

**PROVINCE OF BRITISH COLUMBIA
ORDER OF THE MINISTER OF PUBLIC SAFETY AND SOLICITOR GENERAL**

Ministerial Order No. **M 365**

Executive Council Chambers, Victoria

I, Rich Coleman, Minister of Public Safety and Solicitor General, consider that the reorganization of policing and law enforcement for the City of Victoria and the Township of Esquimalt is desirable and therefore order that the attached Victoria and Esquimalt Municipal Policing Reorganization Order is made.

DEC 18 2002

Date



Minister of Public Safety and Solicitor General

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- **Police Act, s. 4**

Other (specify):-

November 27, 2002

/2001/13

VICTORIA AND ESQUIMALT MUNICIPAL POLICING REORGANIZATION ORDER

Definitions

1 In this order:

“amalgamated board” means the municipal police board established by section 3 (1);

“amalgamated department” means the municipal police department established by section 5 (2).

Policing and law enforcement for Victoria and Esquimalt

2 Policing and law enforcement in the City of Victoria and the Township of Esquimalt must be reorganized in accordance with this order.

Amalgamated board established

3 (1) An amalgamated board is established consisting of the following members:

- (a) the mayor of the City of Victoria;
- (b) the mayor the Township of Esquimalt;
- (c) a member appointed by the council of the City of Victoria;
- (d) a member appointed by the council of the Township of Esquimalt;
- (e) five members appointed by the Lieutenant Governor in Council.

(2) The chair of the amalgamated board is the Mayor of Victoria.

(3) The vice chair of the amalgamated board is the Mayor of the Township of Esquimalt.

(4) If the chair of the amalgamated board is absent or unable to act, the vice chair of the amalgamated board may perform the powers and functions, and has the duties of the chair of the amalgamated board.

(5) If both the chair of the amalgamated board and the vice chair of the amalgamated board are absent or unable to act at a meeting of the amalgamated board, the amalgamated board members present at the meeting must elect one of the members to preside at the meeting in place of a chair.

Powers, duties and functions of the amalgamated board

4 (1) This section is effective January 1, 2003.

(2) The powers, duties and functions under the *Police Act* and the regulations under the *Police Act* of the municipal police board for the City of Victoria and for the municipal police board for the Township of Esquimalt are transferred to the amalgamated board.

- (3) On the transfer under subsection (2), the municipal police board for the City of Victoria and for the Township of Esquimalt are disbanded.

Amalgamated department established

- 5 (1) This section is effective January 1, 2003.
- (2) The municipal police department of the City of Victoria and the municipal police department of the Township of Esquimalt are amalgamated to establish an amalgamated municipal police department for both the City of Victoria and the Township of Esquimalt.
- (3) The powers, duties and functions of the amalgamated department, its chief constable, its constables and its employees
- (a) are those established by the *Police Act* and regulations under the *Police Act* for a municipal police department, its chief constable, its constables and its employees respectively, and
 - (b) apply to the combined area of the City of Victoria and the Township of Esquimalt.
- (4) The constables and employees employed in the municipal police department of the City of Victoria or in the municipal police department of the Township of Esquimalt on the amalgamation under subsection (2) become constables and employees respectively of the amalgamated board and in the amalgamated department.
- (5) The amalgamated board must appoint a chief constable for the amalgamated board.

Division of expenditures for the amalgamated board and the amalgamated department

- 6 (1) The Corporation of the City of Victoria and the Corporation of the Township of Esquimalt are liable for the expenditures necessary on and after January 1, 2003 for the provision, in accordance with the *Police Act* and the regulations under the *Police Act*, of
- (a) policing and law enforcement in the combined area of the City of Victoria and the Township of Esquimalt through the amalgamated department
 - (i) to adequately enforce municipal bylaws, the criminal law and the laws of British Columbia, and
 - (ii) to maintain law and order in that combined area, and
 - (b) adequate accommodation, equipment and supplies for
 - (i) the operations of and use by the amalgamated department required under paragraph (a), and
 - (ii) the detention of persons required to be held in police custody other than on behalf of the government.
- (2) The allocation of responsibility for the expenditures under subsection (1) between the Corporation of the City of Victoria and the Corporation of the Township of Esquimalt is based on a converted assessment unless the 2 councils agree on a different allocation of this responsibility between the corporations.

(3) In subsection (2), "converted assessment" describes how allocations between municipalities are generally established within the Capital Regional District for expenditures described under subsection (1).