

**RHPL Board Governance Steering Committee Agenda****Date: Thursday, December 14, 2023, 2pm at Central Library****Chair:** to be decided at meeting**Members in Attendance:**

- Stephen Chait - virtual
- Jason Cherniak
- Councillor Carol Davidson - virtual
- Yunmi Hwang, Director, Branch and Customer Experiences
- Sadra Nasser
- Susan Quinn, Executive Assistant and Governance Coordinator
- Mona Shahnazari
- Darren Solomon, CEO

**Guests/Presenters:**

- None

**Member Regrets:**

- Courtney Beatty, City HR Partner

## **Agenda**

1. Agenda adoption
2. Elect Chair of RHPL Board Governance Steering Committee / D. Solomon
3. Elect Vice Chair of RHPL Board Governance Steering Committee / D. Solomon
4. Elect Secretary of RHPL Board Governance Steering Committee / D. Solomon
5. Documents for information:
  - a. Public Libraries Act
  - b. Board By-Laws
  - c. City of Richmond Hill and RHPL Shared Service MOU
6. New Business:
  - a. Discussion on areas of opportunity
7. Adjournment

### **1. Agenda Review and Adoption**

*Key Discussion Points / Options Considered / Criteria Used in Decision-Making*

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#### **Motion: GC23.01**

That the agenda be adopted.

Moved by:

Carried or Not Carried

### **2. Electing Chair of RHPL Board Governance Steering Committee / D. Solomon**

*Key Discussion Points / Options Considered / Criteria Used in Decision-Making*

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#### **Motion: GC23.02**

That \_\_\_\_\_ be the chair of Governance Steering Committee

Moved by:

Carried or Not Carried

**3. Electing Vice Chair of RHPL Board Governance Steering Committee / D. Solomon**

*Key Discussion Points / Options Considered / Criteria Used in Decision-Making*

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**Motion: GC23.03**

That \_\_\_\_\_ be the Vice Chair of Governance Steering Committee

Moved by:

Carried or Not Carried

**4. Electing Secretary of RHPL Board Governance Steering Committee / D. Solomon**

*Key Discussion Points / Options Considered / Criteria Used in Decision-Making*

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**Motion: GC23.04**

That \_\_\_\_\_ be the Secretary of Governance Steering Committee

Moved by:

Carried or Not Carried

**5. Documents for Information- Public Libraries Act, Board By-Laws and City of Richmond Hill and RHPL Shared Service MOU / D. Solomon**

*Key Discussion Points / Options Considered / Criteria Used in Decision-Making*

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**Motion: GC23.05**

That the Board Governance Steering Committee:

Receive the documents for information.

Moved by:

Carried or Not Carried

**Next Steps**

| Action Item | Accountable | Due |
|-------------|-------------|-----|
|             |             |     |
|             |             |     |

**6. New Business (discussion on areas of opportunity)**

*Key Discussion Points / Options Considered / Criteria Used in Decision-Making*

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**Motion: GC23.06**

That the Board Governance Steering Committee:

TBC

Moved by:

Carried or Not Carried

**Next Steps**

| Action Item | Accountable | Due |
|-------------|-------------|-----|
|             |             |     |
|             |             |     |

## **7. Adjournment**

### **Motion: GC23.07**

That the meeting be adjourned at \_\_\_\_\_ pm

Moved by:

Carried

**Secretary:** TBC

**Approved by Chair:** TBC

# Public Libraries Act

R.S.O. 1990, CHAPTER P.44

**Consolidation Period:** From December 10, 2019 to the [e-Laws currency date](#).

Last amendment: 2019, c. 14, Sched. 12.

Legislative History: 1993, c. 27, Sched.; 1996, c. 32, s. 83; 1997, c. 26, Sched.; 1999, c. 6, s. 56; 2002, c. 17, Sched. C, s. 24; 2002, c. 18, Sched. F, s. 3; 2005, c. 5, s. 60; 2006, c. 32, Sched. C, s. 53; 2009, c. 33, Sched. 11, s. 7; 2019, c. 14, Sched. 12.

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## Definitions

1 In this Act,

“board” in Part I means a public library board, a union board, a county library board or a county library co-operative board; (“conseil”)

“lower-tier municipality”, in relation to a county, means a municipality that forms part of the county for municipal purposes; (“municipalité de palier inférieur”)

“Minister” means the Minister of Culture or such other member of the Executive Council to whom the administration of this Act may be assigned under the *Executive Council Act*; (“ministre”)

“municipality” means a local municipality; (“municipalité”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“single-tier municipality”, in relation to a county, means a municipality that is geographically located within the county but does not form part of the county for municipal purposes. (“municipalité à palier unique”) R.S.O. 1990, c. P.44, s. 1; 2002, c. 17, Sched. C, s. 24 (1); 2002, c. 18, Sched. F, s. 3 (1-3); 2009, c. 33, Sched. 11, s. 7 (1).

### Section Amendments with date in force (d/m/y)

2002, c. 17, Sched. C, s. 24 (1) - 01/01/2003; 2002, c. 18, Sched. F, s. 3 (1-3) - 26/11/2002

2009, c. 33, Sched. 11, s. 7 (1) - 01/04/2010

## PART I PUBLIC LIBRARY SERVICE

### PUBLIC LIBRARY BOARDS

#### Public libraries continued

2 Every public library established under a predecessor of this Part that was being operated immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 2.

#### Establishment of public library

3 (1) The council of a municipality may by by-law establish a public library. R.S.O. 1990, c. P.44, s. 3 (1); 2002, c. 18, Sched. F, s. 3 (4).

#### Copy of by-law to be sent to Minister

(2) When a by-law is passed under subsection (1), the clerk shall promptly mail or deliver a copy of the by-law to the Minister. R.S.O. 1990, c. P.44, s. 3 (2).

#### Board

(3) A public library shall be under the management and control of a board, which is a corporation known in English as The (*insert name of municipality*) Public Library Board and in French as Conseil de la bibliothèque publique de (*insert name of municipality*). R.S.O. 1990, c. P.44, s. 3 (3).

### Section Amendments with date in force (d/m/y)

2002, c. 18, Sched. F, s. 3 (4) - 26/11/2002

### UNION BOARDS

#### Union libraries continued

4 Every union public library established under a predecessor of this Part that was being operated immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 4.

#### Establishment of union public library

5 (1) The councils of two or more municipalities may make an agreement for the establishment of a union public library. R.S.O. 1990, c. P.44, s. 5 (1).

## **Agreement**

(2) An agreement under subsection (1) shall specify what proportion of the cost of the establishment, operation and maintenance of the union public library, including the cost of existing libraries, shall be paid by each municipality. R.S.O. 1990, c. P.44, s. 5 (2).

## **Union board**

(3) A union public library shall be under the management and control of a union board, which is a corporation known in English as The *(insert appropriate name)* Union Public Library Board and in French as Conseil de la bibliothèque publique unie de *(insert appropriate name)*. R.S.O. 1990, c. P.44, s. 5 (3).

## **Dissolution of public library boards**

(4) When an agreement is made under subsection (1),

- (a) the public library boards established for the municipalities for which the union board is established are dissolved; and
- (b) the assets and liabilities of those public library boards are vested in and assumed by the union board unless the agreement provides otherwise. 2002, c. 18, Sched. F, s. 3 (5).

## **Copy of agreement to be sent to Minister**

(5) When an agreement is made under subsection (1), the clerk of the municipality that has the greatest population shall promptly mail or deliver a copy of the agreement to the Minister. R.S.O. 1990, c. P.44, s. 5 (5).

## **Section Amendments with date in force (d/m/y)**

2002, c. 18, Sched. F, s. 3 (5) - 26/11/2002

## COUNTY LIBRARY BOARDS

### **County libraries continued**

6 Every county library established under a predecessor of this Part that was being operated immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 6.

### **County library establishment**

7 (1) Where resolutions of the councils of at least two-thirds of the municipalities forming part of a county for municipal purposes request that the county establish a county library, the council of the county may by by-law establish a county library for those municipalities. R.S.O. 1990, c. P.44, s. 7 (1).

### **Copy of by-law to be sent to Minister**

(2) When a by-law is passed under subsection (1), the clerk shall promptly mail or deliver a copy of the by-law to the Minister. R.S.O. 1990, c. P.44, s. 7 (2).

### **Additional members: agreements**

(3) At any time after a county library is established, the council of a non-participating lower-tier municipality or single-tier municipality and the county council may make an agreement bringing the non-participating lower-tier municipality or single-tier municipality into the county library, and the county council shall amend the establishing by-law accordingly. 2002, c. 17, Sched. C, s. 24 (2).

### **Contents of agreement**

(4) An agreement under subsection (3) shall specify what proportion of the cost of the establishment, operation and maintenance of the county library shall be paid by the county and the single-tier municipality, respectively. 2002, c. 17, Sched. C, s. 24 (2).

### **Dissolution of public library boards, etc.**

(5) When a county library is established,

- (a) every public library board and county library co-operative board established for a municipality or any part thereof that is included in the area for which the county library is established is dissolved; and
- (b) the assets and liabilities of those boards are vested in and assumed by the county library board unless the by-law establishing the county library provides otherwise. 2002, c. 18, Sched. F, s. 3 (6).



**Idem**

(6) When a municipality joins a county library, subsection (5) applies with necessary modifications. R.S.O. 1990, c. P.44, s. 7 (6).

**County library board**

(7) A county library shall be under the management and control of a board, which is a corporation known in English as The (*insert name of county*) County Library Board and in French as Conseil de la bibliothèque du comté de (*insert name of county*). R.S.O. 1990, c. P.44, s. 7 (7).

**Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. C, s. 24 (2) - 01/01/2003; 2002, c. 18, Sched. F, s. 3 (6) - 26/11/2002

**COUNTY LIBRARY CO-OPERATIVE BOARDS****County library co-operative boards continued**

8 (1) Every county library co-operative board established under a predecessor of this Act that was in existence immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 8 (1).

**When dissolved**

(2) If a county library co-operative board has jurisdiction in an area for which a county library is established, the county library co-operative board is dissolved, and its assets and liabilities are vested in and assumed by the county library board. 2002, c. 18, Sched. F, s. 3 (7).

**Section Amendments with date in force (d/m/y)**

2002, c. 18, Sched. F, s. 3 (7) - 26/11/2002

**GENERAL****Composition of public library board**

9 (1) A public library board shall be composed of at least five members appointed by the municipal council. 2002, c. 18, Sched. F, s. 3 (8).

