



Ontario Library Service – North
Service des bibliothèques de l'Ontario – Nord

Governance Fundamentals

Winter 2019

Presented by Southern Ontario Library Service and Ontario Library Service – North

Webinar Dates & Times

- Monday, January 21 – 7pm to 8pm EST
- Thursday, February 7 – 7pm to 8pm EST
- Saturday, February 9 – 11am to noon EST
- Tuesday, February 12 – 2pm to 3pm EST
- Saturday, February 23 – 11am to noon EST

Register at www.learnhq.ca

Topics

1. Public Library Legislation
2. Establishing the Library
3. The Authority of the Board
4. First Meeting of the Library Board
5. Staff and Officers of a Library Board
6. Meetings
7. Responsibilities of the Board
8. Power and Duties of the Board

Public Library Legislation

Public Libraries Act (PLA)

- Key legislation for libraries in Ontario: Public Libraries Act
- Establishes free public library service in Ontario
- Supports equal and universal access to information

Municipal Act

- Contains 3 specific requirements for all local boards, including the public library board:

A local board shall adopt and maintain policies with respect to the following matters:

- Its sale and other disposition of land
- Its hiring of employees
- Its procurement of goods and services

Municipal Act

- Municipalities must appoint an auditor to audit the accounts of the municipality **and its local boards.**

Establishing the Library

Establishing the Library

- Under the PLA, municipalities are given the power to establish public library boards

Note:

- A municipal library system is established by municipal by-law
- A county library system is established by county by-law

The Authority of the Board

The Authority of the Board

- Public libraries in Ontario must be operated under the management and control of a public library board
- The board is:
 - Responsible for the operation of the library system
 - The ultimate decision-maker for the library

First Meeting of the Library Board

First Meeting of the Board

- Most commonly called by the Library CEO
- If a CEO is not in place at the beginning of a new term, the first meeting is called by the municipal or county clerk

First Meeting: Electing a Chair

- First item of business = electing a chair
- It is not necessary to elect a vice-chair, although it is common practice to do so

Staff and Officers of a Library Board

Staff and Officers of a Library Board

- Every board must appoint a CEO, a board secretary and a board treasurer

CEO	Secretary	Treasurer
<ul style="list-style-type: none"> • Every board must appoint a CEO • The CEO is an employee of the board • The CEO reports to the board, <u>not</u> the municipality 	<ul style="list-style-type: none"> • Every board must appoint a secretary • The CEO can also be the secretary • May use a Recording Secretary to take minutes at board meetings 	<ul style="list-style-type: none"> • Every board must appoint a treasurer • The CEO can also be the treasurer

Staff and Officers of a Library Board

Treasurer

Every library board must appoint a treasurer who will:

1. Receive and account for all the board's money
2. Open an account in the name of the board
3. Deposit all money received on the board's behalf
4. Disburse the money as the board directs

(Public Libraries Act, Section 15(4))

Staff and Officers of a Library Board

Treasurer

- The Library Board can have the Library CEO as Treasurer but use a bookkeeper to account for all the board's money or payroll service.
- Bookkeeping and payroll services can be undertaken by a private service or by municipal staff
- If bookkeeping or other administrative functions are undertaken by municipal staff, directions regarding the disbursement of library funds remain the prerogative of the library board

Staff and Officers of a Library Board

Treasurer

- The library board must have a bank account in the name of the library board
- This account is used by the Ministry to deposit funds, such as the Public Library Operating Grant (PLOG)

Meetings

Number of meetings

- The board must hold 10 regular meetings in a year
- All regular meetings must be open to the public

Relevant Legislation

"A board shall hold regular meetings at least once monthly from January to June and from September to December, both inclusive, and at such other time as it considers necessary." (PLA, Section 16(1))

Special Meetings

- The board can hold special meetings
- All special meetings or meetings of committees of the board must be open to the public

Relevant Legislation

"The chair or any two members of a board may summon a special meeting of the board by giving each member reasonable notice in writing, specifying the purpose for which the meeting is called." (PLA, Section 16(2))

