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# BOARD OF HEALTH BYLAWS

To Regulate the Proceedings of the Board of Health

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## Table of Contents

<b>Table of Contents .....</b>	<b>1</b>
<b>PREAMBLE: .....</b>	<b>3</b>
<b>INTERPRETATION: .....</b>	<b>4</b>
<b>SECTION I. BYLAW ON CALLING OF AND PROCEEDINGS AT MEETINGS.....</b>	<b>5</b>
Rules .....	5
Notice of Meeting .....	5
Lack of Notice .....	5
Agenda.....	6
Order of Business .....	6
Commencement of Meeting.....	6
Lack of Quorum.....	6
Special Meetings .....	6
Teleconference/Electronic Participation at Meetings .....	7
Public Attendance at Meetings.....	7
Delegations.....	8
Duty of Committees .....	8
Adjournment .....	9
Medical Officer of Health Attendance at Meetings .....	9
<b>SECTION II. BYLAW ON THE CALLING OF AND PROCEEDINGS AT THE FIRST MEETING.....</b>	<b>9</b>
Calling of First Meeting .....	9
Election of Officers .....	9
Appointment of Standing Committees, Auditor, and Legal Advisor(s).....	9
Schedule of Meetings.....	10
Representatives to Other Boards.....	10
Ad Hoc Committees.....	10
<b>SECTION III. BYLAW ON DUTIES, POWERS AND TERM OF OFFICERS AND APPOINTEES .....</b>	<b>10</b>
Chairperson .....	10
Vice-Chairperson .....	11
Committee Chairperson .....	11
Minutes .....	11
Auditor.....	11
Legal Advisor(s) .....	12

Term of Office ..... 13

Appointment of Board Members..... 13

**SECTION IV. BYLAWS ON THE RULES OF DEBATE AND CONDUCT OF MEMBERS ..... 13**

Chairperson of Meeting ..... 13

Points of Order ..... 13

Motions ..... 13

Speaking to Motions ..... 14

Motion to Refer..... 14

Amendment to a Motion ..... 14

Obligation to Vote ..... 15

Objection of the Result of a Vote..... 15

**SECTION V. BYLAW ON REMUNERATION ..... 15**

Payment of Expenses ..... 15

**SECTION VI. BYLAW ON EXECUTION OF DOCUMENTS ..... 15**

**SECTION VII. BYLAW ON BANKING AND FINANCE..... 15**

Signing Authority..... 16

Management of Property..... 16

**SECTION VIII. BYLAW ON AMENDMENTS TO BYLAWS ..... 16**

**SECTION IX. MEDICAL OFFICER OF HEALTH..... 16**

Appointment of Medical Officer of Health/Associate Medical Officer of Health..... 16

Medical Officer of Health Absence or Inability to Act ..... 17

Eligibility for Appointment ..... 17

Extension ..... 17

Dismissal..... 17

Notice and Attendance ..... 18

Duties of Executive Officer ..... 18

**SECTION X. SENIOR MANAGEMENT ..... 18**

Dismissal Senior Management Staff/Dismissal with Just Cause ..... 18

**SECTION XI. HIRING SENIOR MANAGEMENT STAFF ..... 18**

**SECTION XII. APPROVAL AND AUTHORIZATION OF BOARD OF HEALTH..... 19**

**PREAMBLE:**

The Bylaws of the Board of Health of the North Bay Parry Sound District Health Unit are intended to direct the operations of the Board, specifically:

- A) Banking and finance
- B) Appointment of an auditor
- C) Management of its property
- D) Calling of and proceedings at meetings
- E) Appointment and duties of Medical Officer of Health
- F) Other appropriate matters

in order to comply with Section 56 of the *Health Protection and Promotion Act, Revised Statutes of Ontario 1990*.