**Composition of union board**

(2) A union board shall be composed of at least five members appointed by the councils of the affected municipalities in the proportions and in the manner specified in the agreement made under subsection 5 (1). 2002, c. 18, Sched. F, s. 3 (8).

**Composition of county library board**

(3) A county library board shall be composed of at least five members appointed by the county council. 2002, c. 18, Sched. F, s. 3 (8).

**Same**

(4) When a single-tier municipality joins a county library, the members of the county library board shall be appointed by the county council and the council of the single-tier municipality in the proportions agreed upon by the county council and the council of the single-tier municipality. 2002, c. 18, Sched. F, s. 3 (8).

**Composition of county library co-operative board**

(5) A county library co-operative board shall be composed of at least five members appointed by the county council. 2002, c. 18, Sched. F, s. 3 (8).

**Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. C, s. 24 (3) - no effect - see 2002, c. 18, Sched. F, s. 3 (8) - 26/11/2002; 2002, c. 18, Sched. F, s. 3 (8) - 26/11/2002

**Board members**

10 (1) A person is qualified to be appointed as a member of a board who is a member of the appointing council or,

- (a) is at least eighteen years old;
- (b) is a Canadian citizen or a permanent resident of Canada within the meaning of the *Immigration and Refugee Protection Act* (Canada);
- (c) is,

- (i) a resident of the municipality for which the board is established in the case of a public library board, a resident of one of the municipalities for which the board is established in the case of a union board, a resident of one of the participating municipalities in the case of a county library board, or a resident of the area served by the board in the case of a county library co-operative board,
  - (ii) a resident of a municipality that has a contract with the board under section 29,
  - (iii) a resident of the board area of a local service board that has a contract with the board under section 29,
  - (iv) a member of an Indian band that has a contract with the board under section 29, or
  - (v) a member of a second board that has entered into a contract with the board to purchase from it library services for the residents of the second board; and
- (d) is not employed by the board or by the municipality or county or, in the case of a union board, by any of the affected municipalities. R.S.O. 1990, c. P.44, s. 10 (1); 2002, c. 18, Sched. F, s. 3 (9); 2019, c. 14, Sched. 12, s. 1.

**Number of council members on board limited**

- (2) The appointing council shall not appoint more of its own members to a board than the number that is,
- (a) in the case of a public library board or union board, one less than a majority of the board; and
  - (b) in the case of a county library or a county co-operative library, a bare majority of the board. R.S.O. 1990, c. P.44, s. 10 (2).

**Term**

- (3) A board member shall hold office for a term concurrent with the term of the appointing council, or until a successor is appointed, and may be reappointed for one or more further terms. R.S.O. 1990, c. P.44, s. 10 (3).

**Time for making appointments**

- (4) The first appointments of members of a new board shall be made at a regular meeting of council and the member shall take office as soon as possible thereafter, and thereafter appointments shall be made at the first meeting of council in each term, but if the council fails to make the appointments at its first meeting, it shall do so at any regular or special meeting held within 60 days after its first meeting. R.S.O. 1990, c. P.44, s. 10 (4); 2002, c. 18, Sched. F, s. 3 (10).

**Section Amendments with date in force (d/m/y)**

2002, c. 18, Sched. F, s. 3 (9, 10) - 26/11/2002

2019, c. 14, Sched. 12, s. 1 - 10/12/2019

**Notice of vacancies**

- 11** (1) The clerk of the appointing municipality or county or, in the case of a union board, the clerks of the affected municipalities shall give public notice of vacancies on the board by publishing a notice of them, inviting applications, in a newspaper of general circulation in the municipality. R.S.O. 1990, c. P.44, s. 11 (1).

**Idem**

- (2) The notice referred to in subsection (1) shall be in English or in both English and French, as may be appropriate. R.S.O. 1990, c. P.44, s. 11 (2).
- (3) REPEALED: 2002, c. 18, Sched. F, s. 3 (11).

**Section Amendments with date in force (d/m/y)**

2002, c. 18, Sched. F, s. 3 (11) - 26/11/2002

**Vacancies**

- 12** Where a vacancy arises in the membership of a board, the appointing council shall promptly appoint a person to fill the vacancy and to hold office for the unexpired term, except where the unexpired term is less than forty-five days. R.S.O. 1990, c. P.44, s. 12.

**Disqualification of board member**

- 13** If a board member,
- (a) is convicted of an indictable offence;
  - (b) becomes incapacitated;

- (c) is absent from the meetings of the board for three consecutive months without being authorized by a board resolution;
- (d) ceases to be qualified for membership under clause 10 (1) (c); or
- (e) otherwise forfeits his or her seat,

the member's seat becomes vacant and the remaining members shall forthwith declare the seat vacant and notify the appointing council accordingly. R.S.O. 1990, c. P.44, s. 13.

#### **First meeting**

**14** (1) The first meeting of a board in a new term shall be called,

- (a) if a by-law has been passed under subsection (2), by the chief executive officer appointed under subsection 15 (2); and
- (b) if no by-law has been passed under subsection (2), by the clerk of the appointing council or, in the case of a union board, the clerk of the municipality having the greatest population. R.S.O. 1990, c. P.44, s. 14 (1).

#### **By-law re calling first meeting**

(2) A municipal council or, in the case of a union board, a majority of the municipal councils affected may by by-law authorize the chief executive officer appointed under subsection 15 (2) to call the first meeting of the board in each new term. R.S.O. 1990, c. P.44, s. 14 (2).

#### **Chair**

(3) A board shall elect one of its members as chair at its first meeting in a new term. R.S.O. 1990, c. P.44, s. 14 (3).

#### **Acting chair**

(4) In the absence of the chair, the board may appoint one of its members as acting chair. R.S.O. 1990, c. P.44, s. 14 (4).

#### **Staff**

**15** (1) A board may appoint and remove such employees as it considers necessary, determine the terms of their employment, fix their remuneration and prescribe their duties. R.S.O. 1990, c. P.44, s. 15 (1); 1993, c. 27, Sched.

#### **Chief executive officer**

(2) A board shall appoint a chief executive officer who shall have general supervision over and direction of the operations of the public library and its staff, shall attend all board meetings and shall have the other powers and duties that the board assigns to him or her from time to time. R.S.O. 1990, c. P.44, s. 15 (2).

#### **Secretary**

- (3) A board shall appoint a secretary who shall,
  - (a) conduct the board's official correspondence; and
  - (b) keep minutes of every meeting of the board. R.S.O. 1990, c. P.44, s. 15 (3).

#### **Treasurer**

- (4) A board shall appoint a treasurer who shall,
  - (a) receive and account for all the board's money;
  - (b) open an account or accounts in the name of the board in a chartered bank, trust company or credit union approved by the board;
  - (c) deposit all money received on the board's behalf to the credit of that account or accounts; and
  - (d) disburse the money as the board directs. R.S.O. 1990, c. P.44, s. 15 (4).

#### **Idem**

(5) The same person may be both the secretary and the treasurer, and the chief executive officer appointed under subsection (2) may be the secretary and may be the treasurer. R.S.O. 1990, c. P.44, s. 15 (5).

#### **Section Amendments with date in force (d/m/y)**

1993, c. 27, Sched. - 31/12/1991

#### **Meetings**

**16** (1) A board shall hold at least seven regular meetings in each year. 2019, c. 14, Sched. 12, s. 2.

### **Special meetings**

(2) 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. R.S.O. 1990, c. P.44, s. 16 (2).

(3), (4) REPEALED: 2002, c. 17, Sched. C, s. 24 (4).

### **Quorum**

(5) The presence of a majority of the board is necessary for the transaction of business at a meeting. R.S.O. 1990, c. P.44, s. 16 (5).

### **Voting**

(6) The chair or acting chair of a board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative. R.S.O. 1990, c. P.44, s. 16 (6).

### **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. C, s. 24 (4) - 01/01/2003

2009, c. 33, Sched. 11, s. 7 (2) - 01/04/2010

2019, c. 14, Sched. 12, s. 2 - 10/12/2019

### **Open and closed meetings**

**16.1** (1) In this section,

“committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of the board; (“comité”)

“meeting” means any regular, special, committee or other meeting of the board. (“réunion”) 2002, c. 17, Sched. C, s. 24 (5).

### **Open meetings**

(2) Except as provided in this section, all meetings shall be open to the public. 2002, c. 17, Sched. C, s. 24 (5).

### **Improper conduct**

(3) The board chair may expel any person for improper conduct at a meeting. 2002, c. 17, Sched. C, s. 24 (5).

### **Closed meetings**

(4) 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 a board or committee of a board may hold a closed meeting under another Act. 2002, c. 17, Sched. C, s. 24 (5).

### **Other criteria**

(5) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the board or committee of the board is the head of an institution for the purposes of that Act. 2002, c. 17, Sched. C, s. 24 (5).

### **Resolution**

(6) 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. 2002, c. 17, Sched. C, s. 24 (5).

## **Open meeting**

(7) Subject to subsection (8), a meeting shall not be closed to the public during the taking of a vote. 2002, c. 17, Sched. C, s. 24 (5).

## **Exception**

(8) A meeting may be closed to the public during a vote if,

- (a) subsection (4) or (5) permits or requires the meeting to be closed to the public; and
- (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the board or committee of the board or persons retained by or under contract with the board. 2002, c. 17, Sched. C, s. 24 (5).

## **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. C, s. 24 (5) - 01/01/2003

## **Language**

17 A board may conduct its meetings in English or French or in both English and French and subsections 247 (1), (4), (5) and (6) of the *Municipal Act, 2001* or subsections 195 (1), (4), (5) and (6) of the *City of Toronto Act, 2006*, as the case may be, apply with necessary modifications. 2002, c. 17, Sched. C, s. 24 (6); 2006, c. 32, Sched. C, s. 53 (1).

## **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. C, s. 24 (6) - 01/01/2003

2006, c. 32, Sched. C, s. 53 (1) - 01/01/2007

## **Expenses**

18 A board may reimburse its members for proper travelling and other expenses incurred in carrying out their duties as members. R.S.O. 1990, c. P.44, s. 18.

## **Real property**

19 (1) A board may, with the consent of the appointing council or, where it is a union board, the consent of a majority of the councils of the municipalities for which it was established,

- (a) acquire land required for its purposes by purchase, lease, expropriation or otherwise;
- (b) erect, add to or alter buildings;
- (c) acquire or erect a building larger than is required for library purposes, and lease any surplus part of the building; and
- (d) sell, lease or otherwise dispose of any land or building that is no longer required for the board's purposes. R.S.O. 1990, c. P.44, s. 19 (1).

