

BYLAW 35-2020

AMENDMENT NO. 1 to BYLAW 3-2009

Administrative oversight and discipline of the Strathcona County's Bylaw Enforcement Officers is currently within the jurisdiction of the Officer in Charge of the County's RCMP detachment;

Strathcona County and the RCMP have agreed to a new Memorandum of Understanding that removes the oversight and discipline function from the Officer in Charge;

Bylaw 3-2009, which sets out procedures for complaints against Bylaw Enforcement Officers, still includes provisions that include an oversight and discipline function to the Officer in Charge;

Council wishes to amend Bylaw 3-2009 to align with the Memorandum of Understanding, and move the oversight of Bylaw Enforcement Officers to internal Strathcona County resources and processes;

Therefore Council enacts:

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| Purpose | 1 The purpose of this bylaw is to amend Bylaw 3-2009 to transfer administrative oversight of the County's Enforcement Officers from the RCMP to the County. |
| Amendments | 2 Bylaw 3-2009 is amended by this bylaw. |
| | 3 Section 1.01 is added before section 1.1:

1.01 "Associate Commissioner" means the Associate Commissioner, Community Services, for Strathcona County, or whatever position is responsible for the administrative division that includes Strathcona County's Enforcement Services |
| | 4 Section 1.6 is deleted. |
| | 5 Sections 5.1, 5.3, 5.6, 5.8, 6.1, 6.1.5, 6.2, 6.3, 7.1, 7.3, 7.5, 7.7, and 7.8 are amended by deleting all instances of the defined term "OIC" and replacing each deletion with the words "Associate Commissioner". |
| | 6 Section 5.4 is deleted and replaced with the following:

5.4 The Associate Commissioner will investigate the complaint. During the investigation, the Bylaw Enforcement Officer or Peace Officer will be given the opportunity to respond to the complaint. |

7 Section 5.4.A is added after section 5.4:

5.4.A If the Associate Commissioner determines that a complaint is of conduct that is criminal in nature, the Associate Commissioner will provide a copy of the complaint to the RCMP for further investigation.

8 Section 5.5 is deleted.

9 Section 5.7 is deleted and replaced with the following:

5.7 Upon completion of an investigation pursuant to section 5.4, the Associate Commissioner will present a copy of the complaint and a copy of the investigative report to the Bylaw Enforcement Officer or Peace Officer against whom the complaint was made, and the Bylaw Enforcement Officer or Peace Officer will then be given 7 days to make a full response to the complaint and the investigative report.

10 Section 5.10 is added following section 5.9:

5.10 The Associate Commissioner shall, within 20 days of the Associate Commissioner's decision and in writing, notify the Bylaw Enforcement Officer or Peace Officer, and the complainant of the Associate Commissioner's decision.

11 Section 6.1.4 is deleted and replaced with the following:

12 6.1.4 terminate the employment of the Bylaw Enforcement Officer or Peace Officer;

13 Section 7.6 is deleted and replaced with the following:

7.6 In conducting the hearing, the Chief Commissioner shall:

7.6.1 inform the Bylaw Enforcement Officer or Peace Officer of the facts in the Chief Commissioner's possession or the allegations made against the Bylaw Enforcement Officer or Peace Officer in sufficient detail to:

7.6.1.1 permit the Bylaw Enforcement Officer or Peace Officer to understand the facts or allegations;
and

7.6.1.2 afford the Bylaw Enforcement Officer or Peace Officer an opportunity to furnish relevant evidence to contradict or explain the facts or allegations; and

7.6.2 give the Bylaw Enforcement Officer, Peace Officer, complainant, or the representative of any of them, an opportunity to make representations by way of written or oral argument to the Chief Commissioner.

FIRST READING: June 23, 2020

SECOND READING: June 23, 2020

THIRD READING: June 23, 2020

SIGNED THIS 3rd day of July, 2020.

Rod Frank
MAYOR

Mavis Nathoo
DIRECTOR, LEGISLATIVE AND LEGAL
SERVICES