

BE IT RESOLVED that the following Bylaw be adopted as amended and enacted as a Bylaw of the Town of Annapolis Royal pursuant to the authority of the *Police Act, S.N.S. 2004, c.31*, as amended and that the said Bylaw be forwarded to the Minister of Justice along with a request for approval.

TOWN OF ANNAPOLIS ROYAL

ANNAPOLIS ROYAL BOARD OF POLICE COMMISSIONERS BYLAW

This Bylaw may be cited as the "Annapolis Royal Board of Police Commissioners Bylaw."

This Bylaw is made under the *Police Act*, and the *Police Act* should be referenced for questions concerning the terminology, clarification, and full administration of the Annapolis Royal Board of Police Commissioners Bylaw.

DEFINITIONS

1. In this Bylaw:
 - (a) "Board" means the Board of Police of Commissioners for the Town of Annapolis Royal.
 - (b) "Chief" means the Chief of the Annapolis Royal Police Service.
 - (c) "Chief Administrative Officer" means the Chief Administrative Officer of the Town of Annapolis Royal.
 - (d) "Council" means the Town Council of the Town of Annapolis Royal.
 - (e) "Police Act" means the *Police Act, 2004 c.31* as amended, and the Regulations made thereunder.
 - (f) "Town" means the Town of Annapolis Royal.

BOARD FUNCTION

2. The function of the Board is to provide:
 - (a) Civilian governance on behalf of the Town in relation to the enforcement of law, the maintenance of law and order and the prevention of crime in the Town; and
 - (b) The administrative direction, organization and policy required to maintain an efficient and adequate police service, but shall not exercise jurisdiction relating to:
 - (i) complaints, discipline, or personnel conduct except in respect to the Chief.
 - (ii) a specific prosecution or investigation; or
 - (iii) the actual day-to-day direction of the police service.

3. On behalf of the Board, the Board Chair or the Chair's delegate, may give advice or direction, in writing, to the Chief on any matter within the jurisdiction of the Board under the *Police Act*, but not to other members of the police service and, for greater certainty, no other member of the Board shall give advice or direction to a member of the police service. [sec. 52 of the *Police Act*]

COMPOSITION OF THE BOARD

4. (a) The Board shall consist of five (5) members.
- (b) The members shall be appointed as follows:
 - (i) Two (2) members of Council are appointed by resolution of Council. The Council appointments shall be made and take effect at the first Council meeting in November of each calendar year.
 - (ii) Two (2) residents appointed by resolution of Council, who are neither members of council nor employees of the Town of Annapolis Royal. The Resident Appointments shall be made and take effect at the first Council meeting in November of each calendar year.
 - (iii) One (1) member appointed by the Minister of Justice of the Province of Nova Scotia.
- (c) All subsequent appointments of resident members shall be appointed for a term of three (3) years, and members are eligible for reappointment for maximum of three (3) consecutive three (3) year terms.
- (d) Where a member of the Board is unable to carry out the member's duties 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 place or stead of the absent member [sec.45 (3) of the *Police Act*].

CHAIR AND VICE-CHAIR

5. The Board shall at its first meeting in November, following the November Regular Council Meeting, choose from amongst its members a Chair and Vice-Chair.

MEETINGS

6. (a) The Board holds meetings every month except August however a meeting during August may be called at the discretion of the Chair. These meetings are open to the public and will be held in Council Chambers at Town Hall on the second Wednesday of each month, commencing at 10 o'clock in the morning, or such meetings at such other time or place as the Board shall determine, provided that the date, time, and location of such public meetings shall be advertised with forty-eight (48) hours' notice.
- (b) Three (3) members constitutes a quorum.

- (c) The Board may meet *in-camera* at any time on 24 hours' notice by the Chair or any two (2) members or at any time with unanimous consent of all members, concerning urgent matters relating to issues, which fall under the authority and function of the Board. A member of the Board or any person in attendance at an *in-camera* meeting shall not disclose any item or information of a confidential nature that is discussed at the meeting.
- (d) The Chief or designate shall, whenever requested by the Chair of the Board, attend meetings of the Board, whether public or *in-camera*.
- (e) The Chief Administrative Officer or designate shall be the Secretary to the Board and shall have charge of all minutes and records to be followed and maintained by the Board.

FISCAL MATTERS

- 7. (a) The Board shall submit to Council its recommendations with respect to all financial and budgeting matters related to the administration of the policing service on or before the end of February each year.
- (b) The Board shall submit to Council all proposed employment agreements or contract negotiations for Council's approval of all financial matters contained therein, prior to the execution thereof, by the Board.
- 8. All capital equipment proposed to be purchased by the Board, not provided for in its budget as approved by Council, shall be submitted to the Council, together with the written recommendation of the Board for purchase consideration.
- 9. (a) Board members are not remunerated.
- (b) Board members are entitled to reimbursement of reasonable expenses incurred in conducting the business of the Board. This may include annual membership fees associated with the Nova Scotia Association of Police Governance (NSAPG) and training. Expenses shall be reimbursed in accordance with the Town Travel Policy.

OTHER MATTERS

- 10. The Board shall have all the powers, duties and responsibilities as designated under the *Police Act* 2004 c.31.

REPEAL

- 11. A Bylaw, known as the *Annapolis Royal Board of Police Commissioners Bylaw No.116* as adopted by Town Council on the 10th day of May 1993, is hereby repealed.

ENFORCEMENT


- 12. This Bylaw shall come into force and legal effect upon receiving the approval of the Minister of Justice of Nova Scotia as per sec. 55(2) of the *Police Act*.

EFFECTIVE DATE

13. This Bylaw shall be effective November 5 2020

THIS IS TO CERTIFY that the foregoing is a true copy of a Bylaw duly passed at a duly called meeting of the Town Council of the Town of Annapolis Royal held on the 20 day of July, 2020.

GIVEN under the hand of the Town CAO and under the seal of the Town of Annapolis Royal this 12 day of August, 2020.


MAYOR


CAO



Bylaw Adoption	Date
First Reading	June 15, 2020
Notice of Intent of Publication	July 2, 2020
Second Reading	July 20, 2020
Ministerial Approval	October 27, 2020
Date of Publishing	November 5, 2020

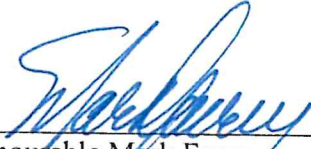
Certificate of Approval

“Annapolis Royal Board of Police Commissioners Bylaw”

Town of Annapolis Royal

This is to certify that, pursuant to section 450 of the *Municipal Government Act*, “Annapolis Royal Board of Police Commissioners Bylaw” passed at a duly convened meeting of the Council of the Annapolis Royal Board of Police Commissioners on the 12th day of August, 2020, is hereby approved, and the said Bylaw has the force of law upon publication pursuant to subsection 169(1) of the *Municipal Government Act*.

DATED this 27th day of October, 2020.



Honourable Mark Furey
Attorney General and Minister of Justice
Province of Nova Scotia