## **Application of Expropriations Act**

(2) The *Expropriations Act* applies to the expropriation of land under subsection (1). R.S.O. 1990, c. P.44, s. 19 (2).

## **Powers and duties of board**

20 A board,

- (a) shall seek to provide, in co-operation with other boards, a comprehensive and efficient public library service that reflects the community's unique needs;
- (b) shall seek to provide library services in the French language, where appropriate;
- (c) shall operate one or more libraries and ensure that they are conducted in accordance with this Act and the regulations;
- (d) may operate special services in connection with a library as it considers necessary;
- (e) shall fix the times and places for board meetings and the mode of calling and conducting them, and ensure that full and correct minutes are kept;
- (f) shall make an annual report to the Minister and make any other reports or provide any other information required by this Act and the regulations or requested by the Minister from time to time;
- (g) shall make provision for insuring the board's real and personal property;
- (h) shall take proper security for the treasurer; and

(i) may appoint such committees as it considers expedient. R.S.O. 1990, c. P.44, s. 20; 2009, c. 33, Sched. 11, s. 7 (3).

**Section Amendments with date in force (d/m/y)**

2009, c. 33, Sched. 11, s. 7 (3) - 01/04/2010

**Operation of branch libraries by county library board**

**21** A county library board shall operate a branch library in each local municipality that operated a public library before that municipality became part of the county library system, unless the county council and the council of the municipality concerned agree otherwise. R.S.O. 1990, c. P.44, s. 21.

**Employee benefits**

**Pensions**

**22** (1) A board may, by resolution, provide pensions for employees or any class of them and their surviving spouses and children. 2006, c. 32, Sched. C, s. 53 (2).

**Sick leave credits**

(2) A board may, by resolution, establish a system of sick leave credit gratuities for employees or any class of them in the manner and subject to the conditions set out in section 281 of the *Municipal Act, 2001* or section 220 of the *City of Toronto Act, 2006*, as the case may be, and those sections apply with necessary modifications. 2006, c. 32, Sched. C, s. 53 (2).

**Section Amendments with date in force (d/m/y)**

1999, c. 6, s. 56 (1, 2) - 01/03/2000

2002, c. 17, Sched. C, s. 24 (7-9) - 01/01/2003

2005, c. 5, s. 60 (1-3) - 09/03/2005

2006, c. 32, Sched. C, s. 53 (2) - 01/01/2007

**Libraries to be open to public**

**23** (1) A board shall not make a charge for admission to a public library or for use in the library of the library's materials. R.S.O. 1990, c. P.44, s. 23 (1).

**Certain library services free**

(2) Every board shall allow the public to,

- (a) reserve and borrow circulating materials that are prescribed or belong to a prescribed class; and
- (b) use reference and information services as the board considers practicable,

without making any charge. R.S.O. 1990, c. P.44, s. 23 (2).

**Fees**

(3) A board may impose such fees as it considers proper for,

- (a) services not referred to in subsections (1) and (2);
- (b) the use of the parts of a building that are not being used for public library purposes; and
- (c) the use of library services by persons who do not reside in the area of the board's jurisdiction. R.S.O. 1990, c. P.44, s. 23 (3).

**Rules**

(4) Subject to the regulations, a board may make rules,

- (a) for the use of library services;
- (b) for the admission of the public to the library;
- (c) for the exclusion from the library of persons who behave in a disruptive manner or cause damage to library property;
- (d) imposing fines for breaches of the rules;
- (e) suspending library privileges for breaches of the rules; and

- (f) regulating all other matters connected with the management of the library and library property. R.S.O. 1990, c. P.44, s. 23 (4).

### **Estimates**

24 (1) A public library board, county library board or county library co-operative board shall submit to the appointing council, annually on or before the date and in the form specified by the council, estimates of all sums required during the year for the purposes of the board. R.S.O. 1990, c. P.44, s. 24 (1).

### **Approval of estimates**

(2) The amount of the board's estimates that is approved or amended and approved by the council shall be adopted by the board and shall be paid to the board out of the money appropriated for it. R.S.O. 1990, c. P.44, s. 24 (2).

### **Idem**

(3) The board shall apply the money paid to it under subsection (2) in accordance with the estimates as approved, subject to subsection (4). R.S.O. 1990, c. P.44, s. 24 (3).

### **Council may authorize variation**

(4) The council may, in its approval of the board's estimates or at any time at the board's request, authorize the board to apply a specified amount or percentage of the money paid to it under subsection (2) otherwise than in accordance with the items of the estimates as approved. R.S.O. 1990, c. P.44, s. 24 (4).

### **Idem: union board**

(5) A union board shall submit its estimates to each of the councils of the municipalities for which the board was established, and subsections (1), (2), (3) and (4) apply to the union board with necessary modifications. R.S.O. 1990, c. P.44, s. 24 (5).

### **Where two or more municipalities concerned**

(6) A union board shall submit with its estimates a statement as to the proportion of the estimates that is to be charged to each of the municipalities, and if the estimates of the board are approved or amended and approved by the councils of the municipalities representing more than one-half of the population of the area for which the board was established, they are binding on all the municipalities. R.S.O. 1990, c. P.44, s. 24 (6).

(7), (8) REPEALED: 2009, c. 33, Sched. 11, s. 7 (4).

### **Section Amendments with date in force (d/m/y)**

2002, c. 17, Sched. C, s. 24 (10) - 01/01/2003

2006, c. 32, Sched. C, s. 53 (3) - 01/01/2007

2009, c. 33, Sched. 11, s. 7 (4) - 01/04/2010

### **Debentures for library purposes**

25 (1) The sums required by a public library board or union board for the purposes of acquiring land, for building, erecting or altering a building or for acquiring books and other things required for a newly established library may, on the application of the board, be raised by the issue of municipal debentures. R.S.O. 1990, c. P.44, s. 25 (1); 1996, c. 32, s. 83 (1).

### **Application to council**

(2) The board's application shall be made to the council or councils of the municipality or municipalities for which the board was established. R.S.O. 1990, c. P.44, s. 25 (2).

### **Council to deal with application**

(3) The council or, if more than one, each of the councils, at the first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove it, and if a vote in any council results in a tie, the application shall be deemed to be disapproved by the council. R.S.O. 1990, c. P.44, s. 25 (3).

### **Issue of debentures**

(4) If the council, or a majority of the councils where there are more than one, approves the application, the council of the municipality or, if more than one, the council of the municipality that has the greatest population shall raise the sum required by the issue of debentures in the manner provided under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, or, if it so desires, the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. R.S.O. 1990, c. P.44, s. 25 (4); 1996, c. 32, s. 83 (2); 2002, c. 17, Sched. C, s. 24 (11); 2006, c. 32, Sched. C, s. 53 (4).

**Section Amendments with date in force (d/m/y)**

1996, c. 32, s. 83 (1, 2) - 01/01/1993

2002, c. 17, Sched. C, s. 24 (11) - 01/01/2003

2006, c. 32, Sched. C, s. 53 (4) - 01/01/2007

**County estimates: accommodation by municipality****Operating costs**

**26** (1) The amount estimated by a county library board to meet its operating costs, as approved by the council of a county, shall be included in the amounts to be provided by the county under clause 289 (1) (d) of the *Municipal Act, 2001*. 2002, c. 17, Sched. C, s. 24 (12).

**Part of levy**

(1.1) The amount mentioned in subsection (1) shall form part of the general upper-tier levy of the county, unless not all of the municipalities forming part of the county for municipal purposes participate in the county library, in which case the amount shall form part of a special upper-tier levy of the county that shall be levied in accordance with section 311 of the *Municipal Act, 2001* on all the assessment rateable for upper-tier purposes in the municipalities forming part of the county for municipal purposes and that participate in the county library system. 2002, c. 17, Sched. C, s. 24 (12).

**Accommodation may be provided by local municipality**

(2) The council of one or more participating municipalities may, at the request of the county library board, rent accommodation to the board and may issue municipal debentures for the cost of constructing a building for the board's purposes, but the ownership of the building shall remain with the municipality unless the board and the council of the municipality agree otherwise. R.S.O. 1990, c. P.44, s. 26 (2); 1996, c. 32, s. 83 (3).

**Section Amendments with date in force (d/m/y)**

1996, c. 32, s. 83 (3) - 01/01/1993

2002, c. 17, Sched. C, s. 24 (12) - 01/01/2003

**Grant from council**

**27** The council of any municipality or county may make a grant in money, lands or buildings to a board. R.S.O. 1990, c. P.44, s. 27.

**Inspection of records**

**28** (1) Subject to subsection (2), a person may, during ordinary business hours, inspect any records, books, accounts and documents in the possession or control of a board's secretary. 2002, c. 18, Sched. F, s. 3 (12).

**Exception**

(2) The secretary shall refuse to allow an inspection under subsection (1) in circumstances in which a head must refuse disclosure under any of sections 6 to 16 of the *Municipal Freedom of Information and Protection of Privacy Act*, and the secretary may refuse to allow an inspection under subsection (1) in circumstances in which a head may refuse disclosure under any of those sections of that Act. 2002, c. 18, Sched. F, s. 3 (12).

**Section Amendments with date in force (d/m/y)**

2002, c. 18, Sched. F, s. 3 (12) - 26/11/2002

**Contract for library services**

**29** (1) The council of a municipality, a local service board or the council of an Indian band may, instead of establishing or maintaining a public library, enter into a contract with a public library board, union board or county library board for the purpose of providing the residents of the municipality or local service board area or the members of the band, as the case may be, with library services, on the terms and conditions set out in the agreement. 2002, c. 17, Sched. C, s. 24 (13); 2009, c. 33, Sched. 11, s. 7 (5).

**Reports**

(2) The municipal council, local service board or band council entering into a contract under subsection (1) shall make any report required by this Act or the regulations or requested by the Minister. 2009, c. 33, Sched. 11, s. 7 (6).

**Section Amendments with date in force (d/m/y)**



2002, c. 17, Sched. C, s. 24 (13) - no effect - see 2002, c. 18, Sched. F, s. 3 (13) - 26/11/2002; 2002, c. 18, Sched. F, s. 3 (13) - 26/11/2002  
2009, c. 33, Sched. 11, s. 7 (5, 6) - 01/04/2010

### **Payments to boards**

**30** (1) The Minister shall make a grant to every board for library purposes, on the prescribed conditions. R.S.O. 1990, c. P.44, s. 30 (1).

#### **Idem: where municipality, etc., has contract for library services**

(2) The Minister shall make a grant for library purposes to every municipality, local service board or Indian band that has a contract for library services under subsection 29 (1), on the prescribed conditions. R.S.O. 1990, c. P.44, s. 30 (2); 2002, c. 18, Sched. F, s. 3 (14).

