



## **HAMILTON POLICE SERVICES BOARD**

**NOTICE OF MEETING  
PUBLIC AGENDA**  
Thursday, October 20, 2016  
2:00 o'clock p.m.  
Hamilton City Hall  
Council Chambers

Lois Morin  
Administrator

### **AGENDA**

#### **1. CALL TO ORDER**

1.1 Changes to the Agenda

#### **2. PRESENTATIONS & DEPUTATIONS**

2.1 Member(s) of the Month

2.2 Crime Stoppers Award(s)

2.3 Hamilton Police Service Mounted Unit Award(s)

#### **3. GENERAL**

3.1 Declarations of Interest

#### **4. CONSENT AGENDA**

##### **4.1 Approval of Consent Items**

That the Board approve and receive the consent items as distributed.

##### **4.2 Adoption of Minutes – September 22, 2016**

The minutes of the meeting held Thursday, September 22, 2016, be adopted as printed.

**4.3 Hamilton Police Service Monthly Report (PSB 16-114)**

That the Board direct the Administrator of the Board to refer this report, in its entirety, to the City of Hamilton, for information.

**4.4 For the Information of the Board:**

- a) Correspondence from Bob Gale, Board Chair, Niagara Police Services Board with respect to discussions on shared services opportunities.
- b) Correspondence from Stephanie Paparella, Legislative Coordinator, Office of the City Clerk with respect to Hamilton Police Board Reports PSB 16-095 and PSB 10-064(c).
- c) *Municipal Conflict of Interest Act R.S.O. 1990, Chapter M50*
- d) Outstanding Issues as of October 20, 2016

**5. DISCUSSION AGENDA**

**5.1 Correspondence from Stephanie Paparella, Legislative Coordinator, Office of the City Clerk with respect to the 2017 Budget Submission for the Hamilton Police Services Board**

That the Board receive the correspondence as distributed.

**5.2 Correspondence from Justice Tulloch to Ontario Association of Police Services Boards Members with respect to the Independent Police Oversight Review**

That the Board receive the correspondence as distributed.

**5.3 HPS Projected Capital Expenditures: 2017 – 2026 (PSB 16-113; see also PSB 15-002, PSB 15-002a)**

- a) That the Hamilton Police Services Board approve the list of 2017-2026 Projected Police Capital Expenditures.
- b) That the Hamilton Police Services Board forward the approved plan to the City of Hamilton for inclusion in the 2017 – 2026 Capital Budget Plan.

**5.4 Request from Mr. Norm Dorr, to Provide a Deputation to the Board**

That the request from Mr. Norm Dorr to provide a deputation to the Board with respect to lapel camera's for police officers and also other non-lethal weapons, be approved.

**6. NEW BUSINESS**

**7. ADJOURNMENT**

**THE POLICE SERVICES BOARD WILL ADJOURN THE PUBLIC  
PORTION OF THE MEETING AND MAY RECONVENE IN  
CAMERA FOR CONSIDERATION OF PRIVATE AND  
CONFIDENTIAL MATTERS.**

**MINUTES OF THE HAMILTON  
POLICE SERVICES BOARD**

**4.2**

Thursday, September 22, 2016  
2:00am  
Hamilton City Hall  
Council Chambers

The Police Services Board met.

There were present: Lloyd Ferguson, Chair  
Madeleine Levy, Vice Chair  
Walt Juchniewicz  
Don MacVicar

Absent with regrets: Fred Eisenberger  
Stanley Tick  
Terry Whitehead

Also Present: Chief Eric Girt  
Deputy Chief Ken Weatherill  
Superintendent Debbie Clark  
Superintendent Ryan Diodati  
Superintendent Will Mason  
Inspector Glenn Bullock  
Inspector Paul Hamilton  
Inspector Dave Hennick  
Inspector Greg Huss  
Inspector Marty Schulenberg  
Staff Sergeant Andrea Torrie  
Marco Visentini, Legal Counsel  
Rosemarie Auld, Manager, Human Resources  
Catherine Martin, Corporate Communicator  
Ted Mason, Assistant Manager, Finance  
Yakov Sluchenkov, Labour Relations  
Detective Sergeant Annette Huys, Forensic Division  
Lois Morin, Administrator

Chair Ferguson called the meeting to order.

