



HAMILTON BOARD OF HEALTH

ADDENDUM

Meeting #: 25-001
Date: July 7, 2025
Time: 9:30 a.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

Matt Gauthier, Legislative Coordinator (905) 546-2424 ext. 6437

5. BOARD OF HEALTH ORIENTATION

*5.1 BOH25018

Board of Health By-laws, Policies and Orientation (City Wide)

This item will be preceded by a presentation.

The presentation has now been uploaded.

15. BY-LAWS

*15.1 001 - REVISED

A By-law to Govern the Proceedings of the Board of Health and Committees of the Board of Health

*15.2 002 - REVISED

Delegation of Authority By-law

*15.3 003 - REVISED

To Confirm Proceedings of the Board of Health for the City of Hamilton Public Health Unit

HAMILTON BOARD OF HEALTH TRANSITION

OVERVIEW, REQUIREMENTS AND PROCESS

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HAMILTON BOARD OF HEALTH | JULY 7, 2025 | BOH25018





AGENDA

1. Semi-Autonomous Hamilton Board of Health
2. Board of Health Duties and Responsibilities
3. Role of Hamilton City Council
4. Transition to new Board of Health
5. Board of Health Approvals Required Today



SEMI-AUTONOMOUS HAMILTON BOARD OF HEALTH

- Hamilton Board of Health was a single-tier municipality Board of Health
- Under the *City of Hamilton Act*, City had the powers, rights and duties of a Board of Health under the *Health Protection and Promotion Act* (s. 11)
- As of June 5, 2025, City Council ceased to be the Board of Health
- *More Convenient Care Act, 2025* (effective June 5, 2025)
 - amended *City of Hamilton Act* by repealing and replacing s. 11 (Powers of the City)
 - established new semi-autonomous Board of Health
 - defined new roles for City Council and the Board of Health
 - includes provisions to support transition and enable stability of Public Health Services operations



SEMI-AUTONOMOUS HAMILTON BOARD OF HEALTH

- Now, under *City of Hamilton Act*, City Council to determine composition of and appointment of members to the new semi-autonomous Board of Health
- City Council has resolved that:
 - *the current composition of six Members of Council and six members of the public, plus one education representative, be approved as the composition for the semi-autonomous Board of Health*
 - *the current members of the Public Health Sub-Committee (six Members of Council and six members of the public, plus one education representative) be appointed to the semi-autonomous Board of Health for the 2022-2026 Term of Council*



BOARD OF HEALTH DUTIES AND RESPONSIBILITIES

- *Health Protection and Promotion Act, 1990*
- Ontario Public Health Standards: Requirements for Programs, Services and Accountability (June 2021)
- *Municipal Act, 2001*
- *City of Hamilton Act, 1999*
- By-laws, Policies and Procedures



BOARD OF HEALTH DUTIES AND RESPONSIBILITIES

- *Health Protection and Promotion Act, 1990*
 - Board of Health has oversight of public health programs and services, community health protection and communicable diseases
 - Medical Officer of Health responsible for the management of public health programs and services and employees
 - Medical Officer of Health reports directly to the Board of Health on issues relating to public health concerns and to public health programs and services (s. 67(1))



BOARD OF HEALTH DUTIES AND RESPONSIBILITIES

- Ontario Public Health Standards: Requirements for Programs, Services and Accountability (2021)
 - Every Board of Health is to comply with Public Health Standards for mandatory program/services
 - Board of Health accountable for good governance practices to ensure effective functioning
 - Requires by-laws and policies on variety of matters



BOARD OF HEALTH DUTIES AND RESPONSIBILITIES

- As a semi-autonomous Board of Health, the Hamilton Board of Health is also subject to the *Municipal Act, 2001*
 - Includes Board of Health in definition of “Local Board” (s.1(1))
 - Includes provisions on procedure by-laws for calling, place and proceedings of meetings
 - Terms applicable to Local Boards apply to Board of Health unless stated otherwise
 - Must be read together with the *Health Protection and Promotion Act*



ROLE OF HAMILTON CITY COUNCIL

- *City of Hamilton Act* as amended defines the continued role of the City Council
- Despite the *Health Protection and Promotion Act*:
 - City Council to establish the Board of Health's size and appoint members to the Board of Health
 - City Council to appoint, reappoint and dismiss Medical Officer of Health, Associate Medical Officers of Health, and auditor
 - City Council to provide to Board of Health public health employees City considers necessary to enable Board to carry out its functions
 - City Council may request Board of Health to make recommendations on any issues within City's jurisdiction that involve public health considerations
 - City Council may request Board of Health to make annual report to the City on the Board's operations



SUMMARY OF ACCOUNTABILITY FRAMEWORK

Hamilton City Council <i>(City of Hamilton Act)</i>	<ul style="list-style-type: none">• Determine composition of and appoint members to the Board of Health• Appointment, reappointment and dismissal of Medical Officer of Health, Associate Medical Officer of Health, and auditor• Provide to Board of Health public health employees City considers necessary to enable Board to carry out its functions, remain City employees• May request Board of Health make annual report to City on Board's operations
Board of Health <i>(Health Protection and Promotion Act)</i>	<ul style="list-style-type: none">• Oversight of public health programs/services, community health protection and communicable diseases• Oversight of Medical Officer of Health on issues relating to public health concerns and public health programs/ services
Medical Officer of Health <i>(Health Protection and Promotion Act)</i>	<ul style="list-style-type: none">• Responsible to the Board for management of public health programs/services• Reports directly to the Board of Health on issues relating to public health concerns and public health programs/services• Direct employees of and persons whose services are engaged by Board of Health if duties relate to delivery of public health programs/services
Associate Medical Officer of Health <i>(Health Protection and Promotion Act)</i>	<ul style="list-style-type: none">• Under direction of Medical Officer of Health assists in performance of duties of Medical Officer of Health
Public Health Employees <i>(Health Protection and Promotion Act)</i>	<ul style="list-style-type: none">• Employees of and persons whose services are engaged by Board of Health subject to direction of and responsible to Medical Officer of Health if duties relate to delivery of public health programs/services



TRANSITION TO SEMI-AUTONOMOUS BOARD OF HEALTH

BOARD OF HEALTH APPROVALS REQUIRED TODAY

- Today, the Board of Health is being asked to approve the following foundational governance documents:
 - Hamilton Board of Health Procedural By-Law No. 2025-1
 - Hamilton Board of Health Delegation By-Law No. 2025-2
 - Board of Health Remuneration Policy
 - Board of Health Travel Expenses Policy

More to come on Board of Health transition....



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Hamilton Board of Health Report for Consideration

To: Chair and Members
Board of Health

Date: July 7, 2025

Report No: BOH25018

Subject/Title: Board of Health By-laws, Policies, and Orientation

Ward(s) Affected: (City Wide)

Recommendations

- 1) That the Board of Health Procedural By-law, attached as Appendix “A” to Report BOH25018, **BE APPROVED**;
- 2) That the Board of Health Delegation By-law, attached as Appendix “B” to Report BOH25018, **BE APPROVED**;
- 3) That the Board of Health Remuneration Policy, attached as Appendix “C” to Report BOH25018, **BE APPROVED**;
- 4) That the Board of Health Travel Expenses Policy, attached as Appendix “D” to Report BOH25018, **BE APPROVED**; and,
- 5) That staff **BE DIRECTED** to conduct a governance review at the mid-point of each term of the Board of Health, with the first review conducted in Q4, 2028.

Key Facts

- The purpose of this report is to seek approval of the foundational governance documents to ensure the smooth functioning of the Hamilton Board of Health and Public Health Services.
- On June 5, 2025, provincial legislation came into effect and established a semi-autonomous Board of Health in Hamilton.
- Council established the composition of six City Council members, six community representatives, and an education representative; and appointed the former

members of the Public Health Sub-Committee as the members of the Board of Health for the remainder of the current term of Council.

- The new governance structure establishes new accountabilities which require key governance documents to reflect these accountabilities and to ensure the transparent functioning of the Board of Health and the smooth continuation of the work of Public Health Services.
- A regular governance review is recommended to ensure these foundational documents continue to meet the needs of the Board of Health as it evolves.

Financial Considerations

In alignment with the *Health Protection and Promotion Act, 1990* the Chair and community members of the Board of Health will be compensated for attendance at each meeting. The recommended Remuneration Policy (see Appendix “C” to Report BOH25018) sets the compensation at \$200 per meeting. These costs will be funded through gapping for the remainder of 2025 and incorporated into the 2026 Board of Health budget submission.

Background

On January 24, 2024, following several delegations and community consultation, Hamilton City Council approved the semi-autonomous Board of Health governance model. An application was submitted to the Province of Ontario in March 2024 requesting the required legislative changes to transition to a semi-autonomous Board of Health, comprised of Councillors and community members.

While awaiting these legislative changes, in November 2024, the Public Health Committee, comprised of members of City Council, was dissolved and the Public Health Sub-Committee was established including Councillors and community members.

The *More Convenient Care Act, 2024* which included amendments to the *City of Hamilton Act, 1999* to establish a semi-autonomous Board of Health, passed Third Reading on June 3, 2025, and received Royal Assent on June 5, 2025. As a result, the amendments to the *City of Hamilton Act, 1999* are now in effect.

On May 7, 2025, Council appointed the members of the former Public Health Sub-Committee to the semi-autonomous Board of Health for the 2022-2026 term of council. On June 18, 2025, Council passed a Composition By-law to establish the structure of the semi-autonomous Board of Health comprised of six City Council members, six community representatives, and an education representative.

Analysis

The new semi-autonomous Board of Health has the powers, rights, and duties of a Board of Health under the *Health Protection and Promotion Act, 1990*, subject to reserved authority of the City as set out in the *City of Hamilton Act, 1999*. Appendix “E” to Report BOH25018 outlines the accountabilities under the new governance model based on the authorities outlined in the relevant legislation.

There is a need to establish the tools to support this change in accountabilities. The foundational By-laws and policies recommended in this report will enable the new Board of Health to function in a smooth and transparent manner under the *Health Protection and Promotion Act, 1990*.

The recommended documents were prepared through the direction of a Steering Committee comprised of the Medical Officer of Health, City Solicitor, City Clerk, and the General Manager of the Healthy and Safe Communities Department and supported by outside counsel. The Steering Committee also consulted with the General Manager of Finance and Corporate Services, and the Executive Director of Human Resources. As part of the preparation process, current practices of the other semi-autonomous Boards of Health in Ontario (Ottawa and Toronto) were reviewed, and draft policies and by-laws were prepared in alignment with governance best practices.

More information on the process to inform the development of these documents is outlined below:

- **Board of Health Procedural By-law (Appendix “A” to Report BOH25018)**
The *Health Protection and Promotion Act, 1990* requires the Board of Health to pass a by-law respecting “the calling of and proceedings at meetings”. A Procedural By-law also enables the smooth and transparent functioning of Board meetings. The recommended By-law was developed in alignment with the City of Hamilton’s Procedural By-law;
- **Board of Health Delegation By-law (Appendix “B” to Report BOH25018)**
The Delegation By-law outlines the delegated authorities from the Board of Health to the Medical Officer of Health and other Public Health Services leadership, as well as leaders within Financial Services, the City Solicitor, and the City Clerk. This By-law was developed with consideration of current by-laws and practices of other semi-autonomous Boards of Health (Ottawa and Toronto) and City of Hamilton policies and practices. Overall, the By-law operates within the framework of approved staffing/FTE levels and budget and delegates decision-making consistent with that which has been given to the City Manager and General Manager of Healthy & Safe Communities

A service level agreement will be entered into by the Board of Health and the City of Hamilton to continue the provision of services from the City to Public Health Service, including Legal Services, Financial Services, Information Technology, and the Clerk’s Office. Further updates on the service level agreement will be brought to a future Board of Health meeting.

- **Remuneration Policy (Appendix “C” to Report BOH25018)**
Members of the Hamilton Board of Health shall receive remuneration in accordance with the *Health Protection and Promotion Act, 1990*. With the exception of the Chair, Council Members of the Board of Health shall not receive remuneration for attendance at Board of Health meetings beyond their regular salary as Councillors in keeping with the *Health Protection and Promotion Act, 1990*. All other Members of the Board of Health shall receive an honorarium of

\$200 for each Board meeting attended. All remuneration will be charged to Public Health Services.

- **Travel Expenses Policy (Appendix “D” to Report BOH25018)**

Board members will also be eligible for reimbursement of expenses for Board-approved travel, in alignment with the City of Hamilton Policy for Business Travel, Seminars, and Conferences. All reimbursement of travel expenses will be charged to Public Health Services. For 2025, these costs are coming from gapping within the Public Health Services budget. For 2026 these costs will be incorporated into the Board of Health budget submission.

It is recommended that the Board of Health undertake regular governance reviews to review governance-related processes, by-laws and policies of the Board of Health and adjust as needed. Once the Board has gained some experience in its role and new structure, the need for adjustments to key governance documents may be better understood. As issues are identified through the work of the Board of Health, they may be referred to the next governance review for consideration.

The Ontario Public Health Standards mandate that the Board of Health conduct a self-assessment on a bi-annual basis. This self-assessment would contribute to informing the broader governance review.

Staff recommend the Board direct staff to complete a governance review at the midpoint of each term of the Board of Health. Given that the newly appointed Board of Health will conclude its term in 2026, it is recommended to conduct the first governance review at the mid-point of the term of the next Board of Health, which would be during the Q4 of 2028. The first self-evaluation for the Board is recommended to occur in mid-2026 to meet the requirements of the Ontario Public Health Standards, with the second self-evaluation occurring in line with the 2028 governance review.

Alternatives

The *Health Protection and Promotion Act, 1990* requires the Board of Health to pass a by-law respecting “the calling of and proceedings at meetings”. Should the Board of Health choose not to adopt the recommended Procedural By-law, they could choose to adopt the City of Hamilton’s Procedural By-law.

Should the Board of Health choose not to adopt the recommended Delegation By-law, the Board could choose to delegate authorities on a case-by-case basis. This approach is not recommended as it does not facilitate timely decision-making.

The *Health Protection and Promotion Act, 1990* requires remuneration and payment of expenses of the Board of Health Chair and community members. Should the Board of Health choose not to adopt the Remuneration Policy or the Travel Expenses Policy, the Board should provide direction to staff on how to proceed.

Previous Reports Submitted

- [BOH23039](#) – Options for the City of Hamilton's Board of Health Governance
- [BOH24003](#) – Selection Criteria and Policy and By-Law Changes to Implement the Public Health Sub-Committee
- [BOH25007](#) – Semi-Autonomous Board of Health Transition Process
- [BOH25016](#) – Establishment of the Semi-Autonomous Board of Health

Consultation

- Lora Fontana, Executive Director, Human Resources
- Grace Mater, General Manager, Healthy and Safe Communities Department
- Lisa Shields, City Solicitor, Legal Services
- Matthew Trennum, City Clerk, Corporate Services
- Mike Zegarac, General Manager, Finance and Corporate Services
- Ottawa Public Health
- Toronto Public Health

Appendices and Schedules Attached

Appendix A: Board of Health Procedural By-law

Appendix B: Board of Health Delegation By-law

Appendix C: Board of Health Remuneration Policy

Appendix D: Board of Health Travel Expenses Policy

Appendix E: Accountability Framework of the Semi-Autonomous Board of Health

Prepared by:

Katherine Pizzacalla, Senior Policy Advisor
Public Health Services, Healthy Families Division,
Planning & Competency Development

Submitted and recommended by:

Dr. Elizabeth Richardson, MD, MHSc, FRCPC
Medical Officer of Health
Public Health Services, Office of the Medical Officer of
Health

**BOARD OF HEALTH FOR THE CITY OF HAMILTON
PUBLIC HEALTH SERVICES**

BY-LAW NO. 2025-1

PROCEDURAL BY-LAW

A BY-LAW TO GOVERN THE PROCEEDINGS OF THE BOARD OF HEALTH AND
COMMITTEES OF THE BOARD OF HEALTH

DRAFT

BY-LAW NO. 2025-1
PROCEDURAL BY-LAW

Incorporating amendments made by:

By-law Number

Effective Date

DRAFT

BOARD OF HEALTH**BY-LAW NO. 2025-1****A BY-LAW TO GOVERN THE PROCEEDINGS OF THE BOARD OF HEALTH
AND COMMITTEES OF THE BOARD OF HEALTH****INDEX**

SECTION 1 – DEFINITIONS.....	5
SECTION 2 – PRINCIPLES.....	7
SECTION 3 – APPLICATION	7
SECTION 4 – BOARD MEETINGS.....	8
SECTION 5 – COMMITTEES	14
SECTION 6 – RULES OF DEBATE, VOTING PROCEDURES AND MOTION PROCEDURES.....	16
SECTION 7 – ORDER AND DECORUM	22
SECTION 8 – MEETINGS CLOSED TO THE PUBLIC.....	24
SECTION 9 – VIRTUAL PARTICIPATION AT BOARD AND/OR COMMITTEE MEETINGS ...	25
SECTION 10 – LIVE RECORDINGS OF MEETINGS	26
SECTION 11 – ROLE OF SECRETARY.....	26
SECTION 12 – GENERAL.....	27
SECTION 13 – BY-LAWS.....	27

BY-LAW NO. 2025-1

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

NOW THEREFORE, BE IT RESOLVED, the Board of Health for the City of Hamilton enacts as follows:

DRAFT

SECTION 1– DEFINITIONS

1.1 In this By-law,

“Advisory Committee” means a group of appointed citizens and Board members established and appointed by the Board for the purpose of providing advice on matters that are related to the specific mandate of the committee.