## INTERPRETATION:

- a) **ACT** means the *Health Protection and Promotion Act, Revised Statutes of Ontario 1990*,
- b) **BOARD** means the Board of Health of the North Bay Parry Sound District Health Unit. The Board of Health is an autonomous corporation without share capital (R.S.O. 1990, c.H.7, s. 52 (1)).
- c) **NORTH BAY PARRY SOUND DISTRICT HEALTH UNIT** means all the area municipalities served by the Health Unit under O. Regulation 64/05, amending O. Regulation 553 of the *Health Protection and Promotion Act, Revised Statutes of Ontario 1990*,
- d) **CHAIRPERSON** means the person presiding at a meeting of the Board or a Committee of the Board, or his/her designate,
- e) **CHAIRPERSON OF THE BOARD** means the Chairperson elected under Section 57 of the *Act*,
- f) **COMMITTEE** means any advisory or other Committee or similar entity of which at least 50 per cent of the members are also members of one or more councils or the Board of Health,
- g) **COMMITTEE OF THE WHOLE** means all members present at a meeting of the Board sitting in Committee,
- h) **COUNCIL** means the Councils of the Member Municipalities of the North Bay Parry Sound District Health Unit, as listed under O. Regulation 65/05, amending O. Regulation 559,
- i) **MEDICAL OFFICER OF HEALTH** means the Medical Officer of Health of the North Bay Parry Sound District Health Unit as under Section 62, 64 and 67 of the *Act*,
- j) **MEETING** means any regular, special or other meetings of the Board of Health or of a Committee of either of them,
- k) **MEMBER** means a member of the Board or of a Committee,
- l) **MOTION** means a proposal brought before the Board,
- m) **QUORUM** means one half (50%) of the members of the Board, or of the members of a Committee,
- n) **RESOLUTION** means a motion passed at a meeting,
- o) **SENIOR MANAGEMENT STAFF** are those staff who report directly to the Medical Officer of Health.

## **SECTION I. BYLAW ON CALLING OF AND PROCEEDINGS AT MEETINGS**

In accordance with section 238, subsection 2 of the *Municipal Act, 2001*, every board shall pass a procedure bylaw for governing the calling, place, and proceeding of meetings.

### **Rules**

1. In all the proceedings at or taken by this Board the following rules shall be observed for the order and dispatch of business at the Board, and in the Committees thereof.
  - a) Except as herein provided Robert's Rules of Order most recent version shall be followed for governing the proceedings of the Board and its Committees.
  - b) No person shall consume alcohol or tobacco at a meeting.

### **Notice of Meeting**

2. The Medical Officer of Health shall:
  - a) Give notice of all meetings of the Board to the members and those concerned with such meetings;
  - b) Ensure that the notice provides verification that the agenda and any other available documents relevant to the business of the meeting, e.g., minutes of the previous meeting, Committee reports, reports of the Medical Officer of Health, correspondence, and any other matters required by the Board are available in the secure site; and
  - c) Cause notice to be delivered to the residence or place of business of each member so as to be received not later than two working days previous to the day of the meeting, if applicable.

The recording secretary shall:

- d) Provide public notice of all meetings of the Board one week prior to the meeting as follows:
  - Post notice of the meeting(s) start time(s) on the North Bay Parry Sound District Health Unit website
  - Provide Communications with notice to forward to media representatives in North Bay Parry Sound district
  - Provide Communications with notice to forward to local office of the Members of Provincial Parliament
  - Email agenda or link to the agenda on the website to the clerks of member municipalities
- e) Ensure Communications emails the Board of Health meeting schedule three times a year to cable operators in the Health Unit catchment area.
- f) Post notice of all Board of Health meetings on the Health Unit website once the schedule is set at the first meeting of the year with the disclaimer that the meeting date is subject to change.

### **Lack of Notice**

3. The lack of receipt of the notice shall not affect the validity of the holding of the meeting or any action taken thereat.

### **Agenda**

4. The Medical Officer of Health shall have prepared for the use of members at the regular Board of Health meetings an agenda of the following items:
  - a) Call to Order
  - b) Approval of Agenda
  - c) Conflict of Interest Declaration
  - d) Approval of Previous Minutes
  - e) Date of Next Meeting
  - f) Business Arising
  - g) Report of Medical Officer of Health
  - h) Board Committee Reports
  - i) Correspondence
  - j) New Business
  - k) In Camera
  - l) Adjournment

### **Order of Business**

5. The business of each meeting shall normally be taken up in the order described in the agenda. Items not on the prepared agenda may be added to the agenda by resolution at the beginning of the meeting.

### **Commencement of Meeting**

6. As soon as there is a quorum after the hour fixed for the meeting, the Chairperson of the Board, or Vice-Chairperson, or person elected to act in their place and stead, shall take the Chair and call the members to order.
  - a) If the Chairperson at any meeting does not attend by the time a quorum is present, the Vice-Chairperson shall call the members to order and preside during the meeting or until the arrival of the Chairperson.

