

BY-LAW NO. 2011 – 1

Procedure By-law 2011-1 was enacted and passed the 28 day of April, 2011. This consolidated version includes amendments that the Board of Health approved on March 17, 2014, March 2, 2015, February 13, 2017, June 17, 2019, April 25, 2022 and April 15, 2024.

A by-law to govern the proceedings of the Board of Health for the City of Ottawa Health Unit, also known as the Ottawa Board of Health.

The Board of Health for the City of Ottawa Health Unit, pursuant to Section 56 of the *Health Protection and Promotion Act*, as amended, enacts as follows:

RULES OF PROCEDURE ADOPTED/SUSPENDED

1. (1) The proceedings of the Board shall be governed by the provisions of this by-law, secondarily by the *Procedure By-law* of the City of Ottawa and thereafter by the rules of parliamentary procedure as contained in *Robert's Rules of Order*.
- (2) Despite subsection 1(1), the rules and regulations contained in this by-law may be suspended by a vote of three-quarters of the Members present and voting.
- (3) A motion pursuant to subsections 1(2) or 28(3) shall identify the reason for the request for the suspension of the rules or the late introduction of the item, as the case may be.
- (4) Subsection 1(3) may only be suspended with the consent of all Members of the Board present and voting.
- (5) Despite Section 27, Members may vote and participate electronically in all meetings of the Board of Health and its Committees while such remote participation is permitted under the *Municipal Act, 2001*, as amended, or other provincial statute and in accordance with the following parameters:
 - (a) While a quorum of 6 Members may be physically present at the meeting, any Member participating electronically, including those Members currently excluded by a Board of Health motion to attend at meetings, can be counted in determining whether or not a quorum is present, as permitted by statute;
 - (i) Any Member may, at any time, call for the Chair to do a quorum check if quorum cannot be determined due to**

electronic participants not being visible to other meeting participants

- (b) A Member shall be permitted to participate electronically in a meeting which is closed to the public, as permitted by statute;
- (c) Electronic participation may be conducted by way of telephone, **video conferencing software** or other electronic means, following instructions provided by the Board Secretary in order to ensure that the meeting may proceed in the most transparent and successful manner under the circumstances.
- (d) Subject to the above-noted parameters, a Member who participates electronically shall have the same rights and responsibilities as if they were in physical attendance, including the right to vote.

(6) The means of electronic participation for meetings of the Board of Health shall be communicated to Members and to the public in advance of the meeting, including the process for members of the public to participate by means of written or oral submission.

DEFINITIONS

2. In this By-law,

“Board” means the Board of Health for the City of Ottawa Health Unit, also known as the Ottawa Board of Health;

“Chair” means the Chair as the Head of the Board, or in the absence of the Chair, the Vice-Chair or, in the absence of both, another Member of the Board appointed in accordance with section 16 (1), or the Chair of a committee of the Board;

“City” means the City of Ottawa;

“City Clerk” means the person appointed as City Clerk within the meaning of the *Municipal Act, 2001*;

“Committee” means a committee of the Board and includes special committees and sub-committees;

“Consent Agenda” means the portion of the Agenda that may be approved by the Board without debate;

“Council” means the Council of the City of Ottawa;

“Day” does not include Saturday, Sunday or a holiday;

“General Manager” means the official responsible for a portfolio within the City;

“Holiday” means a holiday as defined by the *Legislation Act, 2006*, as amended;

“Medical Officer of Health” means the officer appointed as the Medical Officer of Health pursuant to the *Health Protection and Promotion Act*; section 62 as amended;

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

“Notice” in Section 34 means notice that includes the time and place of a meeting of the Board and, in the instance of a Special Meeting, shall include the purpose of the meeting and whether the meeting was called by the Chair, or upon petition;

“Notice of Motion” means a written notice, including the name of the mover, advising the Board of Health that the motion described therein will be brought at a subsequent meeting;

“**Declaration of Interest**” means **a declaration of pecuniary interest** (relating to or connected with money) pursuant to the relevant conflict of interest legislation;

“Point of Order” means a statement made by a Member of the Board of Health during a meeting thereof drawing to the attention of the Chair a breach of the Rules of Procedure;

“Presiding Officer” means the Chair at a regular or special meeting of the Board or the Member of the Board appointed as the Chair of a Committee or, in the absence of either, another Member of the Board appointed in accordance with the provisions of this by-law;

“Privilege” means the raising of a question which concerns a Member of the Board, or the Board collectively, when a Member believes that their rights, immunities or integrity or the rights, immunities or integrity of the Board as a whole have been impugned;

“Procedural Motion” means any motion concerning the manner or time of consideration of any matter before the Board as opposed to the substance thereof, and includes, without limitation, the following:

- (a) to extend the time of the meeting;

- (b) to refer;
- (c) to lay on the table;
- (d) to defer indefinitely or to a certain day;
- (e) to adjourn;
- (f) to move the question be put; or
- (g) to suspend the Rules of Procedure;

“Public Service Announcement” means an electronic notice sent in both official languages to the listing of daily newspapers, local and community newspapers and broadcast outlets located within the City of Ottawa maintained by **Public Information and Media Relations**;

“Rules of Procedure” means the rules and regulations provided in this By-law;

“Secretary” means the position appointed by the Board to keep its records and whose **duties include the coordination of agendas and meetings and recording of the proceedings of the Board**;

“Substantive Motion” means any motion other than a Procedural Motion;