Chair Ferguson asked everyone to stand to observe a Moment of Silence in memory of Dave Steward who was a serving member for twenty years with the Hamilton Police Service. Our thoughts are with his family.

**1.2 Additions to Agenda**

- Information Item 4.5(d) - Correspondence from Chair Ferguson to the Niagara Police Services Board with respect to discussion regarding Shared Services.
- Information Item: 4.5(e) - Correspondence from Clint Twolan, President, Hamilton Police Association with respect to the Investigative Services Division.
- Discussion Agenda Item 5.3: In response to Outstanding Business Item 5: Legal Counsel has provided a response to City Council.

After discussion, the Board approved the following:

Moved by: Member MacVicar  
Seconded by: Member Juchniewicz

That the Agenda for the Hamilton Police Services Board Public meeting be adopted, as amended.

**Carried.**

## **Presentations**

### **2.1 Hamilton Police Service Training Branch presentation to Mohawk College Faculty of Media and Entertainment**

Staff Sergeant Michael Spencer presented an award to Mr. Kurt Muller, Associate Dean, Ms. Alison Horton, Dean of Business, Ms. Tracey Kadish, Academic Coordinator & Professor, Mr. Michael Cruz and Mr. Gordon Thompson of the Mohawk College Faculty of Media and Entertainment and Continuing Education for assisting the Hamilton Police Service in the preparation of training videos.

### **2.2 Member(s) of the Month**

Chair Ferguson and Chief Girt presented the Member of the Month Award to Constable Chika Ikejiani. Constable Ikejiani was commended for demonstrating the true meaning of 'excellence in policing' showing composure and restraint in a dangerous situation ensuring the safety of the public.

Chair Ferguson and Chief Girt presented the Member of the Month Award to Constable Mario Rizzo. Constable Rizzo was commended for his quick response and actions which undoubtedly played a role in saving the life of a young child.

## **General**

### **3.1 Declarations of Interest**

None.

## **Consent Agenda**

### **4.1 Approval of Consent Items**

Moved by: Vice Chair Levy  
Seconded by: Member MacVicar

That the Board approve and receive the consent items as distributed.

**Carried.**

**4.2 Adoption of Minutes – August 26, 2016**

The minutes of the meeting held Friday, August 26, 2016, be adopted as printed.

**4.3 Hamilton Police Service Monthly Report (PSB 16-102)**

That the Board direct the Administrator of the Board to refer this report, in its entirety, to the City of Hamilton, for information.

**4.4 Ontario Association of Police Services Boards 2016 Labour Seminar**

That Board Members be approved to attend the upcoming Ontario Association of Police Services Board 2016 Labour Seminar.

**4.5 For the Information of the Board:**

- a) Budget Variance Report as at July 31, 2016 (PSB 16-104)
- b) Correspondence from Dallas Area Rapid Transit thanking the Hamilton Police Service for the heartfelt sympathy during the difficult time.
- c) Outstanding Issues as of September 22, 2016
- d) Correspondence from Chair Ferguson to the Niagara Police Services Board with respect to discussion regarding Shared Services.
- e) Correspondence from Clint Twolan, President, Hamilton Police Association with respect to the Investigative Services Division.

**Discussion Agenda****5.1 2017 Police Services Board Meeting Schedule (PSB 16-105)**

As recommended by Lois Morin in PSB 16-105, dated September 22, 2016, the Board approved the following:

Moved by: Member Juchniewicz  
Seconded by: Vice Chair Levy

That the Board consider the following meeting schedule which provides for the regular public meetings of the Board to be held at 2:00pm on the second Thursday of each month for 2017 (July, October and November excepted). All meetings will be held at Hamilton City Hall, Council Chambers, 71 Main Street West.

Thursday, January 12, 2017  
Thursday, February 9, 2017  
Thursday, March 9, 2017  
Thursday, April 13, 2017  
Thursday, May 11, 2017  
Thursday, June 8, 2017  
Thursday, July 27, 2017  
Thursday, September 14, 2017  
Thursday, October 19, 2017  
Thursday, November 16, 2017  
Thursday, December 14, 2017

**Carried.**

**5.2 Email from the Ontario Association of Police Services Board  
Member Survey – Police Services Act Rewrite**

After discussion, the Board approved the following:

Moved by: Member Juchniewicz  
Seconded by: Member MacVicar

That the Board direct the Chair and Vice Chair to complete the survey on behalf of the Board.

