



**Brant Haldimand Norfolk
Catholic District School Board**

Policy: Trustee Conflict of Interest

		Policy Number:	100.05
Adopted:	May 28, 2002	Former Policy Number:	n/a
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Subsequent Review Dates:	n/a	Pages:	1

Belief Statement:

It is the expectation of the Brant Haldimand Norfolk Catholic District School Board that Trustees will, in accordance with the Municipal Conflict of Interest Act, declare their interest and also describe the general nature of the interest involved.

Policy Statement:

It is the policy of the Brant Haldimand Norfolk Catholic District School Board that the failure of a trustee(s) to disclose a pecuniary interest, whether direct or indirect, in any matter under consideration at a meeting will render the trustee(s) liable, on application of an elector to a judge of the Ontario Court, to have their seat(s) declared vacant and being disqualified from being a member(s) of a school board for a period of up to seven (7) years and to make restitution.

Guidelines:

Where a conflict of interest is declared, the trustee shall act in accordance with Sections 5, 6 and 7 of the Municipal Conflict of Interest Act (Appendix A).

The trustee shall declare, at the meeting in which an item in which they have an interest is on the agenda, that they do, in fact, have an interest. If absent from the meeting where the agenda contained an item in which they had an interest, the trustee shall, at the following meeting, declare that had s/he been present, s/he would have declared an interest.

Trustees will declare conflicts at public and in-camera meetings.

Trustees who have declared an interest may be present at public meetings, but shall not take part in the discussion. They may not vote on the item in question and shall not attempt in any way, whether before, during or after the meeting, influence the voting on any such question. At an in-camera meeting, trustees shall depart the room for the duration of the discussion and subsequent vote.

References:

Municipal Conflict of Interest Act

http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m50_e.htm

Board By-Laws

Municipal Conflict of Interest Act**DUTY OF MEMBER**

5.(1) When present at meeting at which matter considered—Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

(2) Where member to leave closed meeting – Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.

(3) When absent from meeting at which matter considered – Where the interest of a member has not been disclosed as required by subsection (1) by reason of the member's absence from the meeting referred to therein, the member shall disclose the interest and otherwise comply with subsection (1) at the first meeting of the council or local board, as the case may be, attended by the member after the meeting referred to in subsection (1).

RECORD OF DISCLOSURE

6.(1) Disclosure to be recorded in minutes—Every declaration of interest and the general nature thereof made under section 5 shall, where the meeting is open to the public, be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the committee or local board, as the case may be.

(2) Every declaration of interest made under section 5, but not the general nature of that interest, shall, where the meeting is not open to the public, be recorded in the minutes of the next meeting that is open to the public.

REMEDY FOR LACK OF QUORUM

7.(1) Quorum deemed constituted – Where the number of members of who, by reason of the provision of this Act, are disable from participating in a meeting is such that at the meeting the remaining members are not sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number to members shall be deemed to constitute a quorum, provided such number is not less than two.

(2) Application to judge – Where in the circumstances mentioned in subsection (1), the remaining number of members who are not disabled from participating in the meeting is less than two, the council or local board may apply to a judge without notice for an order authorizing the council or local board, as the case may be, to give consideration to, discuss and vote on the matter out of which the interest arises.

(3) Power of judge to declare s.5 not to apply – The judge may, on an application brought under subsection (2), by order, declare that section 5 does not apply to the council or local board, as the case may be, in respect of the matter in relation to which the application is brought, and the council or local board thereupon may give consideration to, discuss and vote on the matter in the same manner as though none of the members had any interest therein, subject only to such conditions and directions as the judge may consider appropriate and so order.