

MUNICIPALITY OF THE DISTRICT OF SHELBURNE

BY-LAW NUMBER R-100

BY-LAW RESPECTING THE MEMBERSHIP, MEETINGS, RESPONSIBILITIES & ROLES
OF THE SHELBURNE COUNTY EAST RCMP ADVISORY BOARD

BE IT RESOLVED that the Council of the Municipality of the District of Shelburne, under the authority of the *Municipal Government Act, the Police Act and the Regulations promulgated thereunder*, wishes to adopt the following by-law:

Title:

- 1 This By-Law may be cited as the “Shelburne County East RCMP Advisory Board By-Law”.

Definitions:

- 2 In this By-Law:
 - a) “Advisory Board” means the Shelburne County East RCMP Advisory Board (or “SCERCMP Advisory Board”) serving the Municipality of the District of Shelburne, the Town of Lockeport and the Town of Shelburne having been established pursuant to Section 57 of the *Police Act*;
 - b) “Chief Officer” means the District Policing Officer;
 - c) “NCO” means the Non-Commissioned Officer in charge of the RCMP Detachment for the Municipality of the District of Shelburne, Town of Shelburne and the Town of Lockeport;
 - d) “Minister” means the Minister of Justice;
 - e) “RCMP” means the Royal Canadian Mounted Police;
 - f) “Council” means each of the respective Councils of the Municipality of the District of Shelburne, Town of Shelburne and Town of Lockeport.

Members:

- 3 The Advisory Board shall consist of thirteen (13) members as follows:
 - a) Two (2) members from each municipal Council appointed by resolution of that Council, for a total of six (6);
 - b) Two (2) members from each municipality appointed by resolution of each respective Council, who are neither members of Council nor employees of the respective municipality – each referred to hereafter as “an Advisory Board member from the community at large” – for a total of six (6); and
 - c) One (1) member who will be appointed by the Minister of Justice.
- 4 The Chief Officer or NCO for the area and the Clerk or CAO of each municipal unit must be advised of meetings of the Advisory Board and are entitled to attend but shall have no vote.

Appointment of an Advisory Board Member from the Community at Large:

- 5 Each respective Council shall, when appointing an Advisory Board member from within its community at large, use the following selection process as set up by the regulations made pursuant to the *Police Act*:
 - a) advertise the Advisory Board vacancy and solicit applications for same;
 - b) ensure that each resulting applicant agrees to submit to, and does participate in, a screening process, including an interview, all of which shall be conducted by a panel established by the respective Council;
 - c) consider, when evaluating applications, the education and work experience of each applicant; and
 - d) notify each applicant of the outcome of the selection process.
- 6 To be accepted as a candidate for appointment as an Advisory Board member from the community at large, a person must demonstrate all of the following qualifications to the satisfaction of the appointing Council:
 - a) residence in the municipality served by the Advisory Board or considerable interest in

serving on the Advisory Board;

- b) considerable knowledgeable of community issues and an understanding of policing values and governance;
 - c) be of good character; and
 - d) demonstrate the willingness to make the commitment of time and effort required to carry out Advisory Board responsibilities.
- 7 To be a candidate for appointment as an Advisory Board member under Section 82 of the Act, a person must consent to a criminal and background checks.
- 8 The respective Council shall not appoint a person as an Advisory Board member from the community at large if a criminal and/or background check shows that the person has been convicted of any criminal offence for which a pardon has not been granted or has been, or is the subject of, a disciplinary proceeding in any jurisdiction that, in the opinion of the Council, would reasonably be expected to have a negative impact on their acting as an Advisory Board member or on the Advisory Board generally.

Oath of Office and Code of Conduct:

- 9 Each member of the Advisory Board shall take an oath of office or affirmation and adhere to a Code of Conduct, all of which is prescribed by regulations made pursuant to the Police Act.

Chair and Vice-Chair:

- 10 A chair and vice-chair of the Advisory Board shall be chosen by the members of the Advisory Board at the first meeting in each year.

Appointment of Person to Act In Place of Absent Member:

- 11 Where a member of the Advisory Board is unable to carry out the duties as a member of the Advisory 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 Advisory Board in the place or stead of the absent member.