### **Lack of Quorum**

7. Upon any member directing the attention of the Chairperson to the fact that a quorum is not present, the recording secretary, at the request of the Chairperson, shall record the names of those present and advise the Chairperson if a quorum is or is not present. If there is no quorum within thirty minutes after the time appointed for the meeting, the meeting shall then adjourn until the next scheduled day of meeting.

### **Special Meetings**

8. The Chairperson may, when circumstances dictate, convene a special meeting of the Board. In addition, any three (3) Board members by written communication to the Medical Officer of Health may initiate a special meeting.

- a) The rules of notice for regular meetings do not apply,
- b) When necessary, the first order of business at that special meeting shall be approval of the special meeting by a majority of the Board, and
- c) The minutes of such a meeting must be presented to the next regular Board meeting for approval.
- d) The Board of Health may hold a special meeting to amend an applicable procedure bylaw for the purpose of subsection 238 (3.3) of the *Municipal Act, 2001*, related to electronic participation.

### **Teleconference/Electronic Participation at Meetings**

9. Any Board member may actively participate in meetings of the Board by means of teleconference, electronic, or other communication facilities and may be counted in determining whether or not a quorum of members is present at any point in time.
10. Board members may participate electronically in a meeting that is open or closed to the public.

The rules for special meetings as outlined in Bylaw Section I, #8., shall be observed.

### **Public Attendance at Meetings**

11. All meetings of the Board, except for in camera sessions, shall be open to attendance by members of the public. In accordance with the *Municipal Act, 2001*, a meeting or part of a meeting may be closed to the public if the subject matter being considered is:
  - a) The security of the property of the Board;
  - b) Personal matters about an identifiable individual;
  - c) A proposed or pending acquisition or disposition of land by the Board;
  - d) Labour relations or employee negotiations;
  - e) Litigation or potential litigation, including matters before administrative tribunals, affecting the Board;
  - f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - g) A matter in respect of which the Board, Board Committee or other body has authorized a meeting to be closed under another *Act*;
  - h) Information explicitly supplied in confidence to the municipality or local board by Canada, a province 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 or persons, or organization;
  - j) A trade secret of scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;



- k) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on our to be carried on by or on behalf of the municipality or local board;
- l) A request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Board is acting as head of the institution for the purposes of the *Act*;
- m) An ongoing investigation respecting the Board, or a municipally controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of the *Municipal Act, 2001*, or the investigator referred to in subsection 239.2 (1);
- n) A meeting of the Board, or of a Committee, may be closed to the public if the following conditions are both satisfied:
  - i. The meeting is held for the purpose of educating or training the members.
  - ii. 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 or Committee.

Before holding a meeting or part of a meeting that is to be closed to the public, the Board shall pass a resolution, at a public meeting, indicating the fact of holding a closed meeting and the general nature of the matter(s) to be considered.

Upon completion of the in camera meeting, a motion to rise and report out of camera is required. Any motions from the in camera meeting are put to vote out of camera with the exception of motions relating to a procedural matter or for giving directions or instructions (e.g. prepare a report) to employees or persons retained by or under a contract with the North Bay Parry Sound District Health Unit.

### **Delegations**

12. The following rules shall apply to delegations:

- a) Any individual or group of individuals wishing to make a presentation to the Board shall inform the Medical Officer of Health in writing of their intention, at least five days in advance of the meeting at which they wish to appear, including a written submission of their presentation;
- b) The Medical Officer of Health shall include the delegation on the agenda;
- c) Delegations that have not provided appropriate notice may be heard at Board meetings by resolution;
- d) Each delegation will be allowed a maximum of two speakers for a maximum of ten minutes in total. An extension may be granted by resolution of the Board; and
- e) Unless otherwise directed by a resolution, no action respecting the presentation of a delegation will be taken until members have had an opportunity to discuss the presentation and receive advice from the Medical Officer of Health.

### **Duty of Committees**

13. It shall be the duty of the Committee:

- a) To report to the Board on all matters referred to them and to recommend such action as they deem necessary;

- b) To forward to the incoming Committee for the following year any matter undisposed of; and
- c) Committee Chairpersons are elected by the Committee at the first Committee meeting of the year.