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

PART I

DUTIES OF THE CHAIR

DUTIES OF THE CHAIR

3. It shall be the duty of the Chair to carry out the responsibilities set forth in this by-law and:
 - (a) to open the meeting of the Board by taking the chair and calling the Members to order;
 - (b) to announce the business before the Board and the order of business;
 - (c) to receive and submit, in the proper manner, all motions presented by the Members of the Board;

- (d) to put to a vote all motions in the proper form which arise in the course of the meeting, and to announce the result;
- (e) to vote on all matters, which are moved, or which arise in the course of the meeting;
- (f) to decline to put to a vote motions which infringe upon the Rules of Procedure;
- (g) to enforce the Rules of Procedure;
- (h) to restrain the Members when necessary during debate within the Rules of Procedure;
- (i) to enforce on all occasions the observance of order and decorum among the Members;
- (j) to call by name any Member persisting in a breach of the Rules of Procedure and order the Member to vacate the meeting of the Board;
- (k) to permit questions to be asked through the Chair of any officer of the Board in order to provide information to assist any debate when the Chair decides it is appropriate;
- (l) to provide information to Members of the Board on any matter touching on the business of the Board;
- (m) to receive all petitions and communications and announce them to the Board;
- (n) to authenticate, by signature, all by-laws and minutes of the Board;
- (o) to inform the Members of the Board of the proper procedure to be followed;
- (p) to represent and support the Board, to state and to implicitly obey the Board's decisions in all matters;
- (q) where it is not possible to maintain order, the Chair may, without any motion being put, adjourn the meeting to a time to be named by the Chair; and,
- (r) to adjourn the meeting when the business is concluded.

PARTICIPATION OF CHAIR IN DEBATE

4. (1) The Chair may state relevant facts and **their** own position on any matter before the Board without leaving the chair, up to the time immediately prior to the vote, but the Chair is not permitted to move a motion **without the will of the Board** or debate a question unless they leave the chair.
- (2) If the Chair wants to move a motion or to take part in the debate pursuant to subsection 4(1) or otherwise, the Chair shall ask the Member designated as Vice-Chair pursuant to section 5 to preside until the Chair resumes the chair.

CHAIR AND VICE-CHAIR

5. (1) At the first regular meeting of the Board in each year of its term, the Board shall elect a Chair and Vice-Chair, in accordance with the *Health Protection and Promotion Act, 1990*.
- (2) The Board Secretary or City Clerk shall preside for the election of the Chair but the Chair shall preside for the election of the Vice-Chair.

DUTIES OF A MEMBER OF THE BOARD

6. A Member of the Board shall have the following duties:
 - (a) to deliberate on the business submitted to the Board;
 - (b) to vote when a motion is put to a vote; and
 - (c) to respect the Rules of Procedure.

MEDICAL OFFICER OF HEALTH - ADDRESS THE BOARD AND COMMITTEES

7. The Medical Officer of Health, or **their** designate, shall have the right to address the Board or any Committee on any matter relevant to the function or administration of the Board.

PART II

THE BOARD

REGULAR MEETINGS

8. (1) (a) Subject to this section, the regular meetings of the Board shall be held at 5:00 pm on the third Monday of each month unless otherwise changed by the Board;

- (b) A meeting shall adjourn at 7:00 p.m. If the meeting is not finished by 7:00 p.m., it will automatically reconvene at a date and time determined by the Chair.
 - (c) Despite clause 8(1)(b), the Board can extend the meeting time beyond 7:00 p.m. by simple majority vote.
 - (d) Despite Subsection 8(1)(a), the time and date of individual regular meetings may be varied by the Chair;
- (2) During the months of July, August and December, the regular meeting of the Board may be cancelled by the Chair;
 - (3) The Chair may cancel one or more regular meetings of the Board if, in the Chair's opinion, such meetings are not needed to move the business of the Board forward and provided that not more than two successive regular meetings are cancelled under this subsection.
 - (4) The Board may not meet when the Council is in session.

REGULAR MEETING DAY A HOLIDAY

- 9. If the day provided herein for a regular meeting of the Board is a holiday, or a day of religious observance that precludes the participation of any Members of the Board, the meeting shall be held on the next following Monday, unless otherwise provided by resolution of the Board.

PLACE OF MEETING

- 10. All meetings of the Board shall be held in the Champlain Room at Ottawa City Hall or at such other place as is specified in the agenda.

SEATING AT THE BOARD

- 11. The Members shall be assigned seats at the Board by the Secretary based upon the direction of the Chair or motion of the Board.

MEETINGS OPEN TO PUBLIC

- 12. (1) Subject to Section 13, the meetings of the Board shall be open to the public and no person shall be excluded except for improper conduct.
- (2) The Chair may expel or exclude from any meeting any person who has engaged in improper conduct at the meeting if the Chair is satisfied that evidence exists to support expulsion or exclusion and states the reason for the expulsion or exclusion.

- (3) For the purposes of Subsections (1) and (2), “improper conduct” means conduct that obstructs in any way the deliberations and/or proper action of Board, and includes but is not limited to conduct that negatively affects the observance of order and decorum among Members and the attending public, as well as examples of unreasonable behaviour/incidents set out in the Public Conduct Policy and/or Corporate Trespass to Property – Procedures.
- (4) The exercise of authority and stated reason under Subsection (2) shall be recorded in the meeting minutes.

