



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