

NOTICE OF PUBLICATION

SUBJECT: Amherst Board of Police Commissioners By-law, C-1

NOTICE IS HEREBY GIVEN that Amherst Town Council, at a meeting held on December 20, 2010, adopted a By-law Respecting the Board of Police Commissioners for the Town of Amherst, C-1.

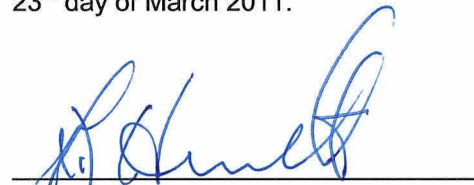
The new by-law repeals and replaces the Town of Amherst By-law to Establish the Amherst Police Commission approved by Council in January 1977 and amended in February 1984 and December 1994.

The new by-law clarifies terms of board member appointments and attendance at commission meetings, increases the board membership from five to seven, and includes housekeeping amendments to bring the wording in compliance with current legislation.

Copies of the new by-law may be inspected at the office of the Town Clerk, Confederation Memorial Building, Ratchford Street, during regular business hours. The by-law can also be viewed on the Town's web page at www.amherst.ca

THIS IS TO CERTIFY that the foregoing is a Notice of Publication regarding the adoption of the above Town of Amherst By-Law as published in the local newspaper on March 23, 2011.

GIVEN under the hand of the Town Clerk and under the seal of the Town of Amherst this 23rd day of March 2011.



Gregory D. Herrett, CA
Town Clerk and Chief Administrative Officer

Town of Amherst

A BYLAW RESPECTING THE BOARD OF POLICE COMMISSIONERS FOR THE TOWN OF AMHERST

BE IT ENACTED by the Council of the Town of Amherst, under the authority of the Police Act, Chapter 31, ACTS OF NOVA SCOTIA 2004.

Short Title

- 1 This By-Law shall be known as the "Amherst Board of Police Commissioners By-Law".

Definitions

- 2 In this By-Law
 - (a) "Board" means the Board of Police Commissioners for the Town of Amherst
 - (b) "Council" means the Council for the Town of Amherst.
 - (c) "Chief of Police" means the Chief of Police of the Amherst Police Department.
 - (d) "Amherst Police Department" means the Chief and members of the municipal police force of the Town of Amherst.
 - (e) "Minister" means the Minister of Justice for the Province of Nova Scotia

Board Established

- 3 The Council establishes the Board of Police Commissioners for the Town of Amherst, with membership as follows:

One Year Term	Two community volunteers
Two Year Term	One member of Council One Community Volunteer
Three Year Term	Two members of Council
Other	One Ministerial appointment

Membership

4

- (a) The member of the Board appointed by the Minister shall be appointed pursuant to subsection 44(4)(c) of the Police Act.
- (b) The members of the Board appointed by Council shall be appointed pursuant to subsections 44(4)(a) and (b) of the Police Act.
- (c) Dismissal of members of the Board shall be carried out in accordance with subsection 44(7)(a) with regard to a member appointed by the Minister and subsection 44(7)(b) with regard to members appointed by Council.
- (d) An absence from two consecutive meetings without just cause as determined by the chair and Board members shall be cause for the replacement of a member appointed by Council.
- (e) Where a vacancy occurs on the Board or where a member is unable to carry out his/her duties as a member of the Board by reason of illness or absence, Council shall appoint a replacement as soon as is practicably possible.
- (f) The members of the Board appointed from Council shall serve without remuneration.
- (g) The Board shall, at its first meeting each calendar year or as soon as practicable thereafter, choose its chairperson and vice-chairperson.
- (h) The chairperson shall preside at all meetings of the Board and in his/her absence the vice-chairperson shall preside.
- (i) Should the chair become vacant due to resignation or replacement, an election for the Chair shall be held within 60 days of such vacancy occurring.

Procedure

5

- (a) The Board shall conduct its business according to the bylaws, regulations and policies established by Amherst Town Council, the Amherst Board of Police Commissioners, the Police Act and, where applicable the Municipal Government Act.

- (b) The Board shall hold a meeting at least every three months. The Board may meet in camera at any time on 24 hours notice by the Chairperson or any two members or at any time with unanimous consent of all members concerning all matters relating to discipline, personal conduct, contract negotiations and security of the police operations.
- (c) A majority of the members of the Board shall constitute a quorum.
- (d) The Chief Administrative Officer of the Town or his appointee, shall be the Secretary to the Board and shall have charge of all minutes, records and accounting procedures to be followed and maintained by the Board.