“Amend” means to alter or vary the terms of a Main Motion without materially changing its purpose, and amendment has a corresponding meaning.

“Board” means the Board of Health for the City of Hamilton, also known as the Hamilton Board of Health.

“By-law” means this By-law No. 2025-1 governing the proceedings of the Board of Health and Committees of the Board of Health.

“Carried” for the purposes of voting, means more than half the total of Members of the Board or Committee present and not prohibited by statute from voting, voted in favour.

“Chair” means the designated Member of the Board presiding at any Meeting of the Board or Committee.

“Challenge” means to appeal a ruling of the Chair.

“City” means the geographical area of the City of Hamilton or the municipal corporation as the context requires.

“Clerk” means the person appointed as City Clerk within the meaning of the *Municipal Act*, or their designate.

“Closed Meeting” means a meeting, or part of a meeting, which is closed to the public as permitted by Section 239 of the *Municipal Act*, also referred to as an “in-camera meeting”.

“Committee” means a Standing Committee, an Advisory Committee or Task Force established by the Board from time to time.

“Council” means the Council of the City of Hamilton.

“Defeated” for the purpose of voting, means more than half the total number of members of the Board or Committee present and not prohibited by statute from voting, voted in opposition.

“Defer” means to delay consideration of a matter by the Board or a Committee until a specified time or event.

“Emergency” means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not.

“Friendly Amendment” means an amendment made to the Motion under debate with the consent of the mover and seconder, and without the requirement for an amending Motion to be made.

“HPPA” means the *Health Protection and Promotion Act* (Ontario).

“Hybrid” means a proceeding where some Members participate virtually and some Members participate In-Person at Board and Committee Meetings.

“In-Person” means a proceeding where Members participate In-Person at Board and Committee Meetings.

“Lost” for the purposes of voting, means more than half the total of members of the Board or Committee present and not prohibited by statute from voting, voted in opposition.

“Main Motion” means a proposal by a Member that begins the process of making any decision for consideration of the Board or a Committee, that is moved by a Member and seconded by another Member.

“Majority” for the purposes of voting means more than half the total of Members of Board or Committee present and not prohibited by statute from voting.

“Member” means a person elected or appointed as a Member of the Board.

“Meeting” means any regular or special meeting of the Board or of a Committee, that is IN-PERSON / VIRTUAL / HYBRID where a Quorum of Members is present.

“Member of Council” is a Member of the Board who has been elected to City Council.

“Motion” means a proposal by a Member for the consideration of the Board or a Committee included in the published agenda, that is moved by a Member and seconded by another Member. A Motion may be procedural or substantive in nature.

“Municipal Act” means the *Municipal Act*, 2001 (Ontario).

“Notice of Motion” means a written notice received by the Secretary advising the Board that the Motion described therein, respecting a matter not already on an agenda, will be brought forward by a Member of the Board at a future Meeting of the Board.

“Order of Business” is as set out in subsection 4.9 of this By-law.

“Procedural Motion” means any motion concerning the manner or time of consideration of any matter before the Board or the Committee, as opposed to the substance thereof, and includes, without limitation, the following: a motion to adjourn; to call the Question; to Recess; to Refer; to Defer; to go into a Closed Meeting; to suspend the Rules of Procedure and to lift.

“Question” means an issue before a Meeting on which a decision has to be made. A question cannot be debated, amended or voted on until it has been proposed as a motion.

“Quorum” means the number of Members equal to a Majority of the Board or Committee’s membership, and include members attending the meeting in-person and those attending virtually.

“Receive” means to acknowledge the receipt of information and to include it in the official record.

“Recess” means a short intermission in a Meeting’s proceedings, which does not close the Meeting, and after which business will immediately be resumed at exactly the point where it was stopped.

“Recorded Vote” means a written record of the name and vote of each Member of the Board or a Committee who votes on a Question and of each Member present who does not vote.

“Refer” means to send a matter currently under consideration to an individual, a department, a Committee, or the Board for their consideration.

“Rules of Procedure” means the rules and procedures set out in this By-law for the calling, place and proceedings of the Meetings of the Board and its Committees.

“Secretary” means the Clerk or their designate.

“Standing Committee” means a committee established by the Board to carry out duties on an ongoing basis, as specified by the Board, and that reports directly to the Board.

“Task Force” means a temporary ad hoc group of appointed citizens and Board members established and appointed by the Board for the purpose of providing advice on matters related to a specific time-limited project or task related within the jurisdiction of the Board.

“Time Sensitive” means useful for a specific amount of time only or has to be used or completed by a specific time.

“Vice Chair” means the designated Member of the Board appointed to this position.

“Virtual” means a proceeding where Members participate online or on a computer screen, rather than In-Person during Board and Committee Meetings.

“Website” means the City website at www.hamilton.ca.

SECTION 2 – PRINCIPLES

- 2.1 The Board observes the rules in this By-law in all proceedings of the Board and, where applicable, its Committees.
- 2.2 In the case of a conflict with this By-law and another by-law of the Board, this By-law will take precedence.

SECTION 3 – APPLICATION

- 3.1 The Rules of Procedure shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business in the Board and, unless specifically provided, with necessary modifications, apply to all Committees.
- 3.2 All matters relating to the proceedings of Board and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of *Bourinot’s Rules of Order*, Geoffrey H. Stanford, Fourth Edition.

SECTION 4 – BOARD MEETINGS

4.1 Regular Board Meeting Times

- (1) The Board determines the place, day and hour of its regular Board Meetings, and the schedule of those Meetings is publicly available by the first Meeting of the Board in each calendar year.

4.2 Location of Meetings

- (1) Meetings of the Board shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as the Board may from time to time determine.
- (2) VIRTUAL only participation Meetings will be held using electronic methods and not in a specific physical location.

4.3 Special Meetings of the Board

- (1) The Board only considers the business on the agenda and no other business at a special meeting.
- (2) The Chair may call a special meeting of the Board provided that:
 - (a) Members are notified at least 72 hours before the scheduled beginning of a special meeting.
 - (b) The notice for the special meeting must include the time, date, and location of the Meeting.
 - (c) The notice states the purpose of the Meeting.
 - (d) The notice is delivered either in person or sent by email to each Member.
- (3) The Secretary calls a special meeting of the Board, whenever requested, in writing, to do so by a Majority of the Members. The request includes:
 - (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 72 hours of the time the request is given to the Secretary.
- (4) The Secretary gives at least 48 hours' notice of the special meeting by petition of the Members, and the notice for this Meeting must be delivered in person or sent by e-mail to each Member.

4.4 Meetings of the Board for Emergencies

- (1) Despite any other provisions of this By-law, a Meeting of the Board for an Emergency may be called by the Chair, without written notice, to deal with an Emergency, provided that an attempt has been made by the Secretary to notify Members of the Board about the Meeting as soon as possible and in the most expedient manner available.

- (2) The only business to be dealt with at a Meeting of the Board for an Emergency shall be business dealing directly with the Emergency.
- (3) The lack of receipt of a notice of, or an agenda for, a Meeting of the Board for an Emergency by any Member of the Board shall not affect the validity of the Meeting or any action taken at such Meeting.
- (4) The Secretary shall prepare the Order of Business for an Emergency Meeting of the Board with the appropriate selection of agenda categories from subsection 4.9.
- (5) In the case of an Emergency, the Board may hold its Meetings at any convenient location within or outside the municipality, with the details posted on the City's Website.

4.5 Cancellation of a Board Meeting

- (1) The Secretary may cancel a Board Meeting in consultation with the Chair and Vice-Chair.
- (2) The Secretary shall give each Member of the Board, or their designated staff, notice of a cancellation of a Meeting of the Board at least 2 (two) days prior to the time appointed for such Meeting in writing.
- (3) The written notice to be given under subsection 4.5(1) shall state the reason for the cancellation of the Meeting.
- (4) The Secretary shall ensure that the Meeting cancellation information is posted to the Board's Meeting Calendar on the City's Website.

4.6 Quorum

- (1) As soon as there is a Quorum after the time set for the Meeting, the Chair shall take the chair and call the Meeting to order.
- (2) A majority of the Members of the Board is necessary to constitute a Quorum of the Board.
- (3) In the absence of both the Chair and the Vice Chair for a period of fifteen minutes after the appointed time of the Meeting, if a Quorum is present, the Secretary shall call the meeting to order and ask for a motion to appoint one of the present Members as Acting Board Chair to preside and discharge the duties of the Chair for the duration of the Meeting, or until the arrival of the Board Chair or Vice Chair.
- (4) If a Quorum is not achieved within 15 (fifteen) minutes after the time appointed for a Meeting of the Board, the Secretary shall record the names of the Members of the Board present and the Meeting shall stand adjourned until the date of the next scheduled Board Meeting or other Meeting called in accordance with the provisions of this By-law.
- (5) If Quorum cannot be maintained during an IN-PERSON Board Meeting, the Secretary will advise the Chair or Vice Chair that Quorum is lost and the Meeting will be recessed for up to 15 (fifteen) minutes to allow Members to return, or in the case of a virtual participant, to allow the Member to reconnect to the Meeting. Following the Recess, if Quorum is not regained after 15 minutes the Meeting

stands adjourned. Any unfinished business will be brought to the next regularly scheduled Meeting.

4.7 In Conflict, Remaining Members Deemed Quorum

- (1) Where the number of Members of the Board who, by reason of provisions of the Municipal *Conflict of Interest Act*, are disabled from participating in a Meeting is such that at that Meeting the remaining Members of the Board are not of sufficient number to constitute a Quorum, then, the remaining number of Members of the Board shall be deemed to constitute a Quorum, provided such number is not less than 2 (two).

4.8 Delegations to Address the Board

- (1) Any person, group of persons, or organization who wishes to appear as a delegation to address the Board may appear In-Person or virtually, or be submitted as written correspondence.
- (2) Any person, group of persons, or organization wishing to address the Board with respect to a matter already on the Board agenda, shall submit a written request to the Secretary, using the 'Request to Speak to the Board' form (available on the City's Website) no later than 12:00 p.m. (Noon) the day prior to Meeting. If the Committee is meeting on a Monday, the deadline will be 12:00 p.m. (Noon) on the Friday preceding the Meeting.
- (3) Any person, group of persons, or organization wishing to address the Board with respect to a matter not already on the Board agenda, shall submit a written request to the Secretary, using the 'Request to Speak to the Board' form (available on the City's Website) at least 14 (fourteen) days before the date and time of the regular Board Meeting.
- (4) Delegations shall be limited to an oral presentation of not more than 5 (five) minutes of speaking time.
- (5) Notwithstanding subsection 4.8(4), an extension of speaking time may be granted with the approval of a Majority of the Members of the Board present.
- (6) Any delegate(s) wishing to submit presentation materials (slides, supporting documentation, speaking notes, delegation outlines) or who wish to appear before the Board through a pre-recorded video, shall submit the materials and/or pre-recorded video no later than 12:00 p.m. (Noon) 2 (two) business days before the Meeting. If the Board is meeting on Monday, the deadline will be 12:00 p.m. (Noon) on the Thursday preceding the Meeting.
- (7) Delegates are encouraged to provide a written brief of their presentation to the Secretary, at the time the request to speak is submitted, which will be provided to the Members of the Board and will be published online with the agenda materials.
- (8) A request to delegate shall include the name(s) of all delegates, reasons(s) for the delegation, and the contact information (name, address, email and/or phone number) for any person, group of persons, or corporation/organization which they represent. The delegate's name(s) will be published online with the agenda materials.

- (9) Delegates who have previously appeared before the Board or submitted correspondence on a subject matter and request to speak to the Board a subsequent time on the same subject matter shall be limited to providing only new information as part of their subsequent appearance.
- (10) Delegations respecting labour relation matters or conduct of a member(s) of City staff will not be placed on a Board agenda and will be forwarded forthwith by the Secretary to the relevant City department or body for consideration and appropriate action.
- (11) Delegations which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a Member of the Board will not be placed on a Board agenda and the delegate will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.
- (12) Requests to delegate that are outside the jurisdiction of the Board will not be placed on the Board Agenda.
- (13) Delegates shall not:
 - (a) speak disrespectfully of any person and maintain order and decorum in accordance with this By-law;
 - (b) speak on any subject other than the subject for which he/she/they has received approval from the Secretary to address with the Board;
 - (c) violate the Rules of Procedure or a decision of the presiding officer.
- (14) Members of the Board can ask questions of in-person delegations for clarification purposes only and not for debate.
- (15) Written delegations will be received for information in a block motion.
- (16) When a person is listed as a delegation on the Board agenda and such person, without notification to the Secretary, does not attend said Meeting, that person must make a new request to be considered as a delegation and must re-apply in accordance with subsections 4.8(1) and 4.8(2).

4.9 Order of Business

- (1) The Order of Business for regular scheduled Meetings of the Board, unless amended by the Board in the course of the Meeting, shall be as follows:
 - (a) Call to Order
 - (b) Approval of Agenda
 - (c) Declarations of Interest
 - (d) Ceremonial Activities (if required)
 - (e) Adoption of Minutes of Previous Meeting

- (f) Delegation(s)
 - (g) Items for Information (if required)
 - (h) Items for Consideration (if required)
 - (i) Committee Recommendations (if required)
 - (j) Motions
 - (k) Notices of Motion
 - (l) Private and Confidential
 - (m) By-laws
 - (n) Adjournment
- (2) All Ceremonial Activities at Board Meetings will take place virtually during an Emergency.

4.10 Declarations of Interest

- (1) In this Section:
- (a) An “Interest” means a ‘disqualifying interest’ or a ‘non-disqualifying interest’ as such terms are defined within the Board approved Code of Conduct to which the Member is bound.
- (2) Where a Member has disclosed an Interest at a Meeting in accordance with a Board approved Code of Conduct to which the Member is bound, the Member, shall file a written statement with the Secretary.
- (3) Where a Member, has disclosed an Interest and filed a written statement with the Secretary, as required by subsection 4.10(2), the Secretary shall:
- (a) file the written statement by the Member in the Declarations of Interest Registry;
 - (b) record the Interest in the minutes of the Meeting;
 - (c) file a record of the Interest recorded in the minutes of the Meeting in the Declarations of Interest Registry; and
 - (d) make the Declarations of Interest Registry available for public inspection.

4.11 Minutes

- (1) Minutes shall be taken at all regular and special meetings of the Board by the Secretary or such other individual as may be designated by the Secretary. Meeting minutes shall be adopted by Motion at the next regular Board Meeting and thereafter shall be retained in the corporate records of the Board.
- (2) Amendments to the minutes shall be limited to corrections of factual errors or incomplete information only.

- (3) Minutes shall be posted to the City's Website.

4.12 Editorial and Other Changes

- (1) The Secretary may make changes to by-laws or Board decisions to:
 - (a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
 - (b) Alter the style or presentation of text or graphics to improve electronic or print presentation.
 - (c) Replace a description of a date or time with the actual date or time.
 - (d) If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.
 - (e) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.
 - (f) Correct errors in the numbering of provisions or other portions of a by-law and make any changes in cross-references that are required as a result.
 - (g) If a provision of a transitional nature is contained in a by-law, make any changes that are required as a result.
 - (h) Make a correction, if it is patent both that an error has been made and what the correction should be.
- (2) The Secretary:
 - (a) May provide notice of the changes made under subsections 4.12(1)(a) to 4.12(1)(c) inclusive in the manner that they consider appropriate.
 - (b) Shall provide notice of the changes made under subsections 4.12(1)(d) to 4.12(1)(h) inclusive in the manner that they consider appropriate.
 - (c) In determining whether to provide notice under subsection 4.12(2)(a), shall consider:
 - (i) The nature of the change; and
 - (ii) The extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.
 - (d) In providing notice under subsection 4.12(2)(a) or 4.12(2)(b), shall state the change or the nature of the change.
- (3) No legal significance shall be inferred from the timing of the exercise of a power under this section.

- (4) Regardless of when a change is made to a by-law under this section, the change may be read into the by-law as of the date it was enacted if it is appropriate to do so.

SECTION 5 – COMMITTEES

5.1 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, are forwarded to the Board for consideration.
- (2) The Board considers a Committee's recommendation as the Main Motion on the item under discussion.
- (3) The Board at its first Meeting in each year or as soon as practicable establishes the Standing Committees and designates the Chairs of the Standing Committees.
- (4) The Board may, from time to time, as needed, establish Advisory Committees or Task Forces in response to specific matters, which shall be dissolved by the Board once the assigned mandate is completed.

5.2 Quorum

- (1) The Quorum for all Committees shall be a Majority of the membership.
- (2) A Member of a Committee participating In-Person or virtually shall be counted in determining whether or not a Quorum of Members is present at any point in time.
- (3) As soon as there is a Quorum after the time set for the Meeting, the Chair shall take the chair and call the Meeting to order.
- (4) The Quorum procedures for the Board outlined in subsection 4.6 of this By-law shall apply to all Committees.

5.3 Location of Meetings

- (1) Committee Meetings shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as the Board may, from time to time, determine.

5.4 Cancellation of a Committee Meeting

- (1) The Secretary may cancel a Committee Meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.
- (2) The procedure for the Secretary's notification of a Committee Meeting cancellation, as outlined in subsection 5.4 of this By-law, shall be applicable to all Committees.