**5.3 Legal Counsel Response to City Council**

After discussion, the Board approved the following:

Moved by: Member Juchniewicz  
Seconded by: Member MacVicar

That the draft correspondence be tabled and dealt with at the next meeting of the Board.

**Carried.**

**New Business**

**6.1 Update – Police Services Board Website**

After discussion, the Board approved the following:

Moved by: Vice Chair Levy  
Seconded by: Member Juchniewicz

The website will be updated to include Board Member profiles. Please provide a short bio to the Administrator by October 17, 2016.

**Carried.**



**Anti-Racism Panel Discussion**

Vice Chair Levy noted that the Honourable Michael Coteau, Minister of Children and Youth Services will be holding a meeting for public consultation regarding anti-racism on Monday, September 26 at Mohawk College.

**Conflict of interest Policy**

The Administrator was directed to provide a copy of the Municipal Conflict of Interest Policy for discussions at the next meeting.

**General Issues Committee Meeting**

Chief Girt acknowledged and thanked Council members who attended Central Station to tour the facilities and ask questions. He further thanked staff for all of the hard work, planning and preparation put into the investigative services division project.

Chair Ferguson thanked all staff for their hard work and dedication to the project and recognized Chief Girt, Deputy Chief Weatherill, Detective Sergeant Huys and staff for attending and providing an excellent presentation and pertinent information to Council Members. He also thanked Vice Chair Levy and Member Tick for providing their support and attending the General Issues Committee Meeting.

Vice Chair Levy thanked Chair Ferguson, Member Eisenberger and Member Whitehead for their leadership of the investigative services division project at the General Issues Committee and Council Meetings.

**Chair Ferguson provided the following comments:**

- On behalf of the Board I wanted to acknowledge the sudden death of Police Service Dog Maverick who had four shifts left before he was to retire. I also want to acknowledge the death of retired Police Service Dog Kodo. I would thank both Police Dogs and their handlers for their service to this community. Our thoughts are with their Police Service handlers and their families.
- On behalf of the Board I want to thank all of those involved in the Run to Remember. The run is 460 km relay that makes it's way through many communities and ends at the National Memorial on Parliament Hill in Ottawa. The run not only raises awareness of the Memorial Service in Ottawa it also raises money for trust funds for the families of officers who have lost their lives in the line of duty, provides funds towards the construction of any Memorial being built in memory of fallen peace officers, assists with funding of the annual Memorial Service and helps to fund any annual Provincial Memorial Service established to recognize fallen peace officers in their Province. Congratulations and Well done!
- Next meeting of the Board will be Thursday, October 20, 2016 – 2:00pm –Hamilton City Hall Council Chambers.



**Adjournment**

Moved by: Vice Chair Levy  
Seconded by: Member Juchniewicz

There being no further business, the public portion of the meeting then adjourned at 2:28pm.

**Carried.**

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The Board then met in camera to discuss matters of a private and confidential nature.

Taken as read and approved

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Lois Morin  
Administrator

September 22, 2016  
lem:

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Lloyd Ferguson, Chair  
Police Services Board

**HAMILTON POLICE SERVICES BOARD****- RECOMMENDATION -**

**DATE:** 2016 October 20  
**REPORT TO:** Chair and Members  
Hamilton Police Services Board  
**FROM:** Ken Weatherill  
Acting Chief of Police  
**SUBJECT:** *Hamilton Police Service Monthly Report*  
(PSB 16-114)

**RECOMMENDATION:**

That the Board direct the Administrator of the Board to refer this report, in its entirety, to the City of Hamilton, for information.



Ken Weatherill  
Acting Chief of Police

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS:**

**FINANCIAL –** n/a

**STAFFING –** n/a

**LEGAL –** n/a

## **BACKGROUND:**

### **Service's Project Concern Marks 40<sup>th</sup> Anniversary of Giving with Giving**

For the month of October, 2016, Hamilton Police Service's Project Concern will be running a food drive for The Salvation Army at each of its three (3) police stations. This event is being organized to recognize the 40th Anniversary of Project Concern.

