

## MUNICIPALITY OF THE DISTRICT OF LUNENBURG

### A BY-LAW RESPECTING THE MEMBERSHIP AND RESPONSIBILITIES OF THE POLICE ADVISORY BOARD

**Council Approval Date: May 12, 2009**

The Council of the Municipality of the District of Lunenburg, in the Province of Nova Scotia, enacts as follows:

#### **1.0 Short Title**

This By-law shall be known as the Police Advisory Board By-law, which legislative authority is derived from the Police Act of Nova Scotia, S.57, S.N.S.2004, c.31, as amended.

#### **2.0 Interpretation**

In this By-law:

- 2.1 "Board" means the Municipality of the District of Lunenburg Police Advisory Board, a body to provide advice to Council in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the Municipality of the District of Lunenburg, excepting matters relating to complaints, discipline, personnel conduct or the internal management of the Royal Canadian Mounted Police.
- 2.2 "Code of Conduct" means the Code of Conduct for the members of the Board adopted by Council
- 2.3 "CAO" means the Chief Administrative Officer of the Municipality
- 2.4 "Chief Officer" means the District Commander in the District RCMP"
- 2.5 "Council" means the Council for the Municipality
- 2.6 "Minister" means the Minister of Justice for the Province of Nova Scotia
- 2.7 "Municipality" means the Municipality of the District of Lunenburg
- 2.8 "RCMP" means the Royal Canadian Mounted Police.
- 2.9 "Regulation" means the Police Regulations made under the Police Act.

### **3.0 Membership**

3.1 The Board shall be comprised of seven members consisting of:

- a) Three members of Council, appointed by Council
- b) Three members appointed by Council, who are neither members of Council nor employees of the Municipality; and
- c) One member appointed by the Minister

3.2 The Chief Officer and the CAO shall receive notice of meetings of the Board and are entitled to attend such meetings, but not to vote.

3.3 A Chair and Vice –Chair shall be chosen by the members of the Board at the first meeting in each year.

3.4 Each member of the Board shall take Oath of Office, or affirmation, as prescribed by Regulation and adhere to the Code of Conduct

3.5 Where a member of the Board is unable to carry out the duties as a member of the Board by reason of illness, absence or any other reason, the person or the body that made the initial appointment may appoint some other person to act as or be a member of the Board in the place or stead of the absent member.

3.6 A Board member shall undergo any training that may be provided for members of the Board or required by the Minister or by Regulation.

3.7 A member of an Advisory Board may be dismissed by:

- a) The Minister, if the Minister appointed the member, or
- b) Resolution of Council, if Council appointed the member.

### 3.8 Terms

- a) Members other than Municipal Councillors, may serve for no more than three consecutive years, but may be reappointed after an absence of at least one year, or where no other interest have been received for the same position. Municipal Councillors shall serve for a term deemed appropriate by Council;
- b) Members, other than Municipal Councillors, shall be appointed for one, two and three year terms, with no term expiring at the same time as another member.

The resulting terms are therefore staggered terms, to ensure continuity in the Boards' activities.

### 3.9 Remuneration

The non council members of the Board appointed by Council shall receive payment of remuneration in accordance with Council's Policy MDL-04, as amended from time to time.

## 4.0 **Member Selection**

4.1 Council shall follow the following procedure in appointing a Board member:

- a) vacancies shall be advertised and applications solicited; and
- b) applications received shall be forwarded to the Nominating Committee of the Municipality for review and recommendation for appointments. The Nomination Committee may at the Committee's discretion seek the advice of the Board's Chair, CAO or Chief Officer in the review of the applications received.

Council shall consider the appointment of a Board Member(s) upon receipt of the Nominating Committees recommendation.

### 4.2 Board Member Qualifications

- a) A person shall demonstrate all of the following qualifications, to the satisfaction of Council, to be a candidate for appointment as a member of the Board:
  - i) residence in the Municipality
  - ii) knowledge of community issues
  - iii) good character
  - iv) the skills and abilities to make the commitment of time and effort required to carry out board responsibilities.
- b) A person shall consent to criminal and background checks to be a candidate for appointment as a member of the Board;

- c) No person shall be appointed as a member of the Board if criminal and background record checks show that the person has been convicted of any criminal offence or has been or is the subject of a disciplinary proceeding in any jurisdiction that, in the opinion of Council, would reasonably be expected to have a negative impact on their acting as a Board Member or on the Board generally.