5.5 Committee Recommendations to the Board

- (1) Each Committee reports directly to the Board and shall make recommendations to the Board through the consideration of their Minutes.

- (2) A minimum of 2 (two) days shall pass before the Minutes of a Committee is presented to the Board to provide adequate opportunity for review. Every effort will be made for Committee minutes to be released at an earlier date.
- (3) Despite subsection 5.5(2), this rule may be suspended by the affirmative vote of two-thirds (2/3's) of the Members of the Board present and voting.
- (4) During the consideration of Minutes, a Member of the Board may:
 - (a) request that a matter contained within the Committee Minutes be voted on separately at the Board;
 - (b) amend a matter contained within the Committee Minutes;
 - (c) in the event, an amendment is considered to be contrary to the Main Motion within the Committee Minutes, the Board will use the following process:
 - (i) The Main Motion within the Committee Minutes shall be voted upon;
 - (ii) if the vote result is deemed to be carried, the matter is considered closed; and
 - (iii) if the vote result is deemed to be Lost, the amendment considered to be contrary to the Main Motion within the Committee Minutes, may be introduced if duly moved and seconded.

5.6 Declarations of Interest

- (1) The procedure for declarations of interest by the Board, as set out in subsection 4.10 of this By-law, shall apply to Committee Members.

5.7 Change to a Scheduled Committee Meeting

- (1) The Secretary may change the time or location of a Committee Meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.
- (2) The Secretary shall give each Member of the Committee, or their designated staff, notice of the change to the Committee Meeting at least 2 (two) days prior to the time appointed for such Meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 5.7(2) shall state the reason for the change to the Meeting.
- (4) The Secretary shall ensure that the change to the Committee Meeting is posted to the Committee and Board Meeting Calendar on the City's Website.

SECTION 6 – RULES OF DEBATE, VOTING PROCEDURES AND MOTION PROCEDURES

6.1 Rules of Debate

- (1) No Member of the Board shall be deemed to have precedence or seniority over any other Member of the Board.
- (2) Before speaking to a Question or Motion, a Member of the Board shall be recognized by the meeting Chair and may be placed on the speakers' list.
- (3) When a Member of the Board is speaking, no other Member of the Board shall pass between that Member of the Board and the Chair or the Vice Chair or interrupt that Member of the Board except to raise a Point of Order or Point of Privilege.
- (4) A Member of the Board may require the Question or Motion under discussion to be read at any time during the debate but not so as to interrupt a Member of the Board who is speaking.
- (5) A Member of the Board may not speak on any matter other than the matter being debated.
- (6) All Members of the Board are restricted to a 5 (five) minute time limit when asking a question and/or making a statement during Board and Committee Meetings.
- (7) The following matters may be introduced orally without written notice and without leave:
 - (a) a Point of Order
 - (b) a Point of Privilege
 - (c) a Motion to adjourn
 - (d) a Motion to call the Question
 - (e) a Motion to Recess
 - (f) a Motion to Refer
 - (g) a Motion to Defer
 - (h) a Motion to go into a Closed Meeting
 - (i) a Motion to suspend the Rules of Procedure
- (8) Relinquishing the Chair

The Chair or the Vice Chair (where the Chair is absent) may designate another Member as acting Chair during any part of a Meeting, and while presiding, such Member shall have all the powers of the Chair or the Vice Chair with respect to chairing the Meeting.

6.2 Voting Procedures

- (1) Once a Motion is moved and seconded, it shall be deemed to be in the possession of the Board or Committee.
- (2) All votes are majority votes, unless identified as requiring two-thirds (2/3's) of Members of the Board (a two-thirds (2/3's) Majority).
- (3) Where a Member of the Board present at a Meeting of the Board or Committee is prohibited from voting by statute, the Secretary shall record the name of the Member of the Board and the reason that they are prohibited from voting.
- (4) Unless otherwise provided in this By-law, or requested by the Chair, a vote may be made by voice, show of hands, standing or otherwise.
- (5) Despite subsection 6.2(3), any Member of the Board or Committee may request the Chair conduct a recorded vote.
- (6) When a recorded vote is taken, the results and how each member voted will be recorded in the proceedings.
- (7) When an electronic voting system is not available, every Member of the Board or Committee present shall vote by a show of hands.
- (8) When a recorded vote is taken and a Member advises the meeting Chair of a Point of Privilege with respect to their vote being omitted or in error immediately following and prior to the taking of another vote, the vote will be considered void and a new vote will be taken immediately.
- (9) When an recorded vote is taken and a Member advises the Chair or the Vice Chair of a Point of Privilege with respect to their vote being omitted or in error following the taking of another vote, the Member's request will be considered through a vote to reconsider the matter:
 - (i) If a two-thirds (2/3's) Majority vote to reconsider is decided in the affirmative, the recorded vote will be retaken immediately;
 - (ii) If a two-thirds (2/3's) Majority vote to reconsider is decided in the negative, the original vote stands.
- (10) When a vote is taken and a tie results, a Question is deemed to be Lost.
- (11) To cast a vote, each Member must be in their seat (when attending in-person) or have their video on (when attending virtually).
- (12) Any Member present (in-person or virtually) who does not express their vote is deemed to have voted in the negative.
- (13) After a Question is put by the Chair or the Vice Chair, no Member of the Board or Committee shall speak to the Question nor shall any other Motion be made until after the vote is taken and the result has been declared.
- (14) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect, except where permitted by statute.
- (15) Despite subsection 6.2(13), a Meeting may be closed to the public during a vote if:

- (a) the vote relates to an issue permitting the Meeting to be closed to the public in accordance with Section 8 (Meetings Closed to the Public) of this By-law; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under a contract with the City.
- (16) The Chair or the Vice Chair shall, upon request of a Member of the Board or Committee, divide a Question if the Question under consideration contains distinct propositions, and the vote upon each proposal shall be taken separately.
- (17) If a Member of the Board or Committee disagrees with the announcement of the Chair or the Vice Chair that a Question is carried or Lost on a vote by show of hands, they may immediately after the declaration by the Chair or the Vice Chair, object to the Chair's or the Vice Chair's declaration and require that a Recorded Vote be taken.

6.3 Motion Procedures

- (1) Notice of Motion
 - (a) Notice of all new Motions, except Motions listed in subsection 6.1(7) shall be given in writing:
 - (i) at a Meeting of the Board or Committee, but shall not be debated until the next Meeting of the Board or Committee; or
 - (ii) delivered to the Secretary at any time before 12:00 p.m. (Noon) on the last business day preceding the date of the Meeting at which the Notice of Motion is to be introduced.
 - (b) Where a Member of the Board's or Committee's Motion has been called by the Chair or the Vice Chair at the subsequent Meeting and not proceeded with, it shall be dropped from the agenda unless the Board or Committee decides otherwise.
 - (c) Where the Board or Committee has determined not to drop a Motion from the agenda, and at the second Meeting such Motion is called by the Chair or the Vice Chair and not proceeded with, it shall be deemed to have been withdrawn.
- (2) Dispensing with Notice

Where a matter is time sensitive or is an emergency, the Motion may be introduced without notice if the Board or Committee, without debate, dispenses with notice on the affirmative vote of two-thirds (2/3's) of the Members of the Board or Committee present and voting.
- (3) Motion to Withdraw

After a Motion is moved and seconded, it shall be deemed to be in possession of the Board or Committee and may be withdrawn by the mover at any time before decision or amendment.

(4) Motion to Amend

(a) A Motion to Amend:

- (i) shall be duly moved and seconded;
- (ii) shall be made only to a previous Question or to Amend an amendment to the Question;
- (iii) shall be relevant to the question to be decided; shall not be received if, in essence, it constitutes a rejection of the main Question;
- (iv) shall be put to a vote in the reverse order to that which it is moved.
- (v) may be considered a “Friendly Amendment”, if the mover and seconder of the Main Motion/Question are in agreement, in which case the Amendment does not require a vote;
- (vi) Will not be amended more than once, provided that further amendments may be made to the Main Motion; and,
- (vii) Will not be directly contrary to the Main Motion.

(5) Motion to Defer

- (a) A Motion to Defer a Question shall include instructions respecting the terms upon which the Question is to be deferred.
- (b) A Motion to Defer a Question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.
- (c) A Motion to Defer a Question may be amended in accordance with subsection 6.3(4).
- (d) When a Motion to Defer a Question to the Board is defeated by a Committee, the Chair of the Committee shall return to the speakers list and then call the Question on the matter.
- (e) A Member who has spoken to the Motion under debate shall not be permitted to move a Motion to Defer a Question.

(6) Motion to Refer

(a) A Motion to Refer the Question:

- (i) shall include the name of the individual or body to whom the Question is to be referred;
- (ii) shall include instructions respecting the terms upon which the Question is to be referred;

- (b) A Motion to Refer a Question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.

- (c) A Motion to Refer a Question may be amended in accordance with subsection 6.3(4).
- (d) When a Motion to Refer a Question to the Board is defeated by a Committee, the Chair of the Committee shall return to the speakers list and then call the Question on the matter.
- (e) A Member who has spoken to the Motion under debate shall not be permitted to move a Motion to Refer a Question.

(7) Motion to Adjourn

A Motion to adjourn a Board or Committee Meeting shall always be in order except:

- (a) when a Member of the Board or Committee is speaking or during the taking of a vote;
- (b) immediately following the affirmative resolution of a Motion that a vote on the Question now be taken;
- (c) when a Member of the Board or Committee has already indicated to the Chair or the Vice Chair, that they desire to speak on the Question;
- (d) when decided in the negative, cannot be made again until the Board or Committee has conducted further proceedings;
- (e) When the balance of business on a Board or Committee agenda has been dealt with. In this case, the Chair or Vice Chair shall have the authority to adjourn the Meeting without the necessity of a Motion.

(8) Motion to Call the Question

A Motion to call the Question shall be in order except when a Member of the Board or Committee is speaking or before the first-time speakers' list is exhausted.

(9) Motion to Reconsider a Matter Decided by the Board

- (a) At any Board Meeting, after a matter has been decided by the Board, including both successful or failed Motions, a Member of the Board who voted with the prevailing side may present a Notice of Motion to reconsider the matter. The Chair may ask the Member of the Board to confirm that they voted with the prevailing side of the issue in Question. Such Notice of Motion shall be referred to the next scheduled Meeting of the Board and shall be included on the agenda under "Motions".
 - (i) In the event of a tie, the prevailing side is the defeated side;
 - (ii) Members of the Board absent from the vote are not permitted to bring forward a Notice of Motion to reconsider a matter.
- (b) No decided matter shall be reconsidered more than once during the term of the Board.

- (c) A Motion to reconsider a decided matter shall require the approval of at least two-thirds (2/3's) Majority of the Board present.
- (d) It is not in order to reconsider a decided matter when the Motion has been implemented, resulting in a legally binding commitment that is in place on the date that a Motion to reconsider is to be debated.
- (e) No Motion to reconsider may, itself, be the subject of a Motion to reconsider.
- (f) Debate on a Motion to reconsider shall be confined to reasons for or against the reconsideration.
- (g) The following Motions cannot be reconsidered:
 - (i) to adjourn;
 - (ii) to recess; and
 - (iii) to suspend the Rules of Procedure.
- (h) Subsections 6.3(9)(a) to (f) do not apply when:
 - (i) a Motion pertains to a decision of a previous Board;
 - (ii) a Motion that, while pertaining to a previously decided Motion, does not alter the core purpose or intent of the previously decided Motion;
 - (iii) a Motion presented in respect of a previously decided matter for the purpose of strengthening or clarifying the original decision; or
 - (iv) a Motion presented in respect of a previously decided matter for the purpose of moving a matter through a series of necessary steps or phases.

(10) Order of Procedural Motions

The following Motions are procedurally in order in the following sequence:

- (a) to adjourn;
- (b) to recess;
- (c) to request information;
- (d) to call the Question;
- (e) to defer;
- (f) to refer;
- (g) to amend.

(11) Non-Debatable Motions

The following Motions/actions are not debatable:

- (a) a Motion to adjourn;
 - (b) a Motion to Refer (except where instructions are included, in which case, only the instructions shall be debatable);
 - (c) a Motion to suspend the Rules of Procedure;
 - (d) a Point of Order; and
 - (e) a Point of Privilege.
- (12) Motion to Suspend the Rules of Procedure

The rules governing the procedure of the Board or Committee at the Board or Committee Meetings may be suspended and shall require the approval of at least two-thirds (2/3's) Majority of Members present with the exception of any rule which is required to be followed by law.

- (13) Motions Beyond Jurisdiction of the Board

A Motion in respect of a matter which is beyond the jurisdiction of the Board shall not be in order.

SECTION 7 – ORDER AND DECORUM

- 7.1 No person in attendance at a Board or Committee Meeting shall:

- (a) be disrespectful or disrupt the Meeting in any manner;
- (b) bring food or beverages, water excepted, into the Council Chamber;
- (c) address remarks to anyone but the Chair;
- (d) interrupt a person who has the floor;
- (e) applaud participants in debate.

- 7.2 Should a person persist in conducting themselves in a manner contrary to the rules set forth in subsection 7.1 after having been called to order by the Chair of the Board or a Chair of a Committee, the Chair of the Board or a Chair of a Committee may expel that person and may request the assistance of security and/or Police in doing so.

- 7.3 Notwithstanding subsection 7.2, in the event a member of the public is conducting themselves in a manner which poses a threat to the personal safety of themselves or others in attendance at the Meeting, they shall be removed from the Meeting, without warning.

- 7.4 Should a Member of the Board persist in conducting themselves in a manner contrary to the rules set forth in subsection 7.1 after having been called to order by the Chair of the Board or the Chair of the Committee, the Chair of the Board or the Chair of a Committee may order them to vacate the place the Meeting is being held:

- (i) if the Member of the Board apologizes, they may, by two-thirds (2/3's) Majority vote of the Board or Committee Members (excluding the Member of the Board or Committee in question), be permitted to remain at the Meeting;
- (ii) any Member of the Board other than the Member ordered to vacate the place the Meeting is being held may appeal the Chair's ruling, and the Board or Committee may overturn the Chair's ruling by two-thirds (2/3's) Majority vote of the Board or Committee Members (excluding the Member of the Board or Committee in question). An appeal is not in order once a vote under subsection 7.4(i) has taken place;
- (iii) exclusions from voting provided for in subsections 7.4(i) and (ii) shall apply notwithstanding any other provisions in this By-law that require a Member of the Board or Committee to vote.

7.5 No person except Members of the Board or a Committee, the Secretary, and officials authorized by the Secretary, shall:

- (a) be allowed on the floor while a Meeting is being held, namely where Members of the Board or Committee, the Secretary, and officials authorized by the Secretary are seated and from which they speak;
- (b) before or during a Meeting of the Board or a Committee, place on the desks of Members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Secretary.

7.6 Signs or placards are permitted at Board and Committee Meetings, provided:

- (a) they do not contain disrespectful or offensive language;
- (b) they do not disrupt the Meeting;
- (c) they do not disrupt an attendee's ability to view the proceedings; and
- (d) they do not contain solid handles or hard backings.

7.7 Electronic devices at Meetings:

- (a) Every person shall have all electronic devices, including but not limited to phones, computers, and similar electronic devices, etc., switched to a non-audible function during Board and Committee Meetings.
- (b) The use of personal electronic devices at Closed Meetings is strictly prohibited;
- (c) The use of City electronic devices at Closed Meetings be limited to text communications;
- (d) The use of all electronic devices at Closed Meetings are not to be used as a telephone, recording device or camera;

- (e) The Secretary and any staff from the Office of the City Clerk are exempted from 7.7(c) when using electronic devices for record-keeping purposes.

SECTION 8 – MEETINGS CLOSED TO THE PUBLIC

- 8.1 Except as provided in this Section 239 of the *Municipal Act*, all Board and Committee Meetings shall be open to the public.
- 8.2 For the purpose of subsections 8.3, 8.5, 8.6 and 8.7, “Committee” shall mean any committee of which at least 50% of the members are also Members of Council or the Board.
- 8.3 A Meeting of the Board or a Committee or part thereof may be closed to the public if the subject matter being considered is:
 - (a) the security of the property of the City or a local board;
 - (b) personal matters about an identifiable individual, including City or local board employees;
 - (c) a proposed or pending acquisition or disposition of land for City or a local board purposes;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
 - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which Council or a Committee may hold a Closed Meeting under an Act other than the *Municipal Act, 2001*;
 - (h) information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them;
 - (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
 - (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City or a local board and has monetary value or potential monetary value; or
 - (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or a local board.
- 8.4 A Meeting of the Board shall be closed to the public if the subject matter relates to the consideration of:

- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Board is designated as head of the institution for the purposes of that Act; and
- (b) an ongoing investigation respecting the City or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*.

8.5 A Meeting of the Board or a Committee may be closed to the public if:

- (a) it is held for the purposes of educating or training Board Members; and
- (b) at the Meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Board or the Committee.

8.6 Before holding a Meeting or part of a Meeting that is to be closed to the public, a Board or Committee shall:

- (a) state specifically by resolution the fact of the holding of the Closed Meeting and the general nature of the matter to be considered at the Closed Meeting;
- (b) state specifically that members of the public will be invited to return to hear any further deliberations when the Board or Committee reconvenes in open session, indicated by the removal of the frosting on the windows and the elimination of the white noise; and
- (c) the Board or Committee will, in the event they are in Closed Session for more than 30 (thirty) minutes, wait up to 5 (five) minutes upon reconvening in open session before proceeding with the Meeting, to provide members of the public and the media time to return to the Meeting room.

