

MINUTES of the open portion of the regular meeting of the OAK BAY POLICE BOARD held in the Committee Room, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Oak Bay, B.C., on Tuesday, January 16, 2007.

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| PRESENT: | Board Members: | Mayor Christopher Causton, Chairman Dawn House Jo-Anne Kern James Murtagh |
| | Chief Constable: | Ben Andersen |
| | Deputy Chief Constable: | Ron Gaudet |
| | Secretary: | William Cochrane |

The meeting was called to order at 5:00 p.m.

ADOPTION OF MINUTES:

MOVED by Ms. House

Seconded by Ms. Kern, That the minutes of the open portion of the regular meeting of the Oak Bay Police Board held on Tuesday, December 19, 2006, be adopted.

CARRIED

BUSINESS ARISING FROM MINUTES:

Block Watch and Emergency Planning

Referring to the discussion at the December meeting regarding the potential for collaboration between Block Watch and Emergency Program volunteers, the Chairman said that a recent meeting of emergency planning agency representatives hosted by Oak Bay had further highlighted the benefits that could arise from coordination between the two programs.

DEPARTMENT REPORTS:

OVERTIME REPORT (DECEMBER 2006)

Although overtime costs for the year were in excess of the budgeted amount, the Board noted that the total hours were actually down slightly from the 2005 figure. This situation was attributable to lower overtime requirements in connection with investigation, court time and special duty. Overtime required as a result of absence due to disability and sickness, on the other hand, showed a 60% increase for the year.

SCHOOL LIAISON / COMMUNITY POLICING REPORT (DECEMBER 2006)

The Board noted that the report from the Community Services Officer included some selected data from the monthly crime statistics. The Chief Constable said that the Board would be receiving the complete year end crime statistics for 2006 at its next regular meeting, and that it could consider at that time whether or not it wished to direct staff to increase the frequency of reports to the Board in this area.

Observing that the Community Policing Report also included information on referrals to the Oak Bay Restorative Justice group, the Board indicated that it would be useful to have these statistics submitted on a regular basis as well, perhaps in conjunction with the crime statistics.

MOVED by Ms. Kern

Seconded by Ms. House, That the Department Reports for December 2006 be received.

CARRIED

COMMUNICATIONS:

1. PB2007-1 DEPUTY CHIEF CONSTABLE, January 10, 2007
Regulation of Fireworks in Oak Bay

The Board noted that although the current scheme for the regulation of fireworks in Oak Bay appeared on paper to address virtually all potential sources of problems, the experience in the field was that the “no discharge on public property” provision was extremely difficult to enforce with the resources available. The easy access to fireworks from the many retailers in Greater Victoria, combined with the relatively long time during which discharge was permitted, created a situation where the police could not effectively deal with all of the contraventions.

The Board examined a number of model bylaws, including the version adopted by Colwood, Langford and View Royal last year. The feedback from the western community policing authorities was that the bylaw appeared to have had the effect of reducing significantly the number of incidents.

The central features of the western community bylaw were as follows:

- No discharge of standard fireworks except between 5 p.m. and 10 p.m. on October 31.
- No discharge of standard fireworks by any person under the age of 18.
- No discharge of standard fireworks by any person unless authorized by permit, with proof of certification from the Explosives Regulatory Division of Natural Resources Canada required.
- No sales or trading of fireworks anywhere within the municipality.

It was remarked that the permit system was somewhat complex compared with the outright ban that had been implemented in some Lower Mainland jurisdictions. On balance, however, the Board felt that the greater weight should be assigned to the value of consistency within the Capital Region, which was likely represented by the western community model.

MOVED by Ms. Kern

Seconded by Ms. House, That it be recommended to Council that it adopt a revised fireworks regulation bylaw modelled on the regulations enacted in Colwood, Langford and View Royal.

CARRIED

2. PB2007-2 DEPUTY CHIEF CONSTABLE, January 10, 2007
Replacement of Administration Vehicle

MOVED by Ms. Kern

Seconded by Ms. House, That staff be authorized to ask Council for approval of the purchase of a used vehicle to replace the existing non-patrol "Administration" vehicle, with the request to be accompanied by an analysis, in tabular or other systematic form, of the various alternatives which had been considered, including a gas/electric hybrid vehicle, a mini-car option such as a "Smart" car, the four cylinder conventional power option that was being recommended, and the full size option represented by the current vehicle.

