

# CITY OF SURREY

OFFICE OF THE MAYOR

Nov 20, 2023

Honourable Mike Farnworth  
Minister of Public Safety and Solicitor General  
and Deputy Premier  
Parliament Buildings  
Victoria, BC  
V8V 1X4

Via email: [PSSG.Minister@gov.bc.ca](mailto:PSSG.Minister@gov.bc.ca)

Dear Minister Farnworth,

I am writing on behalf of the Council of the City of Surrey in response to your letter dated November 16, 2023.

The City does not object in principle to the marginalization of the Provincially-appointed members of the Surrey Police Board (“SPB”) given their repeated failures to discharge their responsibilities in a responsible manner. However, the City finds objectionable your unilateral suspension of the SPB and appointment of an individual trustee without any prior consultation with or even notice to the City. The lack of consultation is particularly objectionable since the suspension removes all municipal oversight of the SPB through the City-appointed member and the appointment of the Mayor as the SPB’s Chair under the Police Act.

There are several points in your letter that require response. It is apparent that you may not be fully briefed on matters. First, the City rejects the suggestion that it has created any risk that it will fail to meet its obligations under the Police Act. First and foremost, the City considers that s 15 of the Police Act requires the City to “provide ... policing and law enforcement in the municipality with a police force or police department of sufficient numbers (i) to adequately enforce municipal bylaws, the criminal law and the laws of British Columbia, and (ii) to maintain law and order in the municipality.”

All discussions to date between representatives of the Province and the City have proceeded on the agreed premise that SPS, currently and for the foreseeable future, is inadequate to enable Surrey to satisfy s 15. Only the RCMP, the City’s POJ for more than 70 years, and the designated POJ pursuant to resolutions of the duly-elected council, possesses “sufficient numbers,” to use the wording of the Police Act, to satisfy s 15. In keeping with what s 15 says, the City has committed to providing funding for that purpose.



BRENDA LOCKE  
MAYOR

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Were it not for the unprecedented step by the Province to reverse the results of last fall's municipal election, and arrogate to itself the decision that you repeatedly represented to Surrey voters was for council to make, the present state of affairs would not exist. Any risk of inadequate policing in Surrey, therefore, is solely the result of the Province's actions (which the City considers to be unlawful).

Your letter states that the "need" for the SPB Administrator was identified by the Strategic Implementation Advisor in the course of her work, which is said to include many meetings. As stated above, the basis of meetings with the advisor attended by the City's senior management is that SPS is not now adequate to satisfy s 15 of the Police Act and will not be for years still (if ever).

Your letter also suggests a "lack of progress" from the City in advancing the police model transition to SPS. I assume this is an instance where you have not been properly briefed on the current state of matters. I am advised that the advisor has not formally communicated any steps for the City to take that the City has not done. Recent amendments to the Police Act state that policing is to be provided in Surrey by "means" of a municipal police department. The City has established a municipal police department and, until your unilateral action, had a municipal police board. The City is in compliance with the requirements of the recent amendments, therefore, even while a challenge to them is before the court.

The City has instructed staff to consider and evaluate any fully-costed proposal that the advisor wishes to table for how the requirements of s 15 can be satisfied via SPS. The responsibility to develop such proposal for the City's consideration rests with the Province in the first instance. Council repeatedly have stressed that any such proposal must not burden taxpayers with additional financial obligations.

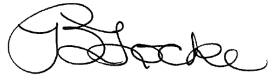
With respect to your concerns regarding SPS's budget, Council approved a budget for policing after receiving SPS's budget submission, and SPS did not object to Council's budget. Moreover, SPS is fully funded to the extent necessary to support operations to ensure adequate and effective policing. The process set out by legislation contemplates the board bringing a budget to council for approval. Under s 27(6) of the Police Act no expenditure may be made that is not contained in a budget approved by council.

Finally, your letter refers to the October 4, 2023 letter from the Director of Police Services which you characterize as stating mandatory items for the City's action. The letter pre-dates recent legislative amendments and expressly links to your decision of July 19. As you know, the City has before the court a challenge to the lawfulness of your July 19 decision. We consider the Province's decision to pass legislative amendments, rather than attempting to defend the Minister's July 19 decision in court, as confirmation of the correctness of the City's legal position. In any event, we can see no legal basis for characterizing the DPS's comments in his letter as imposing legal obligations on the City. As stated above, the City is in compliance with its legal obligations and awaits the fulfillment of the Province's obligations, through the advisor, to table a fully-costed proposal that will not jeopardize the City's ability to continue to satisfy s 15 in a financially prudent manner as the City has done for decades.



To repeat, the City's number one priority – both before and after recent amendments to the Police Act – is to provide its residents safe and effective policing in accordance with the Act. There is no concern that safe and effective policing is not being provided by the current police of jurisdiction. Also a priority is ensuring that Surrey residents are not burdened with additional policing costs that bring no corresponding increase in community safety. The City will continue to govern itself in accordance with its obligations and will continue to work in good faith with those of like motivation in advancing the interests of Surrey residents.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Locke". The signature is fluid and cursive, with the first letter being a large, stylized capital 'B'.

Brenda Locke,  
Mayor