8.7 A vote may be taken during a Meeting that is closed to the public pursuant to subsections 8.3, 8.4 and 8.5, if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Board or the City or either of them or persons retained by or under a contract with the Board or the City.

SECTION 9 – VIRTUAL PARTICIPATION AT BOARD AND/OR COMMITTEE MEETINGS

- 9.1 Virtual participation, in accordance with the *Municipal Act* and/or any other applicable legislation, is permitted by Members of the Board and Committees at Meetings.
- 9.2 Members of the Board and Committees who intend on participating at a Meeting virtually should advise the Secretary at least 2 (two) days prior to the Meeting.
- 9.3 The Chair or Vice Chair presiding at a Board or Committee Meeting shall attend In-Person at a HYBRID Meeting.
- 9.4 Members of the Board, Committees, and staff attending virtually, shall during Closed Meetings ensure they are in a private room/area and use headphones or some other type of hearing equipment that eliminates the opportunity for those not participating in the Closed Meeting to overhear the discussion.

SECTION 10 – LIVE RECORDINGS OF MEETINGS

- 10.1 All Board and Committee Meetings shall be streamed live.
- 10.2 Upon being apprised that a Meeting is interrupted and cannot proceed with its live feed due to loss of connection, sound or video, the Meeting will continue as long as Quorum is maintained, and the connection will be resumed as soon as possible.
- 10.3 Upon being apprised that a VIRTUAL Meeting is interrupted and cannot proceed with its live feed due to loss of connection, sound or video, the Meeting will be recessed for up to 15 (fifteen) minutes.
- 10.4 If the live feed of a VIRTUAL Meeting cannot be resumed within 15 (fifteen) minutes, the Meeting will be considered adjourned with the names of the Board/Committee Members present and any decisions of Board/Committee up to the point in time of the interruption shall be recorded in the minutes of the Meeting. The Board/Committee Meeting will be rescheduled to another day or the next regularly scheduled Meeting date.

SECTION 11 – ROLE OF SECRETARY

- 11.1 The Clerk is the Secretary of all Board Meetings and may assign any duties as Secretary to an employee in the City Clerk's office.
- 11.2 The Secretary shall make the agendas of the Board and Committee Meetings available to Members of the Board electronically at least 5 (five) days prior to the scheduled Meetings.
- 11.3 The Secretary shall make the agendas of the Board and Committee Meetings available to the media and general public electronically, simultaneously with the distribution set out in subsection 11.2 on the City's Website.
- 11.4 The Secretary shall advise the Chair or Vice Chair when items are required to be added to or removed from an agenda.
- 11.5 The Secretary shall submit for confirmation the minutes of the previous Board or Committee Meeting. Upon approval of the Majority of the Members of the Board or Committee, the Chair or Vice Chair and Secretary shall sign the minutes as confirmed or as amended.
- 11.6 The Secretary shall advise the Chair or Vice Chair if, in their opinion, a matter or portion of a matter being discussed in a Meeting that is closed to the public is not procedurally appropriate in accordance with Section 239 of the *Municipal Act* and Section 8 of this By-law.
- 11.7 The Chair or Vice Chair may call upon the Secretary to provide advice regarding procedure. The Secretary shall provide this advice, following which the Chair or Vice Chair will announce their ruling.
- 11.8 The Secretary shall assume the role of the Chair or Vice Chair as the chair of the Board or a Committee when a ruling of the Chair or Vice Chair is challenged by a Member of the Board or Committee. The Secretary shall take a vote of the challenge for Members of the Board or Committee in favour or opposed to the ruling on the Question "Should the ruling of the Chair be upheld?". The ruling is upheld when there is a two-thirds (2/3's) Majority vote in favour of the Question.

SECTION 12 – GENERAL

- 12.1 This By-law comes into force on the date on which it is passed.
- 12.2 The short title of this By-law is the Procedural By-law or the Board Procedural By-law.
- 12.3 In the event of a conflict between the provisions of this By-law and any legislation, the provisions of the legislation shall prevail to the extent of the conflict.
- 12.4 In the event of a conflict between the provisions of this By-law and the Terms of Reference for any Standing Committee, Advisory Committee or Task Force, the provisions of this By-law shall prevail, to the extent of the conflict.

SECTION 13 – BY-LAWS

- 13.1 The Board will only consider amendments or repeal of this By-law or any other by-law of the Board and any proposed new by-law of the Board if such was provided at a previous regular Board Meeting.
- 13.2 A copy of a proposed by-law or amendment shall be forwarded to each Member, together with the notice of Meeting at which the proposed amendment or by-law is to be discussed.
- 13.3 This By-law shall not be amended or repealed except by a majority vote of all Members of the Board.

PASSED this [X] day of [X], [X].

**BOARD OF HEALTH FOR THE CITY OF HAMILTON
PUBLIC HEALTH SERVICES**

BY-LAW NO. 2025-2

DELEGATION OF AUTHORITY BY-LAW

DRAFT

BOARD OF HEALTH
BY-LAW NO. 2025-2
DELEGATION OF AUTHORITY BY-LAW
INDEX

Section 1 – DEFINITIONS.....	3
Section 2 – DELEGATION OF AUTHORITY – GENERAL.....	4
Section 3 – EMERGENCY OR SPECIAL CIRCUMSTANCES	4
Section 4 – EXECUTION OF DOCUMENTS	5
Section 5 – RECRUITMENT AND PROMOTION.....	5
Section 6 – MEDICAL OFFICER OF HEALTH	5
Section 7 – CHIEF FINANCIAL OFFICER / TREASURER.....	8
Section 8 – CITY SOLICITOR.....	10

BY-LAW NO. 2025-2

A by-law of the Board of Health for the City of Hamilton respecting delegation of authority.

The Board of Health for the City of Hamilton (hereinafter referred to as the “Hamilton Board of Health”) enacts as follows:

SECTION 1 – DEFINITIONS

(1) In this By-law,

“Advertising” means the sale to a person by the Hamilton Board of Health of advertising on Hamilton Board of Health printed materials or property at Hamilton Public Health Services events or in conjunction with a Hamilton Public Health Services program.

“Capital Programs” means a plan for capital expenditures to be incurred each year over a fixed period of years to meet capital needs arising from the long-term work program, and each capital program includes:

- (a) an annual envelope of spending authority;
- (b) individual capital projects of a similar nature, size, scope of work and funding source; and
- (c) the same categorization of individual projects as approved by the Board of Health and City Council, including but not limited to renewal of Board of Health assets and growth and strategic initiatives.

“Chief Financial Officer / Treasurer” means the person appointed and assuming the duties of Treasurer within the meaning of the *Municipal Act* and refers to the person in the position of General Manager of Finance and Corporate Services of the City of Hamilton.

“City” or **“City of Hamilton”** means the City of Hamilton as constituted as a body corporate on January 1, 2001, by section 2 of the *City of Hamilton Act, 1999* or the geographic area of the City of Hamilton as the context requires.

“City Solicitor” means the City of Hamilton’s City Solicitor or the person acting in that capacity or their designate.

“Council” or **“City Council”** means the Council of the City of Hamilton.

“Hamilton Board of Health” means the Board of Health for the City of Hamilton.

“Hamilton Public Health Services” means the public health unit for the City directed by the Hamilton Board of Health through the Medical Officer of Health.

“HPPA” means the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended.

“Medical Officer of Health” means the person appointed by City Council to carry out the duties of the medical officer of health under the HPPA.

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

“Public Health Leadership Team” means all Associate Medical Officers of Health, Directors and the Manager, Finance and Administration of the City of Hamilton acting for Hamilton Public Health Services.

“Sponsorship” means a mutually agreed to arrangement involving the Hamilton Board of Health and a person whereby the person provides resources by way of direct funding, goods, in-kind services or a combination in support of programs, projects, events or facilities of the Hamilton Public Health Services in return for recognition, acknowledgement or other promotional consideration.

SECTION 2– DELEGATION OF AUTHORITY – GENERAL

- (1) The Medical Officer of Health is authorized to further delegate and to authorize further delegations of any powers, duties, and functions delegated to the Medical Officer of Health by the Hamilton Board of Health under this, or any other by-law or resolution, to an Associate Medical Officer of Health, Director, or Manager of Hamilton Public Health Services.
- (2) Where authority is designated to a specific staff member in this By-law, the authority may be further delegated by the authorized person to staff members within Hamilton Public Health Services, provided that such delegation is authorized in writing and does not exceed the authority delegated by this By-law to the authorized person.
- (3) The Hamilton Board of Health, as delegating agent, may impose such terms and conditions upon any delegation as it sees fit, and this shall include the power to vary such terms or rescind the delegation in question.
- (4) Where delegations have been authorized to a specific staff person, such authority includes the person acting in the specific position where the position has not been formally filled.

SECTION 3– EMERGENCY OR SPECIAL CIRCUMSTANCES

- (1) In cases of emergency or special circumstances where it is necessary to act within the normal mandate of Hamilton Public Health Services but such action is not strictly within the terms of a delegated authority, the Medical Officer of Health may take such action as necessary to rectify the situation.
- (2) All action taken pursuant to Section 3(1) shall be reported at the first reasonable opportunity to the Hamilton Board of Health.
- (3) In the case of emergency or special circumstances where it is necessary to take action outside the normal mandate of Hamilton Public Health Services, the Medical Officer of Health may take such action as necessary to rectify the situation.

- (4) All action taken pursuant to Section 3(3) shall be reported at the first reasonable opportunity to the Hamilton Board of Health.

SECTION 4 – EXECUTION OF DOCUMENTS

- (1) The Medical Officer of Health's signature and the signature of other staff members of Hamilton Public Health Services may be written, engraved, printed, lithographed, including by electronic means or measures, or otherwise reproduced.

SECTION 5 – RECRUITMENT AND PROMOTION

- (1) The Medical Officer of Health, or his or her designate, are authorized to recruit staff for approved positions or for temporary positions for which funds are available within the Hamilton Public Health Services approved budget.

SECTION 6 – MEDICAL OFFICER OF HEALTH

6.1 Administrative Responsibilities

- (1) The Medical Officer of Health shall,
 - (a) exercise all powers and duties set forth in the *HPPA* and shall carry out such additional duties and exercise such additional responsibilities as the Hamilton Board of Health may from time to time prescribe;
 - (b) coordinate and supervise the implementation of all programs and policies approved by the Hamilton Board of Health;
 - (c) advise the Hamilton Board of Health on its recommendation for the appointment of Associate Medical Officers of Health;
 - (d) annually assess the performance of Members of the Public Health Leadership Team;
 - (e) appoint, promote, demote, suspend, and dismiss, in consultation with Human Resources, subject to the provisions of any personnel contracts or collective agreements applicable to employees of the City, all employees of the City provided by the City to the Hamilton Board of Health;
 - (f) create new positions, in consultation with Human Resources, as approved in the annual budget of Hamilton Public Health Services; and,
 - (g) approve financial, human resources, and administrative policies, as appropriate, in consultation with Finance and Administration and Human Resources, except where determined by agreement of the City and the Hamilton Board of Health that the City's policies shall apply.

6.2 Organizational Changes

- (1) The Medical Officer of Health has the authority to:
 - (a) reclassify, delete, or transfer positions, approve scope changes, in consultation with Human Resources; and
 - (b) review Hamilton Public Health Services' organizational structure and implement changes that would improve the effectiveness or efficiency of the structure.
- (2) The delegated authority pursuant to subsection (1) shall not exceed the available funds within the total Hamilton Public Health Services approved budget.
- (3) As soon as practicable after approving an organizational change as described in subsection (1), the Medical Officer of Health shall submit a report to the Hamilton Board of Health describing the organizational changes.

6.3 Agreements with Governmental Authorities

- (1) The Medical Officer of Health is authorized to approve, amend, extend, and execute agreements with the government and its agencies from time to time provided that such agreements are consistent with the mandate of the Hamilton Board of Health and can be implemented within the approved budget of Hamilton Public Health Services.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the Hamilton Board of Health at least once in each calendar year.

6.4 Service and Funding Agreements

- (1) The Medical Officer of Health is authorized to approve, amend, extend, and execute service agreements and funding agreements provided that such agreements,
 - (a) are in accordance with applicable policies approved by the Hamilton Board of Health;
 - (b) are related to approved programs and objectives of the Hamilton Board of Health;
 - (c) are within approved budget limits;
 - (d) contain appropriate insurance, termination, workplace safety and indemnification provisions; and
 - (e) have been reviewed and endorsed by the City Solicitor.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the Hamilton Board of Health at least once in each calendar year.

6.5 Health Programs and Services

- (1) The Medical Officer of Health is delegated the authority to approve, amend, extend, and execute agreements related to health programs and services mandated or enabled by the *HPPA*, provided such agreements,
 - (a) specify the applicable section of the *HPPA* or its regulations, as outlined in the Ontario Public Health Standards and the Ontario Public Health Organizational Standards;
 - (b) are within approved budget limits; and
 - (c) contain appropriate indemnification, insurance, termination and workplace safety provisions.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the Hamilton Board of Health at least once in each calendar year.
- (3) The Medical Officer of Health is delegated the authority to approve, amend, extend and execute agreements related to health programs and services mandated or enabled by legislation other than the *HPPA*, provided such agreements
 - (a) are within approved budget limits; and
 - (b) contain appropriate indemnification, insurance, termination and workplace safety provisions.
- (4) The exercise of delegated authority pursuant to subsection (3) shall be reported to the Hamilton Board of Health at least once in each calendar year.
- (5) The Medical Officer of Health is delegated the authority to execute agreements related to health programs and services of a local nature, where such agreements,
 - (a) are in response to an urgent health risk,
 - (b) include a provision for immediate termination should the Hamilton Board of Health not subsequently approve the agreement; and
 - (c) contain appropriate insurance, indemnification and workplace safety provisions.
- (6) As soon as practicable after executing an agreement described in subsection (5), the Medical Officer of Health shall submit a report to the Hamilton Board of Health describing the health risk and the nature of the agreement.

6.6 Execution of Agreements – General

- (1) In addition to and without limiting any execution authority granted to the Medical Officer of Health under this By-law, the Medical Officer of Health is delegated the authority to execute agreements, contracts, extensions, and

documents, associated with or arising out of the annual budget of Hamilton Public Health Services.

SECTION 7 – CHIEF FINANCIAL OFFICER / TREASURER

7.1 Transfer of Funds – Operating Budget

- (1) At the written request or with the concurrence of the Medical Officer of Health, the Chief Financial Officer / Treasurer and the Deputy Treasurer individually are authorized to make operating budget transfers within Hamilton Public Health Services involving any type of expenditure which does not impact the approved mandate of the Hamilton Board of Health and which maintains or improves the current service level to the public provided that,
 - (a) such transfers do not result in an increase to Hamilton Public Health Service's budgets in current and future years; and
 - (b) the number of full-time equivalent positions within Hamilton Public Health Services is not increased.
- (2) The Chief Financial Officer / Treasurer and the Deputy Treasurer individually are authorized, at the written request of the Medical Officer of Health, to execute transfer of compensation and non-compensation budgets to effect organizational changes approved by the Hamilton Board of Health pursuant to Section 0.
- (3) The Chief Financial Officer / Treasurer and the Deputy Treasurer individually are authorized, upon the written request of the Medical Officer of Health, to increase the gross estimates of a program within Hamilton Public Health Services in instances where the increase is permanently funded by way of increased recovery from sources external to the program.
- (4) The Chief Financial Officer / Treasurer and the Deputy Treasurer individually are authorized, with the concurrence of the Medical Officer of Health, to make budget transfers within Hamilton Public Health Services to effect changes resulting from new or amended legislation or regulations, additional unforeseen revenues, accounting standards or rules, program budgeting, or to increase transparency and accountability.
- (5) The exercise of delegated authority pursuant to Sections 7.1(1) to 7.1(4) inclusive shall be reported to the Hamilton Board of Health on an annual basis.

7.2 Transfer of Capital Budget Funds

- (1) Upon the written request of the Medical Officer of Health, the Chief Financial Officer / Treasurer and the Deputy Treasurer, individually are delegated authority to make capital budget transfers provided that,
 - (a) the total amount of the transfer between stand-alone capital projects or capital programs does not exceed \$250,000 for the life of the capital project receiving the transfer;

- (b) increases in the existing capital projects are offset by corresponding decreases in other capital projects;
 - (c) transfers of debt authority are within the same Capital Program or projects and year subject to approval by Council;
 - (d) transfers are of like sources of funding; and
 - (e) the funding split (between growth and non-growth) for transfers involving development charges is maintained.
- (2) The Chief Financial Officer / Treasurer, the Deputy Treasurer and the Manager, Finance and Administration for Hamilton Public Health Services individually are delegated the authority to make transfers between capital projects within an existing Capital Program provided that the transfer meets the requirements of clauses (1)(b) to (1)(e) inclusive of subsection (1).
 - (3) The Chief Financial Officer / Treasurer, the Deputy Treasurer and the Manager of Budgets and Fiscal Policy individually are delegated the authority to increase the total capital project authority budget if new or additional revenue that is conditional upon the delivery of specific works in an approved project is received.
 - (4) The Chief Financial Officer / Treasurer, the Deputy Treasurer and the Manager of Budgets and Fiscal Policy individually are delegated the authority to make capital budget funding adjustments to refinance any capital project to effect changes resulting from new funding sources.
 - (5) The Chief Financial Officer / Treasurer, the Deputy Treasurer and the Manager of Budgets and Fiscal Policy individually are delegated the authority to make capital budget adjustments from a main project account to create separate project accounts provided that such adjustments result in improved monitoring, transparency and comparison on an annual basis.
 - (6) The exercise of delegated authority pursuant to subsections (1) to (5) inclusive shall be reported to the Hamilton Board of Health on an annual basis.