## **5.0 Meetings**

### **5.1 Regular Meetings**

Regular Meetings of the Board shall be held at the Council Chambers on the Third Wednesday of each of the months of January, April, July and October of each year, at 0900 hours, or at such other time or place as the Board shall determine, provided that there shall be at least one such meeting every three months.

### **5.2 Meetings Open to the Public**

Board meetings shall be open to the public, except as to all matters relating to discipline, personnel conduct, contract negotiations and security of police operations may be conducted in private.

### **5.3 Meeting Procedures**

- a) A majority of the voting members of the Board shall constitute a quorum.
- b) The Chair, or in the absence of the Chair the Vice-Chair, shall preside at all Board Meetings.
- c) Motions and Voting Procedures shall be in accordance with Roberts Rules of Order.

## **6.0 Responsibilities of Members**

The role of a member of the Board includes the following responsibilities, subject to the policing agreement:

- a) determine , consultation with the Chief Officer or the Chief Officer's designate, priorities, objectives and goals respecting the police services in the community;

- b) ensure the Chief Officer establishes programs and strategies to implement the priorities, objectives and goals respecting police services;
- c) ensure that community needs and values are reflected in policing priorities, objectives and goals respecting police services;
- d) ensure that police services are delivered in a manner consistent with community values, needs and expectations;
- e) act as a conduit between the community and the RCMP District;
- f) recommend policies, administrative and organizational direction for the effective management of the detachment;
- g) review with the Chief Officer, or the Chief Officer's designate, information provided by the Chief Officer respecting complaints and internal discipline. For clarity, the Board shall not exercise jurisdiction relating to complaints, discipline, personnel conduct or internal management of the RCMP;
- h) on behalf of the Board, the Board Chair may, in accordance with an agreement made pursuant to clause 36(1)(b) of the Police Act, give advice in writing to the Chief Officer, but not to other members of the RCMP District, and for greater certainty, no other member of the board shall give advice or direction to a member of the police service; and
- i) the Board shall provide annually to Council and the Lunenburg County District Commander an evaluation of the policing services in the Municipality with reference to the Policing Goals and Objectives per clause (a).

## **7.0 Role of the Chair of the Board**

The role of the Chair of the Board shall be as follows:

- a) to preside over the Board and to manage, organize, set agendas for and attend meetings, ensuring that all policies developed by the Board are appropriately implemented;
- b) to ensure that Board members are aware of their roles and responsibilities;

- c) to ensure that Board members are informed of matters within the Board's jurisdiction; and
- d) to act as the sole spokesperson for the Board.

## **8.0 Code of Conduct for Board Members**

- 8.1 Board Members shall adhere to the Code of Conduct adopted as Policy MDL- 37, by Council, and as may be amended from time to time.
- 8.2 Notwithstanding the Code of Conduct adopted by Council, Board members shall comply with the Code of Conduct as established by the Regulations.
- 8.3 The Board shall record any breach of the Code of Conduct by a member of the Board in the Board's minutes
- 8.4 On determination by the Chair or a majority of the Board Members, that a Board member has breached the Code of Conduct for Board members, the Board may take one or more of the following actions:
  - a) issue a reprimand to the Advisory Board Member;
  - b) order a period of suspension for the Advisory Board Member; or,
  - c) recommend to the Minister or the Council that the Board Member be dismissed.

The action chosen shall depend upon the severity of the Breach. Where possible, progressive discipline shall be employed.

## **9.0 Expenditures and Credit**

Neither the Board nor any member of the Board has any power to authorize any expenditure to be charged to the Municipality or to pledge the credit of the Municipality for any member.

**Municipal Clerks Annotation for Official By-law Book**

Date of First Reading:	April 14, 2009
Date of Advertisement: Notice of Intention:	April 24 & 28, 2009
Date of Second Reading:	May 12, 2009
*Date of Advertisement and Passage of By-law	May 19, 2009

I certify that this By-law, being a By-law Respecting the **Membership and Responsibilities of the Police Advisory Board** was adopted by Council and published as indicated as indicated above.

*April Wynne Hobbs*

Municipal Clerk

*May 19 2009*

Date

\* Effective Date of the By-law unless otherwise specified in the By-law