CLOSED MEETINGS

13. (1) The Board may, by motion, close a meeting or part of a meeting to Members of the public if the subject matter to be considered is,
 - (a) the security of the property of the Board;
 - (b) personal matters about an identifiable individual, including staff;
 - (c) a proposed or pending acquisition or disposition of land for the purposes of the Board;
 - (d) labour relations or employee negotiations;
 - (e) litigation or potential litigation, affecting the Board, including matters before administrative tribunals;
 - (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - (g) a matter in respect of which the Board is authorized by statute to hold a closed meeting;
 - (h) information explicitly supplied in confidence to the municipality or 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 municipality 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 municipality or 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 municipality or local board.
- (2) The Board shall, by motion, close a meeting or part of a meeting to Members of the public where the subject matter to be considered is a request under the *Municipal Freedom of Information and Protection of Privacy Act*.
- (3) A meeting of the Board may be closed to members of the public if the following conditions are both satisfied:
- (a) The meeting is held for the purpose of educating or training the 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;
- (4) A motion to close a meeting or part of a meeting to the public shall state:
- (a) that there will be a closed meeting; and
 - (b) the reason the matter will be considered in the closed meeting and the specific subject to be discussed.
- (5) Where a meeting or part of a meeting is closed to the public, all persons not specifically invited to remain by the Board shall leave the meeting room.
- (6) A vote shall not be taken during a meeting or part of a meeting that is closed to the public where to do so would be in contravention of any Act.
- (7) All reports intended to be considered in a closed meeting shall indicate either the reporting out date when the report can be made public or a legal opinion indicating why the report cannot be made public:
- (a) the reporting out date or the legal opinion, as the case may be, shall be listed in the disposition of the report and listed in the minutes of the relevant Committee or the Board;

- (b) upon the passing of the reporting out date, the report shall be made accessible to the public through disclosure with the minutes of the relevant meeting on the City of Ottawa and Ottawa Public Health websites.
- (8) Upon resuming in open session, the Chair shall state:
 - (a) the matters which were considered; and
 - (b) confirmation that no motions were carried in camera other than procedural motions or directions to staff.

SPECIAL MEETINGS OF THE BOARD

- 14. (1) A Special Meeting of the Board shall be convened:
 - (a) upon being summoned by the Chair; or,
 - (b) upon receipt of a petition of the majority of the Members of the Board.
- (2) Upon receipt of the petition set out in subsection 14(1)(b), the Secretary shall summon a Special Meeting for the purpose(s) and at the time mentioned in the petition.
- (3) Once received by the Secretary, no Member may add or remove **their** name from a petition filed under this Section.
- (4) Notice of all Special Meetings of the Board stating the matters to be considered at the Special Meeting shall be given to all Members of the Board either:
 - (a) by prepaid, special delivery mail deposited in a Canada Post Corporation Post Office no less than ninety-six hours in advance of the time fixed for the meeting;
 - (b) by delivery to the City office, residence or place of business of the Member, including by electronic mail, no less than six hours in advance of the time fixed for the meeting, and the Secretary shall attempt to give such other notice of the meeting to the Member by telephone or as is otherwise practical within the circumstances; and/or
 - (c) by personal service to the Members, not less than six hours in advance of the fixed time for the meeting.

- (5) The Board shall not consider or decide any matter not set forth in the notice calling the Special Meeting, unless consent is given and recorded in the minutes, by all of the Members of the Board.
- (6) Despite this section, on urgent and extraordinary occasions, an emergency special meeting of the Board may be called by the Chair without notice to consider and deal with such urgent and extraordinary matters, with the consent of two-thirds of all the Members of the Board, recorded in the minutes.

COMMENCEMENT OF MEETING

15. (1) As soon as there is a quorum after the hour set for the meeting, the Chair shall take the chair and call the Members present to order.
- (2) The Secretary shall call the roll and record in the minutes the Members present.

CHAIR – MEMBER ABSENT

16. (1) If the Chair or Vice-Chair does not attend within fifteen minutes after the time appointed for a meeting of the Board, the Secretary shall call the Members to order and the Members shall choose amongst themselves a Member to act as Chair.
- (2) While presiding, a Vice-Chair or Presiding Officer shall have all of the powers of the Chair and shall be so addressed, and shall be entitled to vote as a Member.
- (3) If a Member is not present at meetings of the Board for three consecutive meetings without being authorized by a vote of the Council or the Board, such absence may be reported to the Council with a recommendation to Council to dismiss.
- (4) A calendar month in which the Board does not meet shall not be considered in the determination under subsection 16(3) as to whether a Member has been absent for three consecutive months.

NO QUORUM AT START OF MEETING

17. (1) (a) The quorum for the Board meeting is six Members of the Board;
- (b) If no quorum is present to enable a meeting to commence one-half hour after the time appointed for a meeting of the Board, the Secretary shall call the roll and record the names of the Members

present and the Members shall stand discharged from waiting further.

- (2) If a meeting does not take place because of the lack of a quorum under subsection 17(1), the Board shall meet either at the next regularly scheduled meeting of the Board, or at such other time and place as the Chair shall announce.
- (3) The Secretary shall attempt to give notice of any meeting so rescheduled by telephone, electronic mail or as is otherwise practical within the time available.

UNFINISHED BUSINESS - QUORUM LOST

18. (1) If, during the course of a meeting a quorum is lost, then the meeting shall stand adjourned/recessed, not ended, to reconvene at such time and place as the Chair announces.
- (2) If, in the Chair's opinion, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled meeting, then the Chair shall announce that the unfinished business of the Board will be taken up at its next regularly scheduled meeting.
- (3) If during the course of a Special Meeting of the Board a quorum is lost, or a quorum is not present when required to enable the Special Meeting to start, or resume, then the meeting shall stand adjourned/recessed, not ended, to convene or reconvene at such time and place as the Chair announces.
- (4) The Secretary shall give notice of any meeting so adjourned and to be reconvened by telephone, electronic mail or as is otherwise practical within the time available.
- (5) Prior to adjourning a meeting under this section, the Chair may recess the meeting to determine if a quorum can be found.