7.3 Write Off General Accounts Receivable

- (1) The Chief Financial Officer / Treasurer is authorized to write off general accounts receivable that the Treasurer has determined to be uncollectible in accordance with City of Hamilton policies.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported annually to the Hamilton Board of Health.
- (3) The list of amounts that have been written off over the previous year and the justification for writing off each item shall be maintained by the Deputy Treasurer.

7.4 Write Off Payroll Overpayment Accounts

- (1) The Chief Financial Officer / Treasurer and the Deputy Treasurer, individually are authorized to write off payroll overpayment accounts that the Chief Financial Officer / Treasurer or Deputy Treasurer have determined to be uncollectible in accordance with City of Hamilton policies.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported annually to the Hamilton Board of Health.
- (3) The list of amounts that have been written off over the previous year and the justification for writing off each item shall be maintained by the Deputy Treasurer.

SECTION 8 – CITY SOLICITOR

8.1 Purchase of Insurance

- (1) The City Solicitor is delegated the authority to purchase insurance to protect the Hamilton Board of Health, including claims adjusting, insurance brokerage services and related services.

8.2 Litigation

- (1) The City Solicitor shall be responsible for the conduct of all litigation before courts and administrative tribunals, subject to such instruction as may be issued by the Hamilton Board of Health from time to time and in the conduct of such litigation, the City Solicitor shall consult with the Medical Officer of Health and use the most efficient combination of staff and external legal services as required to represent and defend the interests of the Hamilton Board of Health in the issue at hand.
- (2) The City Solicitor shall have the authority to commence, defend and abandon all matters pertaining to the Hamilton Board of Health within the jurisdiction of Small Claims Court and the Ontario Court of Justice.
- (3) With respect to matters within the jurisdiction of the Ontario Superior Court of Justice, the City Solicitor shall have the authority to:
 - (a) conduct the defence of all actions and to take such steps, including all interim proceedings, as may be considered necessary or proper;
 - (b) commence legal proceedings by way of application where such manner of proceeding is appropriate; and
 - (c) commence and prosecute actions for damages and to take such steps, including all interim proceedings, as may be considered necessary or proper.
- (4) In exercising the authority granted by Sections 8.2(1) to 8.2(3), inclusive, the City Solicitor shall have the authority to:

- (a) authorize the payment of all expenses related to the conduct of any action or matter and the payment of any costs awarded against the Hamilton Board of Health;
 - (b) execute all documents required to conduct any action or conclude the settlement of any action or matter; and
 - (c) take all steps required to enforce orders, decisions, awards and judgments.
- (5) The exercise of delegated authority pursuant to Sections 8.2(1) to 8.2(4) inclusive shall be reported to the Hamilton Board of Health on an annual basis.

8.3 Appeals

- (1) The City Solicitor shall have the authority, in consultation with the Medical Officer of Health, to:
 - (a) appeal decisions of the Small Claims Court and the Ontario Court of Justice; and
 - (b) commence, conduct and participate in appeals regarding health-related matters to applicable administrative tribunals.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the Board of Health on an annual basis.

8.4 Administrative Tribunals

- (1) The City Solicitor shall have the authority, in consultation with the Medical Officer of Health, to apply for standing, to make applications and take objections to all matters before administrative tribunals.
- (2) The City Solicitor shall have authority, in consultation with the Medical Officer of Health, to make applications and take objection on behalf of the Board of Health to all matters brought before the Ontario Labour Relations Board, the Canadian Industrial Relations Board, the Ontario Human Rights Commission and the Canadian Human Rights Commission, including arbitrations.
- (3) With respect to the matters set out in Sections 8.4(1) and 8.4(2), the City Solicitor shall have the authority to:
 - (a) apply for standing;
 - (b) appeal any decision of an administrative tribunal where the appeal lies to another administrative tribunal; and,
 - (c) make applications for judicial review of decisions of administrative tribunals.
- (4) The exercise of delegated authority pursuant to Sections 8.4(1) to 8.4(3) shall be reported to the Hamilton Board of Health on an annual basis.

8.5 Exceptional Circumstances

- (1) Where time constraints or other circumstances will not allow for the required authority-granting procedures to be followed with respect to any legal matter, the City Solicitor shall have the authority to take the appropriate action and report such action to the Hamilton Board of Health at the earliest opportunity.
- (2) The City Solicitor shall give notice, whenever possible, to those Members of the Hamilton Board of Health that may reasonably be expected to have an interest in the matter when litigation is commenced by or against the City.

8.6 Injunctions – Undertakings

- (1) The City Solicitor is authorized to give undertakings as to damages on behalf of the Hamilton Board of Health in interim injunction proceedings.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the Hamilton Board of Health on an annual basis.

8.7 Claims – Settlements

- (1) The City Solicitor is delegated the authority to settle both litigated and non-litigated claims and make payments where the claim settlement is an amount not exceeding the self-insured limits under the Hamilton Board of Health's insurance program.

8.8 External Counsel

- (1) The City Solicitor is assigned the exclusive authority for retaining all external legal counsel required by the Hamilton Board of Health.

ENACTED AND PASSED this [X] day of [X]

BOARD SECRETARY CHAIR

HAMILTON BOARD OF HEALTH POLICY			
Level	Board of Health	Document No.	BOH-01
Title	Remuneration Policy	Page No.	1 of 1
Approved By	Board of Health	Approval Date	<i>Enter a date.</i>

PURPOSE

The purpose of this policy is to establish parameters for the remuneration of Board of Health Members.

SCOPE

This policy applies to Members of the Board of Health with respect to remuneration. This policy shall be reviewed every two years, or more often as necessary.

POLICY

Members of the Hamilton Board of Health shall receive remuneration in accordance with the *Health Protection and Promotion Act*.

With the exception of the Chair, Council Members of the Board of Health shall not receive remuneration for attendance of Board of Health meetings in keeping with the *Health Protection and Promotion Act*.

All other Members of the Board of Health shall receive an honorarium of \$200.00 for each Board of Health meeting attended.

The City Clerk will track attendance at Board meetings and submit to the Office of the Medical Officer of Health for review and approval. Payment will be processed in accordance with City of Hamilton business practices.

REFERENCES

- *Health Protection and Promotion Act, RSO 1990, c H.7. Section 49 (4), (6), (11)*

RELATED DOCUMENTS

- BOH-02 Travel & Expense Reimbursement Policy

HISTORY

BOH-01 Remuneration Policy. Approved by the Board of Health on XXXX-XX-XX.

HAMILTON BOARD OF HEALTH POLICY			
Level	Board of Health	Document No.	BOH-02
Title	Travel & Expense Reimbursement Policy	Page No.	1 of 2
Approved By	Board of Health	Approval Date	<i>Enter a date.</i>

PURPOSE

The purpose of this policy is to establish parameters for the reimbursement of reasonable expenses incurred by Board Members related to attendance at conferences, meetings, trainings or other events on Board-related business.

SCOPE

This policy applies to members of the Board of Health with respect to expenses incurred as a result of attendance at conferences, meetings, trainings or other events related to their duties with the Board. This policy shall be reviewed every two years, or more often as necessary.

POLICY

General

Board Members will be reimbursed for eligible expenses incurred in the execution of their duties and for attendance at Board-related conferences, meetings, trainings, or other events.

Reimbursement of eligible expenses will be in accordance with the City of Hamilton Policy for Business Travel, Seminars and Conferences

The Board must approve a Board Member's participation in a conference, meeting, training, or other event.

All documentation must be submitted to the City Clerk. Following approval, the Office of the Medical Officer of Health will reimburse the Board Member process through City of Hamilton business practices.

With the exception of the Chair, Council Members of the Board of Health who are paid expenses by the municipality are not eligible for reimbursement of expenses in keeping with the *Health Protection and Promotion Act*.

Reporting

Board Members will provide a verbal report to the Board at next scheduled Board of Health meeting following a conference, meeting, training, or event.

REFERENCES

- *Health Protection and Promotion Act, RSO 1990, c H.7. Section 49 (5), (11)*

RELATED DOCUMENTS

- The City of Hamilton Policy for Business Travel, Seminars and Conferences
- BOH-01 Remuneration Policy

HISTORY

BOH-02 Travel & Expense Reimbursement Policy. Approved by the Board of Health on XXXX-XX-XX.

Appendix E: Accountability Framework of the Semi-Autonomous Board of Health

City of Hamilton (City of Hamilton Act, Reserved Authority)	<ul style="list-style-type: none"> • Determine composition of and appoint members to the Board of Health • Appointment, reappointment, and dismissal of Medical Officer of Health, Assistant Medical Officer of Health, and auditor • Provide to Board of Health public health employees City considers necessary to enable Board to carry out its functions, (Public Health Services employees remain City employees) • May request Board of Health to make an annual report to the City on the Board’s operations
Board of Health (Health Protection and Promotion Act)	<ul style="list-style-type: none"> • Oversight of public health programs/services, community health protection and communicable diseases • Oversight of Medical Officer of Health on issues relating to public health concerns and public health programs/services
Medical Officer of Health (Health Protection and Promotion Act)	<ul style="list-style-type: none"> • Responsible to the Board for management of public health programs/services • Reports directly to the Board of Health on issues relating to public health concerns and public health programs/services • Direct employees of and persons whose services are engaged by Board of Health if duties relate to delivery of public health programs/services
Public Health Employees (Health Protection and Promotion Act)	<ul style="list-style-type: none"> • Employees of and persons whose services are engaged by Board of Health subject to direction of and responsible to Medical Officer of Health if duties relate to delivery of public health programs/services

Authority: Item 5.1, Board of Health Minutes 25-001 (BOH25018)
CM: July 7, 2025 Ward: City Wide

Bill No. 001

BOARD OF HEALTH FOR THE CITY OF HAMILTON PUBLIC HEALTH UNIT

BY-LAW NO. 25-

**A BY-LAW TO GOVERN THE PROCEEDINGS OF THE BOARD OF HEALTH AND
COMMITTEES OF THE BOARD OF HEALTH**

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

NOW THEREFORE, BE IT RESOLVED, the Board of Health for the City of Hamilton Public Health Unit enacts as follows:

SECTION 1– DEFINITIONS

1.1 In this By-law,

“Advisory Committee” means a group of appointed citizens and Board members established and appointed by the Board for the purpose of providing advice on matters that are related to the specific mandate of the committee.

“Amend” means to alter or vary the terms of a Main Motion without materially changing its purpose, and amendment has a corresponding meaning.

“Board” means the Board of Health for the City of Hamilton, also known as the Hamilton Board of Health.

“By-law” means this By-law No. 2025-1 governing the proceedings of the Board of Health and Committees of the Board of Health.

“Carried” for the purposes of voting, means more than half the total of Members of the Board or Committee present and not prohibited by statute from voting, voted in favour.

“Chair” means the designated Member of the Board presiding at any Meeting of the Board or Committee.

“Challenge” means to appeal a ruling of the Chair.

“City” means the geographical area of the City of Hamilton or the municipal corporation as the context requires.

“Clerk” means the person appointed as City Clerk within the meaning of the *Municipal Act*, or their designate.

“Closed Meeting” means a meeting, or part of a meeting, which is closed to the public as permitted by Section 239 of the *Municipal Act*, also referred to as an “in-camera meeting”.

“Committee” means a Standing Committee, an Advisory Committee or Task Force established by the Board from time to time.

“Council” means the Council of the City of Hamilton.

“Defeated” for the purpose of voting, means more than half the total number of members of the Board or Committee present and not prohibited by statute from voting, voted in opposition.

“Defer” means to delay consideration of a matter by the Board or a Committee until a specified time or event.

“Emergency” means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not.

“Friendly Amendment” means an amendment made to the Motion under debate with the consent of the mover and seconder, and without the requirement for an amending Motion to be made.

“HPPA” means the *Health Protection and Promotion Act* (Ontario).

“Hybrid” means a proceeding where some Members participate virtually and some Members participate In-Person at Board and Committee Meetings.

“In-Person” means a proceeding where Members participate In-Person at Board and Committee Meetings.

“Lost” for the purposes of voting, means more than half the total of members of the Board or Committee present and not prohibited by statute from voting, voted in opposition.

“Main Motion” means a proposal by a Member that begins the process of making any decision for consideration of the Board or a Committee, that is moved by a Member and seconded by another Member.

“Majority” for the purposes of voting means more than half the total of Members of Board or Committee present and not prohibited by statute from voting.

“Member” means a person elected or appointed as a Member of the Board.

“Meeting” means any regular or special meeting of the Board or of a Committee, that is IN-PERSON / VIRTUAL / HYBRID where a Quorum of Members is present.

“Member of Council” is a Member of the Board who has been elected to City Council.

“Motion” means a proposal by a Member for the consideration of the Board or a Committee included in the published agenda, that is moved by a Member and seconded by another Member. A Motion may be procedural or substantive in nature.

“Municipal Act” means the *Municipal Act*, 2001 (Ontario).

“Notice of Motion” means a written notice received by the Secretary advising the Board that the Motion described therein, respecting a matter not already on an agenda, will be brought forward by a Member of the Board at a future Meeting of the Board.

“Order of Business” is as set out in subsection 4.9 of this By-law.

“Procedural Motion” means any motion concerning the manner or time of consideration of any matter before the Board or the Committee, as opposed to the substance thereof, and includes, without limitation, the following: a motion to adjourn; to call the Question; to Recess; to Refer; to Defer; to go into a Closed Meeting; to suspend the Rules of Procedure and to lift.

“Question” means an issue before a Meeting on which a decision has to be made. A question cannot be debated, amended or voted on until it has been proposed as a motion.

“Quorum” means the number of Members equal to a Majority of the Board or Committee’s membership, and include members attending the meeting in-person and those attending virtually.

“Receive” means to acknowledge the receipt of information and to include it in the official record.

“Recess” means a short intermission in a Meeting’s proceedings, which does not close the Meeting, and after which business will immediately be resumed at exactly the point where it was stopped.

“Recorded Vote” means a written record of the name and vote of each Member of the Board or a Committee who votes on a Question and of each Member present who does not vote.

“Refer” means to send a matter currently under consideration to an individual, a department, a Committee, or the Board for their consideration.

“Rules of Procedure” means the rules and procedures set out in this By-law for the calling, place and proceedings of the Meetings of the Board and its Committees.

“Secretary” means the Clerk or their designate.

“Standing Committee” means a committee established by the Board to carry out duties on an ongoing basis, as specified by the Board, and that reports directly to the Board.

“Task Force” means a temporary ad hoc group of appointed citizens and Board members established and appointed by the Board for the purpose of providing advice on matters related to a specific time-limited project or task related within the jurisdiction of the Board.

“Time Sensitive” means useful for a specific amount of time only or has to be used or completed by a specific time.

“Vice Chair” means the designated Member of the Board appointed to this position.

“Virtual” means a proceeding where Members participate online or on a computer screen, rather than In-Person during Board and Committee Meetings.

“Website” means the City website at www.hamilton.ca.

SECTION 2 – PRINCIPLES

- 2.1 The Board observes the rules in this By-law in all proceedings of the Board and, where applicable, its Committees.
- 2.2 In the case of a conflict with this By-law and another by-law of the Board, this By-law will take precedence.

SECTION 3 – APPLICATION

- 3.1 The Rules of Procedure shall be observed in all proceedings of the Board and shall be the rules for the order and dispatch of business in the Board and, unless specifically provided, with necessary modifications, apply to all Committees.
- 3.2 All matters relating to the proceedings of Board and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of *Bourinot's Rules of Order*, Geoffrey H. Stanford, Fourth Edition.

SECTION 4 – BOARD MEETINGS

- 4.1 Regular Board Meeting Times
 - (1) The Board determines the place, day and hour of its regular Board Meetings, and the schedule of those Meetings is publicly available by the first Meeting of the Board in each calendar year.
- 4.2 Location of Meetings
 - (1) Meetings of the Board shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as the Board may from time to time determine.
 - (2) VIRTUAL only participation Meetings will be held using electronic methods and not in a specific physical location.
- 4.3 Special Meetings of the Board
 - (1) The Board only considers the business on the agenda and no other business at a special meeting.
 - (2) The Chair may call a special meeting of the Board provided that:
 - (a) Members are notified at least 72 hours before the scheduled beginning of a special meeting.
 - (b) The notice for the special meeting must include the time, date, and location of the Meeting.

- (c) The notice states the purpose of the Meeting.
 - (d) The notice is delivered either in person or sent by email to each Member.
- (3) The Secretary calls a special meeting of the Board, whenever requested, in writing, to do so by a Majority of the Members. The request includes:
 - (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 72 hours of the time the request is given to the Secretary.
- (4) The Secretary gives at least 48 hours' notice of the special meeting by petition of the Members, and the notice for this Meeting must be delivered in person or sent by e-mail to each Member.