### **Adjournment**

- 14. Adjournment of Board of Health/Committee meetings may be reached by unanimous consent, without the formality of a motion. If there is an objection to adjourn by any Board member, the Chair may state the question in a motion to allow for discussion and formal vote. (Chapter II, Robert's Rules of Order)

### **Medical Officer of Health Attendance at Meetings**

- 15. In accordance with Section 70 of the *Act*, the Medical Officer of Health of a Board of Health is entitled to notice of and to attend each meeting of the Board, and every Committee of the Board, but the Board may require the Medical Officer of Health to withdraw from any part of a meeting at which the Board or a Committee of the Board intends to consider a matter related to the remuneration or the performance of the duties of the Medical Officer of Health.

## **SECTION II. BYLAW ON THE CALLING OF AND PROCEEDINGS AT THE FIRST MEETING**

### **Calling of First Meeting**

- 16. The Medical Officer of Health is responsible for calling the first meeting of the year, setting the agenda, and conducting the first meeting, until such time as the Chairperson is elected.

### **Election of Officers**

- 17. At the first meeting, as the first order of business, the Board shall elect:
  - a) A Chairperson of the Board; and
  - b) A Vice-Chairperson of the Board.

The secret ballot is used if necessary.

The Medical Officer of Health will be responsible for the appointment of scrutineers to oversee the voting.

### **Appointment of Standing Committees, Auditor, and Legal Advisor(s)**

- 18. At the first meeting, the Board shall appoint/recognize by resolution the following:
  - a) A **Finance and Property Committee** comprised of all Board members to deal with matters of finance, banking, insurance, property, and financial policies and procedures of the Board of Health;
  - b) A **Personnel Policy, Labour/Employee Relations Committee** comprised of all Board members to deal with matters related to collective agreements (unions) and employment policies (non-union), and personnel policies and procedures of the Board of Health;
  - c) Auditor for the current contract; and

- d) Legal Advisor(s).

Board of Health members may attend in a non-voting capacity any Board of Health Committee meetings of which they are not a member.

### **Schedule of Meetings**

- 19. At the first meeting, the Board shall determine by resolution the schedule and place of regular Board and Board Committee meetings. The Board may, by resolution alter the day, time, and place of any subsequent meeting.

### **Representatives to Other Boards**

- 20. The Board may appoint the representative or representatives required to be appointed annually to other Agencies, Boards, or Commissions, where appropriate.

### **Ad Hoc Committees**

- 21. The Board may appoint Ad Hoc Committees from time to time to deal with specific matters referred by the Board. Ad Hoc Committees will be dissolved at the pleasure of the Board.
  - a) The rules governing the procedure of Board shall be observed in the Committees insofar as applicable.
  - b) Board of Health members may attend in a non-voting capacity any Board of Health Committee meetings of which they are not a member.

## **SECTION III. BYLAW ON DUTIES, POWERS AND TERM OF OFFICERS AND APPOINTEES**

### **Chairperson**

- 22. The Chairperson of the Board shall:
  - a) Preside at all meetings of the Board,
  - b) Represent the Board at public official functions or designate the Vice-Chairperson or another Board member to do so,
  - c) Ensure the Board of Health fulfills its governance responsibilities, and the Board of Health bylaws and policies are followed,
  - d) Ensure the integrity of Board of Health process,
  - e) Ensure all matters relevant to the Board of Health mandate are brought to the attention of the Board of Health for discussion,
  - f) Be an ex-officio member of all Committees to which they have not been named a member. As an ex-officio member of a Committee, the Chairperson of the Board has the same rights as the other Committee members and is counted in determining if a quorum is present, but is not obligated to attend meetings of the Committee,
  - g) Serve as the Board of Health central point of official communication with the Medical Officer of Health and counsel the Medical Officer of Health regarding Board of Health's expectations and concerns,

- h) Serve as the Board of Health's exclusive contact with the media or designate another Board member to do so,
- i) Serve as a mentor to other Board of Health members and ensure that all Board of Health members contribute fully to the work of the Board of Health,
- j) Set a high standard for Board of Health conduct and enforce bylaws and polices regarding Board of Health member conduct,
- k) Act on non-attendance at Board of Health or Board Committee meetings,
- l) Facilitate co-operative relations and foster a collaborative work environment for Board of Health members and the Medical Officer of Health,
- m) Perform such other duties as may from time to time be determined by the Board.