RECORDING PRESENCE BEFORE ADJOURNMENT

19. When a quorum is not present as required to permit a meeting of the Board to reconvene or to continue then before the Members are discharged, the Secretary shall call the roll and record in the minutes the names of those persons present.

PERSONS WITHIN THE BOARD RING

20. (1) Only Members of the Board and their staff, an officer of Ottawa Public Health and the City or staff serving the Board shall be allowed to come on the area reserved to the Board during the sittings of the Board without the permission of the Chair.
- (2) No person, other than a Member of the Board or an officer serving the Board, shall, before or during a meeting of the Board, place on the desks of Members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Chair.

LEAVING CHAMBERS PRIOR TO ADJOURNMENT

21. Members of the Board leaving their places prior to adjournment shall endeavour to do so in a manner so as not to disrupt the proceedings of the Board.

PART III

VOTING IN THE BOARD

SECRET BALLOT PROHIBITED

22. No vote shall be taken in the Board by ballot or by any other method of secret voting, unless the Board is in closed session and such vote is permitted to be taken in closed session pursuant to the relevant legislation.

RECORDED VOTE

23. (1) Any Member, before the question is decided, may ask that the vote be recorded.
- (2) When a vote is taken and no dissent is declared, such vote shall be deemed to be unanimously in favour of the question approved.
- (3) If a vote is to be recorded, the Secretary shall call the vote, announce the count, and record them in the minutes.

SEVERABILITY OF QUESTION

24. **(1)** When the matter under consideration contains distinct recommendations or propositions, a vote on each recommendation or proposition shall be taken separately should any Member ask, and no vote would then be required to be taken on the matter as a whole.
- (2) Notwithstanding Subsection 24(1), a Member may dissent on one or more recommendations within a matter containing multiple distinct**

recommendations without requiring said recommendation to be voted on separately.

ALL MEMBERS VOTE

25. (1) Every Member present at a meeting of the Board when a question is put forth shall vote, unless prohibited by statute as defined within the **C**onflict of **I**nterest **A**ct, in which case it shall be recorded.
- (2) Any Member who is seated in a seat reserved for the Board **or whom the Secretary can confirm is** present through electronic means and does not vote shall be recorded as voting in the negative.
- (3) Prior to participating in a recorded vote, a Member shall activate their microphone where such is provided. Where the Member does not activate their microphone, the Secretary shall do so.

DISPUTING VOTE

26. If a Member disagrees with the announcement of the Chair that a question is carried or lost, the Member may, but only immediately after the declaration by the Chair, object to the Chair's declaration and require a recorded vote to be taken.

PUTTING QUESTION - MEMBERS SEATED

27. When the Chair calls for the vote on a question, each Member shall occupy a seat reserved for Board Members until the result of the vote has been declared by the Chair, and during such time no Member shall walk across the room or speak to any other Member or make any noise or disturbance. Subject to Subsection 1(5), a Member not in a seat reserved for the Board at the time that Member's name is called shall not be entitled to vote.

PART IV

ORDER OF PROCEEDINGS - AGENDAS AND MINUTES

AGENDA IN THE BOARD

28. (1) The Secretary shall, under the direction of the Chair, prepare for the use of the Members at the regular meetings of the Board an Agenda under the following headings:
 - (a) Announcements/Ceremonial Activities
 - (b) Roll Call

- (c) Regrets
 - (d) Declarations of pecuniary interest (including those originally arising from prior meetings)
 - (e) Confirmation of Minutes
 - (f) Communications
 - (g) Motion to Introduce Reports
 - (h) Information Previously Distributed
 - (i) In Camera Items
 - (j) Motion to Adopt Reports
 - (k) Motions of which notice has been given previously
 - (l) Motions requiring suspension of the rules of procedure
 - (m) Notices of Motion (for consideration at subsequent meeting)
 - (n) Confirmation by-law
 - (o) Inquiries
 - (p) Adjournment
 - (q) Next Meeting
- (2) The business of the Board shall be considered in the order set forth on the Agenda, provided however that the Chair, with approval of the Board, may vary the order of business to better deal with matters before the Board.
- (3) **The Board shall not consider any by-law or report not listed on the Agenda, nor any motion or other matter that has not been distributed to the Members with the Agenda.**
- (4) Communications received after the day prior to a meeting of the Board may, with the approval of the Chair, be distributed at said meeting. Any communications so distributed shall be recorded in the minutes.
- (5) Notice of regrets from Members unable to attend the Board meeting shall be in writing and may be by electronic mail to the Board Secretary.
- (6) The Medical Officer of Health shall have the right to have a report listed on the agenda.

- (7) Members of the Board shall have the right to have a report listed on the agenda provided that such is received by the Secretary seventeen days before the meeting.
- (8) Except as otherwise decided by a two-thirds vote of the Members of the Board present and voting, the Board shall not debate any Information Previously Distributed memorandum or Communication listed on the agenda.

