



Town of Amherst
Special Council Meeting
Agenda

Date: **Monday, September 26, 2022**
Time: **6:00 pm**
Location: **Council Chambers, Town Hall**

Pages

1. CALL TO ORDER
2. REQUEST FOR DECISION
 - 2.1. Bylaw to Amend the Bylaw Respecting the Amherst Board of Police Commissioners - Davidson 1 - 7
3. ADJOURNMENT

SYNOPSIS

Bylaw to Amend the Bylaw Respecting the Amherst Board of Police Commissioners for the Town of Amherst 2nd Reading

At a meeting of the Amherst Board of Police Commissioners held on April 13, 2022 the following motion was approved:

That staff be directed to bring a recommendation to Council to amend the Bylaw Respecting the Amherst Board of Police Commissioners to include the following statement:

“The Town of Amherst is an inclusive and equitable organization. We value inclusivity & diversity in all areas of the workplace, including the Amherst Board of Police Commissioners. We encourage membership from members of groups who are typically underrepresented and with historical and/or current barriers to equity.”

As the Town is an inclusive and equitable organization, the Board would like to have this statement formally included in this bylaw, within the existing membership clause. Adding this statement will show that the Amherst Board of Police Commissioners values inclusivity and diversity and will strive to ensure the membership reflects the stated goals.

Council gave 1st Reading at their regular meeting on May 24, 2022. Notice of Intent was published in the Cumberland Wire on September 7, 2022 as required by the MGA.

MOTION:

That Council approve 2nd and final reading of the proposed amendment to the Bylaw Respecting the Board of Police Commissioners for the Town of Amherst.



AMHERST TOWN COUNCIL

RFD# 2022062

Date: September 26, 2022

TO: Mayor Kogon and Members of Council

SUBMITTED BY: Kim Jones, Municipal Clerk

DATE: September 26, 2022

SUBJECT: Amendments to the Bylaw Respecting the Board of Police Commissioners for the Town of Amherst

ORIGIN: April 13, 2022 Amherst Board of Police Commissioners meeting

LEGISLATIVE AUTHORITY: MGA 172 (2) Without restricting the generality of subsection (1) but subject to Part VIII, a council may, in any by-law (d) adopt by reference, in whole or in part, with changes that the Council considers necessary or advisable, a code or standard and require compliance with it;

RECOMMENDATION: That Council approve 2nd and final reading of the proposed amendment to the Bylaw Respecting the Board of Police Commissioners for the Town of Amherst.

BACKGROUND: At a meeting of the Amherst Board of Police Commissioners held on April 13, 2022 the following motion was approved:

That staff be directed to bring a recommendation to Council to amend the Bylaw Respecting the Amherst Board of Police Commissioners to include the following statement:

“The Town of Amherst is an inclusive and equitable organization. We value inclusivity & diversity in all areas of the workplace, including the Amherst Board of Police Commissioners. We encourage membership from members of groups who are typically underrepresented and with historical and/or current barriers to equity.”

Council gave 1st Reading at their regular meeting on May 24, 2022.

DISCUSSION: As the Town is an inclusive and equitable organization, the Board would like to have this statement formally included in this bylaw within the membership section.

FINANCIAL IMPLICATIONS: There are no financial implications.



SOCIAL JUSTICE IMPLICATIONS: Adding this statement will show that the Amherst Board of Police Commissioners values inclusivity and diversity.

ENVIRONMENTAL IMPLICATIONS: There are no environmental applications.

COMMUNITY ENGAGEMENT: Notice of Intent was published in the Cumberland Wire on September 7, 2022 as required by the MGA.

ALTERNATIVES: Do not amend the bylaw.

ATTACHMENTS: A Bylaw Respecting the Board of Police Commissioners for the Town of Amherst with amendment.

Report prepared by:

Report and Financial approved by:

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 The Town of Amherst is an inclusive and equitable organization. We value inclusivity and diversity in all areas of the workplace, including the Amherst Board of Police Commissioners. We encourage membership from members of groups who are typically underrepresented and with historical and/or current barriers to equity.
- (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.
- (ct) 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

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- (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

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- 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.