### **Vice-Chairperson**

23. The Vice-Chairperson shall work collaboratively with the Board of Health Chairperson and support the Board of Health Chairperson in fulfilling his/her role.
24. The Vice-Chairperson shall have all the powers and perform all the duties of the Chairperson of the Board in the absence or disability of the Chairperson of the Board, together with such powers and duties, if any, as may from time to time be determined by the Board. The Vice-Chairperson will serve as Chairperson of the Committee of the Whole.

### **Committee Chairperson**

25. The Chairperson of a Committee shall:
- a) Preside at all meetings of the Committee;
  - b) Report on the deliberations and recommendations of the Committee to the Board; and
  - c) Perform such other duties as may from time to time be determined by the Board or the Committee.

### **Minutes**

26. It shall be the duty of the Medical Officer of Health to keep full and accurate minutes of all meetings of the Board and Committees, including text of bylaws and resolutions passed.

### **Auditor**

27. The Auditor of the Board shall:
- a) Be a licensee under the *Public Accountancy Act*,
  - b) Audit the accounts and transactions of the Board of Health,
  - c) Perform such duties as are prescribed with respect to local Boards under the *Health Protection and Promotion Act*, the *Municipal Act*, and the *Municipal Affairs Act*,
  - d) Perform such other duties as may be required by the Board that do not conflict with the duties prescribed as set out in Bylaw III, Clause 26(b),

- e) Have a right of access at all reasonable hours to all books, records, documents, accounts, and vouchers of the Board and is entitled to require from the Board and from the Medical Officer of Health such information and explanations as in their opinion may be necessary to enable them to carry out such duties as set out in Bylaw III Clause 26(b), and under the Act,
- f) Be entitled to attend any meeting of the Board and be heard at any such meeting that they attend on any part of the business of the meeting that concerns them as Auditor,
- g) Provide the Board with a management letter at the conclusion of the audit.

### **Legal Advisor(s)**

28. The Legal Advisor(s) of the Board shall:

- a) Examine reports of the Board on request and to report whenever any matter contained herein is beyond the power of the Board or otherwise illegal,
- b) Advise the Board and Committees as to the legality of all matters considered or proposed to be considered by the said bodies of which they shall have notice,
- c) Advise the Medical Officer of Health, Associate Medical Officer of Health, Directors/Interim Directors, Managers and staff regarding application and enforcement of public health legislation, including but not limited to, the following statutes and their respective regulations or bylaws:

\*

- i. *The Act*
- ii. *Immunization of School Pupils Act*
- iii. *Municipal Tobacco Control Bylaws*
- iv. *Ontario Public Health Standards: Requirements for Programs, Services, and Accountability*

and on other legislation including but not limited to the following:

- v. *Accessibility for Ontarians with Disabilities Act*
- vi. *Child Care and Early Years Act*
- vii. *Fluoridation Act*
- viii. *Emergency Management and Civil Protection Act*
- ix. *Employment Standards Act*
- x. *French Language Services Act*
- xi. *Healthy Menu Choices Act*
- xii. *Labour Relations Act*
- xiii. *Mandatory Blood Testing Act*
- xiv. *Municipal Act*
- xv. *Municipal Conflict of Interest Act*
- xvi. *Municipal Freedom of Information and Protection of Privacy Act*
- xvii. *Occupational Health and Safety Act*
- xviii. *Pay Equity Act*
- xix. *Personal Health Information Protection Act*
- xx. *Safe Drinking Water Act*
- xxi. *Skin Cancer Prevention Act (Tanning Beds)*
- xxii. *Smoke-Free Ontario Act, 2017*

- d) Advise the Medical Officer of Health, Associate Medical Officer of Health, Directors/Interim Directors, Managers and staff regarding orders made under the *Act*, including appeals made to the Health Services Appeal and Review Board.

### **Term of Office**

- 29. The term of office of all officers of the Board and all Committees of the Board shall expire no later than immediately preceding the first meeting referred to in Bylaw II.