Meetings:

- 12 The Advisory Board must hold a meeting at least every three (3) months resulting in a minimum of four (4) meetings per year.
- 13 Meetings of the Advisory Board are open to the public, but all matters relating to discipline, personnel conduct, contract negotiations and security of police operations may be conducted in private.

Quorum:

- 14 A majority of the voting members of the Advisory Board constitutes a quorum.

Training of Members of the Advisory Board:

- 15 An Advisory Board member shall undergo any training that may be provided for members of that Advisory Board as well as any training required by the Minister or required by regulation under the *Police Act*.

Function of Advisory Board:

- 16 The main function of the Advisory Board is to provide advice to the Council of each respective participating municipal unit in relation to:
 - a) the enforcement of law;
 - b) the maintenance of law and order; and
 - c) the prevention of crime in the municipality

but the Advisory Board shall not exercise jurisdiction relating to complaints, discipline, personnel conduct or the internal management of the RCMP;

17 Without limiting the generality of section 16 above, the Advisory Board shall, subject to the police contract or policing agreement:

- a) determine, in consultation with the Chief Officer or the NCO or designate of either, priorities, objectives and goals respecting police services in the community;
- b) ensure the Chief Officer or the NCO 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, goals, programs and strategies;
- 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 policing services provider;
- f) recommend policies and provide administrative and organizational direction for the effective management of the policing services provider; and
- g) review with the Chief Officer or the NCO or designate of either, information provided by same respecting any complaints and internal discipline.

Advisory Board Chair:

18 On behalf of the Advisory Board, the chair or the chair's delegate may, in accordance with any agreement made pursuant to clause 36 (1) (b) of the *Police Act*, give advice in writing to the Chief Officer or the NCO but not to any other member of the policing services provider – and, for greater certainty, no other member of the Advisory Board shall give advice or direction to a member of the policing services provider.

19 The role of the Advisory Board chair includes the following responsibilities:

- a) attend and preside over Advisory Board meetings;
- b) ensure that all members, both voting and non-voting, are advised in writing of upcoming

meetings;

- c) develop agendas in consultation with the acting Secretary from the last meeting and taking into account the input, if any, from other members;
- d) ensure that all policies developed by the Advisory Board are appropriately implemented;
- e) implement the current Operations and Policy Manual issued by the Department of Justice to assist with the orientation of new members and to guide and assist same regarding their roles and responsibilities;
- f) ensure that Advisory Board Members are advised of matters which fall within the Advisory Board's jurisdiction; and
- g) act as the sole public spokesperson for the Advisory Board.

Advisory Board Procedure:

20 The Chief Administrative Officer or his/her designate of the respective municipal unit hosting the Advisory Board meeting will be the non-voting Secretary of the Advisory Board.

21 Meetings will rotate amongst the three (3) municipal units in Eastern Shelburne County in order of their turn.

Dismissal of Members:

22 A member of the Advisory Board may be dismissed by:

- a) the Minister, if the Minister appointed the member; or
- b) resolution of municipal Council, if the Council appointed the member.

No Action lies:

23 No action or other proceeding for damages shall be instituted against a member of an Advisory Board for any act done in good faith in the execution, or intended execution, of the members' duty or for any alleged neglect or default in the execution in good faith of that

duty.

Repeal:

- 24 All former by-laws, and amendments thereto, dealing with an RCMP Advisory Board or Policing Committee of the Municipality of the District of Shelburne are hereby repealed.

Date – First Reading: February 22, 2010

Date – Notice, in paper, to Public: March 8, 2010

Date – Second Reading: March 22, 2010

Date – mailed to SNS&MR a certified copy of By-Law: March 24, 2010

*Date – ad re of Passage of By-Law: January 16, 2012

Adopted by the Council of the Municipality of the District of Shelburne

the 22nd day of March, 2010.

Clerk (Sign) _____

Clerk (Print) _____ Date: January 16, 2012

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

THIS IS TO CERTIFY that the foregoing is a true copy of a by-law passed at a duly convened meeting of the Council of the Municipality of the District of Shelburne, held the 22nd day of March, 2010.

Given under the hand of the Clerk and under the seal of the Municipality of the District of Shelburne this 16th day of January, 2012.

Ms. Penny Smith
Municipal Clerk