4.4 Meetings of the Board for Emergencies

- (1) Despite any other provisions of this By-law, a Meeting of the Board for an Emergency may be called by the Chair, without written notice, to deal with an Emergency, provided that an attempt has been made by the Secretary to notify Members of the Board about the Meeting as soon as possible and in the most expedient manner available.
- (2) The only business to be dealt with at a Meeting of the Board for an Emergency shall be business dealing directly with the Emergency.
- (3) The lack of receipt of a notice of, or an agenda for, a Meeting of the Board for an Emergency by any Member of the Board shall not affect the validity of the Meeting or any action taken at such Meeting.
- (4) The Secretary shall prepare the Order of Business for an Emergency Meeting of the Board with the appropriate selection of agenda categories from subsection 4.9.
- (5) In the case of an Emergency, the Board may hold its Meetings at any convenient location within or outside the municipality, with the details posted on the City's Website.

4.5 Cancellation of a Board Meeting

- (1) The Secretary may cancel a Board Meeting in consultation with the Chair and Vice-Chair.
- (2) The Secretary shall give each Member of the Board, or their designated staff, notice of a cancellation of a Meeting of the Board at least 2 (two) days prior to the time appointed for such Meeting in writing.
- (3) The written notice to be given under subsection 4.5(1) shall state the reason for the cancellation of the Meeting.

- (4) The Secretary shall ensure that the Meeting cancellation information is posted to the Board's Meeting Calendar on the City's Website.

4.6 Quorum

- (1) As soon as there is a Quorum after the time set for the Meeting, the Chair shall take the chair and call the Meeting to order.
- (2) A majority of the Members of the Board is necessary to constitute a Quorum of the Board.
- (3) In the absence of both the Chair and the Vice Chair for a period of fifteen minutes after the appointed time of the Meeting, if a Quorum is present, the Secretary shall call the meeting to order and ask for a motion to appoint one of the present Members as Acting Board Chair to preside and discharge the duties of the Chair for the duration of the Meeting, or until the arrival of the Board Chair or Vice Chair.
- (4) If a Quorum is not achieved within 15 (fifteen) minutes after the time appointed for a Meeting of the Board, the Secretary shall record the names of the Members of the Board present and the Meeting shall stand adjourned until the date of the next scheduled Board Meeting or other Meeting called in accordance with the provisions of this By-law.
- (5) If Quorum cannot be maintained during an IN-PERSON Board Meeting, the Secretary will advise the Chair or Vice Chair that Quorum is lost and the Meeting will be recessed for up to 15 (fifteen) minutes to allow Members to return, or in the case of a virtual participant, to allow the Member to reconnect to the Meeting. Following the Recess, if Quorum is not regained after 15 minutes the Meeting stands adjourned. Any unfinished business will be brought to the next regularly scheduled Meeting.

4.7 In Conflict, Remaining Members Deemed Quorum

- (1) Where the number of Members of the Board who, by reason of provisions of the Municipal *Conflict of Interest Act*, are disabled from participating in a Meeting is such that at that Meeting the remaining Members of the Board are not of sufficient number to constitute a Quorum, then, the remaining number of Members of the Board shall be deemed to constitute a Quorum, provided such number is not less than 2 (two).

4.8 Delegations to Address the Board

- (1) Any person, group of persons, or organization who wishes to appear as a delegation to address the Board may appear In-Person or virtually, or be submitted as written correspondence.
- (2) Any person, group of persons, or organization wishing to address the Board with respect to a matter already on the Board agenda, shall submit a written request to the Secretary, using the 'Request to Speak to the Board' form (available on the City's Website) no later than 12:00 p.m. (Noon) the day prior to Meeting. If the Committee is meeting on a Monday, the deadline will be 12:00 p.m. (Noon) on the Friday preceding the Meeting.

- (3) Any person, group of persons, or organization wishing to address the Board with respect to a matter not already on the Board agenda, shall submit a written request to the Secretary, using the 'Request to Speak to the Board' form (available on the City's Website) at least 14 (fourteen) days before the date and time of the regular Board Meeting.
- (4) Delegations shall be limited to an oral presentation of not more than 5 (five) minutes of speaking time.
- (5) Notwithstanding subsection 4.8(4), an extension of speaking time may be granted with the approval of a Majority of the Members of the Board present.
- (6) Any delegate(s) wishing to submit presentation materials (slides, supporting documentation, speaking notes, delegation outlines) or who wish to appear before the Board through a pre-recorded video, shall submit the materials and/or pre-recorded video no later than 12:00 p.m. (Noon) 2 (two) business days before the Meeting. If the Board is meeting on Monday, the deadline will be 12:00 p.m. (Noon) on the Thursday preceding the Meeting.
- (7) Delegates are encouraged to provide a written brief of their presentation to the Secretary, at the time the request to speak is submitted, which will be provided to the Members of the Board and will be published online with the agenda materials.
- (8) A request to delegate shall include the name(s) of all delegates, reasons(s) for the delegation, and the contact information (name, address, email and/or phone number) for any person, group of persons, or corporation/organization which they represent. The delegate's name(s) will be published online with the agenda materials.
- (9) Delegates who have previously appeared before the Board or submitted correspondence on a subject matter and request to speak to the Board a subsequent time on the same subject matter shall be limited to providing only new information as part of their subsequent appearance.
- (10) Delegations respecting labour relation matters or conduct of a member(s) of City staff will not be placed on a Board agenda and will be forwarded forthwith by the Secretary to the relevant City department or body for consideration and appropriate action.
- (11) Delegations which are in substance an allegation of a violation of the Code of Conduct or the *Municipal Conflict of Interest Act* by a Member of the Board will not be placed on a Board agenda and the delegate will be advised of the informal and formal mechanisms for bringing such allegations to the attention of the Integrity Commissioner.
- (12) Requests to delegate that are outside the jurisdiction of the Board will not be placed on the Board Agenda.
- (13) Delegates shall not:
 - (a) speak disrespectfully of any person and maintain order and decorum in accordance with this By-law;

- (b) speak on any subject other than the subject for which he/she/they has received approval from the Secretary to address with the Board;
 - (c) violate the Rules of Procedure or a decision of the presiding officer.
- (14) Members of the Board can ask questions of in-person delegations for clarification purposes only and not for debate.
- (15) Written delegations will be received for information in a block motion.
- (16) When a person is listed as a delegation on the Board agenda and such person, without notification to the Secretary, does not attend said Meeting, that person must make a new request to be considered as a delegation and must re-apply in accordance with subsections 4.8(1) and 4.8(2).

4.9 Order of Business

- (1) The Order of Business for regular scheduled Meetings of the Board, unless amended by the Board in the course of the Meeting, shall be as follows:
- (a) Call to Order
 - (b) Approval of Agenda
 - (c) Declarations of Interest
 - (d) Ceremonial Activities (if required)
 - (e) Adoption of Minutes of Previous Meeting
 - (f) Delegation(s)
 - (g) Items for Information (if required)
 - (h) Items for Consideration (if required)
 - (i) Committee Recommendations (if required)
 - (j) Motions
 - (k) Notices of Motion
 - (l) Private and Confidential
 - (m) By-laws
 - (n) Adjournment
- (2) All Ceremonial Activities at Board Meetings will take place virtually during an Emergency.

4.10 Declarations of Interest

- (1) In this Section:

- (a) An "Interest" means a 'disqualifying interest' or a 'non-disqualifying interest' as such terms are defined within the Board approved Code of Conduct to which the Member is bound.
- (2) Where a Member has disclosed an Interest at a Meeting in accordance with a Board approved Code of Conduct to which the Member is bound, the Member, shall file a written statement with the Secretary.
- (3) Where a Member, has disclosed an Interest and filed a written statement with the Secretary, as required by subsection 4.10(2), the Secretary shall:
 - (a) file the written statement by the Member in the Declarations of Interest Registry;
 - (b) record the Interest in the minutes of the Meeting;
 - (c) file a record of the Interest recorded in the minutes of the Meeting in the Declarations of Interest Registry; and
 - (d) make the Declarations of Interest Registry available for public inspection.

4.11 Minutes

- (1) Minutes shall be taken at all regular and special meetings of the Board by the Secretary or such other individual as may be designated by the Secretary. Meeting minutes shall be adopted by Motion at the next regular Board Meeting and thereafter shall be retained in the corporate records of the Board.
- (2) Amendments to the minutes shall be limited to corrections of factual errors or incomplete information only.
- (3) Minutes shall be posted to the City's Website.

4.12 Editorial and Other Changes

- (1) The Secretary may make changes to by-laws or Board decisions to:
 - (a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.
 - (b) Alter the style or presentation of text or graphics to improve electronic or print presentation.
 - (c) Replace a description of a date or time with the actual date or time.
 - (d) If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.
 - (e) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.

- (f) Correct errors in the numbering of provisions or other portions of a by-law and make any changes in cross-references that are required as a result.
 - (g) If a provision of a transitional nature is contained in a by-law, make any changes that are required as a result.
 - (h) Make a correction, if it is patent both that an error has been made and what the correction should be.
- (2) The Secretary:
 - (a) May provide notice of the changes made under subsections 4.12(1)(a) to 4.12(1)(c) inclusive in the manner that they consider appropriate.
 - (b) Shall provide notice of the changes made under subsections 4.12(1)(d) to 4.12(1)(h) inclusive in the manner that they consider appropriate.
 - (c) In determining whether to provide notice under subsection 4.12(2)(a), shall consider:
 - (i) The nature of the change; and
 - (ii) The extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.
 - (d) In providing notice under subsection 4.12(2)(a) or 4.12(2)(b), shall state the change or the nature of the change.
- (3) No legal significance shall be inferred from the timing of the exercise of a power under this section.
- (4) Regardless of when a change is made to a by-law under this section, the change may be read into the by-law as of the date it was enacted if it is appropriate to do so.

SECTION 5 – COMMITTEES

5.1 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, are forwarded to the Board for consideration.
- (2) The Board considers a Committee's recommendation as the Main Motion on the item under discussion.
- (3) The Board at its first Meeting in each year or as soon as practicable establishes the Standing Committees and designates the Chairs of the Standing Committees.
- (4) The Board may, from time to time, as needed, establish Advisory Committees or Task Forces in response to specific matters, which shall be dissolved by the Board once the assigned mandate is completed.

5.2 Quorum

- (1) The Quorum for all Committees shall be a Majority of the membership.
- (2) A Member of a Committee participating In-Person or virtually shall be counted in determining whether or not a Quorum of Members is present at any point in time.
- (3) As soon as there is a Quorum after the time set for the Meeting, the Chair shall take the chair and call the Meeting to order.
- (4) The Quorum procedures for the Board outlined in subsection 4.6 of this By-law shall apply to all Committees.

5.3 Location of Meetings

- (1) Committee Meetings shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as the Board may, from time to time, determine.

5.4 Cancellation of a Committee Meeting

- (1) The Secretary may cancel a Committee Meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.
- (2) The procedure for the Secretary's notification of a Committee Meeting cancellation, as outlined in subsection 5.4 of this By-law, shall be applicable to all Committees.

5.5 Committee Recommendations to the Board

- (1) Each Committee reports directly to the Board and shall make recommendations to the Board through the consideration of their Minutes.
- (2) A minimum of 2 (two) days shall pass before the Minutes of a Committee is presented to the Board to provide adequate opportunity for review. Every effort will be made for Committee minutes to be released at an earlier date.
- (3) Despite subsection 5.5(2), this rule may be suspended by the affirmative vote of two-thirds (2/3's) of the Members of the Board present and voting.
- (4) During the consideration of Minutes, a Member of the Board may:
 - (a) request that a matter contained within the Committee Minutes be voted on separately at the Board;
 - (b) amend a matter contained within the Committee Minutes;
 - (c) in the event, an amendment is considered to be contrary to the Main Motion within the Committee Minutes, the Board will use the following process:
 - (i) The Main Motion within the Committee Minutes shall be voted upon;
 - (ii) if the vote result is deemed to be carried, the matter is considered closed; and

- (iii) if the vote result is deemed to be Lost, the amendment considered to be contrary to the Main Motion within the Committee Minutes, may be introduced if duly moved and seconded.

5.6 Declarations of Interest

- (1) The procedure for declarations of interest by the Board, as set out in subsection 4.10 of this By-law, shall apply to Committee Members.

5.7 Change to a Scheduled Committee Meeting

- (1) The Secretary may change the time or location of a Committee Meeting in consultation with the Committee Chair or the Committee Vice Chair in the Committee Chair's absence.
- (2) The Secretary shall give each Member of the Committee, or their designated staff, notice of the change to the Committee Meeting at least 2 (two) days prior to the time appointed for such Meeting by:
 - (a) delivering a written notice personally;
 - (b) delivering such notice at their residence or place of business; or
 - (c) facsimile transmission or electronic mail to such residence or place of business.
- (3) The written notice to be given under subsection 5.7(2) shall state the reason for the change to the Meeting.
- (4) The Secretary shall ensure that the change to the Committee Meeting is posted to the Committee and Board Meeting Calendar on the City's Website.

SECTION 6 – RULES OF DEBATE, VOTING PROCEDURES AND MOTION PROCEDURES

6.1 Rules of Debate

- (1) No Member of the Board shall be deemed to have precedence or seniority over any other Member of the Board.
- (2) Before speaking to a Question or Motion, a Member of the Board shall be recognized by the meeting Chair and may be placed on the speakers' list.
- (3) When a Member of the Board is speaking, no other Member of the Board shall pass between that Member of the Board and the Chair or the Vice Chair or interrupt that Member of the Board except to raise a Point of Order or Point of Privilege.
- (4) A Member of the Board may require the Question or Motion under discussion to be read at any time during the debate but not so as to interrupt a Member of the Board who is speaking.
- (5) A Member of the Board may not speak on any matter other than the matter being debated.

- (6) All Members of the Board are restricted to a 5 (five) minute time limit when asking a question and/or making a statement during Board and Committee Meetings.
- (7) The following matters may be introduced orally without written notice and without leave:
 - (a) a Point of Order
 - (b) a Point of Privilege
 - (c) a Motion to adjourn
 - (d) a Motion to call the Question
 - (e) a Motion to Recess
 - (f) a Motion to Refer
 - (g) a Motion to Defer
 - (h) a Motion to go into a Closed Meeting
 - (i) a Motion to suspend the Rules of Procedure
- (8) Relinquishing the Chair

The Chair or the Vice Chair (where the Chair is absent) may designate another Member as acting Chair during any part of a Meeting, and while presiding, such Member shall have all the powers of the Chair or the Vice Chair with respect to chairing the Meeting.

6.2 Voting Procedures

- (1) Once a Motion is moved and seconded, it shall be deemed to be in the possession of the Board or Committee.
- (2) All votes are majority votes, unless identified as requiring two-thirds (2/3's) of Members of the Board (a two-thirds (2/3's) Majority).
- (3) Where a Member of the Board present at a Meeting of the Board or Committee is prohibited from voting by statute, the Secretary shall record the name of the Member of the Board and the reason that they are prohibited from voting.
- (4) Unless otherwise provided in this By-law, or requested by the Chair, a vote may be made by voice, show of hands, standing or otherwise.
- (5) Despite subsection 6.2(3), any Member of the Board or Committee may request the Chair conduct a recorded vote.
- (6) When a recorded vote is taken, the results and how each member voted will be recorded in the proceedings.

- (7) When an electronic voting system is not available, every Member of the Board or Committee present shall vote by a show of hands.
- (8) When a recorded vote is taken and a Member advises the meeting Chair of a Point of Privilege with respect to their vote being omitted or in error immediately following and prior to the taking of another vote, the vote will be considered void and a new vote will be taken immediately.
- (9) When an recorded vote is taken and a Member advises the Chair or the Vice Chair of a Point of Privilege with respect to their vote being omitted or in error following the taking of another vote, the Member's request will be considered through a vote to reconsider the matter:
 - (i) If a two-thirds (2/3's) Majority vote to reconsider is decided in the affirmative, the recorded vote will be retaken immediately;
 - (ii) If a two-thirds (2/3's) Majority vote to reconsider is decided in the negative, the original vote stands.
- (10) When a vote is taken and a tie results, a Question is deemed to be Lost.
- (11) To cast a vote, each Member must be in their seat (when attending in-person) or have their video on (when attending virtually).
- (12) Any Member present (in-person or virtually) who does not express their vote is deemed to have voted in the negative.
- (13) After a Question is put by the Chair or the Vice Chair, no Member of the Board or Committee shall speak to the Question nor shall any other Motion be made until after the vote is taken and the result has been declared.
- (14) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect, except where permitted by statute.
- (15) Despite subsection 6.2(13), a Meeting may be closed to the public during a vote if:
 - (a) the vote relates to an issue permitting the Meeting to be closed to the public in accordance with Section 8 (Meetings Closed to the Public) of this By-law; and
 - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under a contract with the City.
- (16) The Chair or the Vice Chair shall, upon request of a Member of the Board or Committee, divide a Question if the Question under consideration contains distinct propositions, and the vote upon each proposal shall be taken separately.
- (17) If a Member of the Board or Committee disagrees with the announcement of the Chair or the Vice Chair that a Question is carried or Lost on a vote by show of hands, they may immediately after the declaration by the Chair or the Vice Chair, object to the Chair's or the Vice Chair's declaration and require that a Recorded Vote be taken.