### **Appointment of Board Members**

- 30. The membership of the Board of Health shall consist of a maximum of 13 members, up to 3 of which are public appointees as per Section 49 (3) of the *Act*, and 10 of which are municipal appointees as per Section 49 (2) of the *Act* and as listed under O. Regulation 65/05 amending Regulation 559, Revised Statutes of Ontario 1990, under the *Act*.

## **SECTION IV. BYLAWS ON THE RULES OF DEBATE AND CONDUCT OF MEMBERS**

### **Chairperson of Meeting**

- 31. The Chairperson shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order, and deciding all questions relating to the orderly procedure of the meeting.
  - a) If the Chairperson of the Board desires to leave the Chair for the purpose of taking part in the debate or otherwise, the Chairperson shall call on another member to fill their place until they resume the Chair.

### **Points of Order**

- 32. When a member desires to call attention to a violation of the rules of procedure, they shall, rise and, without waiting for recognition, immediately address the Chairperson and state the point of order with a concise explanation and then not speak until the Chairperson has decided the point of order is well taken or the point of order is not well taken, stating briefly their reasons which shall be recorded in the minutes:
  - a) Unless a member immediately appeals to the Board, the decision of the Chairperson shall be final.
  - b) If the decision is appealed, the Board shall decide the question by majority vote without debate and its decision shall be final.
  - c) When the Chairperson calls a member to order, the member shall immediately cease speaking until the point of order is dealt with and they shall not speak again without the permission of the Chairperson unless to appeal the ruling of the Chairperson.

### **Motions**

- 33. The Chairperson may require that any motion be submitted in writing.
  - a) No motion shall be considered by the Board:

- i. Until it is moved by a member and seconded by another member;
  - ii. The mover and seconder, respectively, shall have the privilege of commencing debate.
- b) No motion will be considered by a Committee until it is moved by a member. It is not required that a motion be seconded by a member to be considered by a Committee. Motions adopted in Committee may be presented as recommendations to the Board.
  - c) Every motion shall be deemed to be in possession of the Board for debate after it is presented by the Chairperson, but may with permission of the Board, be withdrawn at any time before amendment or decision.

### **Speaking to Motions**

34. The following rules shall apply to motions:

- a) A member may speak more than once to a motion, but after speaking shall be placed at the foot of the list of members wishing to speak,
- b) No member shall speak to the same motion at any one time for longer than five minutes except that the Board upon motion, therefore, may grant extensions of time for speaking of up to five minutes for each time extended,
- c) When a matter is under debate, no motion shall be received other than a motion:
  - i. To adopt,
  - ii. To amend,
  - iii. To defer action,
  - iv. To refer,
  - v. To receive,
  - vi. To adjourn the meeting, or
  - vii. That the vote be now taken.
- d) When a motion that the vote be now taken is presented, that motion shall be put to a vote without debate, and if carried by a majority vote of the members present, the motion and any amendments thereto under discussion shall be submitted to a vote forthwith without further debate.

### **Motion to Refer**

35. A motion to refer shall take precedence over any amendment.

### **Amendment to a Motion**

36. Amendment to a motion shall be dealt with as follows:

- a) Only one amendment can be presented to the main motion and only one amendment can be presented at any time to that amendment, but when the amendment to the amendment has been disposed of, another may be introduced, and when an amendment has been decided, another may be introduced,
- b) The amendment to the amendment, if any, shall be voted on first, then if no other amendment to the amendment is presented, the amendment to the motion shall be voted on

next, then if no other amendment to the motion is introduced, the main motion as introduced or amended, shall be put to a vote, and

- c) Nothing in this section shall prevent other proposed amendments being read for the information of the members,
- d) Upon the request of any member, when the motion under consideration contains distinct propositions, each proposition shall be voted on separately,
- e) After the Chairperson commences to take a vote, no member shall speak to or present another motion until the vote has been taken on such motion, amendment or sub-amendment.

### **Obligation to Vote**

37. Every member, including the Chairperson present at a meeting of the Board when a vote is taken on a matter shall vote thereon unless prohibited by Statute, including the *Municipal Conflict of Interest Act, 1990*.

- a) The failure of a member to vote on a motion shall be counted as a negative vote.
- b) Any member may require that the vote on a motion be recorded.
- c) A motion must be supported by a majority of the members present to be carried.

