

Authority: Board of Health Item 20.7, as adopted by the Board of Health on March 25, 2013

**BOARD OF HEALTH FOR THE
CITY OF TORONTO HEALTH UNIT**

BY-LAW No. 2-2013

To govern the proceedings of the Board of Health for the City of Toronto Health Unit.

WHEREAS subsection 56(1) of the *Health Protection and Promotion Act* provides that the board of health shall pass by-laws respecting the calling of and proceedings at meetings;

The Board of Health for the City of Toronto Health Unit enacts:

A. Interpretation

1. Definitions

Act - *Health Protection and Promotion Act*.

Board - Board of Health for the City of Toronto Health Unit.

Chair - Chair of the Board of Health.

City - City of Toronto.

Clerk - The City Clerk of the City of Toronto.

Committee - A committee of the Board.

Council - The Council of the City of Toronto.

Emergency Meeting - A meeting of the Board called by the Chair with 24 hours' notice.

Meeting - A meeting of the Board.

Member - A Member of the Board.

Motion to Defer - A motion to delay a decision on a matter by postponing consideration of the matter:

- (1) indefinitely,
- (2) until, or within, some specified time or time period,
- (3) until a specified event happens, or
- (4) until a report or communication is presented.

Motion to Receive for Information - A motion to acknowledge a matter or part of a matter including the main motion or amendment, to take no current action on the matter, and to place the matter in the Secretary's records for future reference.

Motion to Refer - A motion to send a matter, including a main motion or amendment, to a Committee or person for more information or recommendation.

Point of Order - Bringing to the attention of the Chair and Members that a person has broken a rule or made an error in procedures and asking that the Board meeting follow the rules or that the error in procedure be corrected.

Point of Privilege - A request to the Chair and to the Board to immediately consider and take action to remedy a situation negatively affecting the rights or privileges of Members or the Board, despite other pending business currently before the Board.

Procedures By-law - This by-law as amended from time to time.

Quorum - The number of Members to be present at a meeting to legally conduct business at the meeting.

Recorded Vote - A vote for which the Secretary records all Members present and how they voted.

Secretary - The Clerk or designate.

Special Meeting - A Board meeting other than a regular meeting, a continued meeting, a reconvened meeting or an Emergency Meeting.

B. Conduct of Business

2. Business conducted according to the by-law

The rules and regulations contained in this by-law shall be observed in all proceedings of the Board of Health and shall be the rules and regulations for the order and dispatch of business of the Board, and, where applicable, its Committees.

3. Chair's use of Robert's Rules of Order

In all unprovided cases in the proceedings of the Board, the matter shall be decided by the Chair. The Chair may use Roberts Rules of Order as an aid in ruling.

C. Order and Decorum and Conduct of Members

4. Chair to maintain order

Subject to being overruled by a majority vote of the Members, which vote shall be taken without debate, or comment, the Chair:

- (1) shall maintain order and preserve the decorum of the meeting;
- (2) shall rule upon points of order and points of privilege without debate or comment;
- (3) shall rule upon all other procedural matters;
- (4) if considered necessary because of grave disorder, shall adjourn or recess the meeting for a specified time;
- (5) shall determine which Member has the right to speak;
- (6) shall ascertain that all Members who wish to speak on a motion have spoken and that the Members are ready to vote, and shall then put the vote;
- (7) shall rule whether a motion or proposed amendment is in order; and
- (8) may call a Member to order.

5. Conduct of members

No Member shall,

- (1) engage in private conversation or conduct while in the meeting room in such manner so as to interrupt the proceedings of the Board;
- (2) leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
- (3) use offensive words or unparliamentary language in or against the Board or against any Member;
- (4) speak on any subject other than the subject in debate; and
- (5) where a matter has been discussed in a closed session, and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the closed session.

6. Removing and reinstating a disciplined member

- (1) In case any Member persists in a breach of section 5 after having been called to order by the Chair, the Chair shall without debate put the question, "Shall the Member be ordered to leave his or her seat for the duration of the meeting?"
- (2) If the Board votes in the affirmative, the Chair shall order the Member to leave his or her seat for the duration of the meeting.
- (3) If the Member apologizes, the Chair, with the approval of the Board, may permit him or her to resume his or her seat.