CONSENT AGENDA

29. (1) At the start of a meeting, and if no speaker has registered, the Chair shall proceed through the items in the Agenda to determine if it is the will of the Board that the recommendations be adopted without debate or questions.
- (2) During the progression through the Consent Agenda in accordance with subsection 29(1), no debate, questions or recorded vote shall be permitted but declarations of interest and dissents may be recorded.
- (3) Any Member of the Board may require that a recommendation be debated or subject to questions.
- (4) The Chair shall declare whether each recommendation is carried or will be subject to debate.
- (5) Upon completion of the progression through the Consent Agenda in accordance with subsection 29(1), the Board shall then proceed to consider, in accordance with the Agenda, the reports and recommendations that have not yet been adopted.
- (6) No recommendation which is subject to the holding of a statutory public hearing may be adopted at the time of the consideration of the Consent Agenda unless no speakers are registered and the Chair has made an announcement inviting submissions and any other statutory requirements are met.

EMERGENCY BRIEFING

30. When the City of Ottawa Emergency Operations Centre or Ottawa Public Health's Emergency Response Plan has been activated while the Board is in session or the Medical Officer of Health or **their** designate is of the view that a medical emergency exists, the Medical Officer of Health or **their** designate is authorized to provide an immediate briefing to the Board. This briefing takes precedence over all other agenda items and, despite Subsection 1(2), does not require suspension of the rules.

INFORMATION REPORTS

31. (1) A report may be forwarded to the Board for information.
- (2) Notwithstanding that a report has been forwarded for information, motion(s) may be made by Members of the Board for action to be taken on matters that arise from or are discussed in the report.

DIRECTIONS, INQUIRIES AND ANSWERS

32. (1) Any inquiry made at a meeting of the Board or a Board Committee shall be submitted in writing and referred to the Medical Officer of Health for response.
- (2) The Medical Officer of Health or **their** designate shall respond in writing to the inquiry and the response shall be distributed to all Members of the Board.
- (3) The Secretary shall communicate to the Board on a quarterly basis the status of outstanding inquiries, including the name of the Member originating the inquiry.
- (4) Directions shall identify the requested timeframe for a response. Such timeframe may be amended by the Board, either at the meeting at which the direction is introduced or, without notice, at any subsequent meeting.
- (5) Should the Member who submitted an inquiry at the Board wish to subsequently withdraw said inquiry before staff provides a response, they must provide a written request to the Board Secretary.

DELIVERY OF AGENDA TO MEMBERS

33. (1) Subject to Section 34, not less than seven business days in advance of each regular meeting of the Board, the Secretary shall cause the following to be delivered to each Member:
 - (a) Agenda;
 - (b) Copy of each report to be considered;
 - (c) Copy of each Motion to be considered.
- (2) Copies of each by-law to be considered need not be distributed in advance to the Members of the Board provided such by-laws are available from the Secretary for examination by Members of the Board at least five days in advance of the meeting.

- (3) Delivery, pursuant to subsection 33(1) shall be via electronic mail or by way of a secure electronic data file sharing service.

PUBLIC NOTICE OF REGULAR AND SPECIAL MEETINGS

34. (1) Notice of a regular meeting of the Board shall be given by publication in a daily newspaper no later than the Friday immediately prior to the meeting.
- (2) Notice of a special meeting of the Board will, where time permits, be given by publication in a daily newspaper no later than the Friday immediately prior to the meeting.
- (3) Notice of a special meeting of the Board shall be given at least three hours prior to the meeting by a public service announcement.
- (4) Prior notice of a special meeting held pursuant to subsection 14(6) is not required but notice of the meeting having occurred shall be published in a daily newspaper as soon as possible thereafter.

MINUTES

35. (1) Minutes shall record:
 - (a) the place, date and time of meeting;
 - (b) the names of the presiding officer or officers and the record of the attendance of the Members;
 - (c) the reading, if requested, correction and confirmation of the minutes of prior meetings;
 - (d) declarations of interest;
 - (e) the motions considered and votes taken by the Board; and
 - (f) all the other proceedings of the meeting without note or comment;
- (2) If the minutes have been delivered to the Members of the Board then the minutes shall not be read, and a resolution that the minutes be confirmed shall be in order.
- (3) After the minutes have been confirmed they shall be signed by the Chair and by the Secretary.

IN CAMERA MINUTES

36. (1) *In Camera* minutes shall record:

- (a) where the meeting took place;
- (b) when the meeting started and adjourned;
- (c) who chaired the meeting;
- (d) who was in attendance, including the identity of the Secretary or other designated official responsible for recording the meeting;
- (e) whether any participants left or arrived while the meeting was in progress and if so, at what time this occurred;
- (f) a detailed description of the substantive and procedural matters discussed, including specific reference to any documents considered;
- (g) any motions, including who introduced the motion; and
- (h) all votes taken and all directions given.

COMMUNICATIONS AND PETITIONS

37. (1) Every communication, including a petition designed to be presented to the Board, shall be legibly written or printed, shall not contain any impertinent or improper matter or language and shall be signed by at least one person and filed with the Secretary.
- (2) The Secretary shall list on the Agenda every communication delivered to the Secretary not later than **ten** business days prior to the meeting of the Board where the title of such communication has not been distributed to all Members of the Board.
- (3) **Subject to Subsections 1(2) and 28(3), Communications are not subject to debate or discussion.**
- (3) All communications on any subject within the jurisdiction of a Committee of the Board shall be referred to the appropriate Committee without any motion or debate unless otherwise ordered by the Board or unless the subject matter of the communication or petition has been considered by the Board or will be considered at the meeting where the communication or petition is submitted.

PART V

RULES OF CONDUCT AND DEBATE

ADDRESS THE CHAIR

38. Any Member desiring to speak shall indicate their desire to speak in the manner directed by the Chair, and Members shall address the Chair once they have been recognized.