### **Objection of the Result of a Vote**

38. If a member disagrees with the announcement by the Chairperson of the result of any vote, they must object immediately to the Chairperson's declaration and require that the vote be retaken and recorded.

## **SECTION V. BYLAW ON REMUNERATION**

### **Payment of Expenses**

39. The Board shall remunerate members for all reasonable expenses incurred as a result of acting in their capacities as members in accordance with Board policy.

## **SECTION VI. BYLAW ON EXECUTION OF DOCUMENTS**

40. The Board may, at any time direct by policy the manner in which the person or persons may sign on behalf of the Board any particular contracts, arrangements, conveyances, mortgages, obligations, or other documents.

## **SECTION VII. BYLAW ON BANKING AND FINANCE**

41. The Board shall direct the Medical Officer of Health to:

- a) Ensure the preparation of budgets for submission to the Board and administer approved budgets under the jurisdiction of the Board,
- b) Ensure the preparation of the financial and operating statements for the Board in accordance with established Ministry policies and generally accepted accounting principles, indicating the financial position of the Board with respect to current operation,



- c) Act as custodian of the books of account and records of the Board required to be kept by legislation or by the Board,
- d) Ensure that all accounting books and records are audited on an annual basis by a licensed public accountant,
- e) Register the Health Unit as a charitable organization and follow all the legal requirements associated therewith,
- f) Enter into an agreement with a recognized chartered bank or trust company which will provide the following services:
  - i) current accounts
  - ii) provision of monthly bank statements
  - iii) payment of interested or surplus funds held at the institution
  - iv) payroll services, as needed
  - v) lending of money to the Board, as required
  - vi) advice and other banking services, as required
- g) Perform other financial duties as the Board may direct.

### **Signing Authority**

42. Signing authorities shall be assigned by Board policy to execute banking transactions, as well as to execute documents under Section VI. Bylaw on Execution of Documents #40.

### **Management of Property**

43. The Board may acquire and hold real property for the purposes of carrying out the functions of the Board and may sell, exchange, lease, mortgage, or otherwise change or dispose of real property owned by it in accordance with Section 52 of the *Act*.

## **SECTION VIII. BYLAW ON AMENDMENTS TO BYLAWS**

44. Any bylaw of the Board may be repealed or amended by majority vote of the Board, provided advanced written notice is given to the Board at the previous meeting. The notice must state the proposed amendment and must be seconded.

## **SECTION IX. MEDICAL OFFICER OF HEALTH**

### **Appointment of Medical Officer of Health/Associate Medical Officer of Health**

45. The Board of Health:
- a) Pursuant to Subsection 62 (1) of the *Act*, shall appoint a full-time Medical Officer of Health,
  - b) Pursuant to Subsection 62 (1) of the *Act*, may appoint one or more Associate Medical Officers of Health of the Board of Health,
  - c) Shall not describe the position of a person whose services are employed by the Board by a title that incorporates the title “Medical Officer of Health” or designation “MOH” or other designation representing the title unless the person is the Medical Officer of Health, Associate Medical Officer of Health or Acting Medical Officer of Health of the Board,

### **Medical Officer of Health Absence or Inability to Act**

- d) Pursuant to Subsection 69 (1) and (2) of the *Act*, where the office of the Medical Officer of Health of a Board of Health is vacant or the Medical Officer of Health is absent or unable to act and there is no Associate Medical Officer of Health of the Board or the Associate Medical Officer of Health of the Board is also absent or unable to act shall appoint forthwith a physician as Acting Medical Officer of Health who shall perform the duties and has the authority to exercise the powers of the Medical Officer of Health of the Board,
- e) Where necessary may appoint an Acting Medical Officer of Health in the short-term absence of the Medical Officer of Health/Associate Medical Officer of Health from one of the following health units, by a qualified locum Medical Officer of Health, or by a physician previously approved by Board of Health resolution, to ensure that the statutory duties and powers of the Medical Officer of Health may continue to be fulfilled,

Algoma Health Unit  
Northwestern Health Unit  
Porcupine Health Unit  
Public Health Sudbury & Districts  
Simcoe Muskoka District Health Unit  
Thunder Bay District Health Unit  
Timiskaming Health Unit

- f) Shall pass a motion naming and updating the roster of Acting Medical Officers of Health of the Health Units specified in bylaw 44 (e)

### **Eligibility for Appointment**

46. No person is eligible for appointment as a Medical Officer of Health or an Associate Medical Officer of Health unless:

- a) They are a physician;
- b) They possess the qualifications and requirements prescribed by the regulations for the position; and
- c) The Minister approves the proposed appointment.