#### **Idem: library of regional municipality**

(3) Where a regional municipality has established a public library board, the Minister shall make a grant to the board for library purposes as if it were a board under this Part. R.S.O. 1990, c. P.44, s. 30 (3).

#### **Idem: library of Indian band or local service board**

(4) Where the council of an Indian band or a local service board has established a public library, the Minister shall make a grant to the Indian band or local service board for library purposes as if it were a board under this Part. R.S.O. 1990, c. P.44, s. 30 (4).

#### **Section Amendments with date in force (d/m/y)**

2002, c. 18, Sched. F, s. 3 (14) - 26/11/2002

**Part II** (SS. 31-38) REPEALED: 2009, C. 33, SCHED. 11, S. 7 (7).

**31-33** REPEALED: 2009, c. 33, Sched. 11, s. 7 (7).

#### **Section Amendments with date in force (d/m/y)**

2009, c. 33, Sched. 11, s. 7 (7) - 01/04/2010

**34** REPEALED: 2009, c. 33, Sched. 11, s. 7 (7).

#### **Section Amendments with date in force (d/m/y)**

2002, c. 18, Sched. F, s. 3 (15) - 26/11/2002

2009, c. 33, Sched. 11, s. 7 (7) - 01/04/2010

**35-38** REPEALED: 2009, c. 33, Sched. 11, s. 7 (7).

#### **Section Amendments with date in force (d/m/y)**

2009, c. 33, Sched. 11, s. 7 (7) - 01/04/2010

## **PART III GENERAL**

### **Regulations**

**39** The Lieutenant Governor in Council may make regulations,

- (a) providing for the distribution of all money appropriated by the Legislature for library purposes;
- (b) prescribing the conditions governing the payments of grants;
- (c) respecting the establishment, organization, management, premises and rules of public libraries;
- (d) prescribing circulating materials or classes of circulating materials for the purpose of clause 23 (2) (a). R.S.O. 1990, c. P.44, s. 39.

### **Special library service boards**

**40** (1) The Minister may establish special library service boards to provide the resources and services that the Minister specifies and may make grants to special library service boards out of legislative appropriations for library purposes. R.S.O. 1990, c. P.44, s. 40 (1).

**Information to Minister**

(2) A special library service board established under subsection (1) shall submit to the Minister any information requested by the Minister. 2009, c. 33, Sched. 11, s. 7 (8).

**Toronto Public Library Board**

(3) The Toronto Public Library Board shall be deemed to be a special library service board and may provide library resources and services to the Ontario library community. R.S.O. 1990, c. P.44, s. 40 (3); 1997, c. 26, Sched.

**Section Amendments with date in force (d/m/y)**

1997, c. 26, Sched. - 01/01/1998

2009, c. 33, Sched. 11, s. 7 (8) - 01/04/2010

**Withholding grant on default of board**

**41** Where a board in any fiscal year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant that would otherwise be payable to the board for that year. R.S.O. 1990, c. P.44, s. 41.

**Dissolution by Minister**

**42** (1) The Minister may dissolve a public library board, a union board, a county library board or a county library co-operative board where the board has not, during the two year period immediately preceding the dissolution, maintained and operated a library. R.S.O. 1990, c. P.44, s. 42 (1).

**Idem**

(2) The Minister may dissolve an Ontario library service board where the Ontario library service area under its jurisdiction has been dissolved. R.S.O. 1990, c. P.44, s. 42 (2).

**Assets and liabilities of dissolved board**

(3) Where a board is dissolved under subsection (1), its assets and liabilities are vested in and assumed by the municipality or county or, in the case of a union board, are distributed as the Minister directs among the municipalities for which the union board was established. R.S.O. 1990, c. P.44, s. 42 (3); 2002, c. 18, Sched. F, s. 3 (16).

**Idem**

(4) Where a board is dissolved under subsection (2), its assets and liabilities are vested in and assumed by the Crown in right of Ontario. R.S.O. 1990, c. P.44, s. 42 (4); 2002, c. 18, Sched. F, s. 3 (17).

**Section Amendments with date in force (d/m/y)**

2002, c. 18, Sched. F, s. 3 (16, 17) - 26/11/2002

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## **LIBRARY BOARD BY-LAWS POLICY**

### **1. Definitions:**

In this Library Board By-laws Policy, the following terms have the corresponding meaning

- a) “Act” means the *Public Libraries Act, R.S.O. 1990, Chapter P.44*, as may be amended or superseded.
- b) “Board” means the Richmond Hill Public Library Board, which is responsible for the management and control of the Library, in accordance with the Act.
- c) “Chief Executive Officer” or “CEO” means the person appointed by the Board pursuant to Section 15(2) of the Act.
- d) “City” means The Corporation of the City of Richmond Hill
- e) “City Library By-Law” means the by-law or by-laws of the City that establish the Library and Board, as may be amended by Council.
- f) “Council” means the Council for the City.
- g) “Library” means the Richmond Hill Public Library.

### **2. The Board**

#### **2.1. Establishment / History of Board**

On December 23, 1852, 54 shareholders formed the Richmond Hill Public Library Association. In 1865, a Mechanics Institute was also formed and shared books with the Library Association at a cost of twenty-five (25) cents per year. In 1870, the Mechanics Institute became the Richmond Hill District Library and was incorporated under the Provincial Statues at that time. In 1895, under the Public

Libraries Act, the Ontario Department of Education supported a Board of Management for the public lending library in Richmond Hill.

## **2.2. Title**

The Library shall be under the management and control of a board, which is a corporation known in English as “The Richmond Hill Public Library Board”.

*R.S.O. Public Libraries Act, 1990, c.P.44, s.3 (3).*

## **2.3. Purpose of Board**

The purpose of The Richmond Hill Public Library Board is to govern the RHPL in accordance with the Act.

## **2.4. Head Office**

The address of the Board is: 1 Atkinson Street, Richmond Hill, Ontario, L4C 0H5, and at such other places in the City of Richmond Hill as the Board may from time to time decide.

## **2.5. Seal & Symbol**

The Board shall have a corporate seal, impression of which is stamped on the margin hereof, and this seal shall be affixed under the direction of the Board to all deeds, contracts, documents or instruments requiring the same, which seal shall always be attested by the signatures of the Chair and the Chief Executive Officer of the Board, or such other member and such other officer of the Board as the Board shall direct.

The corporate seal shall be kept in the custody of the Chief Executive Officer of the Board.

## **2.6. Composition of Board**

A public library board shall be composed of at least five members appointed by the municipal council. *R.S.O. Public Libraries Act, 2002, C.18, Sched. F, s. 3 (8)*

The maximum number of council members appointed to the Board shall be one less than a majority of the Board. *Public Libraries Act, 1990, s. 9 (1)*

## **2.7. Qualifications**

A person is qualified to be appointed as a member of a board who is a member of the appointing council or:

- a) Is at least eighteen years old;
- b) Is a Canadian citizen, or a permanent resident of Canada within the meaning of the *Immigration and Refugee Protection Act (Canada)*;
- c) Is a resident of the City; and
- d) Is not employed by the Board or the City.

*Public Libraries Act, 1990, c. P.44, s. 10 (1) 1; 2002, c.18, Sched. F, s. 3 (9); 2019, c.14, Sched. 12, s.1.*

## **2.8. Appointment**

The first appointments of members of a new board shall be made at a regular meeting of Council and the members shall take office as soon as possible thereafter, and thereafter appointments shall be made at the first meeting of council in each term, but if the Council fails to make the appointments at its first meeting, it shall do so at any regular or special meeting held within 60 days after its first meeting. *Public Libraries Act, 1990, c.P.4, s.10 (4); 2002, c. 18, Sched. F, s. 3 (10).*

## **2.9. Term**

A Board member shall hold office for a term concurrent with the term of Council, or until a successor is appointed, and may be re-appointed for one or more further terms. *Public Libraries Act, 1990, c. P44, s.10 (3).*

## **2.10. Disqualification**

If a Board Member:

- a) Is convicted of an indictable offense;
- b) Becomes incapacitated;
- c) Is absent from the meetings of the Board for three consecutive months without being authorized by a Board resolution;
- d) Ceases to be qualified for membership under clause 10 (1) (c) of the Act;
- or
- e) Otherwise forfeits his or her seat,

The Member's seat becomes vacant and the remaining Members shall forthwith declare the seat vacant and notify Council. *Public Libraries Act, 1990, c. P. 44, s.13.*

## **2.11. Vacancy**

Where a vacancy arises in the membership of a Board, Council shall promptly appoint a person to fill the vacancy and to hold office for the unexpired term, except where the unexpired term is less than forty-five days. *Public Libraries Act, 1990, c. P. 44, s.12.*

## **2.12. First Meeting**

The first meeting of the Board in a new term shall be called, if a by-law has been passed under subsection (2) of the Act, by the Chief Executive Officer appointed under subsection 15 (2) of the Act. *Public Libraries Act, 1990, s.14 (1). City of Richmond Hill By-Law 257-85*

## **2.13. Chair Election**

The Chief Executive Officer shall call the meeting to order and conduct the election for the position of Chair.

The Board shall elect one of its members as Chair at its first meeting in a new term and at the first meeting in each year of its term. *Public Libraries Act, 1990, s.14 (3)*.

#### **2.14. Vice-Chair Election**

The Board shall elect one of its members as Vice-Chair at its first meeting in a new term and at the first meeting in each year of its term. *Public Libraries Act, 1990, s. 14 (3)*.

#### **2.15. Acting Chair Election**

In the absence of both the Chair and Vice-Chair, the Board may appoint one of its members as acting chair. *Public Libraries Act, 1990,c.P.44, s. 14 (4)*.

#### **2.16. Committees**

The Board may establish any committees it deems necessary from time to time and establish the Terms of Reference for any such committee.

#### **2.17. Board Responsibilities**

The Board establishes policies to direct the operations of the Richmond Hill Public Library, in accordance with its mission.

Responsibilities of the Board:

##### Service

The Board shall determine the Library's goals and objectives and formulate a plan for meeting these goals.

The Board shall identify the library needs of the community, the requirements of the Library and relate the aforesaid to current standards.

##### Finance

The Board shall submit its annual financial statements, audited by a person in accordance with the Municipal Act, to Council annually. *Public Libraries Act, 1990, s. 24 (7).*

The Board shall recommend to Council the Board's annual operating budget and capital forecast, as developed by the CEO and approved by the Board. *Municipal Act s. 86 and s. 68.(1) (a) (b).*

### Policies

The Board shall formulate and periodically review the Library's Mission Statement and written policy statements which govern the operation and programme of the Library. Such policies should include those dealing with personnel, public service, materials selection and financial authorities.