6.3 Motion Procedures

(1) Notice of Motion

- (a) Notice of all new Motions, except Motions listed in subsection 6.1(7) shall be given in writing:
 - (i) at a Meeting of the Board or Committee, but shall not be debated until the next Meeting of the Board or Committee; or
 - (ii) delivered to the Secretary at any time before 12:00 p.m. (Noon) on the last business day preceding the date of the Meeting at which the Notice of Motion is to be introduced.
- (b) Where a Member of the Board's or Committee's Motion has been called by the Chair or the Vice Chair at the subsequent Meeting and not proceeded with, it shall be dropped from the agenda unless the Board or Committee decides otherwise.
- (c) Where the Board or Committee has determined not to drop a Motion from the agenda, and at the second Meeting such Motion is called by the Chair or the Vice Chair and not proceeded with, it shall be deemed to have been withdrawn.

(2) Dispensing with Notice

Where a matter is time sensitive or is an emergency, the Motion may be introduced without notice if the Board or Committee, without debate, dispenses with notice on the affirmative vote of two-thirds (2/3's) of the Members of the Board or Committee present and voting.

(3) Motion to Withdraw

After a Motion is moved and seconded, it shall be deemed to be in possession of the Board or Committee and may be withdrawn by the mover at any time before decision or amendment.

(4) Motion to Amend

- (a) A Motion to Amend:
 - (i) shall be duly moved and seconded;
 - (ii) shall be made only to a previous Question or to Amend an amendment to the Question;
 - (iii) shall be relevant to the question to be decided; shall not be received if, in essence, it constitutes a rejection of the main Question;
 - (iv) shall be put to a vote in the reverse order to that which it is moved.

- (v) may be considered a “Friendly Amendment”, if the mover and seconder of the Main Motion/Question are in agreement, in which case the Amendment does not require a vote;
- (vi) Will not be amended more than once, provided that further amendments may be made to the Main Motion; and,
- (vii) Will not be directly contrary to the Main Motion.

(5) Motion to Defer

- (a) A Motion to Defer a Question shall include instructions respecting the terms upon which the Question is to be deferred.
- (b) A Motion to Defer a Question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.
- (c) A Motion to Defer a Question may be amended in accordance with subsection 6.3(4).
- (d) When a Motion to Defer a Question to the Board is defeated by a Committee, the Chair of the Committee shall return to the speakers list and then call the Question on the matter.
- (e) A Member who has spoken to the Motion under debate shall not be permitted to move a Motion to Defer a Question.

(6) Motion to Refer

- (a) A Motion to Refer the Question:
 - (i) shall include the name of the individual or body to whom the Question is to be referred;
 - (ii) shall include instructions respecting the terms upon which the Question is to be referred;
- (b) A Motion to Refer a Question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.
- (c) A Motion to Refer a Question may be amended in accordance with subsection 6.3(4).
- (d) When a Motion to Refer a Question to the Board is defeated by a Committee, the Chair of the Committee shall return to the speakers list and then call the Question on the matter.
- (e) A Member who has spoken to the Motion under debate shall not be permitted to move a Motion to Refer a Question.

(7) Motion to Adjourn

A Motion to adjourn a Board or Committee Meeting shall always be in order except:

- (a) when a Member of the Board or Committee is speaking or during the taking of a vote;
- (b) immediately following the affirmative resolution of a Motion that a vote on the Question now be taken;
- (c) when a Member of the Board or Committee has already indicated to the Chair or the Vice Chair, that they desire to speak on the Question;
- (d) when decided in the negative, cannot be made again until the Board or Committee has conducted further proceedings;
- (e) When the balance of business on a Board or Committee agenda has been dealt with. In this case, the Chair or Vice Chair shall have the authority to adjourn the Meeting without the necessity of a Motion.

(8) Motion to Call the Question

A Motion to call the Question shall be in order except when a Member of the Board or Committee is speaking or before the first-time speakers' list is exhausted.

(9) Motion to Reconsider a Matter Decided by the Board

- (a) At any Board Meeting, after a matter has been decided by the Board, including both successful or failed Motions, a Member of the Board who voted with the prevailing side may present a Notice of Motion to reconsider the matter. The Chair may ask the Member of the Board to confirm that they voted with the prevailing side of the issue in Question. Such Notice of Motion shall be referred to the next scheduled Meeting of the Board and shall be included on the agenda under "Motions".
 - (i) In the event of a tie, the prevailing side is the defeated side;
 - (ii) Members of the Board absent from the vote are not permitted to bring forward a Notice of Motion to reconsider a matter.
- (b) No decided matter shall be reconsidered more than once during the term of the Board.
- (c) A Motion to reconsider a decided matter shall require the approval of at least two-thirds (2/3's) Majority of the Board present.
- (d) It is not in order to reconsider a decided matter when the Motion has been implemented, resulting in a legally binding commitment that is in place on the date that a Motion to reconsider is to be debated.
- (e) No Motion to reconsider may, itself, be the subject of a Motion to reconsider.
- (f) Debate on a Motion to reconsider shall be confined to reasons for or against the reconsideration.
- (g) The following Motions cannot be reconsidered:

- (i) to adjourn;
 - (ii) to recess; and
 - (iii) to suspend the Rules of Procedure.
- (h) Subsections 6.3(9)(a) to (f) do not apply when:
 - (i) a Motion pertains to a decision of a previous Board;
 - (ii) a Motion that, while pertaining to a previously decided Motion, does not alter the core purpose or intent of the previously decided Motion;
 - (iii) a Motion presented in respect of a previously decided matter for the purpose of strengthening or clarifying the original decision; or
 - (iv) a Motion presented in respect of a previously decided matter for the purpose of moving a matter through a series of necessary steps or phases.

(10) Order of Procedural Motions

The following Motions are procedurally in order in the following sequence:

- (a) to adjourn;
- (b) to recess;
- (c) to request information;
- (d) to call the Question;
- (e) to defer;
- (f) to refer;
- (g) to amend.

(11) Non-Debatable Motions

The following Motions/actions are not debatable:

- (a) a Motion to adjourn;
- (b) a Motion to Refer (except where instructions are included, in which case, only the instructions shall be debatable);
- (c) a Motion to suspend the Rules of Procedure;
- (d) a Point of Order; and
- (e) a Point of Privilege.

(12) Motion to Suspend the Rules of Procedure

The rules governing the procedure of the Board or Committee at the Board or Committee Meetings may be suspended and shall require the approval of at least two-thirds (2/3's) Majority of Members present with the exception of any rule which is required to be followed by law.

(13) Motions Beyond Jurisdiction of the Board

A Motion in respect of a matter which is beyond the jurisdiction of the Board shall not be in order.

SECTION 7 – ORDER AND DECORUM

7.1 No person in attendance at a Board or Committee Meeting shall:

- (a) be disrespectful or disrupt the Meeting in any manner;
- (b) bring food or beverages, water excepted, into the Council Chamber;
- (c) address remarks to anyone but the Chair;
- (d) interrupt a person who has the floor;
- (e) applaud participants in debate.

7.2 Should a person persist in conducting themselves in a manner contrary to the rules set forth in subsection 7.1 after having been called to order by the Chair of the Board or a Chair of a Committee, the Chair of the Board or a Chair of a Committee may expel that person and may request the assistance of security and/or Police in doing so.

7.3 Notwithstanding subsection 7.2, in the event a member of the public is conducting themselves in a manner which poses a threat to the personal safety of themselves or others in attendance at the Meeting, they shall be removed from the Meeting, without warning.

7.4 Should a Member of the Board persist in conducting themselves in a manner contrary to the rules set forth in subsection 7.1 after having been called to order by the Chair of the Board or the Chair of the Committee, the Chair of the Board or the Chair of a Committee may order them to vacate the place the Meeting is being held:

- (i) if the Member of the Board apologizes, they may, by two-thirds (2/3's) Majority vote of the Board or Committee Members (excluding the Member of the Board or Committee in question), be permitted to remain at the Meeting;
- (ii) any Member of the Board other than the Member ordered to vacate the place the Meeting is being held may appeal the Chair's ruling, and the Board or Committee may overturn the Chair's ruling by two-thirds (2/3's) Majority vote of the Board or Committee Members (excluding the Member of the Board or Committee in question). An appeal is not in order once a vote under subsection 7.4(i) has taken place;

- (iii) exclusions from voting provided for in subsections 7.4(i) and (ii) shall apply notwithstanding any other provisions in this By-law that require a Member of the Board or Committee to vote.

7.5 No person except Members of the Board or a Committee, the Secretary, and officials authorized by the Secretary, shall:

- (a) be allowed on the floor while a Meeting is being held, namely where Members of the Board or Committee, the Secretary, and officials authorized by the Secretary are seated and from which they speak;
- (b) before or during a Meeting of the Board or a Committee, place on the desks of Members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Secretary.

7.6 Signs or placards are permitted at Board and Committee Meetings, provided:

- (a) they do not contain disrespectful or offensive language;
- (b) they do not disrupt the Meeting;
- (c) they do not disrupt an attendee's ability to view the proceedings; and
- (d) they do not contain solid handles or hard backings.

7.7 Electronic devices at Meetings:

- (a) Every person shall have all electronic devices, including but not limited to phones, computers, and similar electronic devices, etc., switched to a non-audible function during Board and Committee Meetings.
- (b) The use of personal electronic devices at Closed Meetings is strictly prohibited;
- (c) The use of City electronic devices at Closed Meetings be limited to text communications;
- (d) The use of all electronic devices at Closed Meetings are not to be used as a telephone, recording device or camera;
- (e) The Secretary and any staff from the Office of the City Clerk are exempted from 7.7(c) when using electronic devices for record-keeping purposes.

SECTION 8 – MEETINGS CLOSED TO THE PUBLIC

8.1 Except as provided in this Section 239 of the *Municipal Act*, all Board and Committee Meetings shall be open to the public.

8.2 For the purpose of subsections 8.3, 8.5, 8.6 and 8.7, "Committee" shall mean any committee of which at least 50% of the members are also Members of Council or the Board.

8.3 A Meeting of the Board or a Committee or part thereof may be closed to the public if the subject matter being considered is:

- (a) the security of the property of the City or a local board;
- (b) personal matters about an identifiable individual, including City or local board employees;
- (c) a proposed or pending acquisition or disposition of land for City or a local board purposes;
- (d) labour relations or employee negotiations;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (g) a matter in respect of which Council or a Committee may hold a Closed Meeting under an Act other than the *Municipal Act, 2001*;
- (h) information explicitly supplied in confidence to the City or a local board by Canada, a province or territory or a Crown agency of any of them;
- (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the City or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- (j) a trade secret or scientific, technical, commercial or financial information that belongs to the City or a local board and has monetary value or potential monetary value; or
- (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City or a local board.

8.4 A Meeting of the Board shall be closed to the public if the subject matter relates to the consideration of:

- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Board is designated as head of the institution for the purposes of that Act; and
- (b) an ongoing investigation respecting the City or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*.

8.5 A Meeting of the Board or a Committee may be closed to the public if:

- (a) it is held for the purposes of educating or training Board Members; and

- (b) at the Meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Board or the Committee.

8.6 Before holding a Meeting or part of a Meeting that is to be closed to the public, a Board or Committee shall:

- (a) state specifically by resolution the fact of the holding of the Closed Meeting and the general nature of the matter to be considered at the Closed Meeting;
- (b) state specifically that members of the public will be invited to return to hear any further deliberations when the Board or Committee reconvenes in open session, indicated by the removal of the frosting on the windows and the elimination of the white noise; and
- (c) the Board or Committee will, in the event they are in Closed Session for more than 30 (thirty) minutes, wait up to 5 (five) minutes upon reconvening in open session before proceeding with the Meeting, to provide members of the public and the media time to return to the Meeting room.

8.7 A vote may be taken during a Meeting that is closed to the public pursuant to subsections 8.3, 8.4 and 8.5, if the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Board or the City or either of them or persons retained by or under a contract with the Board or the City.

SECTION 9 – VIRTUAL PARTICIPATION AT BOARD AND/OR COMMITTEE MEETINGS

- 9.1 Virtual participation, in accordance with the *Municipal Act* and/or any other applicable legislation, is permitted by Members of the Board and Committees at Meetings.
- 9.2 Members of the Board and Committees who intend on participating at a Meeting virtually should advise the Secretary at least 2 (two) days prior to the Meeting.
- 9.3 The Chair or Vice Chair presiding at a Board or Committee Meeting shall attend In-Person at a HYBRID Meeting.
- 9.4 Members of the Board, Committees, and staff attending virtually, shall during Closed Meetings ensure they are in a private room/area and use headphones or some other type of hearing equipment that eliminates the opportunity for those not participating in the Closed Meeting to overhear the discussion.

SECTION 10 – LIVE RECORDINGS OF MEETINGS

- 10.1 All Board and Committee Meetings shall be streamed live.
- 10.2 Upon being apprised that a Meeting is interrupted and cannot proceed with its live feed due to loss of connection, sound or video, the Meeting will continue as long as Quorum is maintained, and the connection will be resumed as soon as possible.
- 10.3 Upon being apprised that a VIRTUAL Meeting is interrupted and cannot proceed with its live feed due to loss of connection, sound or video, the Meeting will be recessed for up to 15 (fifteen) minutes.

- 10.4 If the live feed of a VIRTUAL Meeting cannot be resumed within 15 (fifteen) minutes, the Meeting will be considered adjourned with the names of the Board/Committee Members present and any decisions of Board/Committee up to the point in time of the interruption shall be recorded in the minutes of the Meeting. The Board/Committee Meeting will be rescheduled to another day or the next regularly scheduled Meeting date.

SECTION 11 – ROLE OF SECRETARY

- 11.1 The Clerk is the Secretary of all Board Meetings and may assign any duties as Secretary to an employee in the City Clerk's office.
- 11.2 The Secretary shall make the agendas of the Board and Committee Meetings available to Members of the Board electronically at least 5 (five) days prior to the scheduled Meetings.
- 11.3 The Secretary shall make the agendas of the Board and Committee Meetings available to the media and general public electronically, simultaneously with the distribution set out in subsection 11.2 on the City's Website.
- 11.4 The Secretary shall advise the Chair or Vice Chair when items are required to be added to or removed from an agenda.
- 11.5 The Secretary shall submit for confirmation the minutes of the previous Board or Committee Meeting. Upon approval of the Majority of the Members of the Board or Committee, the Chair or Vice Chair and Secretary shall sign the minutes as confirmed or as amended.
- 11.6 The Secretary shall advise the Chair or Vice Chair if, in their opinion, a matter or portion of a matter being discussed in a Meeting that is closed to the public is not procedurally appropriate in accordance with Section 239 of the *Municipal Act* and Section 8 of this By-law.
- 11.7 The Chair or Vice Chair may call upon the Secretary to provide advice regarding procedure. The Secretary shall provide this advice, following which the Chair or Vice Chair will announce their ruling.
- 11.8 The Secretary shall assume the role of the Chair or Vice Chair as the chair of the Board or a Committee when a ruling of the Chair or Vice Chair is challenged by a Member of the Board or Committee. The Secretary shall take a vote of the challenge for Members of the Board or Committee in favour or opposed to the ruling on the Question "Should the ruling of the Chair be upheld?". The ruling is upheld when there is a two-thirds (2/3's) Majority vote in favour of the Question.

SECTION 12 – GENERAL

- 12.1 This By-law comes into force on the date on which it is passed.
- 12.2 The short title of this By-law is the Procedural By-law or the Board Procedural By-law.
- 12.3 In the event of a conflict between the provisions of this By-law and any legislation, the provisions of the legislation shall prevail to the extent of the conflict.

- 12.4 In the event of a conflict between the provisions of this By-law and the Terms of Reference for any Standing Committee, Advisory Committee or Task Force, the provisions of this By-law shall prevail, to the extent of the conflict.

SECTION 13 – BY-LAWS

- 13.1 The Board will only consider amendments or repeal of this By-law or any other by-law of the Board and any proposed new by-law of the Board if such was provided at a previous regular Board Meeting.
- 13.2 A copy of a proposed by-law or amendment shall be forwarded to each Member, together with the notice of Meeting at which the proposed amendment or by-law is to be discussed.
- 13.3 This By-law shall not be amended or repealed except by a majority vote of all Members of the Board.

PASSED this 7th day of July 2025.

Chair

M. Trennum
Secretary

Authority: Item 5.1, Board of Health Minutes 25-001 (BOH25018)
CM: July 7, 2025 Ward: City Wide

Bill No. 002

BOARD OF HEALTH FOR THE CITY OF HAMILTON PUBLIC HEALTH UNIT

BY-LAW NO. 25-

DELEGATION OF AUTHORITY BY-LAW

WHEREAS the governance transition results in new roles and accountabilities, with the newly-established semi-autonomous Board of Health now responsible for Hamilton Public Health Services under the *Health Protection and Promotion Act*; and

WHEREAS delegated authorities provide timeliness in decision-making, clarity of responsibilities, and efficiency of service delivery.

NOW THEREFORE, BE IT RESOLVED, that the Board of Health for the City of Hamilton Public Health Unit (hereinafter referred to as (the “Hamilton Board of Health”)) enacts as follows:

SECTION 1– DEFINITIONS

(1) In this By-law,

“**Advertising**” means the sale to a person by the Hamilton Board of Health of advertising on Hamilton Board of Health printed materials or property at Hamilton Public Health Services events or in conjunction with a Hamilton Public Health Services program.

“**Capital Programs**” means a plan for capital expenditures to be incurred each year over a fixed period of years to meet capital needs arising from the long-term work program, and each capital program includes:

- (a) an annual envelope of spending authority;
- (b) individual capital projects of a similar nature, size, scope of work and funding source; and
- (c) the same categorization of individual projects as approved by the Board of Health and City Council, including but not limited to renewal of Board of Health assets and growth and strategic initiatives.