CARRIED

3. PB2007-3 POLICE BOARD SECRETARY, January 9, 2007
Oak Bay / Saanich Police Services Agreement

The Board reviewed in depth the proposed enhanced services agreement with the District of Saanich.

On the administrative side, the Board asked the Chief Constable to ensure that it received regular reports on the use of the enhanced services in the complex crime investigation category, similar to those submitted to Council by the Oak Bay Fire Department on its recourse to "mutual aid" from other departments.

The Board noted that although the Chief Constable envisaged a review of the cost of the complex crime component each year in order to determine pricing for subsequent years, the scheme of the agreement appeared to be that the flat \$40,000 fee for this component continued throughout the term. Both parties would have to agree, therefore, on any mid-term changes to the fee.

The Board was concerned that the draft agreement contained a provision for unilateral termination by either party upon six months' notice notwithstanding the five year term. The members felt that this clause significantly lowered the value of the "insurance" represented by the most expensive portion of the enhanced service, which was for homicide investigation.

Ultimately, the Board was not prepared to recommend the enhanced services agreement to Council without an amendment to remove the early termination language.

MOVED by Mr. Murtagh

Seconded by Ms. Kern, That the Board recommend to Council that it authorize the execution of the proposed enhanced police services agreement with the District of Saanich in the form attached to Item No. PB2007-3, subject to the deletion of any provision that would confer upon the service provider a right to terminate the agreement unilaterally, regardless of the notice required before exercising that right.

CARRIED

It was remarked that it seemed somewhat peculiar that there was no mention of the role of the Police Board within the proposed enhanced services agreement. The Secretary advised, however, that wherever the agreement conferred any authority or responsibility upon the Chief Constable, he would still be directly accountable to the Board for the exercise of that authority or responsibility. Furthermore, to the extent that any action fell into the category of policy rather than operations or administration, the Chief would remain subject to direction from the Board – the existence of the agreement could not alter the statutory relationship in that regard.

4. PB2007-4 BRITISH COLUMBIA ASSOCIATION OF POLICE BOARDS,
December 21, 2006
Sponsorship Request – 2007 BCAPB Annual General Meeting and
Conference

MOVED by Ms. House

Seconded by Ms. Kern, That the Board sponsor the Saturday lunch component of the forthcoming annual conference of the B.C. Association of Police Boards, at a cost of \$575.

CARRIED

5. PB2007-5 BRITISH COLUMBIA ASSOCIATION OF POLICE BOARDS,
January 4, 2007
Attendance at 2007 BCAPB Conference and Annual General Meeting

MOVED by Ms. House

Seconded by Ms. Kern, That the Chairman and Mr. Woytack be authorized to attend the annual conference of the B.C. Association of Police Boards on February 16-18, 2007, with the Board covering the cost of expenses necessarily incurred.

CARRIED

6. PB2007-6 BRITISH COLUMBIA ASSOCIATION OF POLICE BOARDS,
[undated]
Nominations for BCAPB Executive Board

MOVED by Ms. House

Seconded by Mr. Murtagh, That Mayor Causton be nominated to serve as Director-at-Large on the B.C. Association of Police Boards' Executive, and that Ms. Kern be designated to serve as alternate.

CARRIED

OTHER BUSINESS:

Retiring Employees

Noting that two long-serving Sergeants would be retiring early in the new year, the Board agreed that the Chairman should routinely send a letter to retiring employees thanking them for their service. The Chief Constable said that he would draft a letter for the Chairman's signature in this regard.

New Appointments

The Board agreed that a ceremonial “swearing in” of new employees in the public Council meeting environment would be useful in establishing a link between the officer and the community that he is to serve. Subject to the concurrence of Council, the Chairman agreed to work with the Chief Constable to make the necessary arrangements in this regard.

Meeting Date

With neither the Chief nor the Deputy able to attend on February 20, the date of the next regular meeting was changed to February 27, 2007.

ADJOURNMENT:

MOVED by Ms. Kern

Seconded by Ms. House, That the open portion of the meeting be adjourned and that a closed session be convened to discuss matters which may be dealt with in private under the *Police Act*.

CARRIED

The open portion of the meeting adjourned at 6:55 p.m.

Certified Correct

Secretary, Oak Bay Police Board

Chairman, Oak Bay Police Board