

**Report to
Rapport au:**

**Ottawa Board of Health
Conseil de santé d'Ottawa
2 March 2015 / 2 mars 2015**

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**Submitted by
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Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE File Number: ACS2015-OPH-SSB-0005

SUBJECT: AMENDMENTS TO OTTAWA BOARD OF HEALTH POLICIES AND BY-LAWS

OBJET: MODIFICATIONS AUX POLITIQUES ET AUX RÈGLEMENTS RÉGISSANT LE CONSEIL DE SANTÉ D'OTTAWA

REPORT RECOMMENDATIONS

That the Board of Health for the City of Ottawa Health Unit:

- 1. Approve the amendments to the *Procedural By-law* of the Board of Health for the City of Ottawa Health Unit, as detailed in Document 2;**

2. Approve the amendments to the *Delegation of Authority By-law* of the Board of Health for the City of Ottawa Health Unit, as detailed in Document 3;
3. Adopt the Performance Appraisal of the Medical Officer of Health Policy, as detailed in Document 4; and
4. Direct staff to bring forward a report in Q3 of 2015, with recommendations for a Code of Conduct for Board of Health members.

RECOMMANDATIONS DU RAPPORT

Que le Conseil de santé de la circonscription sanitaire de la Ville d'Ottawa :

1. approuve les modifications au *Règlement visant à régir les travaux du Conseil de santé de la circonscription sanitaire de la ville d'Ottawa, aussi connu sous le nom de Conseil de santé d'Ottawa*, telles qu'elles sont décrites dans le document 2;
2. approuve les modifications au *Règlement du Conseil de santé de la circonscription sanitaire de la ville d'Ottawa visant la délégation de pouvoirs à divers agents*, telles qu'elles sont décrites dans le document 3;
3. adopte la politique sur l'évaluation du rendement du médecin chef en santé publique, telle qu'elle est décrite au document 4; et
4. demande au personnel de soumettre au troisième trimestre de 2015 un rapport énonçant ses recommandations pour un Code de conduite pour les membres du Conseil de santé.

EXECUTIVE SUMMARY

To mark the commencement of the second term for the Board of Health for the City of Ottawa Health Unit and to ensure continued effective governance of the Board of Health, staff have reviewed the policies, procedures and by-laws that guide the Board of Health. This review included taking into consideration recent amendments to policies, procedures and by-laws of the City of Ottawa and Ottawa City Council; as well as examining the requirements for Boards of Health, as stipulated in the Ontario Public Health Organizational Standards. Consequently, recommended actions to ensure effective governance of the Board of Health include: a number of housekeeping amendments to the Board of Health's *Procedural By-law* and *Delegation of Authority By-law* and the adoption of a policy for the Performance Appraisal for the Medical Officer of Health. It was also determined that staff should bring forward a report to the Board with recommendations for a Code of Conduct for Board of Health members, as per the direction to staff in 2011.

SOMMAIRE

Pour marquer le début du deuxième mandat du Conseil de santé de la circonscription sanitaire de la ville d'Ottawa et pour en assurer une gouvernance efficace continue, le personnel a examiné les politiques, procédures et règlements municipaux qui régissent les activités du Conseil de santé. Cet examen a pris en compte les récentes modifications aux politiques, procédures et règlements de la Ville d'Ottawa et du Conseil municipal de même que les exigences touchant le Conseil de santé en vertu des Normes organisationnelles de santé publique de l'Ontario. Parmi les recommandations formulées à la suite de cet examen, citons certaines modifications d'ordre administratif au *Règlement visant à régir les travaux du Conseil de santé de la circonscription sanitaire de la ville d'Ottawa*, aussi connu sous le nom de *Conseil de santé d'Ottawa* et au Règlement du Conseil de santé de la circonscription sanitaire de la ville d'Ottawa visant la délégation de pouvoirs à divers agents, ainsi que l'adoption d'une politique pour l'évaluation du rendement du médecin chef en santé publique. De plus, le personnel devra soumettre un rapport au Conseil afin de formuler des recommandations pour un Code de conduite pour les membres du Conseil de santé, conformément à des instructions données au personnel en 2011.

BACKGROUND

Many legislative bodies undertake a regular review of policies, procedures and by-laws to ensure effective governance. The [Ontario Public Health Organizational Standards](#), require boards of health to review and revise, if necessary, relevant by-laws, policies and procedures, at least every two years. To mark the commencement of the second term for the Board of Health for the City of Ottawa Health Unit, staff have reviewed the policies, procedures and by-laws that guide the Board of Health. This review included taking into consideration recent amendments to policies, procedures and by-laws of the City of Ottawa and Ottawa City Council; as well as examining the requirements for Boards of Health, as stipulated in the Ontario Public Health Organizational Standards.

