

**Report to  
Rapport au:**

**Ottawa Board of Health  
Conseil de santé d'Ottawa  
13 February 2017 / 13 février 2017**

**Submitted on February 6, 2017  
Soumis le 6 février 2017**

**Submitted by  
Soumis par:  
Dr. Isra Levy, Medical Officer of Health  
D<sup>r</sup> Isra Levy, Médecin chef en santé publique**

**Contact Person  
Personne ressource:  
Diane Blais, Board of Health Secretary/ Secrétaire du Conseil de santé  
Ottawa Public Health/Santé publique Ottawa  
613-580-2424, ext./poste 21544, [Diane.Blais@ottawa.ca](mailto:Diane.Blais@ottawa.ca)**

**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2017-OPH-SSB-0002**

**SUBJECT: 2014 – 2018 MID-TERM GOVERNANCE REVIEW – OTTAWA BOARD OF HEALTH**

**OBJET: EXAMEN DE MI-MANDAT DE 2014-2018 DE LA STRUCTURE DE GESTION DU 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 outlined in this report and as detailed in Document 1;**
- 2. Approve the amendments to the *Delegation of Authority By-law* of the Board of Health for the City of Ottawa Health Unit, as outlined in this report and as detailed in Document 2; and**

3. Direct staff to liaise with the office of the City Clerk and Solicitor in the next round of governance discussions on how to better address public health implications in City of Ottawa reports.

## **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*, telles qu'elles sont présentées dans le présent rapport et décrites dans le document 1;
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 présentées dans le présent rapport et décrites dans le document 2;
3. demande au personnel d'assurer la liaison avec le bureau du greffier municipal et chef du contentieux, dans la prochaine série de discussions sur la structure de gestion de la ville, sur la façon de mieux adresser les répercussions sur la santé publique dans les rapports de la Ville d'Ottawa.

## **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 that boards of health review and revise (if necessary) relevant by-laws, policies and procedures at least every two years. To fulfill this requirement, staff reviewed the policies, procedures and by-laws that guide the Ottawa 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, subsequent Board of Health reports on governance and/or accountability policies and the City Council 2014-2018 Mid-Term Governance Review report.

## DISCUSSION

Having reviewed the various policies, procedures and by-laws of the Ottawa Board of Health as part of this process, no changes are being recommended to the following:

- By-law 2011-3 – A by-law of the Board of Health to designate a head of the Ottawa Board of Health for the purposes of the Municipal Freedom of Information and Protection of Privacy Act;
- By-law 2011-4 – A by-law of the Board of Health to appoint a person for the purposes of administering requests for disclosure of personal health information pursuant to the Personal Health Information Protection Act, 2004;
- By-law 2011-5 - A by-law of the Board of Health to establish fees for the purposes of administering requests for disclosure of personal health information pursuant to the Personal Health Information Protection Act, 2004;
- Medical Officer of Health Performance Appraisal Policy; and
- Board of Health Code of Conduct.

However, the review concluded that in order to ensure continued effective governance, a number of amendments were required of the Board of Health's *Procedural By-law* and *Delegation of Authority By-law*.

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

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, the most significant of which are explained below. All housekeeping amendments are detailed in Document 1.

### Verbal Reports

Section 28(1) of the Board's Procedure By-law provides a list of headings to be included on Board Agendas. Currently, the list includes "(h) Chair of the Board of Health Oral or Written Update/Report" and "(i) Medical Officer of Health Oral or Written Update/Report".

In practice, the Chair's and the Medical Officer of Health's verbal updates have not appeared as "headings" on the Board's agenda. Rather, they have been treated as numbered agenda items immediately following the heading "Motion to Introduce Reports". Accordingly, staff is recommending that this practice be formalized by removing Sections 28(1)(h) and 28(1)(i) from the Procedure By-law and renumbering the remaining sections accordingly.

### Auditor General Report (Section 28(1))

As indicated above, Section 28(1) of the Board's Procedure By-law provides a list of headings to be included on Board Agendas. In previous versions of the Board's Procedure By-law, this section included a heading for "Auditor General Report", which was deleted during the 2015 review. However cross-references, found at Sections 28(8) & 28(9), were inadvertently retained.

Given the Auditor General's relationship to the Board of Health and the likely frequency of reports from that Office, staff is recommending that Sections 28(8) & 28(9) be deleted. Should there be a need for the Auditor General to report to the Board of Health in future, the report would be listed on the agenda as a regular agenda item, immediately following the Chair's and the Medical Officer of Health's verbal updates.

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

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, semi-annual or annual basis, depending on the authority granted.

#### Authority for Financial Administrative Policies

Section 7 of the City of Ottawa's Delegation of Authority By-law (being by-law 2014-435) gives the City Treasurer the power to "approve corporate financial administrative policies". Pursuant to this authority, in 2016 the City Treasurer approved two (2) inter-related documents titled "Budget Development, Monitoring and Reporting Policy" and "Budget Development, Monitoring and Reporting Procedure". In its opening paragraph, the Budget Development, Monitoring and Reporting Procedure states that "Local Boards are responsible for establishing their own budget procedures."