### Legislation

Should any of the provisions of the By-laws or policies of the Board be in conflict with the provisions of any legislation, the legislation shall take precedence.

## **3. Staff**

### **3.1. Chief Executive Officer**

The Board shall appoint a Chief Executive Officer. The Chief Executive Officer shall also be the Secretary and Treasurer of the Board. *Public Libraries Act, 1990, c.,P.44, s. 15 (2) (3) (4)(5). Richmond Hill Public Library Board, Motion 57:85*

The Chief Executive Officer shall have the general supervision over and direction of the operations of the public library and its staff, shall attend all board and committee meetings and shall have the other powers and duties that the board assigns to him or her from time to time. *Public Libraries Act, 1990, c.P44, s. 15 (2).*



The Chief Executive Officer is authorized to appoint an acting Chief Executive Officer, on a *pro tempore* basis.

### **3.2. Staff**

The Board may appoint and remove such employees as it considers necessary, determine the terms of their employment, fix their remuneration and prescribe their duties. *Public Libraries Act, 1990, c.P.44, s.15 (1);1993, c.27.*

## **4. Meetings – Dates, Times and Notifications**

### **4.1. Regular Meetings**

Following the first meeting in a new term, further regular meetings of the Board shall normally be held on the fourth Tuesday (as per Motion 19:110 December 17, 2019 Meeting) of each month, for a minimum of 7 meetings per year (as per *Public Libraries Act 2019 amendment Item 16 (1) 2019, c.14, Sched. 12, s. 2 and Motion 20:55 September 22, 2020*). The Board shall normally adopt a schedule of regular meetings before the start of a calendar year. *Public Libraries Act, 1990c.P.44, s. 16 (1).*

The Board shall recognize Canadian Statutory Holidays as the only prescribed non-Library Board meeting days. *Richmond Hill Public Library Board, Motion 05:15*

### **4.2. Special Meetings**

Special meetings of the Board may be called by the Chair or any two members by giving each member reasonable notice in writing, specifying the purpose for which the meeting is called. *Public Libraries Act, 1990, c. P.44 s.16 (2).*

### **4.3. Time Limits for Meetings**

Public sessions of the Board shall be concluded by 10:00 p.m. with extension by the consent of a simple majority of Members present.

#### **4.4. Notification of Meetings**

The Chair shall give notice of each regular, and special meeting, to the members and to the Chief Executive Officer. The notice shall be accompanied by the agenda and any other matter to be brought before the meeting.

The Chair and Chief Executive Officer shall be responsible for the preparation of the agenda. Any member wishing to place an item on the agenda may do so by making a request to the Chair or Chief Executive Officer at least one week prior to the meeting.

Notice of a regular meeting with the agenda shall be delivered electronically to each member so as to be received not later than the day previous to the day of the meeting. Members may request that a hard copy of an agenda be available for pick-up by the member at the Central Library. Every attempt will be made to provide the notice no later than 3 days prior to the day of the meeting.

Notice of meetings will be published on the Library's website and posted on the Notice Boards in the Central and Branch libraries at least one week prior to the meeting.

Lack of receipt of the notice of a regular or special meeting shall not affect the validity of holding the meeting or any action taken thereafter so long as a quorum is obtained.

### **5. Meetings –Procedures**

#### **5.1. Open Meetings**

All Board meetings shall be open to the public except as provided in this section.

## **5.2. Closed Meetings**

A meeting or part of a meeting may be closed to the public if the subject matter being considered falls into one or more of the categories set out in Section 16.1 of the PLA.

A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Board or part thereof is designated as head of the institution for the purposes of that Act. *Municipal Act, 1990 c. M.45, s 55 (6)*

## **5.3. Quorum**

The presence of a majority of the Board is necessary for the transaction of business at a meeting. *Public Libraries Act, 1990,c.P.44, s. 16 (5).*

Quorum includes both the physical and remote presence of a majority of the members of the Board. *Revised October 16, 2014*

If a quorum is not present twenty minutes after the time fixed for the meeting, the Secretary shall record the names of the members present and the Board shall remain adjourned until the next meeting.

Should remote access connections be lost during the meeting, continuance of the meeting shall be subject to quorum. *Revised October 16, 2014*

## **5.4. Record of Attendance**

Remote attendance and participation by board member in a meeting shall be in accordance with the *Richmond Hill Public Library Board Remote Attendance Policy*, as may be amended.

Attendance of members at meetings shall be noted and recorded by the Secretary; minutes will reflect physical or remote presence. *Revised October 16, 2014*

Members unable to attend a meeting should notify the Secretary or Chair at least one day prior to the meeting.

One day notice is also required if attending remotely identifying acceptable reasons for inability to physically attend such as illness, business schedule conflict, family or other emergency; and to ensure technology enabling real time participation is in place. *Revised October 16, 2014*

Remote attendance will be limited to three times per year. The Board by majority vote may allow more than three based on its assessment of the special justifying circumstances or conditions. *Revised October 16, 2014*

If a member is absent from the meetings of the Board for three (3) consecutive months, without authorization by Board resolution, the remaining members shall declare the seat vacant and notify Council accordingly. *Public Libraries Act, 1990 s. 13 (c).*

## **5.5. Conflict of Interest**

Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Board at which the matter is the subject of consolidation, the member:

- a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
- b) shall not take part in the discussion of, or vote on any question in respect of the matter; and
- c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such questions.

Where the Member is absent from a meeting, he/she shall disclose any conflict of interest at the next meeting he/she attends.

All declarations of interest shall be recorded by the Secretary in the Minutes of that meeting, and, if the meeting is not open to the public, in the Minutes of the next meeting that is open to the public. *Municipal Conflict of Interest Act, 1990, Chapter M.50*

## **5.6. Order of Business**

At all regular meetings of the Board, the order of business shall be as follows:

- a. Declaration of Conflicts of Interest
- b. Delegations
- c. Adoption of Minutes
- d. Staff Reports
- e. Closed Meeting (if required)
- f. New Business
- g. Date of Next Meeting
- h. Adjournment

The Board may suspend or vary the order of business outlined by a majority vote of the members present.

## **5.7. Delegations**

Any person wishing to appear before the Board shall advise the Chief Executive Office or Chair one week before the meeting. The request to appear before the Board shall be in writing and shall state the nature of the matter to be presented and the name of the spokesperson. No delegation may speak on the matter for more than a total of five minutes, exclusive of the time required to answer questions posed by the Board, except that a group of persons may have more than one spokesperson provided that the total length of time is not more than ten minutes, exclusive of the time required to answer questions put to them by the Board. *Town of Richmond Hill Procedural By-Law No. 65-91, s. 16.*

## **5.8. Minutes of Meetings**

Minutes of every Board meeting will be recorded by the Secretary. *Public Libraries Act, 1990 s. 15 (3) (b)*.

Minutes of the Board and Committee meetings shall be approved at the next regular meeting of the Board for any errors or omissions.

Copies of Board Adopted minutes are accessible online.

## **5.9. Presiding Officer**

The Chair will preside at all Board Meetings, maintain order, decide whether motions are in order, and rule on all procedural matters.

If the Chair is not present at the time for the meeting to begin, the Vice-Chair will call the meeting to order and will preside for that meeting or until the Chair arrives.

If both the Chair and Vice-Chair are not present with fifteen minutes after the time for the meeting to Begin, the Secretary will call the meeting to order and will preside for the election of an Acting Chair. While presiding, the Acting Chair will have all the Chair's rights duties and responsibilities.

## **5.10. Voting**

Each member present shall vote on every motion unless the member is disqualified to vote by reason of a conflict of interest or other statutory qualification. Notwithstanding the foregoing, where a member fails or refuses to vote on a motion, then such member shall be deemed to be voting in the negative.

Votes shall be taken by a show of hands and any member may request a recorded vote immediately prior to or immediately subsequent to the taking of the

vote and the Secretary shall record each vote. *Municipal Act, 1990, chap. M45, s. 61. (1).*

The Chair, Vice-Chair or the Acting Chair of the Board shall vote with the other members of the Board upon all motions. *Public Libraries Act, 1990. s. 16 (6).*

Any motion on which there is an equality of votes shall be deemed to be decided in the negative. *Public Libraries Act, 1990. s. 16 (6).*

### **5.11. Motions - General**

All decisions of the Board on any matter will be made on the basis of votes on motions. All motions must be moved and seconded before any debate or vote can occur.

One or more Staff Reports on the agenda may be adopted in a single motion, unless a specific Staff Report requires direction of the Board. The Secretary will note in the minutes if the Board has adopted one or more Staff Reports in a single motion.

Once moved and seconded, a motion is in the hands of the Board. The mover of a motion may withdraw the motion prior to any vote unless another member objects to the withdrawal.

### **5.12. Procedural Motions**

All procedural motions that have been moved and seconded will be voted on before any vote of a main motion. The following procedural motions and associated rules shall be observed:

#### a) Motion to Amend

All motions can be amended. A proposed amendment must be closely related to the motion under consideration and cannot propose to do the opposite thing. Only one amendment shall be considered at any time.

b) Motion to Refer

Any motion or matter on the agenda may be referred to a committee of the Board or Staff by means of a Motion to Refer. The motion must indicate the committee or Staff to whom the matter has been referred. The motion may provide direction on the time and date when matter is to be brought back for the Board's consideration.

A Motion to Refer can only be debated as to the advisability of referring the matter, or to the time and date as to when the matter is to be brought back to the Board

c) Motion to Defer

Any motion or matter on the agenda may be deferred to a future meeting of the Board by means of a Motion to Defer. The motion must provide direction as to the time and date when matter is to be brought back for the Board's consideration.

A Motion to Defer can only be debated as to the advisability of deferring the matter, or to the time and date as to when the matter is to be brought back to the Board.

d) Motion to Adjourn

Any member may move to adjourn a meeting. If the motion to adjourn is seconded it shall be put to a vote. If the motion to adjourn is passed, any unfinished business shall be included on the next agenda.

**5.13. Speaking to a Motion**

A member may speak to any motion unless prevented by law such as having declared a conflict of interest. Before speaking a member shall be given the floor by the Chair. Members will generally only speak twice to a motion and for no



more than 5 minutes each time. Unless authorized by the Chair, a member may only speak once to a procedural motion and generally for no more than 3 minutes.