Project Concern is a group of members from the Hamilton Police Service who raise funds from colleagues within the Hamilton Police Service, then disperse donations to charities within our Community.

Its mandate is to provide support to our community by funding various projects that will directly improve the quality of life within our community with an emphasis on community members that have urgent needs.

This is accomplished by providing financial assistance, volunteer hours, and in promoting Project Concern to charitable organizations primarily involved in Health, Children's, and Counseling programs.

In 2015, Project Concern received \$41,619 in contributions from members of the Service. These funds were dispersed amongst 41 charities across the city. Some of the recipients included: Bereaved Families of Ontario, St Joseph's Foundation, McMaster Children's Hospital, Ronald McDonald House, Bob Kemp Hospice, various shelters, Food 4 Kids, Micah House for refugees, and many more.

Its flagship event remains the "It's a Kid's Christmas", celebrated annually at Carmen's Banquet Centre. The management of Carmen's Group, along with many volunteers from the Hamilton Police Service and their families, ensure this event is a fulfilling day for hundreds of underprivileged children. The evening features a great meal, entertainment and a Christmas gift for each child. Many look with anticipation to this event as a way to spread good cheer at a festive time of the year. At the Hamilton Police Service we deeply value our communities, and are keenly aware of the need faced by many of our youth. In many ways this event allows us to build and maintain new and existing relationships with the people we serve.

### **Umuganda Hamilton "Act of Service Day" Unites Police and Rwandan Community with a Common Purpose**

On Saturday, October 15, 2016, from 9:00am to 1:00pm an event celebrating the Umuganda Hamilton "Act of Service Day" took place. There was a friendly game of soccer between the Hamilton Police Service and the Rwandan Youth of Hamilton followed by lunch.

Umuganda, the tradition of coming together with a common purpose, informs the spirit of the event, which focuses on a building positive partnerships between police and the Rwandan Youth of Hamilton.

Special presentations were given by the Hamilton Police Service and the Rwandan/Canadian experience. Special thanks to the HSR and Local 107 for partnership in providing transportation.

The event is part of a larger movement, Umuganda Global, which aims to improve communities throughout the world through an emphasis on solidarity and a communal sense of living.

"It's events like this that really bring people together," says Hamilton Police Cst. Tara Copeland, "It's a great opportunity to build stronger relationships within the Rwandan community."

ProAction Cops & Kids began their partnership with Hamilton Police in 2008. They support a number of programs including, Soaring to Success, Fit Kidz 4 Life, the Blue Line Challenge and more.

### **Festive RIDE**

In its continued commitment to eliminate impaired driving, Hamilton Police will be partnering with the Hamilton Bulldogs to reward drivers for driving sober this holiday season. There will be increased RIDE lanes conducted throughout the City. Drivers who successfully complete RIDE lanes will receive a voucher from the Hamilton Bulldogs with an offer of a free ticket to see an upcoming Bulldogs game. The program will be launched in late November.

Impaired driving is 100% preventable.

KW/C. Martin



REGIONAL MUNICIPALITY OF NIAGARA  
**POLICE SERVICES BOARD**  
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September 28, 2016

**SENT BY EMAIL ONLY**

Councillor Lloyd Ferguson, Chair  
 Hamilton Police Services Board  
 155 King William Street  
 P.O. Box 1060, LCD 1  
 Hamilton, Ontario  
 L8N 4C1

Dear Chair Ferguson:

At its meeting on September 22, 2016, the Niagara Police Services Board received your correspondence dated September 16, 2016 in support of a meeting to explore any shared services opportunities that may exist between the Niagara and Hamilton Police Services. The following motion was passed:

***"That the information be received;  
 And further, that a future meeting be arranged for further discussions on shared services opportunities."***

In addition, the Board directed that Niagara Police Services Board Member and Regional Councillor David Barrick be included in the upcoming meeting as it was his initial suggestion to explore shared services opportunities. Similarly, the Hamilton Police Services Board is requested to include a City Councillor appointed to their Board for equal representation on our joint working group.

Our Board appreciates the Hamilton Police Services Board's support and willingness to sit and discuss programs that could be coordinated and future opportunities to share services. Therefore, I have asked our Executive Director, Ms. Deb Reid, to make the necessary meeting arrangements.