In reviewing and adapting these documents for Ottawa Public Health, it was noted that a similar delegation of authority does not exist in the Board of Health's Delegation of Authority By-law (being by-law 2011-2), giving the Medical Officer of Health (MOH) the power to "approve corporate financial administrative policies". It is therefore recommended that such a clause be added to Section 14 of the Board of Health's Delegation of Authority By-law, under the heading "Administrative Responsibilities". This would allow the MOH to approve and implement internal administrative policies such as the one referenced above as well as other administrative policies to ensure efficient operations.

#### City Treasurer

In order to bring delegations in line with the City's Delegation of Authority By-law, it is recommended that delegations to the Manager of Budget and Financial Planning be removed throughout, resulting in delegation to two persons individually, the Treasurer or the Deputy Treasurer, Corporate Finance. It is also recommended that Section 21(3) be amended to correct typographical errors that reference Section 15 of the by-law in respect of Medical Officer of Health authority to approve organizational changes.

### City Clerk and Solicitor Department

Sections 29 through 40 of the Board of Health's Delegation of Authority By-law speak to various authorities granted to the City Clerk and Solicitor with respect to litigation, appeals, administrative tribunals and undertakings on behalf of the Ottawa Board of Health. In each of these sections, the By-law currently requires that the exercise of delegated authority pursuant to these sections "shall be reported to the Ottawa Board of Health on a quarterly basis". In a previous governance review, Ottawa City Council approved an amendment to the City's Delegation of Authority By-law to amend the reporting requirement from quarterly to semi-annual. Accordingly, it is recommended that this exercise of delegation of authority be amended to state that the exercise of delegated authority "shall be reported to the Ottawa Board of Health on a semi-annual basis". It is also recommended that the delegation of authority to the City Clerk and Solicitor Department to represent and advance the Ottawa Board of Health's interests in litigation administrative tribunals, appeals, and injunctions be incorporated into Sections 29 and 30, bringing the provisions in line with the City's Delegation of Authority By-law. Finally, it is recommended that Section 47 be amended to reflect organizational changes at the City.

### **Recommendation 3: Direct staff to liaise with the office of the City Clerk and Solicitor in the next round of governance discussions on how to better address public health implications in City of Ottawa reports.**

During consultations with Members of the Board, there was broad consensus with respect to the value of seeking to advance Healthy Public Policy by seeking to implement a "Public Health Implications" section in City of Ottawa reports. Members recognized this as a long-term objective that would require the support of municipal partners and City Council. Members also acknowledged that this would need to be strategically implemented in order to not unduly impact the City's report development processes and timelines or overburden OPH staff who would be tasked with reviewing and commenting on City reports. Accordingly, it is recommended that the Board direct staff to liaise with the office of the City Clerk and Solicitor in the next round of governance discussions on how to better address public health implications in City of Ottawa reports.

### Other Matters

The following topics were also explored during consultations with Members of the Board of Health, however no recommendation is being proposed at this time because there was no consensus:

- Implementing the practice of conducting a brief survey after each Board meeting to gauge Members' level of engagement and the perceived value of information received;
- Holding regular Board meetings at locations other than City Hall; and
- Changing the frequency of Board meetings.

During consultations staff also received the following suggestions for improving processes and procedures and/or for enhancing the Board's effectiveness. These will be explored in greater detail and may be piloted in 2017:

- Identifying Board Members to serve as topic-specific "champions".
- Circulating staff presentations to Board Members in advance of Board meetings. These are currently circulated on the day of Board meetings (Monday afternoon). The suggestion was that they be circulated on the Friday before Board meetings to provide Members time to review them over the weekend.
- Sharing the content of the Chair's and MOH's verbal updates with Board Members in advance of Board meetings.
- Circulating Key Messages and/or Frequently Asked Questions (FAQs) with respect to staff reports to Board Members in advance of Board meetings to facilitate Members' preparation for meetings.
- Enhancing the use of pre-Board meeting Education Sessions in order to focus less on Board Member development and more on Board Member engagement.

## **RURAL IMPLICATIONS**

There are no rural implications associated with this report.

## **CONSULTATION**

The City Clerk and Solicitor's Department and the City's Corporate Services 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**

There are no accessibility implications associated with this report.

**BOARD OF HEALTH STRATEGIC PRIORITIES**

Recommendation 3 of this report is intended to support the Board of Health Strategic Priority of Advancing Healthy Public Policy.

**TERM OF COUNCIL PRIORITIES**

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

**SUPPORTING DOCUMENTATION**

Document 1 - Recommended Amendments to Ottawa Board of Health Policies and By-Laws - *Procedure By-law*

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

**DISPOSITION**

Upon approval of the report by the Board, staff will implement the report recommendations.