section 5(1)(a) Council *may* (emphasis added) appoint Councillors to the Commission. They are not required to, and as a matter of practice, could choose to appoint public members instead.
- In 2023, the Edmonton Police Commission underwent a governance review of its operations, and a recommendation was made that the Commission ask Council to consider replacing Council appointees with public members.
- In 2021, the Community Safety and Well-being Task Force made similar recommendations that the City consider replacing Council appointees with public members through the Safer For All report.

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REPORT

In late 2022, the Edmonton Police Commission engaged an external consultant to conduct a governance review. This review included an assessment of the degree to which the Commission can carry out governance functions and can fulfill responsibilities as established by applicable legislation, regulation, standards, policies and bylaws.

The *Police Act* is the governing legislation that outlines certain roles, responsibilities and expectations for the Government of Alberta, City Council, the Edmonton Police Commission and the Edmonton Police Service. The *Act* assigns Council the responsibility to establish and maintain an adequate and effective police service, while requiring that it be independent from the municipal political processes. The removal of political influence is achieved by requiring that a Police Commission be established with the responsibilities set out in the *Act*.

The *Act* does not prescribe a particular police governance model, rather it leaves the design of the governance framework to the parties involved. The framework's foundation and parameters are established by the *Act*, but much of the enabling guidance that facilitates effective governance must be created through carefully considered governing documents (bylaw, policy, and procedure) and adherence to government standards laid out for police commissions.

On July 20, 2023, the governance report was presented to the Commission who approved actioning of all recommendations in the report. The recommendation specific to City Council is reproduced below:

Review the practice of appointing members of City Council as members of the Commission.

Rationale: There are some advantages to the appointment of members of Council to the Commission: it establishes a direct link between the Commission and Council; and Council representatives are able to act as a liaison between both bodies, communicating any Council message to the EPC and taking back messages and impressions to the Council. There are several disadvantages:

- *The voices and opinions of Councillors tend to far outweigh those of regular Commissioners; they may have more experience and thus confidence in expressing themselves in a public forum and they are elected by a portion of the populace which carries weight of its own.*
- *Constant clarity regarding what is intended as private or in-camera discussion can be difficult, and messages may be relayed to Council or the Mayor through these informal channels that can create challenges for the Commission*
- *Council members are automatically conflicted during budget discussions, knowing the restraints placed on the bureaucracy by Council and being pressured by their colleagues on the EPC to approve increases which exceed those applied to the rest of the organization.*
- *Councillors have access to the Chief of Police through other briefings and engagements in which EPC are not invited. They may, as a result, have a greater impact on policing than members of the EPC.*
- *The attention of a Councillor is on a multitude of issues arising within a city the size of Edmonton; their principal audience and focus is not policing.*
- *Council members bring political AND Council influence into the room with them; it is inevitable. Best practice states that anyone being appointed to a decision-making body is to "remove" their*

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other hat(s) before entering that body's chambers and then place it back on when leaving. For many, that is very tough to accomplish.

Implementation Considerations

Bylaw 14040 establishes that Council may appoint up to 11 members to the Police Commission, including two members of Council. This Bylaw will need to be updated to reflect the Police Amendment Act which limits Edmonton Police Commission municipal appointments to nine and may also be amended to remove the appointment of members of Council.

Current appointments of municipal councillors to the Police Commission expire on December 31, 2023. Allowing these appointments to naturally expire will minimize disruption, allow for discussion regarding ways to maintain an effective ongoing relationship with Council, and is consistent with the Amendment Act.

The Community Safety & Wellbeing Taskforce also recommended that councillors not be appointed to the Commission.

For further background: The Community Safety & Wellbeing Taskforce's 'Safer for All Report' advanced the following:

Members of the Commission who are elected officials or City employee members must be non-voting. Having members of Edmonton City Council on the Commission unnecessarily takes up space without expanding the range of community participants who have voices in the system. Every seat counts in enabling the Commission to represent the community as fully as possible. These two seats need to be used for community members.

Current Council Engagement

Currently, Council has a number of opportunities to engage on Commission matters that are listed below. These processes are in place and, unless directed otherwise by Council, will continue as scheduled.

Strategic:

- Presentation to Council on new, or significant changes to, the EPC/S Strategic Plan. (Next planned for 2026.)
- EPS Annual Report presentation to Council each year.
- Annual Chair's Report on membership of the Commission.
- EPS attends Council if asked by Administration to provide input on bylaw matters.

Fiscal:

- Attends Council twice per year to provide updates on the Supplemental Operating Budget Adjustments
- Attends Council twice per year to provide updates on the Supplemental Capital Budget Adjustments
- Attends once per year to provide information on the year end financial report.
- Makes comprehensive operating, capital, and capital renewal budget submissions to Council at the start of each four-year budget cycle. (this can be over multiple meetings)

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- If EPS overspends in any given year, provides a report to Council on a plan to manage.
- Provides reports on sole source procurement in alignment with existing City policy.
- Provides long term capital planning reports in alignment with existing City policy.
- In addition to the above, EPS is available to answer questions, three times per year, when City Administration provides financial updates to Council, in which police financial figures are included.

Jurisdictional Scan

In reviewing the composition of other boards and commissions in Canada it is noted there are limited learnings from other provinces due to differences in legislation.

British Columbia

- Under the *Act*, the Mayor, a person appointed by Council, up to 7 provincial public appointees.

Saskatchewan

- *Act* allows a mix of elected officials and public appointees.
- Regina – three elected officials (including Mayor), 4 council appointed public members.
- Saskatoon - three elected officials (including Mayor), 3 council appointed public members.

Manitoba

- *Act* allows a municipality to appoint 3 or 5 members. 7 in the case of Winnipeg.
- No more than half of the board may be council or municipal employees.
- Winnipeg - two elected officials (including Mayor), 4 council appointed public members, 2 provincial public appointees.

Ontario

- *Act* allows a municipality to appoint 5, 7, or 9 members.
- 5 member boards: Mayor or other councillor, councillor, council appointed public member, 2 provincial public appointees
- 7 member boards: Mayor or other councillor, 2 councillors, council appointed public member, 3 provincial public appointees
- 9 member boards: Mayor or other councillor, 3 councillors, council appointed public member, 4 provincial public appointees

Quebec (not directly comparable in scope and role)

- Montreal Police body – all elected officials

Nova Scotia

- *Act* allows 5 or 7 person boards
 - 5 member boards: 2 councillors, 2 council appointed public members, 1 provincial public appointee
 - 7 member boards: 3 councillors, 3 council appointed public members, 1 provincial public appointee

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New Brunswick

- *Act* states at least one of each of the following: council appointed public member, councillor, the Mayor (or designate), provincial public appointee, and the Chief in a non-voting role.

Next Steps

If Council wishes to proceed down this path, the Commission feels they have all of the current bylaw authority required and it would be a matter of changing the current practice of appointing Councillors in favour of public members. Council will likely require input from their legal counsel to confirm this perception.

The timing of such a change is at Council discretion and this could happen immediately, at the end of currently expiring Councillor terms, or at a future date to be determined by Council.

Lastly, this could also unfold as a pilot project and Council could revert back to appointing Councillors should they desire at a future date.

Decision Requested

Council review and discuss their appetite for making the requested changes to Commission appointments.

ATTACHMENTS

1. Excerpt from the Edmonton Police Commission's Governance Review related to appointments
2. Excerpt from the 'Safer for All' Report related to appointments
3. Related excerpt from Bylaw 14040