#### **5.14. By-laws and Policies**

Unless otherwise required by the Act or any applicable law or By-law, the Board may adopt or amend any By-law or Policy in a single motion at the same meeting at which the matter has been introduced.

#### **5.15. Robert's Rules of Order**

Except as set out here-in, all meetings will be conducted in accordance with Robert's Rules of Order.

| <b>Dates</b>                                   | <b>Motion #</b> |
|--|-----------------|
| <b>Approval Date:</b> September 22, 2020       | Motion #: 20:49 |
| <b>Date of Last Revision:</b> October 16, 2014 | Motion #: 14:97 |

**MEMORANDUM OF UNDERSTANDING (“MOU”)** dated January 28 2020

**BETWEEN:**

**THE RICHMOND HILL PUBLIC LIBRARY BOARD**

(hereinafter referred to as the “Board”)

- and -

**THE CORPORATION OF THE CITY OF RICHMOND HILL**

(hereinafter referred to as the “City”)

**RECITALS:**

1. The City is a municipal corporation governed by the *Municipal Act, 2001*, S.O. 2001, c.25, as amended.
2. The Board is a public library board governed by the *Public Libraries Act*, R.S.O., 1990, c. P.44.
3. The Board and the City are committed to cost-effective delivery of library services, avoiding unnecessary duplication of costs.
4. The City employs staff with expertise in various administrative functions, including human resources, finance, facility maintenance, information technology and communications.
5. The Board wishes to utilize the expertise of City staff to administratively support the library operations with a view to minimizing the impact administration on rate payers.
6. The City and the Board agree that the City will provide such administrative support pursuant to the terms set out below.

NOW THEREFORE the City and the Board agree as follows:

**SECTION 1 - DEFINITIONS AND INTERPRETATION**

**1.1 DEFINITIONS**

In this MOU, the following words have the following meanings:

- (a) “CEO” means the individual appointed and employed by the Board to hold the position of the Board’s Chief Executive Officer, Secretary and Treasurer;

- (b) “City Support Services” means those services to be provided by the City to the Board under this MOU, more particularly described in the following schedules:
- (i) Schedule “A” - Human Resources Support Services;
  - (ii) Schedule “B” - Financial Support Services;
  - (iii) Schedule “C” - Information Technology Support Services;
  - (iv) Schedule “D” - Facility Maintenance Support Services;
  - (v) Schedule “E” - Insurance and Risk Management Support Services;
  - (vi) Schedule “F” - Shared City-Library Services;
  - (vii) Schedule “G” - Communication Support Services;
  - (viii) Schedule “H” - Board Orientation Training Support Services; and
  - (ix) Schedule “I” – Legal Support Services.
- (c) “Commissioner” means the individual appointed and employed by the City to hold the position of the City’s Commissioner of Corporate and Financial Services, or any successor position;
- (d) “Library” means all of the library branches that are operated by the Board;
- (e) “MFIPPA” means the Municipal Freedom of Information and Protection of Privacy Act
- (f) “MOU” means this Memorandum of Understanding, including all its schedules as described in 1.1 (b)(i) to (ix);
- (g) “*Municipal Act, 2001*” means the Municipal Act, 2001, S.O. 2001, c.25”;
- (h) “*Public Libraries Act*” means the Public Libraries Act, R.S.O. 1990, c. P.44; and

## **1.2 Legislative References**

A reference to any legislation or regulation in this MOU shall be deemed to be a referenced to that legislation or regulation as amended or superseded.

## SECTION 2 - RELATIONSHIP OF THE PARTIES

### 2.1 Independent Status of the Parties

- (a) The Board is a local board of the City established to provide public library services to the residents of the City. It is governed by those provisions applicable to public library boards set out in the *Municipal Act, 2001* as well as the *Public Libraries Act*. Notwithstanding that the Public Libraries Act provides a role for the City, including the requirement that the City's Council appoint the members of the Board, the City acknowledges the Board's independent status separate from the City.
- (b) The City is a lower-tier municipality governed mainly by the *Municipal Act, 2001*, pursuant to which it provides services in relation to various matters of local interest.
- (c) The CEO and Library staff are all employed directly by the Board.

### 2.2 Interrelationship of the Parties

- (a) The Board, through its appointment by City Council, delivers library services and resources to the residents of Richmond Hill, in accordance with the *Public Libraries Act*, the Board's Strategic Plan and its stated Mission, Vision and Values.
- (b) The City Council annually reviews and approves budgetary estimates received from the Board for the operation of the library, in accordance with Section 24 of the Public Libraries Act.
- (c) Agendas and Minutes of the Board are circulated to Mayor and Members of Council for information only.
- (d) Notwithstanding that the Board employs the CEO, the CEO shall be accountable to the Commissioner in connection with the City Support Services and serves as a member of the City's Director team and is accountable to the Commissioner, receives Council agendas and minutes, and attends Council and/or other committee meetings, when agenda items are relevant to the Library.

## SECTION 3 - OBJECTIVE

### 3.1 Primary Objective of the Parties

The Board and the City believe it is critical to avoid unnecessary duplication in administration between City and Library operations to ensure that service delivery to the residents of Richmond Hill is optimized and cost-effective. The parties have agreed that the City will provide the City Support Services to the Board subject to the provisions of this MOU, in furtherance of this objective.

### **3.2 Accountability of the CEO to the Commissioner**

Notwithstanding that the CEO is employed by and responsible to the Board for, among other things, the implementation of the Library's strategic goals established by the Board and delivery of a full program of Library services, the CEO shall be accountable on all matters that support the primary objective of the parties as set out in subsection 3.1 above, including with respect to the City Support Services to the Commissioner.

## **SECTION 4 - ROLES AND RESPONSIBILITIES**

### **4.1 Roles and Responsibilities of the CEO**

- (a) The CEO shall have primary responsibility for administration of this MOU on behalf of the Board, and shall:
- (i) serve as a member of the City Director's leadership team and attend all Director's Leadership Community meetings;
  - (ii) participate on City staff committees to represent the Library's perspective on future initiatives and ongoing projects;
  - (iii) receive and review Council agendas and minutes;
  - (iv) attend Council and other committee meetings, when agenda items are relevant to the Library;
  - (v) ensure that the governing policies and procedures governing the City Support Services provided are adhered to; and
  - (vi) ensure that Library services meet the needs of the resident in the most cost effective approach;

### **4.2 Roles and Responsibilities of the Commissioner**

The Commissioner shall have primary responsibility for administration of this MOU on behalf of the City and shall:

- (a) provide support to the CEO and Board with respect to the City Support Services; and
- (b) authorize the procurement of goods and services initiated by the CEO on behalf of the Board, such as purchase card activity and travel reimbursement.

### **4.3 Coordination Between the CEO and Commissioner**

- (a) Upon execution of this MOU, the Commissioner and CEO shall oversee the commencement of the provisions of the City Support Services as soon as practicable.
- (b) The Commissioner and CEO shall meet on a mutually agreeable schedule to discuss issues of joint concern.
- (c) While it is understood that the CEO does not have the authority to direct City Staff, it is agreed that the CEO may directly approach City Directors and Managers for assistance and support as necessary to coordinate service delivery.

- (d) The CEO shall ensure that City Directors are contacted directly in regards to matters involving City policies or directives, and budgets. The CEO or designate may directly contact City managers in regards to day-to-day operational matters.
- (e) The CEO and the Commissioner may each designate members of their respective staff to address any issues that may arise out of the operation of this MOU.
- (f) The Board's Library staff and the City commit to share and consult with each other regarding any service delivery review that may either impact upon, or be helpful to either or both parties.

#### **SECTION 5 - TERM**

- (a) This MOU shall take effect on January 28, 2020 and shall remain in effect until terminated by either party.
- (b) Either party may terminate the MOU for any reason upon providing to the other party no less than six (6) months' written notice of its intention to do so.
- (c) Upon the effective date of any termination of this MOU, the City will cease providing the City Support Services.

#### **SECTION 6 - GENERAL**

##### **6.1 Commitment to Continued Collaboration**

- (a) The Board and the City commit to ongoing collaboration with regard to programs and services, in order to streamline and improve processes, minimize duplication and scheduling conflicts, and to maximize opportunities.
- (b) The Board agrees to continue to review Library operations to identify possible consolidation efficiencies, and to determine whether to retain contracts under Library expenses.
- (c) Where possible, the CEO and Commissioner shall cooperate to acquire goods and services jointly on behalf of both the City and the Board in order to leverage the benefit of volume purchases to reduce overall costs, as well as to increase efficiency by reducing administrative time and expense associated procuring the goods and services and managing the resulting contracts.

##### **6.2 Costs of Library operations**

It is understood that the Board will be responsible for reimbursing the City for any incremental salary and non-salary costs incurred by the City that are associated with Library operations, including, but not limited to, any costs of providing the City Support Services.

##### **6.3 MOU Applicable Only to City Support Services**

The Board and the City acknowledge and agree that the terms and provisions of this MOU apply only to the City Support Services and shall supersede all prior agreements with respect to these, save and except the Service Level.

#### **6.4 City By-laws and Policies**

- (a) The Board agrees that the City by-laws and policies will apply and/or align to the provision of the City Support Services. For greater certainty, to the extent that the City by-laws and policies include a general reference to City “staff”, that reference will be deemed to extend to Board staff. Further, any power or responsibility in such by-laws and policies that is delegated to individual staff within a specified position within the City will be deemed to be delegated to the CEO, provided that the CEO may advise the City in writing if the CEO wishes to assign a designate for the purpose of exercising any delegated power or responsibility on behalf of the CEO. Any powers or responsibilities that remain with Council pursuant to City by-laws and policies will be deemed to be powers of the Board.
- (b) The City agrees to ensure that policies governing the services provided in the attached schedules provide allowances and exemptions for Library operations consistent to that afforded to them in legislation.
- (c) The City and Board agree when either the Board or the City makes changes to policies, which may impact this MOU and its Schedules, notice shall be given to the other party to ensure appropriate changes or distinctions are made for the alignment or differentiation between Board and City policies.

#### **6.5 Alterations to the City Support Services**

- (a) If at any time during the term of this agreement either party wishes to alter the City Support Service, that party shall provide written notice of the proposed alteration to the other party and the parties shall negotiate the details of same.
- (b) No alterations shall be implemented unless an amendment to this MOU setting out the details of the alteration has been executed by the parties.

**6.6 Notices**

- (c) Any notice or other communication to be given in connection with this MOU shall be given in writing by email and shall be deemed to be received at the time of transmission unless transmitted on a weekend, statutory holiday or shut-down of either party and shall be delivered to the City to the attention of the Commissioner and to the Board to the attention of the CEO.