### **Extension**

47. Pursuant to Section 65 (2) of the *Act*, a Board of Health, with the approval of the Minister, may reappoint the Medical Officer of Health or Associate Medical Officer of Health, as the case may be, for a period not exceeding one year at a time until the end of the month in which the Medical Officer of Health or Associate Medical Officer of Health attains the age of seventy years.

### **Dismissal**

48. Pursuant to Section 66 (1) of the *Act*, a decision by the Board of Health to dismiss a Medical Officer of Health or an Associate Medical Officer of Health from office is not effective unless:

- a) The decision is carried by the vote of 2/3 (two-thirds) of the members of the Board; and

- b) The Minister consents in writing to the dismissal.

### **Notice and Attendance**

49. Pursuant to Section 66 (2) of the *Act*, a Board of Health shall not vote on the dismissal of a Medical Officer of Health unless the Board has given to the Medical Officer of Health:
- a) Reasonable written notice of the time, place and purpose of the meeting at which the dismissal is to be considered;
  - b) A written statement of the reason for the proposal to dismiss the Medical Officer of Health; and
  - c) An opportunity to attend and to make representations to the Board at the meeting.

### **Duties of Executive Officer**

50. Pursuant to Section 67 (1) (2) and (3), the Medical Officer of Health of a Board of Health as the Executive Officer of the Board, reports directly to the Board of Health on issues relating to public health concerns and to public health programs and services and is responsible to the Board for management of the public health programs and services and related employees.

## **SECTION X. SENIOR MANAGEMENT**

### **Dismissal Senior Management Staff/Dismissal with Just Cause**

51. Following the recommendation by the Medical Officer of Health:
- a. A decision by a Board of Health to dismiss a senior management staff member from office is not effective unless the decision is carried by the vote of 2/3 (two-thirds) of the members of the Board.
  - b. A Board of Health shall not vote on the dismissal of a senior management staff member unless the Board has given to the member:
    - i. Reasonable written notice of the time, place and purpose of the meeting at which the dismissal is to be considered;
    - ii. A written statement of the reason for the proposal to dismiss the member; and
    - iii. An opportunity to attend and to make representations to the Board at the meeting.
52. Section 50. a., b. i., ii., iii, does not apply to the dismissal of a senior management staff member on probation. That process is delineated in the individual's employment contract under sections "Probation" and "Termination and Resignation".

## **SECTION XI. HIRING SENIOR MANAGEMENT STAFF**

53. Pursuant to Section 67 (2) of the *Act*, the Medical Officer of Health has the authority to hire those staff members who are directly responsible to them. It is further understood that there be a Board representative on the Selection Committee.

## SECTION XII. APPROVAL AND AUTHORIZATION OF BOARD OF HEALTH

54. The foregoing bylaws of the North Bay Parry Sound District Health Unit Board of Health, adopted from the bylaws of the North Bay and District Health Unit, have been duly reviewed and approved by the Board of Health as per Resolution #BOH/2023/01/10.

Original Signed by Rick Champagne

Rick Champagne  
Chairperson, Board of Health  
North Bay Parry Sound District Health Unit

Original Signed by Dr. Chirico

Dr. Jim Chirico  
Medical Officer of Health/Executive Officer  
North Bay Parry Sound District Health Unit

Dated: 2023/02/22 at North Bay, Ontario  
(Year/Month/Day)

### **Amendments to Board of Health Bylaws approved as follows:**

Resolution #BOH/2005/11/03  
Resolution #BOH/2009/09/04  
Resolution #BOH/2009/10/04  
Resolution #BOH/2009/10/05  
Resolution #BOH/2009/10/06  
Resolution# BOH/2009/12/07  
Resolution #BOH/2010/01/16  
Resolution #BOH/2011/11/03  
Resolution #BOH/2013/01/12  
Resolution #BOH/2016/04/08  
Resolution #BOH/2017/06/10  
Resolution #BOH/2018/01/14  
Resolution #BOH/2020/04/04  
Resolution #BOH/2023/01/10