ORDER OF SPEAKING

39. (1) Subject to Subsection 39(2), when two or more Members signify a desire to speak, the Chair shall recognize the Member who, in the opinion of the Chair, indicated their wish to speak first and then recognize the other Members in order.
- (2) Where an electronic means of indicating a desire to speak is in place, recognition of Members to speak shall, subject to the other provisions of this by-law, be in accordance with such electronic means.

CONDUCT OF MEMBERS IN THE BOARD

40. **(1) Members of the Board shall conduct themselves in the Board and Committee meetings in a professional manner that is respectful of fellow Members, staff and the attending public.**
- (2) No Member shall:
- (a) speak disrespectfully of the Reigning Sovereign, or of any Member of the Royal Family, or of the Governor General or the Lieutenant-Governor of any province, or of a fellow Member of the Board or staff;
 - (b) use offensive words or unparliamentary language;
 - (c) speak on any subject other than the subject in debate;
 - (d) where a matter has been discussed *in camera*, and where the matter remains confidential, disclose the content of the matter or the substance of the deliberations of the *in camera* meeting;
 - (e) disobey the Rules of Procedure, or a decision of the Chair or of the Board on questions of order or practice or upon the interpretation of the Rules of Procedure.
- (3) Where a Member has been called to order by the Chair for failing to observe the provisions of Subsections 40(1) or 40(2) and the Member persists in any such conduct, the Chair may immediately put the following question, with no amendment, adjournment or debate being allowed, “that the Member [Name of Member] be ordered to leave their seat for the

duration of the meeting of the Board”, but if the Member apologizes, the Member may, by vote of the Board, be permitted to retake their seat.

PRIVILEGE

41. (1) Where a Member considers that the Member’s rights, immunities or integrity or the rights, immunities or integrity of the Board as a whole have been impugned, the Member may, as a matter of privilege, rise at any time, with the consent of the Chair, for the purpose of drawing the attention of the Board to the matter.
- (2) Upon being recognized by the Chair, the Member shall state the question of privilege.
- (3) The Chair shall:
 - (a) determine the question, or
 - (b) permit a debate and a vote to be held on the question.

POINTS OF ORDER AND APPEAL/CHALLENGE

42. (1) The Chair shall preserve order and decide points of order;
 - (a) when a Member wishes to raise a point of order, the Member shall ask the permission of the Chair to raise a point of order and, after permission is granted, the Member shall state the point of order to the Chair and the point of order shall be immediately decided by the Chair;
 - (b) thereafter, a Member shall only address the Chair for the purpose of appealing/challenging the Chair's decision to the Board;
 - (c) if no Member appeals, the decision of the Chair shall be final;
 - (d) the Board, if appealed to, shall call a vote without debate on the following question; “Shall the Chair be sustained?” The Chair shall be sustained on a tie vote and the decision of the Board shall be final.
 - ~~(e) a tie vote on an appeal means that the Chair is sustained.~~

MEMBER SPEAKING

43. When a Member is speaking no other Member shall pass between the Member and the Chair or interrupt the Member except to raise a point of order.

QUESTION READ

44. Any Member 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 while speaking.

TIME LIMITED

45. (1) No Member shall be permitted to ask questions and / or speak to a motion, for more than five minutes, excluding staff response time.
- (2) No Member may speak a subsequent time to a matter unless another Member has spoken.

QUESTION PUT - NO FURTHER DEBATE

46. After any question is put by the Chair, no Member shall speak to the question, nor shall any other motion be made until after the result is declared, and the decision of the Chair shall be conclusive as to whether the question has been put.

QUESTIONS

47. (1) A Member may ask a question of the Chair for the purpose of obtaining information relating only to the matter under discussion and such questions must be stated succinctly.
- (2) When questions are called for on the Agenda or a specific item is under discussion, inquiries may be made of the Chair, or through the Chair to any Member of the Board, the Medical Officer of Health or **their** designate, concerning any matter connected with the business of the Board, but no argument or opinion is to be offered, or facts to be stated, except so far as may be necessary to explain the same. In answering or putting any such question a Member is not to debate the matter to which the question refers.

UNPROVIDED CASES

48. In all cases not covered by **the** Board's Procedure By-law, the City's Procedure By-law or Robert's Rules of Order, the matter shall be decided by the Chair, subject to an appeal to the Board.

PART VI

MOTIONS

READING

49. Every motion shall be received and read by the Chair, except in the cases provided for by the Rules of Procedure. However, where motions have been distributed or printed in the Agenda, or are visible by means of an electronic viewing screen, recitals need not be read. Motions before the Board are not required to be seconded.

NO DEBATE UNTIL READ

50. (1) No Member shall speak to any motion until it is first read by the Chair, and the mover is entitled to speak first thereon if the Member so elects. If debated, the question or motion shall be read again before being put, unless such motion is visible by means of an electronic viewing screen.
- (2) The Chair may determine the order of speaking that provides for the orderly application of Sections 47 and 56.

MOTIONS RULED OUT OF ORDER

51. Whenever the Chair is of the opinion that a motion or resolution is contrary to the Rules of Procedure, the Chair shall rule the motion or resolution out of order.

NOT WITHIN JURISDICTION OF THE BOARD

52. (1) A motion or resolution which requires the exercise of a power or powers by the Board which are not within its jurisdiction, shall not be in order.
- (2) Despite subsection 52(1), the Board may by motion express an opinion on a public health matter not within the jurisdiction of the Board but within the jurisdiction of the City of Ottawa.