I look forward to meeting with you in the near future. In the meantime, should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

Bob Gale  
 Board Chair

- c. Vice-Chair and Members, Hamilton Police Services Board  
 Chief of Police Eric Girt, Hamilton Police Service  
 Vice-Chair and Members, Niagara Police Services Board  
 Chief of Police Jeff McGuire, Niagara Police Service



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**4.4(b)**

Stephanie Paparella  
Legislative Coordinator  
Office of the City Clerk  
Phone (905) 546-2424 Ext. 3993  
Fax # (905) 546-2095  
stephanie.paparella@hamilton.ca

**DATE:** September 29, 2016

**TO:** Lois Morin, Administrator, Hamilton Police Services Board

**FROM:** Stephanie Paparella  
Legislative Coordinator, Office of the City Clerk

**SUBJECT: Hamilton Police Services Board Reports PSB 16-095 and PSB 10-064(c)**

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For your information, at its meeting of September 28, 2016, Hamilton City Council approved Items 2 and 4 of the General Issues Committee Report 16-021, which read as follows:

**2. Hamilton Police Services Board Monthly Report (PSB 16-095), September 6, 2016 (Item 5.2)**

That the Hamilton Police Services Board Monthly Report (PSB 16-095), dated September 6, 2016, be received.

**4. Hamilton Police Services Board Report – Facilities Space Needs (PSB 10-064(c)) (Item 7.2)**

That the Investigative Services Division (ISD) (Hamilton Police Service) project (outlined as Option "E" in Appendix "A" to Report 16-021), be approved, as per the ISD Financing Plan attached as Appendix "B" to Report 16-021.

Thank you.





## Municipal Conflict of Interest Act

R.S.O. 1990, CHAPTER M.50

**Consolidation Period:** From July 1, 2010 to the e-Laws currency date.

Last amendment: 2009, c. 33, Sched. 21, s. 7.

### Definitions

**1.** In this Act,

"child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family; ("enfant")

"controlling interest" means the interest that a person has in a corporation when the person beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting rights attached to all equity shares of the corporation for the time being outstanding; ("intérêts majoritaires")

"council" means the council of a municipality; ("conseil")

"elector" means,

(a) in respect of a municipality, or a local board thereof, other than a school board, a person entitled to vote at a municipal election in the municipality, and

(b) in respect of a school board, a person entitled to vote at the election of members of the school board; ("électeur")

"interest in common with electors generally" means a pecuniary interest in common with the electors within the area of jurisdiction and, where the matter under consideration affects only part of the area of jurisdiction, means a pecuniary interest in common with the electors within that part; ("intérêt commun à tous les électeurs")

"judge" means a judge of the Superior Court of Justice; ("juge")

"local board" means a school board, board of directors of a children's aid society, committee of adjustment, conservation authority, court of revision, land division committee, municipal service board, public library board, board of management of an improvement area, board of health, police services board, planning board, district social services administration board, trustees of a police village, board of trustees of a police village, board or committee of management of a long-term care home, or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act in respect of any of the affairs or purposes, including school purposes, of one or more municipalities or parts thereof, but does not include a committee of management of a community recreation centre appointed by a school board or a local roads board; ("conseil local")

"meeting" includes any regular, special, committee or other meeting of a council or local board, as the case may be; ("réunion")

"member" means a member of a council or of a local board; ("membre")

"municipality" includes a board, commission or other local authority exercising any power in respect of municipal affairs or purposes, including school purposes, in territory without municipal organization, but does not include a committee of management of a community recreation centre appointed by a school board, a local roads board or a local services board; ("municipalité")

"parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child; ("père ou mère")

"school board" means a board as defined in subsection 1 (1) of the *Education Act*, and, where the context requires, includes an old board within the meaning of subsection 1 (1) of the *Education Act*; ("conseil scolaire")

"senior officer" means the chair or any vice-chair of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office; ("dirigeant")

"spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage. ("conjoint") R.S.O. 1990, c. M.50, s. 1; 1997, c. 25, Sched. E, s. 7; 1997, c. 31, s. 156 (1); 1999, c. 6, s. 41 (1); 2002, c. 17, Sched. F, Table; 2005, c. 5, s. 45 (1, 2); 2006, c. 19, Sched. C, s. 1 (1); 2006, c. 32, Sched. D, s. 10; 2007, c. 8, s. 219.