The review commenced with examining Board of Health and Ottawa City Council reports that addressed governance, including the [Foundation Policies and By-laws for Ottawa Board of Health Governance Report](#) and the Board of Health's [Mid-Term Governance Review](#) and the [2014-2018 Council Governance Review](#), as outlined in Document 1.

DISCUSSION

The review completed by staff concluded that, to ensure continued effective governance of the Board of Health, a number of housekeeping amendments were required of the Board of Health's *Procedural By-law* and *Delegation of Authority By-law*; and the adoption of a policy for the Performance Appraisal for the Medical Officer of Health (MOH). It was also determined that a report, with recommendations for a Code of Conduct for Board of Health members, be presented to the Board, as per the direction to staff in 2011.

Recommendation 1: Amend the *Procedural By-law* of the Board of Health for the City of Ottawa Health Unit, as detailed in Document 2.

The *Procedural By-law* for the Ottawa Board of Health outlines the rules and procedures by which Board meetings are conducted. Boards of health are required to have a by-law respecting the calling of and proceedings at meetings, as stipulated in Section 2.4 of the Ontario Public Health Organizational Standards. The *Procedural By-law* includes rules of debate and procedures for making motions, voting and establishing committees. This by-law was developed on the principles of accessibility, responsiveness and accountability to the community, fairness, respect and full debate in the conduct of its meetings and flexibility in responding to changing circumstances at meetings of the Board. It was developed by City Clerk's and Solicitor's Department in consultation with Ottawa Public Health (OPH) and was based upon the procedural by-law adopted by City Council.

An appraisal of the *Procedural By-law* of the Board of Health, which was conducted by examining the amendments to *Procedural By-law* for Ottawa City Council, and reviewing current Board of Health meeting procedures, revealed a requirement for a number of housekeeping amendments and two substantive changes, which are outlined below. These recommended amendments are outlined in Document 2, and the substantive changes are outlined below. These recommended changes reflect amendments to Ottawa City Council's *Procedural By-law*.

Verbal Update

Currently, the Medical Officer of Health Verbal Update is a standing item on the Board of Health agenda. This is an opportunity for the Medical Officer of Health to provide the Board with an overview of OPH activities, and updates on recent events, of public health importance. The Chair of the Board may also provide a similar address at the beginning of the meeting. Although the meetings are recorded and a summary of the

verbal update is included in the meeting minutes, the complete verbal update is not documented publicly.

Therefore, it is recommended that the *Procedure By-law* be amended such that Section 74 be added to address verbal updates as follows:

A memo outlining the details communicated to the Board of Health, as part of any verbal report, shall be appended to the minutes of the meeting.

In Camera

Board of Health meetings are held in open session with rare exceptions, in accordance with the *Procedure By-law*.

Under Section 13 (1) of the *Procedure By-law*, there are seven instances, in which the Board may move into closed session, as follows:

- a) the security of the property of the City;
- 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; or
- g) a matter in respect of which the Board is authorized by statute to hold a closed meeting.

Since 2011, the Board has gone in camera four times, mainly to discuss the annual performance appraisal of the Medical Officer of Health.

As outlined in the [2014 – 2018 Council Governance Review](#) report, Clerk's staff has used the Ontario Ombudsman's Open Meeting Law Enforcement Team's (OMLET) best practices with respect to recording In Camera minutes, as set out below:

- 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 Board Secretary or other designated
- e) Official responsible for recording the meeting;
- f) Whether any participants left or arrived while the meeting was in progress and if so, at what time this occurred;
- g) A detailed description of the substantive and procedural matters discussed, including specific reference to any documents considered
- h) Any motions, including who introduced the motion; and
- i) All votes taken, and all directions given.

As Council formally adopted these best practices in December 2014, OPH staff is recommending that the Board also adopt these best practices in the Board of Health *Procedure By-law* for In Camera minutes.

Recommendation 2: Amend the *Delegation of Authority By-law* of the Board of Health for the City of Ottawa Health Unit, as detailed in Document 3.

The *Delegation of Authority By-law* outlines the administrative delegation of certain authorities related to financial, legal, and organizational matters. These various authorities are delegated to the Medical Officer of Health, City Treasurer and City Clerk and Solicitor and recognize the continuance of shared services between the City and the Board of Health. For example, the provisions authorize the Medical Officer of Health to sign agreements or implement organizational changes within OPH; the City Clerk and Solicitor to commence, defend and abandon all legal proceedings pertaining to the Ottawa Board of Health; and the City Treasurer to administer certain aspects of the OPH budget in accordance with this by-law. The by-law delegates authorities within the parameters previously adopted by the City of Ottawa and provides for accountability and transparency through reporting back to the Board on a quarterly basis.