D. Points of Order and Privilege**7. Permitting statements by city official when integrity questioned**

When the Chair, or a Member, considers the integrity of an official of the City has been impugned or questioned by a Member, the Chair may permit the Medical Officer of Health or other official to make a statement to the Board.

8. Immediate consideration of point of order or privilege

Whenever any point of order or point of privilege arises, it shall be immediately taken into consideration and ruled upon by the Chair, without debate or comment, and subject to challenge of the ruling of the Chair in accordance with subsections 9(3) and (4), the Chair's ruling is final.

9. (1) Member to seek leave

When a Member speaks on a point of order or point of privilege, he or she shall ask leave of the Chair to raise the point and after leave is granted, shall state the point to the Chair and not speak further until the Chair has ruled.

(2) Ruling by Chair

Subject to being overruled by a majority vote of Members, which vote shall be taken immediately and without debate, the Chair shall rule upon points of order, points of procedure and points of privilege, without debate or comment, as provided for under section 4(2).

(3) **Appeal to the Board**

Any Member may challenge the ruling of the Chair immediately following the ruling.

(4) **When the Chair's ruling is final**

Unless the ruling of the Chair is challenged, the decision of the Chair shall be final.

(5) **Steps taken after motion to appeal**

If the ruling of the Chair is challenged, the Board shall decide the question, "Shall the ruling of the Chair be upheld?", without debate and the Board's decision shall be final.

(6) **Chair's statement of authoritative rules is final**

If the Chair states or reads a rule from this procedures by-law or legislation, the Chair has not made a ruling and no Member shall make a motion to challenge.

E. Rules of Debate

10. (1) Order of speaking

The Chair shall maintain a list of Members who have requested to speak or to ask questions, and the Chair shall designate Members to speak or to ask questions in the order in which they appear on the list.

(2) **Questioning not to be statements**

All questions shall be stated succinctly and questions shall not be used as a means of making statements or assertions.

(3) **Question of members and officials authorized by Board only**

Questions may be asked only of:

- (a) the Chair;
- (b) the Medical Officer of Health, the City Solicitor, the Secretary or an official of the City or other body;

- (c) the previous speaker, if that speaker has moved a motion, and that any question of the previous speaker who has moved a motion be limited to clarification of that motion only;
- (d) Members of the public, for clarification purposes.

(4) Member not to ask the same question

A Member may not ask a question if the Chair rules that the question, in substantially similar form and content, has already been asked and answered.

11. Order of motions for voting

The following are deemed to be procedural motions and shall be subject to debate, as follows:

- (1) to change the order of business (not debatable);
- (2) to adjourn and related amendments (not debatable);
- (3) that the vote be now taken (not debatable);
- (4) to refer the question, with or without any proposed amendment (debatable, in accordance with section 13, where applicable); and
- (5) other motions to defer (debatable, in accordance with section 13, where applicable).

12. Procedural motions voted on first

When a motion is under debate, no motion shall be received other than a motion to amend, to defer, to refer the question, or that the vote on a motion be taken immediately, and the motion shall, until its disposition, take precedence over any non-procedural motion or amendment, and shall be put immediately following its debate in accordance with section 13.

13. Motion to defer or refer - limited debate

A motion to defer, or a motion to refer, made pursuant to section 12, shall be debatable in respect only of the desirability of deferring or referring and the terms of the deferral or referral, and no discussion of the main question or amendments shall be allowed until after its disposition.

14. Motion to defer or refer

- (1) A Member who moves a motion to defer shall include in the motion:
 - (a) the time to which the matter is deferred, or a description of circumstances that cause the motion to be brought back; and
 - (b) an explanation of the motion's purpose.
- (2) A Member who moves a motion to refer shall include in the motion:
 - (a) the name of the Committee, body or official to whom the motion is referred;
 - (b) the subject matter or question to be investigated; and
 - (c) the time period within which the matter will be reported back to the Board or Committee.

