

CITY OF SURREY

OFFICE OF THE MAYOR

CONFIDENTIAL

WITHOUT PREJUDICE
SUBJECT TO SETTLEMENT
PRIVILEGE

April 3, 2024

The Honourable Mike Farnworth
Solicitor General and Minister of Public Safety
P.O. Box 9010, Prov. Govt.
Victoria, BC V8W9L5

Transmitted by email: PSSG.Minister@gov.bc.ca

Dear Minister Farnworth

I write in respect of the proposed Contribution Agreement between the Province and the City. While I and the other members of Council have serious concerns regarding how one-sided the Contribution Agreement is towards the Province, I am writing to advise that the City will accept the Province's financial contribution of up to \$250 million, subject to the Province's acceptance that on or before April 24, 2024:

1. The Province will provide to the City written confirmation from the Federal Government that the Federal Government will make the legislative changes necessary to allow the RCMP to report to a municipal police department by December 31, 2024;
2. The Province provide to the City written confirmation from the National Police Federation that its members will continue to work in the City of Surrey while reporting to a municipal policing service;
3. The Province will provide to the City a written commitment that it will increase funding to the Justice Institute of British Columbia (JIBC) in a sufficient amount such that the JIBC's capacity is increased and properly equipped to be able to train the necessary recruits with such improvements in place by December 31, 2024;
4. The Province provide to the City written confirmation of an agreement with the Federal Government to transfer assets, exhibits and files by December 31, 2024;
5. The Province provide to the City written confirmation that the payment of any monies from the Province relating to the transition be paid as expenses are incurred. Failure to fund capital costs as they arise will require the City to raise taxes which is going to cause an unconscionable hardship on many of the residents of the City of Surrey; and



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6. The Province provide to the City, written confirmation that the City will be able to provide a list of potential Board nominees to the Province for review, with the Province consulting with the City in a meaningful way.

These conditions are aimed at ensuring that the Province takes on its own responsibilities to ensure that a speedy and successful transition to the SPS is feasible such that Surrey taxpayers are not asked to fund more of the transition than fair or necessary in circumstances where:

1. the Province is offering a financial contribution substantially less than the transition's estimated costs;
2. the proposed Contribution Agreement contains terms that raise serious concerns regarding the certainty of Provincial funding; and
3. these deliverables are largely out of the City's purview and control, and requires the Province's active involvement and support.

Council has instructed our legal counsel to negotiate the inclusion of these terms into the Contribution Agreement. We ask that the Province provide its position on the proposed terms by no later than 4 pm on April 5, 2024.

Sincerely,



Brenda Locke
Mayor

CC: Councillor Linda Annis
Councillor Harry Bains
Councillor Mike Bose
Councillor Doug Elford
Councillor Gordon Hepner
Councillor Pardeep Kooner
Councillor Mandeep Nagra
Councillor Rob Stutt
Glen Lewis, A/Assistant Deputy Minister, and Director of Police Services
Rob Costanzo, City Manager



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April 9, 2024

The Honourable Mike Farnworth
Solicitor General and Minister of Public Safety
P.O. Box 9010, Prov. Govt.
Victoria, BC V8W9L5

Transmitted by email: PSSG.Minister@gov.bc.ca

Dear Minister Farnworth

I write in response to your letter of April 5, 2024 regarding the proposed Contribution Agreement between the Province and the City.

As I had stated in my initial letter, the City accepted the Province's financial contribution of up to \$250 million, subject to the Province's acceptance of conditions that would ensure the feasibility of a speedy and successful transition. Council had instructed legal counsel to negotiate these conditions into the Contribution Agreement. It is unfortunate, then, that the Province has refused to make any changes whatsoever to the Contribution Agreement, delivering instead a letter that challenges the very premises of the conditions sought by Council. In essence, the Province has failed to demonstrate its commitment to a successful policing transition, and by extension, its commitment to public safety, and this has left Council with no choice but to refuse to enter into the Contribution Agreement.

In further reply to certain of the response points raised in the letter of April 5:

1. The National Police Federation has delivered correspondence to the City stating that the NPF will object to any arrangement that requires RCMP officers to work under the supervision of the SPS, taking the position that doing so would be a material change to their collective bargaining agreement and in breach of the employer's obligation under legislation. This directly undermines the Province's suggestion that the proper legal instruments are already in place that would allow the RCMP to be able to provide transitional support to the SPS. The Province's failure to substantively address the City's concern in this regard would require the City to take sole responsibility for a serious safety risk.
2. The Province's suggestion that the Justice Institute of BC (JIBC) is sufficiently funded, and refusal to include any contractual commitment in this regard in the Contribution Agreement, is contrary to reality and puts the safety of Surrey citizens at risk. In fact, Mike Serr, Administrator of the Surrey Police



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Board, has already raised his concerns to me about the need for more Provincial funding for the JIBC to support a transition.

3. Regarding the Province's purported assurances to ensure a highly effective police board that incorporates the City's input, these assurances are undermined by the Province's announcement this past Thursday of *Police Act* amendments that would strip the Mayor of the position of chair of the police board.

4. The proposed Contribution Agreement was notably silent on a completion date for a transition, while the conditions proposed by the City required the Province to achieve important milestones necessary for the transition within the year. This includes, critically, the provision by the Province of written confirmation from the Federal Government that it will make the legislative changes necessary to allow the RCMP to report to municipal police department by December 31, 2024. There is nothing in your letter to suggest that the Province will be able to obtain this confirmation by December 31, 2024, or any date for that matter. And as your letter of January 18, 2024 confirms, the Province has no plan for a transition. Together with the position taken in your April 5 letter, it is evident that the Province does not know when a transition would complete or how to get there. The implications for the safety of Surrey residents are clear.

5. Last but not least, the Province's response provides no certainty as to how long the RCMP will be required to continue providing policing services in Surrey, even after SPS becomes the police of jurisdiction. In other words, there is no end date in sight to when Surrey's taxpayers will no longer have to support two separate police forces in the city.

In the absence of any viable alternative, legal counsel has been instructed to continue with the City's Petition, and we look forward to having the matter heard and dealt with by the Court.

Sincerely,



Brenda Locke
Mayor

CC: Councillor Linda Annis
Councillor Harry Bains
Councillor Mike Bose
Councillor Doug Elford
Councillor Gordon Hepner
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