



**CITY OF HAMILTON**  
 Corporate Services Department  
 Clerk's Office and Legal Services

<b>TO:</b>	Governance Review Sub Committee
<b>COMMITTEE DATE:</b>	March 27, 2023
<b>SUBJECT/REPORT NO:</b>	Amendments to the Procedural By-law 21-021 respecting the Board of Health Standing Committee (FCS23031) (City Wide)
<b>WARD(S) AFFECTED:</b>	City Wide
<b>PREPARED BY:</b>	Janet Pilon Ext. 4304
<b>SUBMITTED BY:</b>	Andrea Holland City Clerk Office of the City Clerk
<b>SIGNATURE:</b>	

### RECOMMENDATION

- (a) That By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, be **amended** to reflect the Board of Health Standing Committee's name change to the **Public Health Committee**, as follows:
- (i) the Board of Health Terms of Reference (Appendix 'B' to By-law 21-021, as amended), be **amended**, as follows:
- (a) Title: **Public Health Committee**
- (b) Composition: The **Public Health Committee** shall be comprised of all 16 members of Council
- (c) *Specific duties shall include:*
- To consider recommendations of any Sub-Committees and/or Task Forces which report directly to the **Public Health Committee**
  - To consider Citizen Committee Report recommendations of any Advisory Committee which reports directly to the **Public Health Committee**

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*OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.*

*OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.*

- (ii) Section 5.1 “Standing Committees” be **amended**, as follows:

**5.1 Standing Committees**

The Standing Committees that report directly to Council shall be as follows:

- (b) **Public Health Committee**

- (iii) Section 5.2 “Appointment of Committee Chairs and Vice Chairs” be **amended**, as follows:

**5.2 Appointment of Committee Chairs and Vice Chairs**

- (2) Despite subsections 5.2(1)(a) and (b):

(a) the Mayor shall stand as Chair for the term of Council for the **Public Health Committee**; and

- (3) The **Public Health Committee** shall recommend to Council the appointment of a Vice Chair in accordance with 5.2(1). Despite subsection 5.2(1)(a) and (b), the Vice Chair shall stand as Vice Chair for the term of Council for the **Public Health Committee**.

- (iv) Section 5.3 “Standing Committee Membership” be **amended**, as follows:

**5.3 Standing Committee Membership**

- (1) General Issues Committee and **Public Health Committee** shall be comprised of all Members of Council.

- (6) Each Member of Council shall sit on a minimum of 2 Standing Committees, in addition to the **Public Health Committee** and General Issues Committee.

- (v) Section 5.6 “Standing Committee Meeting Times” be **amended**, as follows:

**5.6 Standing Committee Meeting Times**

- (1) Unless otherwise decided by Council, scheduled meetings of the Standing Committees will be as follows:

- (a) (ii) **Public Health Committee** shall meet at least once per month commencing at 9:30 a.m.;

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- (b) That By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, as Amended, be **amended** to confirm applicability of the Procedure By-law when Council operates and functions as the Board of Health for the City of Hamilton, as follows:
- (i) Section 3 “Council Meetings” be **amended** by adding the following new sub-section 3.15 “Board of Health Meetings” and renumbering the remaining sub-sections accordingly:
- 3.15 Board of Health Meetings**
- Where Council is exercising the jurisdiction of a Board of Health under the *Health Protection and Promotion Act, 1990*:
- (a) Council shall meet as necessary to complete such business as would normally be completed by a Board of Health and as required pursuant to the *Health Protection and Promotion Act, 1990* and its Regulations, any Public Health Standards published by the Minister, and any other applicable law including municipal by-laws and policies governing a Board or Health; and
- (b) the Mayor and Clerk are authorized, upon approval by Council operating as a Board of Health, to sign any necessary resolutions.
- (c) That the draft By-law attached as Appendix ‘A’ to Report FCS23031, respecting amendments to By-law 21-021, A By-Law To Govern The Proceedings of Council and Committees of Council, be enacted by Council.

## **EXECUTIVE SUMMARY**

Changing the name of the Standing Committee currently known as the “Board of Health” and outlining City Council’s function as the Board of Health within the City’s Procedural By-law will bring greater clarity and help differentiate between the mandates of the Standing Committee and the statutory Board of Health.

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)**

Financial: There are no financial implications.

Staffing: There are no staffing implications.

Legal: Section 238(2) of the *Municipal Act, 2001*, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

## **HISTORICAL BACKGROUND (Chronology of events)**

On February 13, 2023, the Board of Health Standing Committee received a presentation from Karima Kanani Partner, Miller Thomson LLP respecting Hamilton Board of Health Governance Education Session, wherein the Board of Health Standing Committee was apprised of various options for the City of Hamilton's Board of Health governance structure.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Pursuant to the *Health Protection and Promotion Act, 1990* (the "HPPA") a board of health includes a single- tier municipality that, under the Act establishing or continuing it, has the powers, rights and duties of a local board of health or a board of health established under the HPPA.

Pursuant to section 11 of the *City of Hamilton Act, 1999*, the City (as represented by City Council) has the powers, rights and duties of a board of health under the HPPA. The Council for the City of Hamilton therefore exercises the jurisdiction of a Board of Health.

While the HPPA outlines requirements relating to the passage of by-laws respecting the calling of proceedings at meetings, the election of the chair and vice chair, and the keeping of minutes, these sections of the HPPA do not apply to single-tier municipalities like the City of Hamilton who exercise the jurisdiction of a board of health established under the HPPA.

As such, and pursuant to its obligation under section 238(2) of the *Municipal Act* to pass a Procedural By-law for governing the calling, place and proceedings of meetings, it is the City's Procedural By-law that governs the meetings of Council when it exercises any of its jurisdiction, including that of a Board of Health and the proposed amendments to the Procedural By-law will bring clarify in that regard.

As the Board of Health Standing Committee is a committee created by Council, Council has the authority to implement a change of name so as to more clearly differentiate between what is currently known as the Board of Health Standing Committee and the Board of Health established under the HPPA. The change of name can be accomplished through the proposed amendments to the City's Procedural By-law.

Pursuant to Schedule 'A' of By-law 07-351, being a By-law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice (the "Public Notice By-law") notice published in a newspaper a minimum of 14 days prior to the Committee meeting is required to advise of a Committee meeting to consider the enactment of a procedure by-law. Staff placed an advertisement in the newspaper on March 10, 2023 to advertise the proposed changes in this report.

## **RELEVANT CONSULTATION**

Clerks worked with Legal Services staff in reviewing the proposed revisions to the procedural by-law.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION  
(Include Performance Measurement/Benchmarking Data if applicable)**

The Council Procedural By-law, as approved by Council in 2021 and amended in 2021 and 2022, will be further amended in order for the revisions listed to be enacted.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

**Our People and Performance**

*Hamiltonians have a high level of trust and confidence in their City government.*

**APPENDICES AND SCHEDULES ATTACHED**

Appendix 'A' – Draft By-law, Amending By-law 21-021, as Amended (Council Procedural By-law)