15. (1) Motion to adjourn

A motion to adjourn the Board meeting shall always be in order except:

- (a) when another Member is speaking;
- (b) when a vote has been called;
- (c) when the Members are voting; or
- (d) when a Member has indicated to the Chair his or her desire to speak on the matter before the Board.

(2) Motion to adjourn to be voted on immediately

A motion to adjourn and amendments to that motion, or a motion that the vote be now taken, shall take precedence over any other motion and shall be put immediately without debate.

(3) Two-thirds vote required

A motion that the vote be now taken shall not be passed without a two-thirds vote of the Members present and voting.

(4) **Member not allowed to speak or question again**

A Member who moved a motion that the vote be now taken shall not be allowed to speak to the question again if the motion is decided in the negative.

16. Motion to consider matter previously deferred requires two-thirds vote

A motion that the Board consider a matter which is solely within its jurisdiction previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, respectively, shall be presented only if the Board so decides, by a two-thirds vote of the Members present and voting.

17. Reconsideration of matter previously decided by the Board

- (1) After any matter has been decided, any Member who voted thereon with the majority may move for a reconsideration at the same meeting or may give notice of a motion for reconsideration of the matter for a subsequent meeting in the same year, but no discussion of the question that has been decided shall be allowed until the motion for reconsideration has carried, and no matter shall be reconsidered more than once in the same year.
- (2) For the purpose of subsection (1), the word year shall mean the period from January 1 to December 31 in the same year.

F. Votes

18. (1) Members present must vote

Every Member present at a meeting of the Board when a question is put shall vote unless prohibited by statute, in which case it shall be so recorded. A Member who does not vote, unless prohibited, will be deemed as voting in the negative.

(2) **Majority vote required for motion to pass**

Unless this by-law specifies otherwise, a motion passes when a majority of Members present vote for it.

(3) **Motion fails with tied votes**

Unless provided otherwise if there is an equality of votes on any question, the vote shall be deemed to be lost.

(4) **No seconder required**

A motion shall not be required to be seconded.

(5) **Limit on speaking and questioning**

The number of times of speaking on any question shall be limited to two.

(6) **Every member has a chance to speak before a second round**

No Member shall speak more than once until every Member who desires to speak shall have spoken.

(7) **Motions not in mandate of board**

A motion relating to a matter not within the jurisdiction of the Board shall not be in order.

(8) **Recorded vote**

Non-procedural votes may be recorded upon request.

19. Separate votes

Upon the request of any Member, and when the Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.

20. Order of voting

When a vote is taken the order of the vote shall, unless otherwise decided by the Board, be as follows:

- (1) upon any motion to refer;
- (2) upon any motion to defer;
- (3) upon any motion to receive;
- (4) upon the amendments in the reverse order of presentation, dealing with an amendment to an amendment immediately before the amendment it proposes to amend; and
- (5) upon the motion to adopt or upon the motion to adopt as amended, if any amendments have been carried; provided that a vote upon a motion to adopt or

upon a motion to adopt, as amended, is not necessary where every provision or recommendation has already been voted on by Board.

G. Committees of the Board

21. Establishment of Committees

- (1) The Board may establish Committees and assign duties to the Committees as it may desire, and the reports of all the Committees, unless otherwise decided by the Board, shall be forwarded to the Board for consideration. All material considered by a Committee in an open meeting shall be publicly available.
- (2) A Committee's recommendation shall be considered by the Board as the main motion on the item under discussion.
- (3) The Board at its first meeting in each year or as soon as practicable shall establish the Committees and shall designate the Chairs of the Committees.

H. Board Chair and Vice Chair

22. Election of Chair and Vice Chair

The Board shall elect a Chair and Vice Chair at its first meeting in each year.

23. Duties of the Chair

The Chair of the Board:

- (1) shall preside at all meetings of the Board;
- (2) may cancel and/or reschedule a regular meeting of the Board or call a Special Meeting of the Board as necessary;
- (3) represent the Board at public or official functions or designate another Member to do so; and
- (4) shall conduct the election of the Vice Chair of the Board.

24. Duties of Vice Chair

The Vice Chair shall have all the powers and perform all the duties of the Chair of the Board in the absence or disability of the Chair of the Board, together with powers and duties, if any, as may be from time to time assigned by the Board.