NOTICE OF MOTION

53. (1) Notices of Motion shall:
- (a) be in writing, and
 - (b) include the name of the mover.
- (2) All Notices of Motion received by the Secretary prior to or at the Notices of Motion segment of the Agenda may be read out by the mover or the Chair during that segment.
- (3) Copies of the Notices of Motion that have been read out shall be distributed to Members at the first available opportunity;

- (4) Consideration of a motion, of which notice was properly given, shall be in order at the next regular meeting or at a special meeting of the Board called for that purpose.
- (5) Prior to the Board's consideration of a motion of which notice has been given previously, a revised motion on the same subject, approved by the mover, may be substituted for the original one contained in the Notice of Motion.

MOTIONS

54. (1) The following matters and motions may be introduced orally without notice and without permission, except as otherwise provided by the Rules of Procedure:
 - (a) a point of order or privilege;
 - (b) to move the question be put;
 - (c) to adjourn.
- (2) The following motions may be introduced without notice and without permission, except as otherwise provided by the Rules of Procedure:
 - (a) to refer;
 - (b) to table, or to postpone, or defer to a certain day;
 - (c) to amend;
 - (d) to suspend the Rules of Procedure;
 - (e) any other procedural motion;
- (3) Except as provided in subsection 54(1), all motions shall be in writing, shall commence with the words "Be It Resolved That" and shall be moved.
- (4) All motions may be supported or opposed by the mover.
- (5) When a Member's motion has been called from the Chair at two successive meetings and not proceeded with, it shall be deemed to have been withdrawn and be dropped from the Agenda unless the Board then otherwise decides.
- (6) The mover may withdraw a motion or a Notice of Motion at any time prior to the commencement of debate thereon.

ORDER OF CONSIDERATION

55. (1) When a question is under consideration, no motion shall be received except a procedural motion or a motion to amend;
- (2) Procedural motions shall be considered immediately upon receipt and shall have precedence and may be subject to debate as follows:
- (a) to extend the time of the meeting (not debatable);
 - (b) to move the question be put (not debatable);
 - (c) to refer (debatable);
 - (d) to lay on the table (debatable);
 - (e) to defer indefinitely or to a certain day (debatable);
 - (f) to adjourn (not debatable);
 - (g) any other procedural motion (debatable).

AMENDMENT

56. A Motion to Amend:
- (a) shall be presented in writing;
 - (b) only one Motion to Amend an amendment to the question shall be allowed at one time and any further amendment must be to the main question;
 - (c) shall be relevant and not contrary to the principle of the report or motion under consideration;
 - (d) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter of the question;
 - (e) shall be put in the reverse order to the order in which it is moved; and,
 - (f) despite subsection 56(e), any amendment(s) to a motion may be placed in order to be determined by the Chair as the most logical, practical and expeditious in all of the circumstances; and,
 - (g) despite subsection 56(e) but subject to subsection 56(f), an amendment that is a substantial substitution for a motion and is antithetical to the intent of the motion shall be considered after the original motion, and only if that motion is lost.

THE QUESTION BE NOW PUT

57. A motion that the question be now put:
- (a) is not debatable;
 - (b) cannot be amended;
 - (c) shall preclude all further amendments of the question;
 - (d) when resolved in the affirmative, the question and all amendments thereto are to be put forward without debate or further amendment;
 - (e) cannot be moved by a Member who has already debated the question unless another Member has subsequently debated the question; and
 - (f) can only be moved in the following words, “that the question be now put on Motion/Item/Recommendation (as the case may be)” and cannot preclude a Member from completing the introduction of an amendment that he/she has moved but has not addressed.

MOTION TO ADJOURN

58. (1) A Motion to Adjourn:
- (a) shall always be in order except as provided by the Rules of Procedure;
 - (b) when resolved in the negative, cannot be made again until after some intermediate proceedings have been completed by the Board;
 - (c) is not in order when a Member is speaking or during the verification of a vote;
 - (d) is not in order immediately following the affirmative resolution of a motion “That the question be now put”;
 - (e) is not debatable.
- (2) A Motion to Adjourn without qualification, if carried, brings a meeting or session of the Board to an end.
- (3) A Motion to Adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends the meeting of the Board to continue at such time.

MOTION TO REFER

59. (1) A motion simply “to refer”, without specifying the Committee or other body or official to whom the matter is referred, is a referral to the Medical Officer of Health.
- (2) A motion for referral to a Committee, Board, Official or Commission or other body until it is decided, shall preclude all amendments of the main question and any motion to postpone or defer, or to lay on the table.
- (3) A motion to refer is debatable.

MOTION TO LAY ON THE TABLE

60. (1) A motion simply “to lay a matter on the table” is debatable but cannot be amended.
- (2) A motion “to lay on the table” with some condition, opinion, or qualification added to the motion to table shall be deemed to be a motion to postpone or defer made under Section 60.
- (3) The matter tabled shall not be considered again by the Board until a motion has been made to take up the tabled matter at the same or a subsequent meeting of the Board.
- (4) A motion to take up a tabled matter is not subject to debate or amendment.
- (5) A motion that has been tabled at a previous meeting of the Board cannot be lifted off the table unless notice thereof is given in accordance with Section 53 hereof.
- (6) A motion that has been tabled and not taken from the table for six months shall be deemed to be withdrawn and cannot be taken from the table.

MOTION TO POSTPONE OR DEFER

61. (1) A matter postponed or deferred to a definite date shall have precedence over all other business on such date.
- (2) A motion to postpone or defer indefinitely shall be treated as if it was a motion to lay on the table.

REVISITING PRIOR DECISIONS

62. The Board may revisit a prior decision of the Board only with an affirmative vote of at least two-thirds (i.e. eight Members) of the entire Board.

