

PETERBOROUGH PUBLIC HEALTH

Board of Health

POLICY AND PROCEDURE

Section: Board of Health	Number: 2-185	Title: By-Law Number 10 – Conduct of Open and In-Camera Meetings
Approved by: Board of Health		Original Approved by Board of Health On (YYYY-MM-DD): 2012-06-13
Signature: <i>Original signed by BOH Chair</i>		Author: Governance Committee
Date (YYYY-MM-DD): 2020-06-10		

NOTE: This is a **CONTROLLED** document for internal use only, any document appearing in a paper form should **ALWAYS** be checked against the online version prior to use.

By-Law Number 10 **A By-Law for the Conduct of Open and In-Camera Meetings**

Section 1 – Interpretation

1.1 In this By-law:

- (1) "Act" means the Municipal Act, 2001;
- (2) "Board" means the Board of Health for the Peterborough County-City Health Unit;
- (3) "Chairperson" means the presiding officer at a meeting;
- (4) "Chairperson of the Board" means the Chairperson elected under the Health Protection and Promotion Act;
- (5) "Committee" means an assembly of members, appointed by the Board of Health, that must meet together to transact business on behalf of the Board, as outlined in Section 12 of Board of Health By-Law 3, the Calling of and Proceedings at Meetings.
- (6) "In-camera Meeting" means a meeting or portion of a meeting that is closed to the public;
- (7) "Meeting" means any regular, special or other meeting of The Board or of a Committee of the Board;
- (8) "Member" means a person who is appointed to the Board by a Council or the Lieutenant Governor-in-Council or a person who is appointed to a Committee by the Board;
- (9) "Motion" means a formal proposal by a member in a meeting that the Board or a

Committee take certain action;

- (10) "Open Meeting" means a meeting of the Board or a Committee that is open to the general public; and
- (11) "Resolution" means a motion that is carried at a meeting by a majority vote in the affirmative of the members present;
- (12) "Secretary" means the individual responsible for attending and taking minutes at Board and Committee meetings.

Section 2 - General

- 2.1 The rules in this By-law shall be observed in the calling of and the proceedings at all Meetings of the Board and Committees.
- 2.2 Notice of all Meetings will be publically posted. If the Meeting is to be held In-camera, this will be noted on the public posting and the general nature of the matter(s) to be considered will be noted.
- 2.3 The determination regarding whether a matter should be dealt with "In-camera" is the responsibility of the Chairperson, in consultation with the Medical Officer of Health and Board Secretary.

Section 3 – In-Camera Meetings

- 3.1 The Board or Committee requires a resolution that the Board or Committee go In-camera and state the general nature of the matter to be considered.

The following script should be used for notice regarding In-camera matters on the public agenda. The corresponding exception should be listed based on the topic being addressed and must include the general nature of the discussion, providing as much information as possible without compromising the matter:

"In accordance with the Municipal Act, 2001,

- *Section 239(2)(a), Security of Board property;*
- *Section 239(2)(b), Personal matters about an identifiable individual, including Board employees;*
- *Section 239(2)(c), A proposed or pending acquisition or disposition of land by the Board;*
- *Section 239(2)(d), Labour relations or employee negotiations;*
- *Section 239(2)(e), Litigation or potential litigation, including matters before administrative tribunals affecting the Board;*
- *Section 239(2)(f), Advice that is subject to solicitor-client privilege;*
- *Section 239(2)(g), A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. 2001;*
- *Section 239(2)(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;*

- *Section 239(2)(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;*
- *Section 239(2)(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*
- *Section 239(2)(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. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26.*
- *Section 239(3)(a), A request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission or other body is the head of an institution for the purposes of that Act.*

If discussion relates to a request being made under the Municipal Freedom of Information and Protection of Privacy Act, the discussion shall be held in closed as required under Section 239(2).

- 3.2 A meeting may be closed if it is held for the purpose of educating or training the Members, so long as no Member discusses or otherwise deals with any matter during the closed meeting in a way that materially advances the business or decision-making of Board or Committee (Section 239(3.1).
- 3.3 Whenever possible, Agendas, Minutes, Reports and other information required for In-camera discussion or consideration shall be pre-circulated electronically to Board / Committee members in a secure form. When pre-circulation is not an option, printed documents will be provided to the Board or Committee at the time of the meeting.
- 3.4 The secretary must be present to record the proceedings of the in-camera meeting. They must be knowledgeable in the requirements for the taking of minutes as set out in Subsection 228(1) of the Municipal Act. The Chair of the board will determine which staff are required to be in attendance. Unless otherwise directed, attendance will be limited to the MOH and Executive team.
- 3.5 Any audio or visual recording of closed meetings is prohibited.

Section 4 – Voting and Minutes

- 4.1 Minutes of In-camera meetings will be kept securely by the Medical Officer of Health, without comment, recording all resolutions, decisions and other proceedings. Minutes of an In-camera meeting shall be brought forward for approval at the following In-camera session.
- 4.2 Voting in an In-camera meeting is permitted if the In-Camera meeting is otherwise authorized and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Board or of a Committee of the Board; or to persons retained by or under a contract with the Board. No other voting can occur.

Section 5- Open Meeting following a Closed Meeting

- 5.1 After a closed meeting, the Chairperson of the board should announce in open meeting that a closed meeting was held. The Chair should use the following script to report:

“The BOH moved a Motion to move into Closed Session to consider business as permitted under the Municipal Act. The following items were considered during closed session (list all items here, including the review of closed meeting minutes):

As a result of our Closed Session today, I wish to report the following:

- *Example: Minutes – Closed Session dated ---- - these minutes were acknowledged by the board.*
- *Example: Local -- negotiations – There was direction given to staff respecting negotiations.*
- *Example: Citizen appointments – There was direction given that a motion be considered in open session regarding this matter and is on the regular open BOH agenda for consideration.*
- *Example: Update on personal injury claim against the board – The BOH received information regarding litigation”*

- 5.2 If there is no companion report in the open meeting agenda and the recommendation does not require immediate action, direction can be given to staff to report back to a subsequent open meeting. The following direction can appear as part of a recommendation within a closed session staff report and can be passed in a Closed Meeting: “That staff be directed to report back to a subsequent BOH <OR> Committee meeting in relation to this matter.”

Section 6- Public disclosure

- 6.1 Once matters in the closed meeting have been dealt with, the Board and/or Committee shall reconvene in open session to disclose, in a general manner, how the agenda items were dealt with in the Closed Meeting (see 5.1).
- 6.2 Should the Board be required to hold an electronic Open and Closed Meeting (i.e., in the event of a declared emergency), the ability to report any items from the Closed Meeting in open session may not be possible given that public access would be terminated once the Board passes a motion to move into closed session. In this instance, the Chair will advise that any motions made during the Closed Meeting would be posted on the PPH website by 9:00 a.m. the following day.
- 6.3 Written material for a Closed Meeting should be limited to only that information which would qualify for discussion at a Closed Meeting.

Section 7 - Miscellaneous

This By-law shall be deemed to have come in to force on the 14th day of June, 2012 by resolution passed by the Board of Health on June 13th, 2012.

Dated at the City of Peterborough the 13th day of June, 2012.

Review/Revisions

On (YYYY-MM-DD): 2013-03-13 (Governance)

On (YYYY-MM-DD): 2013-04-10 (Board)

On (YYYY-MM-DD): 2015-09-09 (Board)

On (YYYY-MM-DD): 2017-03-08

On (YYYY-MM-DD): 2019-09-18 (Reviewed, no changes)

On (YYYY-MM-DD): 2020-06-10 (Board)