I. Board Meetings**25. Regular meetings**

The place, day and hour of regular meetings of the Board shall be determined by the Board and the schedule of those meetings shall be publicly available by the first meeting of the Board in each calendar year.

26. Absence of Chair

In the absence of the both the Chair and the Vice-Chair for a period of fifteen minutes after the time appointed, one of the other Members, if a quorum is present, shall be appointed acting Board Chair to preside and s/he shall discharge the duties of the Chair during the meeting, or until the arrival of the Board Chair or Vice-Chair.

27. Emergency meetings

Emergency Meetings of the Board may be called by the Chair, on 24 hours' notice, whenever he or she considers it necessary to do so.

28. Closed meetings

- (1) The Board may close a meeting to the public to discuss the following:
 - (a) Receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (b) Security of the property of the board;
 - (c) Acquisition or disposal of land;
 - (d) Personal information about an identifiable individual, including City of Toronto or Board employees;
 - (e) Labour relations or employee negotiations;

- (f) Litigation or pending litigation, including matters before administrative tribunals;
- (g) Education or training of the Members;
- (h) A matter for which the Board has authorized a meeting to be closed under another Act; or
- (i) A request under the *Municipal Freedom of Information and Protection of Privacy Act*.

(2) Meetings beginning and end always public

A meeting shall begin and end in public.

(3) Motion details for closed meetings

Before holding a closed meeting, the Board shall pass a motion to hold a closed meeting. The motion shall state:

- (a) That the meeting is a closed meeting;
- (b) The general nature of the matter the Board is considering at the closed meeting; and
- (c) The reasons the matter requires a closed meeting under subsection 3(a).

(4) When a closed meeting becomes public

If the matter the Board is considering at a closed meeting no longer falls into one of the categories set out in subsection (1), the meeting is no longer a closed meeting and continues in public.

(5) Voting and minutes in closed meeting

The Board in a closed meeting shall not vote or keep minutes except for:

- (a) A procedural matter; or
- (b) Giving directions or instructions to the Medical Officer of Health or his/her designate;

29. Quorum

- (1) A quorum of the Board shall be a majority of Members.

- (2) If no quorum is present fifteen minutes after the time appointed for a meeting, the Secretary shall call the roll and record the names of the Members present and the meeting shall stand adjourned until the next scheduled day of meeting, or the next regular meeting, or at the call of the Chair.

30. Absence of quorum

If no quorum is present during a Board meeting for a period of fifteen minutes, the Secretary will record the names of those Members present and the meeting shall stand adjourned until the next scheduled day of meeting, or the next regular meeting, or at the call of the Chair, and the meeting shall not continue on an informal basis.

31. Improper conduct

The Chair or presiding officer at any meeting of a Board has the right to expel, or exclude, from any meeting, any person who disrupts the proceedings of the meeting.

J. Secretary of the Board and City Solicitor

32. Clerk is Secretary

The Clerk shall be the Secretary of all Board meetings and may assign any duties as Secretary to an employee in his or her division.

33. Duties of the Secretary

It shall be the duty of the Secretary:

- (1) to give notice of each regular meeting of the Board together with an Agenda of the matters to be considered so that the Notice and Agenda will reach the Members at their addresses as recorded in the Board records at least five days, where practicable, in advance of the meeting;
- (2) to give notice of each Special Meeting of the Board together with an Agenda of the matters to be considered so that the Notice and Agenda will reach the Members in advance of the meeting; and
- (3) to summon a meeting of the Board, whenever requested, in writing, to do so by a majority of the Members. The request shall include
 - (a) original signatures of Members;

- (b) a clear statement of the meeting's purpose; and
 - (c) the time and date for the meeting which must be held within 48 hours of the time the request is given to the Secretary. The Secretary shall give at least 24 hours' notice of the meeting. The notice for this meeting must be delivered in person or sent by email to each Member.
- (4) to give Notice of an Emergency Meeting of the Board called under section 27. The Notice for this meeting shall be delivered in person or sent by email to each Member.
 - (5) to report outstanding items to the Board on an annual basis. The report shall be received by the Board for information.
 - (6) to conduct the election of the Chair of the Board.