“**Chief Financial Officer / Treasurer**” means the person appointed and assuming the duties of Treasurer within the meaning of the *Municipal Act* and refers to the person in the position of General Manager of Finance and Corporate Services of the City of Hamilton.

“City” or **“City of Hamilton”** means the City of Hamilton as constituted as a body corporate on January 1, 2001, by section 2 of the *City of Hamilton Act, 1999* or the geographic area of the City of Hamilton as the context requires.

“City Solicitor” means the City of Hamilton’s City Solicitor or the person acting in that capacity or their designate.

“Council” or **“City Council”** means the Council of the City of Hamilton.

“Hamilton Board of Health” means the Board of Health for the City of Hamilton.

“Hamilton Public Health Services” means the public health unit for the City directed by the Hamilton Board of Health through the Medical Officer of Health.

“HPPA” means the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, as amended.

“Medical Officer of Health” means the person appointed by City Council to carry out the duties of the medical officer of health under the HPPA.

“Municipal Act” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

“Public Health Leadership Team” means all Associate Medical Officers of Health, Directors and the Manager, Finance and Administration of the City of Hamilton acting for Hamilton Public Health Services.

“Sponsorship” means a mutually agreed to arrangement involving the Hamilton Board of Health and a person whereby the person provides resources by way of direct funding, goods, in-kind services or a combination in support of programs, projects, events or facilities of the Hamilton Public Health Services in return for recognition, acknowledgement or other promotional consideration.

SECTION 2– DELEGATION OF AUTHORITY – GENERAL

- (1) The Medical Officer of Health is authorized to further delegate and to authorize further delegations of any powers, duties, and functions delegated to the Medical Officer of Health by the Hamilton Board of Health under this, or any other by-law or resolution, to an Associate Medical Officer of Health, Director, or Manager of Hamilton Public Health Services.
- (2) Where authority is designated to a specific staff member in this By-law, the authority may be further delegated by the authorized person to staff members within Hamilton Public Health Services, provided that such delegation is authorized in writing and does not exceed the authority delegated by this By-law to the authorized person.
- (3) The Hamilton Board of Health, as delegating agent, may impose such terms and conditions upon any delegation as it sees fit, and this shall include the power to vary such terms or rescind the delegation in question.

- (4) Where delegations have been authorized to a specific staff person, such authority includes the person acting in the specific position where the position has not been formally filled.

SECTION 3– EMERGENCY OR SPECIAL CIRCUMSTANCES

- (1) In cases of emergency or special circumstances where it is necessary to act within the normal mandate of Hamilton Public Health Services but such action is not strictly within the terms of a delegated authority, the Medical Officer of Health may take such action as necessary to rectify the situation.
- (2) All action taken pursuant to Section 3(1) shall be reported at the first reasonable opportunity to the Hamilton Board of Health.
- (3) In the case of emergency or special circumstances where it is necessary to take action outside the normal mandate of Hamilton Public Health Services, the Medical Officer of Health may take such action as necessary to rectify the situation.
- (4) All action taken pursuant to Section 3(3) shall be reported at the first reasonable opportunity to the Hamilton Board of Health.

SECTION 4 – EXECUTION OF DOCUMENTS

- (1) The Medical Officer of Health's signature and the signature of other staff members of Hamilton Public Health Services may be written, engraved, printed, lithographed, including by electronic means or measures, or otherwise reproduced.

SECTION 5 – RECRUITMENT AND PROMOTION

- (1) The Medical Officer of Health, or his or her designate, are authorized to recruit staff for approved positions or for temporary positions for which funds are available within the Hamilton Public Health Services approved budget.

SECTION 6 – MEDICAL OFFICER OF HEALTH

6.1 Administrative Responsibilities

- (1) The Medical Officer of Health shall,
 - (a) exercise all powers and duties set forth in the *HPPA* and shall carry out such additional duties and exercise such additional responsibilities as the Hamilton Board of Health may from time to time prescribe;
 - (b) coordinate and supervise the implementation of all programs and policies approved by the Hamilton Board of Health;

- (c) advise the Hamilton Board of Health on its recommendation for the appointment of Associate Medical Officers of Health;
- (d) annually assess the performance of Members of the Public Health Leadership Team;
- (e) appoint, promote, demote, suspend, and dismiss, in consultation with Human Resources, subject to the provisions of any personnel contracts or collective agreements applicable to employees of the City, all employees of the City provided by the City to the Hamilton Board of Health;
- (f) create new positions, in consultation with Human Resources, as approved in the annual budget of Hamilton Public Health Services; and,
- (g) approve financial, human resources, and administrative policies, as appropriate, in consultation with Finance and Administration and Human Resources, except where determined by agreement of the City and the Hamilton Board of Health that the City's policies shall apply.

6.2 Organizational Changes

- (1) The Medical Officer of Health has the authority to:
 - (a) reclassify, delete, or transfer positions, approve scope changes, in consultation with Human Resources; and
 - (b) review Hamilton Public Health Services' organizational structure and implement changes that would improve the effectiveness or efficiency of the structure.
- (2) The delegated authority pursuant to subsection (1) shall not exceed the available funds within the total Hamilton Public Health Services approved budget.
- (3) As soon as practicable after approving an organizational change as described in subsection (1), the Medical Officer of Health shall submit a report to the Hamilton Board of Health describing the organizational changes.

6.3 Agreements with Governmental Authorities

- (1) The Medical Officer of Health is authorized to approve, amend, extend, and execute agreements with the government and its agencies from time to time provided that such agreements are consistent with the mandate of the Hamilton Board of Health and can be implemented within the approved budget of Hamilton Public Health Services.

- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the Hamilton Board of Health at least once in each calendar year.

6.4 Service and Funding Agreements

- (1) The Medical Officer of Health is authorized to approve, amend, extend, and execute service agreements and funding agreements provided that such agreements,
 - (a) are in accordance with applicable policies approved by the Hamilton Board of Health;
 - (b) are related to approved programs and objectives of the Hamilton Board of Health;
 - (c) are within approved budget limits;
 - (d) contain appropriate insurance, termination, workplace safety and indemnification provisions; and
 - (e) have been reviewed and endorsed by the City Solicitor.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the Hamilton Board of Health at least once in each calendar year.

6.5 Health Programs and Services

- (1) The Medical Officer of Health is delegated the authority to approve, amend, extend, and execute agreements related to health programs and services mandated or enabled by the *HPPA*, provided such agreements,
 - (a) specify the applicable section of the *HPPA* or its regulations, as outlined in the Ontario Public Health Standards and the Ontario Public Health Organizational Standards;
 - (b) are within approved budget limits; and
 - (c) contain appropriate indemnification, insurance, termination and workplace safety provisions.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the Hamilton Board of Health at least once in each calendar year.
- (3) The Medical Officer of Health is delegated the authority to approve, amend, extend and execute agreements related to health programs and services mandated or enabled by legislation other than the *HPPA*, provided such agreements

- (a) are within approved budget limits; and
 - (b) contain appropriate indemnification, insurance, termination and workplace safety provisions.
- (4) The exercise of delegated authority pursuant to subsection (3) shall be reported to the Hamilton Board of Health at least once in each calendar year.
- (5) The Medical Officer of Health is delegated the authority to execute agreements related to health programs and services of a local nature, where such agreements,
 - (a) are in response to an urgent health risk,
 - (b) include a provision for immediate termination should the Hamilton Board of Health not subsequently approve the agreement; and
 - (c) contain appropriate insurance, indemnification and workplace safety provisions.
- (6) As soon as practicable after executing an agreement described in subsection (5), the Medical Officer of Health shall submit a report to the Hamilton Board of Health describing the health risk and the nature of the agreement.

6.6 Execution of Agreements – General

- (1) In addition to and without limiting any execution authority granted to the Medical Officer of Health under this By-law, the Medical Officer of Health is delegated the authority to execute agreements, contracts, extensions, and documents, associated with or arising out of the annual budget of Hamilton Public Health Services.

SECTION 7 – CHIEF FINANCIAL OFFICER / TREASURER

7.1 Transfer of Funds – Operating Budget

- (1) At the written request or with the concurrence of the Medical Officer of Health, the Chief Financial Officer / Treasurer and the Deputy Treasurer individually are authorized to make operating budget transfers within Hamilton Public Health Services involving any type of expenditure which does not impact the approved mandate of the Hamilton Board of Health and which maintains or improves the current service level to the public provided that,
 - (a) such transfers do not result in an increase to Hamilton Public Health Service's budgets in current and future years; and

- (b) the number of full-time equivalent positions within Hamilton Public Health Services is not increased.
- (2) The Chief Financial Officer / Treasurer and the Deputy Treasurer individually are authorized, at the written request of the Medical Officer of Health, to execute transfer of compensation and non-compensation budgets to effect organizational changes approved by the Hamilton Board of Health pursuant to Section 0.
- (3) The Chief Financial Officer / Treasurer and the Deputy Treasurer individually are authorized, upon the written request of the Medical Officer of Health, to increase the gross estimates of a program within Hamilton Public Health Services in instances where the increase is permanently funded by way of increased recovery from sources external to the program.
- (4) The Chief Financial Officer / Treasurer and the Deputy Treasurer individually are authorized, with the concurrence of the Medical Officer of Health, to make budget transfers within Hamilton Public Health Services to effect changes resulting from new or amended legislation or regulations, additional unforeseen revenues, accounting standards or rules, program budgeting, or to increase transparency and accountability.
- (5) The exercise of delegated authority pursuant to Sections 7.1(1) to 7.1(4) inclusive shall be reported to the Hamilton Board of Health on an annual basis.

7.2 Transfer of Capital Budget Funds

- (1) Upon the written request of the Medical Officer of Health, the Chief Financial Officer / Treasurer and the Deputy Treasurer, individually are delegated authority to make capital budget transfers provided that,
 - (a) the total amount of the transfer between stand-alone capital projects or capital programs does not exceed \$250,000 for the life of the capital project receiving the transfer;
 - (b) increases in the existing capital projects are offset by corresponding decreases in other capital projects;
 - (c) transfers of debt authority are within the same Capital Program or projects and year subject to approval by Council;
 - (d) transfers are of like sources of funding; and
 - (e) the funding split (between growth and non-growth) for transfers involving development charges is maintained.
- (2) The Chief Financial Officer / Treasurer, the Deputy Treasurer and the Manager, Finance and Administration for Hamilton Public Health Services

individually are delegated the authority to make transfers between capital projects within an existing Capital Program provided that the transfer meets the requirements of clauses (1)(b) to (1)(e) inclusive of subsection (1).

- (3) The Chief Financial Officer / Treasurer, the Deputy Treasurer and the Manager of Budgets and Fiscal Policy individually are delegated the authority to increase the total capital project authority budget if new or additional revenue that is conditional upon the delivery of specific works in an approved project is received.
- (4) The Chief Financial Officer / Treasurer, the Deputy Treasurer and the Manager of Budgets and Fiscal Policy individually are delegated the authority to make capital budget funding adjustments to refinance any capital project to effect changes resulting from new funding sources.
- (5) The Chief Financial Officer / Treasurer, the Deputy Treasurer and the Manager of Budgets and Fiscal Policy individually are delegated the authority to make capital budget adjustments from a main project account to create separate project accounts provided that such adjustments result in improved monitoring, transparency and comparison on an annual basis.
- (6) The exercise of delegated authority pursuant to subsections (1) to (5) inclusive shall be reported to the Hamilton Board of Health on an annual basis.

7.3 Write Off General Accounts Receivable

- (1) The Chief Financial Officer / Treasurer is authorized to write off general accounts receivable that the Treasurer has determined to be uncollectible in accordance with City of Hamilton policies.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported annually to the Hamilton Board of Health.
- (3) The list of amounts that have been written off over the previous year and the justification for writing off each item shall be maintained by the Deputy Treasurer.

7.4 Write Off Payroll Overpayment Accounts

- (1) The Chief Financial Officer / Treasurer and the Deputy Treasurer, individually are authorized to write off payroll overpayment accounts that the Chief Financial Officer / Treasurer or Deputy Treasurer have determined to be uncollectible in accordance with City of Hamilton policies.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported annually to the Hamilton Board of Health.

- (3) The list of amounts that have been written off over the previous year and the justification for writing off each item shall be maintained by the Deputy Treasurer.

SECTION 8 – CITY SOLICITOR

8.1 Purchase of Insurance

- (1) The City Solicitor is delegated the authority to purchase insurance to protect the Hamilton Board of Health, including claims adjusting, insurance brokerage services and related services.

8.2 Litigation

- (1) The City Solicitor shall be responsible for the conduct of all litigation before courts and administrative tribunals, subject to such instruction as may be issued by the Hamilton Board of Health from time to time and in the conduct of such litigation, the City Solicitor shall consult with the Medical Officer of Health and use the most efficient combination of staff and external legal services as required to represent and defend the interests of the Hamilton Board of Health in the issue at hand.
- (2) The City Solicitor shall have the authority to commence, defend and abandon all matters pertaining to the Hamilton Board of Health within the jurisdiction of Small Claims Court and the Ontario Court of Justice.
- (3) With respect to matters within the jurisdiction of the Ontario Superior Court of Justice, the City Solicitor shall have the authority to:
 - (a) conduct the defence of all actions and to take such steps, including all interim proceedings, as may be considered necessary or proper;
 - (b) commence legal proceedings by way of application where such manner of proceeding is appropriate; and
 - (c) commence and prosecute actions for damages and to take such steps, including all interim proceedings, as may be considered necessary or proper.
- (4) In exercising the authority granted by Sections 8.2(1) to 8.2(3), inclusive, the City Solicitor shall have the authority to:
 - (a) authorize the payment of all expenses related to the conduct of any action or matter and the payment of any costs awarded against the Hamilton Board of Health;
 - (b) execute all documents required to conduct any action or conclude the settlement of any action or matter; and

- (c) take all steps required to enforce orders, decisions, awards and judgments.
- (5) The exercise of delegated authority pursuant to Sections 8.2(1) to 8.2(4) inclusive shall be reported to the Hamilton Board of Health on an annual basis.

8.3 Appeals

- (1) The City Solicitor shall have the authority, in consultation with the Medical Officer of Health, to:
 - (a) appeal decisions of the Small Claims Court and the Ontario Court of Justice; and
 - (b) commence, conduct and participate in appeals regarding health-related matters to applicable administrative tribunals.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the Board of Health on an annual basis.

8.4 Administrative Tribunals

- (1) The City Solicitor shall have the authority, in consultation with the Medical Officer of Health, to apply for standing, to make applications and take objections to all matters before administrative tribunals.
- (2) The City Solicitor shall have authority, in consultation with the Medical Officer of Health, to make applications and take objection on behalf of the Board of Health to all matters brought before the Ontario Labour Relations Board, the Canadian Industrial Relations Board, the Ontario Human Rights Commission and the Canadian Human Rights Commission, including arbitrations.
- (3) With respect to the matters set out in Sections 8.4(1) and 8.4(2), the City Solicitor shall have the authority to:
 - (a) apply for standing;
 - (b) appeal any decision of an administrative tribunal where the appeal lies to another administrative tribunal; and,
 - (c) make applications for judicial review of decisions of administrative tribunals.
- (4) The exercise of delegated authority pursuant to Sections 8.4(1) to 8.4(3) shall be reported to the Hamilton Board of Health on an annual basis.

8.5 Exceptional Circumstances

- (1) Where time constraints or other circumstances will not allow for the required authority-granting procedures to be followed with respect to any legal matter, the City Solicitor shall have the authority to take the appropriate action and report such action to the Hamilton Board of Health at the earliest opportunity.
- (2) The City Solicitor shall give notice, whenever possible, to those Members of the Hamilton Board of Health that may reasonably be expected to have an interest in the matter when litigation is commenced by or against the City.

8.6 Injunctions – Undertakings

- (1) The City Solicitor is authorized to give undertakings as to damages on behalf of the Hamilton Board of Health in interim injunction proceedings.
- (2) The exercise of delegated authority pursuant to subsection (1) shall be reported to the Hamilton Board of Health on an annual basis.

8.7 Claims – Settlements

- (1) The City Solicitor is delegated the authority to settle both litigated and non-litigated claims and make payments where the claim settlement is an amount not exceeding the self-insured limits under the Hamilton Board of Health's insurance program.

8.8 External Counsel

- (1) The City Solicitor is assigned the exclusive authority for retaining all external legal counsel required by the Hamilton Board of Health.

PASSED this 7th day of July 2025.

Chair

M. Trennum
Secretary

Bill No. 003

BOARD OF HEALTH FOR THE CITY OF HAMILTON PUBLIC HEALTH UNIT

BY-LAW NO. 25-

To Confirm the Proceedings of the Board of Health for the City of Hamilton Public Health Unit at its meeting held on July 7, 2025.

**THE BOARD OF HEALTH FOR THE
CITY OF HAMILTON PUBLIC HEALTH UNIT
ENACTS AS FOLLOWS:**

1. That the actions of the Board of Health for the City of Hamilton Public Health Unit at its meeting held on the 7th day of July 2025, in respect of each motion, resolution and other action passed and taken by the Board of Health at its said meeting, is, hereby adopted, ratified and confirmed.
2. That the Chair of the Board of Health, officials of the Board of Health and Hamilton Public Health are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Chair and the Secretary of the Board of Health are hereby directed to execute all documents necessary in that behalf.

PASSED this 7th day of July 2025.

Chair

M. Trennum
Secretary