Chief Officer

- 6 (a) The Chief of Police shall be appointed by the council, and following a year's period of probation, may not be suspended, dismissed or otherwise disciplined except with cause, and in such event, he shall have the right to appeal, within fifteen days of such disciplinary action, to the Chairman of the Nova Scotia Police Commission. The Commission shall conduct a hearing therein and may confirm, overrule, or modify such action and its decision therein, shall be final.
- (b) The Chief of Police shall advise the Board with respect to the provision of efficient and effective municipal police service delivery. S/he may, in consultation with the Board, undertake in a timely manner research, strategic planning, policy development and implementation, and the reporting of results in response to inquiries by the Board pertaining to its community governance responsibilities as defined in the Police Act.
- (c) The Chief of Police and/or the Deputy Chief of Police shall whenever requested by the Chairman and where practicable attend meetings of the Board, whether public or in-camera.
- (d) The Chief of Police or his Deputy shall be in charge of the management, direction and control of the day to day operation of the police force, including the enforcement of law and the maintenance of discipline within the force. Should such discipline, in the opinion of the Chief Officer, require that an employee be dismissed, such dismissal shall be by the Board on the recommendation of the Chief Officer.

Board Powers

- 7
- (a) The Board shall conduct its responsibilities in accordance with the requirements established by the Police Act,
 - (b) The Board shall, each year, submit to the council for its consideration and approval its estimates of all monies required for the year to pay the remuneration of the members of the police force and staff and to pay for the accommodation, arms and equipment and other things for the use and maintenance of the force.
 - (c) All collective agreements or other agreements with members of the police force or its bargaining agent shall be contracted in the name of the Town of Amherst, and the Town of Amherst shall be the employer of all members of the police force.
 - (d) The Board shall submit all requests for all capital equipment proposed to be purchased to the council, together with the recommendation of the Board for the purchase consideration in accordance with the purchasing policy of the Town of Amherst.
 - (e) The Board shall have the jurisdiction without interference by the Council over all matters relating to the enforcement of all criminal law, federal statutes, provincial statutes, and Town by-laws and ordinances.
 - (g) The Board shall further have jurisdiction over all matters relating to the enforcement of provincial statutes having local effect and Town by-laws and ordinances, but Council shall have the right to request the enforcement of such statutes or by-laws as may be required for the proper administration thereof within the Town.
 - (h) The Chief of Police or his designate shall give all necessary orders, directions and instructions to the police force and no Board member, other than the Chair or his or her designate except when communicating a decision of the Board, shall issue any order, direction or instruction to any member of the police force relative to his duties as a member of the force.

General

- 8
- The Chief Administrative Officer and the Chief of Police shall be members of any committee appointed for the purpose of negotiating a collective agreement with any union representing members of the Town police force.

- 9 The Town of Amherst By-Law to Establish the Amherst Police Commission, By-Law Number C-1 approved by Council on January 18, 1977 and amended on February 20, 1984 is hereby repealed.

Clerk's Annotation for Official By-Law Book

Date of First Reading: 29 November 2010

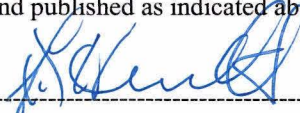
Date of Notice of Intent to Consider: 6 December 2010

Date of Second Reading: 20 December 2010

Date of Advertisement/Notice of Publication to be published following ministerial approval

Date of mailing to Minister a certified copy: 21 December 2010

I certify that this **By-Law Respecting the Amherst Board of Police Commissioners, C-1** was adopted by Council and published as indicated above.



21 December 2010

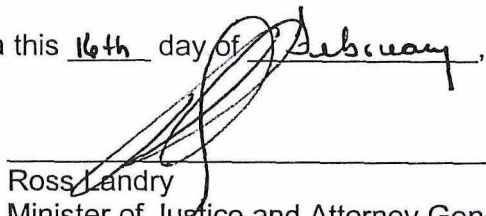
Gregory D. Herrett, CA Date
Town Clerk and Chief Administrative Officer

*Effective Date of the By-Law unless otherwise specified in the text of the By-Law.

MINISTERIAL APPROVAL

Pursuant to subsection 55(2) of the *Police Act*, S.N.S. 2004, c.31, I hereby approve they bylaws for the Amherst Municipal Board of Police Commissioners, attached hereto as Schedule "A".

Dated at Halifax Regional Municipality, Nova Scotia this 16th day of February, 2011.



Ross Landry
Minister of Justice and Attorney General

Service Nova Scotia
and Municipal Relations

Approved this 10th day
of March 2011.



Minister of Service Nova Scotia and Municipal Relations