This MOU is hereby executed and the covenants, provisions and conditions contained herein shall enure to the benefit of and be binding upon the respective successors, heirs or assigns of each of the parties hereto.

**SIGNED, SEALED AND DELIVERED**

**THE CORPORATION OF THE CITY OF RICHMOND HILL**

RECOMMENDED FOR EXECUTION IN  
ACCORDANCE WITH BY-LAW NO. 7-20

\_\_\_\_\_  
David Barrow, Mayor

\_\_\_\_\_  
Mary-Anne Dempster  
Interim Chief Administrative Officer

c/s

\_\_\_\_\_  
Clerk

We have authority to bind the Corporation.

**RICHMOND HILL PUBLIC LIBRARY BOARD**

RECOMMENDED FOR EXECUTION IN  
ACCORDANCE WITH BOARD RESOLUTION NO. 20.08

\_\_\_\_\_  
Greg Beros, Board Chair

c/s

\_\_\_\_\_  
Secretary

We have authority to bind the Corporation.



## **SCHEDULE "A" - HUMAN RESOURCES SUPPORT SERVICES**

### **1. Principal Understanding**

- (a) The Board is the sole employer of all Library employees, including the CEO.
- (b) The City's Human Resources (HR) Division will administer benefit services on behalf of the Board, per this MOU.
- (c) If additional charges will be incurred by HR, the CEO must sign off on the estimated charge before work is commenced. Any additional services requested will be charged through interdepartmental transfer to the Library. These interdepartmental charges will include staff time if above and beyond the basic services stated in this agreement.

### **2. HR Support Services to be Provided by the City to the Library:**

- (a) The City's Human Resources (HR) Services (HRS) shall provide advice and support to the Board and CEO upon request in all labour and employment matters. All decisions shall continue to be made by the Board or CEO, as applicable based on the Board's governance structure. The City reserves the right to decline any requests.
- (b) The Board's Pay Equity Plan and Compensation Program shall remain separate from the City's, but will be administered and maintained by HRS.
- (c) Should the Board require a new job evaluation or a re-evaluation of an existing job, it shall be conducted in accordance with the City's policies for same and the CEO shall consult with HR with respect to placement within the classification structure and associated compensation.
- (d) The Board shall adhere to the Employment Standards Act, S.O. 2000, c.41 and to all other relevant legislation, and shall align its policies with those of the City's Human Resources Policy Manual.
- (e) The Library has its own Business Number, employment reports, including payroll. Canada Revenue Agency (CRA), Workplace Safety Insurance Board (WSIB), and Ontario Municipal Employees Retirement System (OMERS) reports shall be completed by the City with information provided by the CEO or designate. It shall be the CEO's responsibility to explain this reporting mechanism to Board employees.
- (f) HRS may communicate with individual Board employees directly and confidentially as it relates to benefits, onboarding and payroll. Should individual Board employees seek advice from HRS on any other matters, HRS will refer these individuals to the CEO or, in the case of matters related to the CEO or Board Chair, to the CEO's designate.
- (g) The City and Board agree to the following in relation to the HR Support Services described below:

#### **Health & Safety:**

- (i) The CEO or designate shall sit as the Co-Chair on the Board's Joint Health and Safety Committee (JHSC).
- (ii) The City shall provide to employees of the Board any Health & Safety training that is provided for City employees of similar job classifications or grades.

- (iii) The CEO or designate shall use the City's JHSC forms for scheduled inspections, and for incident and accident reports. The Board may add additional documents to their own internal reviews of workplace or user safety as needed.
- (iv) The Board shall ensure compliance with current Health and Safety legislation at the Library;
- (v) The CEO or designate shall respond to day-to-day Health and Safety issues that may arise, and make notice to City staff if Employee Assistance Program and/or WSIB claims are required. The City shall provide all payroll and payment information required to support any claims.
- (vi) The CEO or designate shall assist, monitor and follow-up on all WSIB claims, and work with HRS to ensure all documents are completed as required by WSIB.

**Pay Equity:**

- (vii) The Board's Library staff shall amend and/or create job descriptions with equity input from the City.
- (viii) The City shall ensure maintenance of the Pay Equity Plan.

**Performance Management**

- (ix) Performance Appraisals for Board staff shall be the sole responsibility of the CEO. Performance Appraisals for the CEO shall be the responsibility of the Board with support from the Commissioner.
- (x) The CEO shall use the City's performance management and succession planning framework.

**Recruitment, Screening, Hiring and On-Boarding**

- (xi) The Board is responsible for recruiting, hiring, contracting, appraising, discipline and termination of the CEO.
- (xii) The CEO or designate is responsible for all recruitment, hiring, appraisal, discipline and termination activities pertaining to Board staff with support from HRS through the business partner assigned to the Board.
- (xiii) The Board shall provide all external postings for recruitment to HRS and choose the venues for promotion. Additional charges incurred for venues in addition to those normally used by the City are the Board's responsibility.
- (xiv) The Board shall use the City's online recruitment portal with support from the City's Business Partner responsible for the Board.
- (xv) On-Boarding shall be the responsibility of the CEO or designate using the City's onboarding online program supported by the HR Business partner.

**Discipline, Termination and Off-Boarding**

- (xvi) Discipline and termination of Board employees are the sole responsibility of the CEO. Discipline and termination of the CEO is the sole responsibility of the Board.

- (xvii) The City shall complete Off-Boarding of payroll and benefits for all Board employees when notice is given by the CEO.
- (xviii) The City shall complete Off-Boarding of payroll and benefits for the CEO when notice is given by the Board.

#### **Policies and Procedures**

- (xix) The Director of HRS or designate shall inform the CEO of any significant changes to the City's HR policies;
- (xx) HRS shall work with the City's IT Services to ensure the Board's employees have access to information related to health & safety, benefits, and other relevant HR information via the City's Intranet.
- (xxi) The CEO shall be given access to the City's Intranet in order to have comparative access to City policies.

#### **Training**

- (xxii) Board staff shall be invited to participate in all City staff wellness programs, training, and leadership training opportunities.
- (xxiii) The City shall cover costs of training for Board employees if such training is also made available to City staff (e.g. MFIPPA, AODA Customer Service, CPR, Health & Safety Certification for committee members) and which is corporately funded, provided that any costs of attendance at such training, such as mileage and other incidentals, will be at the cost of the Board. Any training which is billed to a department shall be billed to the Board for Board employees.
- (xxiv) The Board shall be responsible for budgeting and administering any costs associated with any other training, including any conference to be attended by Board employees, Board specific training, or any training which the City is not offering to City staff at the time it is required by the Board.

#### **HR Related Legal Advice**

- (i) The Director of HRS will determine whether any external legal advice or services are required in order for HRS to provide any such services and shall arrange for these to be provided, subject to the following:
  1. The Director of HRS will only facilitate the provisions of legal advice or other external advisory services that the Director has determined are necessary, in the Director's sole discretion.
  2. When the external advice or services is likely to result in excessive legal costs, as determined by the Director of HRS, such as costs associated with arbitrations, collective bargaining or wrongful dismissal lawsuits, the Board will be required to pay some or all of the costs. The Director will advise the CEO at the outset of any retainer of the City's

maximum available contribution and the Board will be responsible for the remaining costs.

3. The costs of any external advice related to any other non-routine matters such as harassment complaints, security issues and outplacement on terminations shall be the responsibility of the Board.

## **SCHEDULE "B" - FINANCIAL SUPPORT SERVICES**

### **3. Principal Understanding**

- (a) The Board shall appoint the CEO as the Board's Treasurer.
- (b) The City Finance Division (Finance) will provide the following financial and accounting services to the Board:
  - (i) as payment release is authorized,
  - (ii) according to Board-approved budget, and
  - (iii) in accordance with the annually approved City Council Budget for the Library.
- (c) City staff providing financial Support Services to the Board shall adhere to all applicable City by-laws and policies notwithstanding that these may be inconsistent with similar Board policies.

### **4. Finance shall provide the following financial Support Services to the Board:**

- (a) Procurement services;
- (b) Accounts receivable services;
- (c) Operating and capital budget assistance/preparation, within Board-approved budget;
- (d) Accounts payable services;
- (e) Banking, cash management and investment services
- (f) Financial statements preparation and assistance with audits
- (g) Harmonized Sales Tax remittance/reconciliation
- (h) Calculation of annual Development Charges
- (i) Provision of official Income Tax Receipts for donations to the Library
- (j) Grant application/submission assistance for grants pertaining to municipal services, or those using the City's business number

### **5. The following provisions shall apply in connection with the Financial Support Services:**

- (a) The Board procurement policy and related activities shall be consistent with the City's policy and procedures.
- (b) The city recognizes that the CEO is the senior signing authority for the Board relating to the Library and accountable to the Board for financial decisions.
- (c) For transparency purposes, the Commissioner shall approve any CEO expense reimbursement requests and any purchases made by the CEO using a purchasing card. The Commissioner reserves the right to obtain Board approval for any procurement activity initiated by the CEO and such matter will be brought to the next Board meeting for direction.
- (d) The Board's Library staff may conduct its own procurement process for goods or services, specific to the functions of the Library, or may request that the City assist with such procurement process.

- (e) The parties agree that any purchases made by the City on behalf of the Board shall comply with the City's Procurement Policy and Procedures as may be amended from time to time.
- (f) The Board's Library staff shall ensure financial activity is processed in a timely manner and work with appropriate City staff to ensure that Council and Board-approved budgets are followed.
- (g) Only the CEO, Commissioner or Board Chair may authorize the City to proceed with a payment on behalf of the Board.
- (h) The City shall provide the CEO and designated Board staff Purchase cards. Procurement with purchase cards shall be consistent with the City's policy and procedures.
- (i) The City shall assist the CEO with the budget planning process, and ensure that long-term needs are included in budget presentations to Council.
- (j) The City shall assist the CEO in budgetary planning based on employee years of service and current and planned City employee remuneration plans.
- (k) The City shall include acquisition of Library assets and services in any procurement activity being conducted by the City when requested by the CEO.
- (l) The City shall assist with the Board's financial statements as follows:
  - (i) Monthly Trial, Variance, and Roll-Up Summary statements shall be provided by the City to the CEO for each of the Board's Operational and Capital accounts.
  - (ii) Quarterly Reserve and Investment statements shall be provided by the City to the CEO for each of the Board's Accounts.
  - (iii) The CEO shall provide all Board bank statements to the City's Financial Services for tracking of accounts and auditing purposes.
  - (iv) Quarterly, or upon request, the Development Charges Reserve Account in the Library Name shall be provided to the CEO with an estimate of projected income for the coming year.
  - (v) Multi-year projections shall be provided to the CEO for the purpose of planning. It is understood that Development Charges Income is not realized until it is earned, and estimates are not a binding amount.
- (m) The City shall assist with payroll, attendance, and seniority as follows:
  - (i) The City shall administer the bi-weekly payroll for Board staff, including all payroll-related activities, benefits administration, and pension requirements;
  - (ii) The City shall track and give notice to the CEO regarding any employee who qualifies for part-time benefits, such as entry into the OMERS plan;
  - (iii) The City shall file all employment reports and remittances on behalf of the Library.