Quorum

- The presence of a majority of the board is necessary for the transaction of business at a meeting
- Quorum is based on the number of members appointed to the board

Voting

- The chair and acting chair can vote with the other members of the board
- In the event of a tie vote, the vote is deemed to be negative

Attendance

- Board members are expected to attend every regular meeting of the library board
- Under the PLA, there are conditions under which a board member could become disqualified:
 - If a board member is absent from regular meetings for three consecutive months without being authorized by a board resolution, then the member's seat becomes vacant (PLA Section 13(c))

Remote Attendance

- As long as the library board itself meets in a public area, individual members can join a board meeting in person, via telephone or via an online method such as Skype
- Meeting business cannot be conducted via email

Closed Meetings (In-camera meetings)

- All library board meetings are open to the public
- Meetings can only be closed to discuss certain subject matters:
 - The security of the property of the board
 - Personal matters about an identifiable individual
 - A proposed or pending acquisition or disposition of land
 - Labour relations or employee negotiations
 - Litigation or potential litigation affecting the board
 - Advice that is subject to solicitor-client privilege

Closed Meetings

- A board meeting may also be closed to the public to discuss:
 - “a matter in respect of which a board or committee of a board may hold a meeting under another Act”
 - A request under the Municipal Freedom of Information and Protection of Privacy Act

Closed Meetings: Records

- Before holding a meeting or part of a meeting that is to be closed to the public, a board or committee of the board shall state by resolution:
 - a) The fact of the holding of the closed meeting; and
 - b) The general nature of the matter to be considered at the closed meeting
- Records of the discussion must be kept separately from the minutes of the regular board meetings, in a secure place

Responsibilities of the Board

Responsibilities of the Board

Responsibility #1	Responsibility #2	Responsibility #3
Accountability to Municipal Council	Reporting responsibilities to the province	Provision of free public library service reflecting the needs of the community

Responsibilities of the Board

Responsibility #1: Accountability to Municipal Council

- The board must submit budget estimates and an audited financial statement to council each year
- The board must seek council approval to acquire and dispose of real property and to raise funds through debentures

Responsibilities of the Board

Responsibility #2: Reporting responsibilities to the province

- The board is required to report specific statistics to the provincial minister annually
- The board is also required to report on specific grants

Responsibilities of the Board

Responsibility #3: Provision of free public library service reflecting the needs of the community

- Section 20(a) of the PLA directs a public library board to provide “comprehensive and efficient public library service” reflecting the community’s needs

Power and Duties of the Board

Power and Duties of the Board

- The board has the authority to formulate policies and rules concerning the operation and services of the library
- The board **may** make rules:
 - For the use of library services
 - For the admission of the public to the library
 - For the exclusion of persons who are disruptive or cause damage to library property
 - Imposing fines for breaches of rules
 - Suspending library privileges for breaches of rules
 - Regulating matters connected with the management of library and property

Power and Duties of the Board

A board **cannot** charge for:

- Admission to the library
- Use in the library of the library's materials
- Reserving and borrowing circulating materials that are prescribed or belong to a prescribed class

Fees **may** be charged for:

- Other services not mentioned above
- Use of the parts of the building
- Use of library services by persons who do not reside within the library's geographical boundaries

Relevant Legislation

Regulation 976 under the Public Libraries Act outlines the prescribed classes of circulating materials. These include: books, periodicals, newspapers, motion pictures, accessible audio materials, and more.

Governance Training: Next Steps

Webinar Dates & Times

- Monday, January 21 – 7pm to 8pm EST
- Thursday, February 7 – 7pm to 8pm EST
- Saturday, February 9 – 11am to noon EST
- Tuesday, February 12 – 2pm to 3pm EST
- Saturday, February 23 – 11am to noon EST

Governance Training: Next Steps



Regional Orientation Sessions

Details to come



Governance HUB

[www.sols.org/
governance-hub](http://www.sols.org/governance-hub)



OLBA Bootcamp Saturday, February 2, 2019

At the OLA
Super Conference



Questions?

SOLS: consulting@sols.org
OLS – North: skills@olsn.ca