34. Duties of the City Solicitor

It shall be the duty of the City Solicitor:

- (1) to examine all reports of the Board and to report whenever any matter contained therein is beyond the power of the Board or otherwise illegal;
- (2) to advise the Board and Committees as to the legality of all matters considered or proposed to be considered by these bodies, of which he or she shall have notice.

K. Board Agenda

35. (1) Agenda

The Secretary shall establish agenda deadlines, prepare, publish and distribute the agenda for regular meetings of the Board, which shall include:

- (a) Declarations of Interest pursuant to the Municipal Conflict of Interest Act;
- (b) Confirmation of Minutes (if available);
- (c) Agenda Items;
- (d) Bills (if any).

(2) **Agenda order**

The business of the Board shall in all cases be taken up in the order in which it is listed on the Agenda, unless otherwise decided by the Board.

(3) **Changes to agenda**

When an alteration of the order of business is desired, the Board, without debate, may by a majority vote of the Members present make any alteration to the order of the business but shall not delete any portion of the business which has been set out in the agenda.

(4) **Delivery to members of agenda**

The Secretary shall make the Agenda available to the public after delivery of the Agenda to the Members.

(5) **Notice given by publishing agenda**

The published Agenda for the Board meeting is notice of all business included in that Agenda subject to other notice provisions in this by-law and of any applicable legislation.

36. (1) Deadlines and content of board agenda

If the Secretary receives the following matters by the Agenda deadline and the matters are within the Board's mandate, the Secretary places them on the agenda for the next regular Board meeting:

- (a) Communications from Members;
- (b) Communications from City Council;
- (c) Communications from a Council Committee;
- (d) Reports from City officials;
- (e) Communications from members of Council; or
- (f) Communications related to a matter on the agenda.

(2) **Secretary prepares supplementary agenda for supplementary business**

If necessary the Secretary prepares a supplementary agenda for reports and other communications supplementing business on the regular Board agenda.

(3) **Adding late supplementary reports or communications**

The Secretary adds any report or communication after the regular agenda deadline to the supplementary agenda if the Secretary decides that either supplements the regular agenda business

37. Late new business reports or communications

- (1) Subject to subsection 2, if after the regular agenda deadline for the Board meeting, the Secretary receives any of the following, the Secretary adds them to the agenda for the next Board meeting:
- (a) New business reports from City officials; and
 - (b) New business communications from a Member, a Board Committee, Council or a member of Council.
- (2) With the consent of the Board, the Secretary may add to the agenda new business reports or communications the Secretary receives after the agenda deadline for the Board meeting.

38. Members' options for presenting communications

- (1) Members may present communications to the Board about
- (a) Any matter on the meeting agenda; or
 - (b) Matters not on the meeting agenda but within the Board's mandate.
- (2) In submitting communications under subsection 1(b), Members must comply with any applicable notice requirements and must meet agenda deadlines.

L. Board Report to Council

39. Recommendations to Council

Board recommendations on budget matters shall be reported to Council. Any other matters shall be reported to Council at the discretion of the Board.

M. Public Presentations at Board Meetings

40. (1) Any person may address the Board

Any person may address the Board of Health on an item on the Board's agenda.

(2) Register to speak

Any person may address the Board on any agenda item on the Board's current agenda by notifying the Secretary by 12:00 p.m. on the day preceding the Board meeting. If other persons wish to speak to the Board on an item on the Board's agenda, the Board may still hear from them.

(3) Time allotted for speaking

Members of the public shall limit their remarks to five minutes each.

N. Minutes of Board Meetings

41. (1) Secretary submits minutes to next regular meeting

The Secretary shall prepare the minutes of every Board meeting for submission to the Board for confirmation or approval as amended, at the next meeting of the Board, or as soon as is reasonably practicable, and after they have received the approval of a majority of the Members present, they shall be signed by the Chair.

(2) Member may request reading of the minutes

Prior to such approval by the Board, if required by any Member, the minutes or any requested portion, so much, shall be read by the Secretary of the Board.

O. Bills

42. (1) Solicitor prepares bills

The Solicitor shall prepare any bills to be introduced at the meeting at which it will be considered by the Board.