#### **Indirect pecuniary interest**

**2.** For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

(a) the member or his or her nominee,

(i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,

(ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or

(iii) is a member of a body,

that has a pecuniary interest in the matter; or

(b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

#### **Interest of certain persons deemed that of member**

**3.** For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

### **EXCEPTIONS**

#### **Where s. 5 does not apply**

**4.** Section 5 does not apply to a pecuniary interest in any matter that a member may have,

(a) as a user of any public utility service supplied to the member by the municipality or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members;

(b) by reason of the member being entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other such benefit offered by the municipality or local board;

(c) by reason of the member purchasing or owning a debenture of the municipality or local board;

(d) by reason of the member having made a deposit with the municipality or local board, the whole or part of which is or may be returnable to the member in like manner as such a deposit is or may be returnable to all other electors;

- (e) by reason of having an interest in any property affected by a work under the *Drainage Act* or by a work under a regulation made under Part XII of the *Municipal Act, 2001* or Part IX of the *City of Toronto Act, 2006*, as the case may be, relating to local improvements;
- (f) by reason of having an interest in farm lands that are exempted from taxation for certain expenditures under the *Assessment Act*;
- (g) by reason of the member being eligible for election or appointment to fill a vacancy, office or position in the council or local board when the council or local board is empowered or required by any general or special Act to fill such vacancy, office or position;
- (h) by reason only of the member being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason only of the member being a member of a board, commission, or other body as an appointee of a council or local board;
- (i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be;
- (j) by reason of the member having a pecuniary interest which is an interest in common with electors generally; or
- (k) by reason only of an interest of the member which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member. R.S.O. 1990, c. M.50, s. 4; 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 33 (1).

## DUTY OF MEMBER

### When present at meeting at which matter considered

**5. (1)** 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. R.S.O. 1990, c. M.50, s. 5 (1).

### Where member to leave closed meeting

**(2)** 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. R.S.O. 1990, c. M.50, s. 5 (2).

### When absent from meeting at which matter considered

**(3)** 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). R.S.O. 1990, c. M.50, s. 5 (3).

## RECORD OF DISCLOSURE

### Disclosure to be recorded in minutes

**6. (1)** 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. R.S.O. 1990, c. M.50, s. 6 (1).

**Idem**

**(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. R.S.O. 1990, c. M.50, s. 6 (2).

## REMEDY FOR LACK OF QUORUM

### Quorum deemed constituted

**7. (1)** Where the number of members who, by reason of the provisions of this Act, are disabled from participating in a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, then, despite any other general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. R.S.O. 1990, c. M.50, s. 7 (1).

### Application to judge

**(2)** 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. R.S.O. 1990, c. M.50, s. 7 (2).

### Power of judge to declare s. 5 not to apply

**(3)** 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. R.S.O. 1990, c. M.50, s. 7 (3).

## ACTION WHERE CONTRAVENTION ALLEGED

### Who may try alleged contravention of s. 5 (1-3)

**8.** The question of whether or not a member has contravened subsection 5 (1), (2) or (3) may be tried and determined by a judge. R.S.O. 1990, c. M.50, s. 8.

### Who may apply to judge

**9. (1)** Subject to subsection (3), an elector may, within six weeks after the fact comes to his or her knowledge that a member may have contravened subsection 5 (1), (2) or (3), apply to the judge for a determination of the question of whether the member has contravened subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (1).

### Contents of notice of application

**(2)** The elector in his or her notice of application shall state the grounds for finding a contravention by the member of subsection 5 (1), (2) or (3). R.S.O. 1990, c. M.50, s. 9 (2).

### Time for bringing application limited

**(3)** No application shall be brought under subsection (1) after the expiration of six years from the time at which the contravention is alleged to have occurred. R.S.O. 1990, c. M.50, s. 9 (3).

### Power of judge to declare seat vacant, disqualify member and require restitution

**10. (1)** Subject to subsection (2), where the judge determines that a member or a former member while he or she was a member has contravened subsection 5 (1), (2) or (3), the judge,