

Board of Health Procedures By-law Review

Date: December 21, 2018

To: Board of Health

From: Medical Officer of Health

Wards: All

SUMMARY

As directed by the Board of Health ("the Board"), this report recommends the adoption of a new Procedures By-law for the Board and the repeal of the existing Procedures By-law. Given the extensive review which occurred in 2012 and the further review in 2016, major revisions were not necessary although some minor technical and policy changes and the increased use of clear and gender-neutral language are proposed. These changes will further modernize the existing By-law and provide further clarity for governance of Board meetings.

The review of the existing Board Procedures By-law also fulfills one of the Board's obligations under the Ontario Public Health Standards (OPHS), namely the requirement that the Board review its policies and procedures at least every two years.

RECOMMENDATIONS

The Medical Officer of Health recommends that:

1. The Board of Health authorize the City Solicitor to prepare and introduce Bills for adoption by the Board of Health in the form or substantially in the form of the draft By-laws attached as Appendix 1 and Appendix 2.

FINANCIAL IMPACT

There are no financial impacts related to this report.

DECISION HISTORY

On March 25, 2013, the Board adopted a report recommending major policy and technical changes to its Procedures By-law and authorized the City Solicitor to prepare the necessary Bill for adoption. The Board enacted the By-law on April 29, 2013.

(<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.HL20.7>)

On April 25, 2016, the Board adopted a report recommending some minor policy and technical changes to its Procedures By-law and authorized the City Solicitor to prepare the necessary Bill for adoption. The Board enacted the By-law on May 30, 2016. (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.HL12.6>)

On July 16, 2018, the Board of Health requested the Medical Officer of Health, in consultation with the City Clerk, City Solicitor and the Board, to review the Board of Health Procedures By-law and report back on any proposed amendments in November, 2018. (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.HL28.9>)

COMMENTS

The Ministry of Health and Long-Term Care (the Ministry), introduced the Ontario Public Health Organizational Standards (OPHOS) in 2011. That document set out the management and governance requirements for all 35 local boards of health across Ontario, including the requirement to undertake reviews of procedures by-laws at least every two years.

In spring of 2017, the Ministry undertook a comprehensive review of these standards, as well as the public health program standards (Ontario Public Health Standards) in an effort to support modernization of public health in Ontario. In January 2018, the Ministry published an updated Public Health Standards document that sets out requirements for Boards of Health regarding public health programs, services and accountability. An Accountability Framework is incorporated in the revised public health standards document and includes requirements for executing good governance practices. Among these requirements is the requirement that boards of health review and revise, as necessary, board by-laws, policies and procedures every two years.

Toronto Public Health staff consulted with Board members and staff from Legal Services and the City Clerk's Office during the fall of 2018 to review the Board's Procedures By-law. The City Clerk and the City Solicitor then met independently to incorporate the recommended changes from staff into a new By-law. These changes are mainly housekeeping/technical in nature or clarify existing process and procedure, although the following technical amendments are of note:

1. Section 5, Chair's use of Robert's Rules of Order: Use of City Council's Procedures By-law as an additional aid to assist the Chair in ruling. At present, the Chair only has the use of Robert's Rules of Order as an aid in ruling. Allowing the Chair to use City Council's Procedures By-law as an additional aid will broaden the tools at the Chair's disposal in making rulings.
2. Section 28, Closed meetings: Incorporation of additional reasons where the Board may meet in closed session and clarification as to when the Board must meet in closed session. These legislative requirements, arising from the adoption of Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017, have been incorporated into the Board's Procedures By-law for easier reference and clarity.

3. A new subsection to Section 40, Public Presentations at Board Meetings, clarifying deputants' responsibilities and behaviour while making a public presentation is also proposed. A similar provision has existed in City Council's Procedures By-law since 2006.

4. Amendments to the language in Section 7, Conduct of Members, are also proposed to focus more on Board members' responsibilities rather than restrictions on Board members.

5. Housekeeping/technical amendments arising from the use of clear and gender-neutral language.

CONTACT

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SIGNATURE

Dr. Eileen de Villa
Medical Officer of Health

ATTACHMENTS

Appendix 1: Draft By-law to repeal By-law 2-2016

Appendix 2: Draft By-law to govern the proceedings of the Board of Health for the City of Toronto Health Unit