(2) **Content of bills**

All bills must:

- (1) Have a concise title;
- (2) Be numbered; and
- (3) Refer to the decision on the bill's subject matter.

(3) **Secretary submits bills**

The Board Secretary shall ensure each bill is in the approved format and will submit the bill to the Board. The meeting Agenda shall include the bill's number and title. The Secretary shall prepare a bills index to distribute to Members with the Agenda or during the meeting, and shall provide a copy of a bill to a Member if the Member requests it.

43. Subject matter of bills approved

Only bills implementing matters the Board has approved may be presented to the Board.

44. Rules about introducing and passing bills

- (1) A bill is valid even if introduced and passed at a meeting on a date other than that shown on the bill.
- (2) A number of bills may be introduced and passed together in one motion and referred to only by number.
- (3) Despite subsection 44(2), the Board must, at the request of any Member, deal separately with any bill.
- (3) Except as otherwise provided, a bill may be introduced or passed on the same day upon which the subject matter of the bill is decided by the Board.

45. Rules on motion to introduce and pass bills

- (1) A motion to introduce and pass a bill is always in order and a Member may make the motion at any time.
- (2) The Board may refer the bill to the appropriate Board Committee for a report to the Board.

46. (1) Form of the motion to introduce and pass a bill

A motion to introduce and pass a bill must specify the title or number of the bill and be in the following form:

"that the Board of Health pass and declare as a by-law bill number _____, prepared for this meeting of the Board."

(2) Limitations on debating motion

(1) A motion to introduce and pass a bill is debatable and may be amended, but only as to:

(a) Form; and

(b) To ensure that it correctly implements the decision that it is intended to implement.

(2) The debate on a motion to introduce and pass a bill may not reopen or consider the substance of the decision or part of the decision, except in accordance with section 17.

47. Steps after bill is passed and Secretary's authority to make changes

(1) A bill becomes a duly enacted by-law after:

(a) The Board passes the bill;

(b) The bill is printed in the form of a by-law;

(c) The Chair of the Board or Chair of the meeting at which the bill was passed, and the Secretary, sign it; and

(d) The Secretary affixes the corporate seal of the Board and the by-law number on it.

(2) A by-law is effective on the day it is enacted, unless the by-law specifies otherwise.

(3) The Secretary may make minor deletions, additions, or other changes in form to any bill before the bill is signed, sealed, numbered, and enacted as a by-law.

- (4) Any changes made under subsection 47(3) are for the purpose of ensuring correct and complete implementation of the actions that form the subject matter of the bill in accordance with this by-law.

48. Amending a by-law and changes to a bill

- (1) All changes made to a bill to reflect changes to the decision on the matter that the bill implements, are considered part of the bill.
- (2) Once enacted, a by-law may only be amended or repealed by another by-law, unless the by-law or legislation specifies otherwise.

49. Security of by-laws

The Secretary shall deposit every by-law enacted in a safe and convenient place connected with the Secretary's office.

50. Indexed volume of by-laws

All by-laws shall be printed in an indexed volume separated according to the year in which they are enacted.

P. Corporate Seal

51. Corporate Seal

The corporate seal of the Board shall be in the form impressed on this by-law and shall be kept by the Secretary of the Board.

Q. Waiving of By-law Provisions

52. Waiver of rules

- (1) Subject to subsection (2), a motion to waive, or not to follow a rule of procedure established by this by-law requires a two-thirds vote of the Members present and voting.

Rules that cannot be waived

- (2) Subsection 52(1) and section 53, may not be waived.

R. Amendments to By-law**53. Two-thirds vote required**

- (1) To pass a motion to amend or repeal this by-law requires a two-thirds vote of Members present.

Notice to be given at previous Board meeting

- (2) No amendments or repeal of this by-law shall be considered at any meeting of the Board unless notice of the proposed amendment or repeal was given at a previous regular meeting of the Board.

S. Effective Date

- 54.** This by-law shall come into force on April 30, 2013.

Enacted and passed on April 29, 2013.

Joe Mihevc,
Chair

Ulli S. Watkiss,
Secretary

(Seal of the Board of Health)