



## BOARD OF HEALTH

<b>SECTION:</b>	<b>Governance</b>	<b>APPROVED BY:</b>	<b>Board of Health</b>
<b>NUMBER:</b>	<b>BOH-GOV-030</b>	<b>REVISED:</b>	<b>June 2024</b>
<b>DATE:</b>	<b>May 1, 2018</b>		

# Delegation of Powers and Duties

### **PURPOSE:**

The purpose of this policy is to establish provisions for the delegation of the powers and duties of the Board of Health for the Oxford, Elgin, St. Thomas Health Unit (OESTHU), including legislative and quasi-judicial powers that have traditionally been held by the Board alone.

### **POLICY:**

All delegations of Board powers, duties or functions shall be effected by bylaw or policy. Unless a power, duty or function of the Board has been expressly delegated by bylaw or policy, all of the powers, duties and functions of the Board shall remain with the Board.

#### Authorization of Expenditures:

The Board of Health has the ultimate authority for all expenditures. The Board delegates this authority through the authorization of budgets, the procurement policy and/or by specific resolution or direction to staff.

The Procurement Policy sets out the authority for payment of accounts and sets limits on spending levels. It also provides direction on the circumstances in which certain purchasing mechanisms are appropriate (i.e., informal quotes, formal quotes, tender submissions or requests for proposal).

#### Authority to Execute Agreements:

Whereas it is desirable and expedient in the conduct of the Board's affairs to delegate certain powers and duties to staff, this policy shall authorize the CEO to enter into an agreement and shall authorize the CEO to legally bind the Health Unit by executing said agreement without

approval if the following criteria are met:

- The subject matter is non-financial or procured in accordance with the purchasing policy and for which approved operating or capital budget exists;
- The subject matter is of an administrative or operational nature and relates to the management of the Health Unit; and
- The agreement is for a term not exceeding five (5) years.

### Municipal Freedom of Information and Protection of Privacy Act (MFIPPA):

The Board of Health as the Institution under MFIPPA legislation is responsible for the fulfilment of many of the compliance requirements for responding to Freedom of Information (FOI) requests as well as the protection of client privacy. As the majority of Board members are elected municipal officials, section 3 of this legislation requires that members of the Board of Health designate one person or committee to be appointed, by by-law, as “Head” for the purposes of the Act.

To facilitate the timely and efficient fulfilment of obligations by OESTHU to ensure compliance with respect to responding to FOI requests from clients, other institutions, the general public and/or media, as well as ensure the protection of the client, OESTHU and third party privacy, the designated “Head” will appoint the CEO to fulfill all the responsibilities of the Head under the Act.

### **PROCEDURE:**

- 1) As part of the order of business for the first meeting of a newly constituted Board of Health, the members shall appoint the Chair of the Board of Health, “Head” in accordance with MFIPPA and By-Law number 1 section 2. See “BOH-GOV-030(F) – Appendix A” for template for By-Law appointing “Head” under MFIPPA.
- 2) By motion of the Board of Health, the newly appointed “Head” will delegate OESTHU CEO as acting "Head" of OESTHU for the purpose of ensuring day-to-day fulfilment of OESTHU's compliance obligations under MFIPPA.

### **COMPLIANCE:**

Non-compliance with this policy and any associated procedures may result in appropriate disciplinary measures.

### **REVISION DATES:**

February 2019  
June 2024