MOTION ADOPTING REPORTS

63. A motion of the Board to formally adopt the Reports of the Committees of the Board as those Reports have been adopted, amended or otherwise dealt with by the Board and a by-law to confirm and adopt the same shall:
- (a) not be the subject of amendment or debate;
 - (b) not be divided under Section 24;
 - (c) not be subject to reconsideration directly or indirectly under Section 61; and
 - (d) not be subject to any procedural motion.

PART VII

BY-LAWS

READINGS OF BY-LAWS AND RELATED PROCEEDINGS

64. (1) Subject to a Delegation of Authority By-law, should such be adopted by the Board, no by-law shall be presented to the Board unless the subject matter has been considered and approved by the Board.
- (2) When introduced, every by-law shall be in typewritten form and shall be complete with the exception of the number and date thereof.
- (3) The Secretary shall endorse on all by-laws enacted by the Board the dates of the several readings, if any, thereof.
- (4) Every by-law which has been enacted by the Board shall be numbered, dated, sealed and shall be deposited in the office of the Secretary for safekeeping.
- (5) All by-laws shall be carried in bulk unless upon a request by a Member of the Board for the severance of a by-law, the Chair is of the opinion that the subject matter of the by-law has not previously been adopted in a report to the Board, or a Member of the Board has advised the desire to declare a conflict of interest on the by-law, and in such instance, only that portion of the by-law not previously adopted by report or to which is subject to a declared conflict of interest, shall be subject to a separate vote.
- (6) All by-laws enacted by the Board shall be printed, paged, indexed and bound up in a separate volume for the year in which they are passed.

PART VIII

COMMITTEES

PUBLIC PRESENTATION AT COMMITTEE

65. (1) Oral submissions by the public may be made to the Board or to Committees of the Board.
- (2) The oral submission must not exceed 5 minutes in length.
- (3) The oral submission shall only address an item that appears on the agenda.
- (4) Notice of an oral submission must be made to the Secretary of the Board prior to the commencement of the meeting.
- (5) **Delegates shall register with the Secretary in accordance with the timelines set out on the Agenda.**

PROCEDURE AT COMMITTEES OF THE BOARD

66. Except as otherwise provided herein, any Committees of the Board shall conform to the rules governing procedure in the Board.

ESTABLISHMENT

67. Committees may be established by the Board at any time as is deemed necessary for the consideration of matters within the jurisdiction of the Board.

CHAIR - EX OFFICIO

68. (1) The Chair of the Board is an *ex officio* Member of every Committee.
- (2) Where a Committee is established by reference to a particular number of Members without specifically providing for the Membership of the Chair of the Board, such number is automatically increased by one, being the Chair of the Board, as provided under subsection 68(1).
- (3) The Chair of the Board may vote and otherwise participate in the business of the Committee without any restriction on the same basis as any other Committee Member.

TERMS OF REFERENCE

69. Subject to the provision of any general or special *Act*, the Board, in establishing any Committee, shall set forth Terms of Reference of the Committee and such other provisions as the Board shall deem proper.

COMMITTEE CHAIR

70. (1) The Board, in establishing or making appointments to a Committee, may direct who shall be the Chair of the Committee.
- (2) Subject to any such direction, the Secretary shall preside at the inaugural meeting of any Committee to conduct the election of the Chair and Vice-Chair of the Committee.

MEETINGS OF COMMITTEES

71. (1) The regular meetings of Committees shall be on the day of the week determined by the Board but at such time and at such place as shall be determined by the Committee.
- (2) Should the Board not specify a day for the regular meetings of a Committee, the first regular meeting of the Committee shall be determined by the Chair of the Board with subsequent regular meetings being on a day determined by the Chair of Committee, subject to a motion of the Board and further that no Committee may meet when the Council or the Board is in session.

PART IX

GENERAL PROVISIONS

TIME

72. Time, in this by-law, shall be governed by Eastern Standard Time, except that Eastern Daylight Savings Time shall govern when it is in use in Ottawa.

RECORDING EQUIPMENT

73. At the meetings of the Board or a Committee, the use of cameras, electric lighting equipment, flash bulbs, recording equipment, television cameras and any other device of a mechanical, electronic or similar nature used for transcribing or recording proceedings by auditory or visual means by members of the public, including accredited and other representatives of any news media whatsoever, may be permitted and shall be subject to the approval and/or direction of the Chair or Committee Chair unless otherwise decided by the Board or a Committee.

COMMUNICATION DEVICES

74. The use of any audible communication device is prohibited during a Board meeting, if in the Chair's opinion, the device is interfering with the meeting.

VERBAL UPDATES

75. A memo outlining the details communicated to the Board of Health, via Verbal Updates, shall be appended to the minutes of the meeting.

AMENDMENT OR REPEAL

76. (1) This By-law shall not be amended or repealed except by a majority vote of all Members of the whole Board.
- (2) No amendment or repeal of this By-law shall be considered at any meeting of the Board unless notice of the proposed amendment or repeal with a summary of the changes proposed was:
- (a) tabled at a previous regular meeting of the Board; or,
 - (b) delivered by personal service to the Members not less than seventeen (17) days in advance of the next meeting;

and the Board may not waive such notice.

SHORT TITLE

77. This By-law may be referred to as either the "Procedure By-law" or the "Rules of Procedure".

This by-law was enacted and passed the 28th day of April, 2011. It was amended on March 17, 2014, on March 2, 2015, on February 13, 2017, on June 17, 2019 and on April 25, 2022.

ENACTED AND PASSED this 25th day of April, 2022

BOARD SECRETARY

CHAIR