

Making Electronic Participation for the Board of Health Permanent and update on review of the Board of Health Procedure By-law

Date: May 12, 2023

To: Board of Health

From: Medical Officer of Health and City Clerk

Wards: All

SUMMARY

The purpose of this report is to recommend the repeal of the existing Procedures By-law and the adoption of a new Procedures By-law for the Board of Health to make electronic participation a permanent option for meetings, to ensure consistency with the City of Toronto Act, 2006, and to report on the review of the Procedures By-law required under the Ontario Public Health Standards (OPHS).

RECOMMENDATIONS

The Medical Officer of Health and the City Clerk recommend that the Board of Health:

1. Repeal the Board of Health's current Procedures By-law, By-law 2-2019 as amended by By-law 1-2020 and By-law 2-2020, by adopting the draft bill, in the form or substantially in the form, attached as Appendix 1 to this report.
2. Adopt a new Board of Health Procedures By-law by adopting the draft bill, in the form or substantially in the form, attached as Appendix 2 to this report that includes provisions to:
 - a. provide that any member participating in the meeting electronically is deemed to be present for the purposes of determining whether a quorum is present, and for the purposes of voting on any matter put to a vote, and for all other purposes.
 - b. provide that any member participating in the meeting electronically be entitled to participate in any portion of the meeting closed to the public.
 - c. change the time required to achieve quorum from 15 minutes to 30 minutes.

d. permit members of the public to participate electronically at meetings where electronic participation occurs and in a manner as determined by the Clerk.

e. amend the closed session requirements to ensure consistency with the City of Toronto Act, 2006 and Toronto Municipal Code Chapter 27, Council Procedures.

FINANCIAL IMPACT

There is no financial impact associated with the adoption of the recommendations in this report.

DECISION HISTORY

At its meeting of April 17, 2023 the Board of Health considered Item HL3.8 giving notice that the Board would consider amendments to the Procedures By-law at its next meeting.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.HL3.8>

At its meeting of March 29, 30 and 31, 2023, City Council adopted Item EX3.7 to amend their own rules of procedure to permit electronic participation by board members and the public, and to authorize boards to continue to meet electronically in accordance with the previously adopted electronic participation rules past the May 9, 2023 deadline until they can meet to consider procedural amendments.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.EX3.7>

At its meeting of June 14, 2021, the Board of Health adopted item 2021.HL29.4 and directed the Medical Officer of Health, in consultation with the City Clerk, the City Solicitor, and the Board of Health, to review the Board of Health Procedures By-law and to report on any proposed amendments in January 2022.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.HL29.4>

On September 21, 2020, the Board of Health amended By-law 2-2019 to extend the remote electronic participation rules for a period ending one year following the termination of the COVID-19 emergency declaration under section 4 of the Emergency Management and Civil Protection Act.

<https://secure.toronto.ca/council/agenda-item.do?item=2020.HL19.1>

At its meeting of May 7, 2020, the Board of Health amended By-law 2-2019 to permit a member participating electronically to be counted for quorum and to attend a closed session during a declared emergency.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.HL16.1>

The municipal emergency was terminated on May 9, 2022, after the Provincial emergency had been terminated.

COMMENTS

Electronic Participation in Board of Health Meetings

Since 2020, the Board of Health has permitted electronic participation at its meetings. This began as a response to the COVID-19 pandemic and has been a success. In May 2022, meetings of the Board of Health moved to a hybrid model, providing Members, staff and the public the option to participate in person in a meeting room or remotely via video conference.

The public has expressed that having the option to participate remotely allows for improved access and mitigates issues around childcare, time off work and other factors that may have previously limited their ability to attend a meeting in person. The hybrid meeting model allows the public to choose how they wish to address the Board, encouraging participation and increasing accessibility.

Board of Health Procedures By-law Review

The Ontario Public Health Organizational Standards: Requirements for Programs, Services, and Accountability (Standards) requires that local boards of health review and revise their by-laws, policies, and procedures as necessary, and at least every two years.

In June 2021, the Board of Health directed staff to initiate a review of the Board of Health Procedures By-law. A survey of then-Board of Health members and Toronto Public Health staff did not identify any requested changes to the By-law, however, reporting on the outcome of this review was paused to allow the City Clerk's Office to complete a more thorough review of electronic participation in meetings.

In addition, staff in the City Clerk's Office has identified two technical amendments to the Board of Health Procedures By-law, and is recommending that the time required to achieve quorum be changed from 15 minutes to 30 minutes, and the closed session requirements be amended to ensure consistency with the City of Toronto Act, 2006 and Toronto Municipal Code Chapter 27, Council Procedures.

Pending the adoption of the changes recommended in this report, TPH will report back to the Board of Health in 2024 to initiate the next review of the Board of Health Procedures By-law. This will provide an opportunity for members to offer feedback on all aspects of the By-law, including any changes made respecting electronic participation in meetings.

CONTACT

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SIGNATURE

Dr. Eileen de Villa
Medical Officer of Health

John D. Elvidge
City Clerk

ATTACHMENTS

Appendix 1 - Draft By-law to repeal Bylaw 2-2019 as amended by By-law 1-2020 and By-law 2-2020

Appendix 2 - Draft By-law to enact Bylaw 1-2023 to make electronic participation a permanent option for meetings, change the time required for quorum and to ensure consistency with the City of Toronto Act, 2006