The review of this by-law indicated a requirement for some housekeeping amendments, which are outlined in Document 3. These amendments take into consideration recent amendments to the City's *Delegation of Authority By-law* and reflect the current organizational structure of OPH, with the Deputy Director and Deputy Medical Officer of Health.

Recommendation 3: Adopt the Performance Appraisal of the Medical Officer of Health Policy, as detailed in Document 4.

The Ontario Public Health Organizational Standards recommends that the boards of health have an evaluation policy for staff, including the Medical Officer of Health.

Since 2011, two reports regarding the Performance Appraisal for the Medical Officer of Health have been presented to the Board ([ACS2013-OPH-SSB-0005](#) and [ACS2014-OPH-SSB-0004](#)). The approved process aligned with the Ontario Public Health Organizational Standards, and was in accordance with the City of Ottawa's Learning and Development Policy.

The Performance Appraisal of the MOH for 2012 and 2013 included a survey which was completed by Board of Health members, which assessed performance factors, performance measures, key deliverables and core behaviours. A modified version of the Association of Local Public Health Agencies (alPHA) MOH Performance Appraisal was used for the survey. Following the approval by the Board of the process for the MOH performance appraisal, the Chair of the Board sent the survey to Board members. After the surveys were completed, the responses were collated and broad themes were summarized into an Individual Contribution Agreement for the MOH. The Chair then met with the MOH to review themes and implications for the future. The final report, along with the accompanying Individual Contribution Agreement for the MOH, was presented to the Board as a confidential report, for the Board's review and approval.

As the Ontario Public Health Organizational Standards recommends that boards of health develop and implement policies regarding the functioning of the governing body, including a policy for the performance review of the MOH, staff are recommended that the process utilized for the past two performance appraisals of the MOH, be formalized as a policy. The proposed policy is outlined in Document 4.

Recommendation 4: Direct staff to bring forward a report in Q3 of 2015, with recommendations for a Code of Conduct for Board of Health members.

As noted in Document 1, the Board of Health's Foundational Governance Report recommended that the consideration of the adoption of a Code of Conduct for the Board of Health be deferred until the Council of the City of Ottawa has completed its own review and approved its own recommendations. Since 2011, provisions outlined in the *Procedural By-law* for the Board of Health served as a standard for appropriate conduct of Members.

In 2013, as part of Council's Accountability Framework, City Council established a [Code of Conduct for Members of Council](#). This Code initially outlined the ethical behaviour expected of Members of Ottawa City Council and the citizen members of the Transit

Commission. More recently, with the adoption of the [2014 – 2018 Council Governance Review report](#), members of the Built Heritage Sub-Committee are also covered by this Code of Conduct when acting in their capacity as Commissioners and Sub-Committee members.

The adoption of a Code of Conduct for Board of Health members would contribute to further enhancing the Board's governance framework, and facilitate transparency and accountability, as well as clearly outline ethical standards expected of Members. Consequently, staff will review Council's Code of Conduct, as well as that of other boards of health, and bring forward a report in Q3 of 2015, with recommendations for a Code of Conduct for Board of Health Members.

CONSULTATION

The City Clerk and Solicitor's Department as well as the Human Resources Department were consulted in the writing of this report.

LEGAL IMPLICATIONS

There are no legal impediments to the implementation of the recommendations in this report.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications to the implementation of the recommendations in this report.

FINANCIAL IMPLICATIONS

There are no financial implications to implementing the recommendations in this report.

ACCESSIBILITY IMPACTS

Accessibility was considered in the writing of this report.

BOARD OF HEALTH STRATEGIC PRIORITIES

The recommendations in this report support the Board of Health Strategic Priority E3: Measure and report publicly on progress.

TERM OF COUNCIL PRIORITIES

This report supports the term of Council strategic priority of Governance, Planning and Decision Making.

SUPPORTING DOCUMENTATION

Document 1 - Review of Past Board of Health Governance Reports and Recent City Council Governance Reports

Document 2 – Recommended Amendments to Ottawa Board of Health Policies and By-Laws - *Procedure By-law*

Document 3 – Recommended Amendments to Ottawa Board of Health Policies and By-Laws – *Delegation of Authority By-law*

Document 4 – Medical Officer of Health Performance Appraisal Policy

DISPOSITION

Upon approval of the report by the Board, the Board of Health Secretary will implement changes to the processes, procedures and by-laws, as per the report recommendations.