## **SCHEDULE "C" - INFORMATION TECHNOLOGY SUPPORT SERVICES**

### **1. Principal Understanding**

- (a) All Information Technology (IT) equipment and infrastructure located at the Library, including servers, phone system, mobile devices, staff computers, corporate software, public access computers, public access tablets, printers and MakerSpace equipment are the property of the City and Library employees are provided access for Library use.
- (b) All third party contracts for Library IT Services, Software and Hardware Licensing and IT systems maintenance shall be managed by the Commissioner or the Commissioners designate on behalf of the Board.
- (c) Library patron user needs are often in conflict with City safety and security protocols, and therefore a separate network shall be provided for public access terminals and Wi-Fi.
- (d) The Board and its employees shall accept all City IT policies as they relate to the use of the City's corporate IT equipment and infrastructure connected to the City's Corporate network, local hardware or mobile devices.
- (e) The Commissioner or the Commissioner's designate shall work with the CEO to develop IT policies for patron use technology, including patron networks, Wi-Fi, and MakerSpaces.

### **2. IT Support Services to be Provided by the City for the Library:**

- (a) Software and hardware support for Board employee users of City technology.
- (b) Support will be provided Monday to Thursday from 9:00am to 9:00pm, Friday and Saturday from 9:00am to 5:00pm, excluding Statutory Holidays. If an issue requiring support arises outside of the stated times, the Help Desk should be notified via voicemail or other available means immediately upon the issue arising, in order to minimize down time when Library staff return to work. An emergency protocol will be made available to handle support requests relating to critical failures after-hours and such support requests will be dealt with on a best effort basis.
- (c) All support and service requests will be made via the City's Help Desk ticketing portal or the City's Help Desk Support Number. Help desk service tickets are handled on a priority basis throughout the entire City. The Library tickets shall be handled at the same priority level as for City departments.
- (d) Usernames and passwords shall be created for incoming staff (and for Board members if requested), and email shall be archived for outgoing users. Employees of the Library shall be provided with an Intranet account which shall allow access to the services of the City that are provided to City employees.
- (e) Procurement of IT equipment and infrastructure provided to the Library by the City shall occur at the same times as for City departments.
- (f) Support and general maintenance of staff and public networks of the Library.

- (g) Access to the City's Intranet to all Board employees.
- (h) Training for Board employees in the use of corporate standard software. This shall be completed by City IT staff and may include a Train the Trainer model of in-serving a member or small group of Library employees.
- (i) The management of software licenses for software purchased by City IT. The Board and its employees shall adhere to all licensing agreements for any software or products that the City provides.
- (j) MFIPPA Freedom of Information file and email searches, according to the terms of the City's Policies, as required.
- (k) Provide the CEO an IT Capital Asset Inventory and assist in evaluating the financial viability and replacement needs of each.
- (l) Consultative services for the development of future technology related planning and upgrading as part of an annual IT and Library budget process.

**3. The Board shall have sole responsibility for providing the following services to the Library:**

- (a) Providing training and support to members of the community on their devices, hardware, software, licensing, printing needs, public computer access, Wi-Fi network access, and MakerSpaces.
- (b) Library web site design and support including approving and maintaining content on the Public Website through the CMS (Content Management System) as well as any content and data housed within Library Application Systems, including but not limited to ILS (Integrated Library System).
- (c) Library social media account support managing and maintaining content on Library social media accounts.



## **SCHEDULE "D" - FACILITY MAINTENANCE SUPPORT SERVICES**

### **1. Principal Understanding**

- (a) It is acknowledged by both parties that the Library is a tenant of City properties.
- (b) All facility maintenance support services shall be provided by the City to the Board in accordance with the Service Level Agreement (Facility Maintenance SLA) approved by the CEO of the Board on July 29<sup>th</sup>, 2016 and as may be amended from time to time, and all the provisions of the Facility Maintenance SLA shall be incorporated into this MOU by reference.

## **SCHDULE "E" - INSURANCE AND RISK MANAGEMENT SUPPORT SERVICES**

### **1. Principal Understanding**

- (a) The Board and Library employees shall receive support from the City for insurance and risk management subject to the terms set out in Section 2 below.
- (b) The Board shall adhere to the requirements of the City's Insurance Risk Management Program.
- (c) The Board shall not knowingly place the Corporation under any undue risk and ensure suppliers and contractors provide appropriate indemnification, assume all risks and liability associated with the delivery of the goods or services provided and insurance coverage protecting both the Board and the City. The CEO shall be responsible for ensuring that all Board employees comply. In this regard, only the CEO may approve the award of any supplier contracts that include any provisions that vary the indemnification, transfer to the City, or otherwise limit, the supplier's liability or vary any insurance requirements recommended by the City's Manager of Risk.
- (d) The CEO shall prepare and maintain an asset management plan for the facilities and holdings, and shall review and revise the plan annually with the Board and Commissioner or designate to ensure adequate insurance is in place.
- (e) The Board may, at any time, purchase insurance outside of the City's policy for additional insurable needs not covered by the City, or covered to the level the Board directs.

### **2. The following Insurance and Risk Management Support Services shall be provided to the Board:**

- (a) The Board and all officers of the Board, including the CEO shall be included in the liability, indemnification, and Errors & Omissions insurance of the City.
- (b) Adequate insurance coverage for the Library's facilities and contents including furnishing, capital equipment, and other holdings, shall be provided under the City's insurance policy. The CEO is responsible for ensuring maintenance of current records of Library property for insurance purposes.

## **SCHEDULE "F" - SHARED CITY SERVICES**

### **1. Principal Understanding**

- (a) The Board shall offer City services through the Library which are appropriate to improved service to the community, provided:
  - (i) the delivery of such services is within the scope and skill of the Library employees,
  - (ii) do not require additional Library staff, and
  - (iii) do not impact on other services provided by employees of the library.

### **2. The following services shall be coordinated by the City and Board:**

- (a) Although the priority space usage shall be for paid rentals and any program of the parties, the Board and the City shall provide reciprocal rental space allowances between the Library and other municipal spaces.
- (b) The Board shall not charge any City employees a non-residency fee, regardless of where the employee resides. Program fees may be charged at a rate equivalent to resident patrons.

## SCHEDULE "G" - COMMUNICATIONS SUPPORT SERVICES

### 1. Principal Understanding

- (a) The City's Strategy, Innovation and Engagement Division (SIED) shall assist the Board in communication activities and offer advice relating to communication service innovation and process improvements (the "Communication Support Services").
- (b) The CEO and the Director of the SIED shall enter into a separate service level agreement (the "Service Level Agreement") that will set out the particulars of the Communications Support Services.
- (c) In the event that there are to be any costs to the City for the provisions of any of the Communication Support Services, these will be charged back to the Board. The CEO shall provide prior written approval of any expenditure as well as direct billing and account information.
- (d) The Library staff retains a dedicated Communications staff person to support and manage the Library's communications needs. A City Communications Advisor will be assigned as a liaison for the Library Communications Manager
- (e) The Library staff will continue to manage the Library's website and social media channels. The City will continue to share the Library's social media content as appropriate, and vice versa. The City's website will continue to link directly to the Library's website and will not host duplicated information, and vice versa.
- (f) The City will provide graphic design support to the Board for Library operations. The Board is responsible for any costs associated with the use of external vendors for graphic design, photography and/or videography support
- (g) The Board is responsible for developing, producing and managing its promotional materials (e.g., posters, brochures, advertisements, bookmarks, etc.) and any costs associated with advertising or communication.
- (h) The CEO may consult with the Director of SIE or designate for recommendations on media communications or issues management if needed.
- (i) The CEO shall inform the Commissioner of any changes to Library services, staffing or Board/Committee members, or any other information, which is promoted on the City's website.
- (j) Any procurement of communications goods and services shall include requirements of the Library.
- (k) The City will include the Library in the development and implementation of the City's Community Engagement framework
- (l) The Library will adjust its communications policies (e.g., media relations, social media), as needed and appropriate, to closely reflect those of the City

### 2. As part of the Communication Support Services, the City's Communications Services Branch of SIED shall provide to the Library:

- (a) Graphic design support as outlined in the Service Level Agreement
- (b) A list of vendors from which the Library can procure or purchase graphic design and/or production services for major projects (e.g., strategic plan) or if City graphic design services are unavailable or unable to meet needs
- (c) A copy of the City's regular employee newsletter for each Library staff person and the opportunity to contribute content to the newsletter
- (d) Tertiary back-up support for website and social media communications, in the event of an emergency where both the primary and secondary Library staff responsible for these functions are unavailable
- (e) Inclusion of key Library spokesperson(s) in the City's corporate media training

## SCHEDULE "H" - CORPORATE TRAINING OF BOARD

### 1. Principal Understanding

- (a) The City will provide corporate training support to the CEO and Board members no less than once in every four-year term of office following the appointment of the new Board.
- (b) Such training shall include topics to be determined by the City in consultation with the CEO and, notwithstanding that it may address legislation and Board compliance obligations such as with MFIPPA and other applicable legislation, such training shall not constitute, nor shall it be a substitute for, legal advice that may be required by either the CEO or any individual Board member in order to ensure that their compliance obligations are met.
- (c) City staff may, in the City's sole discretion, provide instruction on interpreting financial and budgetary statements to the Board.
- (d) The City shall include the Board in any of the City's committee education workshops.

## SCHEDULE "I" - LEGAL SUPPORT SERVICES

### 1. Principal Understanding

- (a) In the event the Board requires legal services other than those related to insured claims or to pursue any legal action as set out below, the CEO may request the Commissioner to arrange for such legal services to be provided to the Board through the City Solicitor's office. The City will provide the CEO with a cost estimate for approval prior to retaining any legal counsel. If approved, the CEO will provide the City with billing information and an account number so that costs may be charged to the Board. The CEO will instruct any assigned counsel directly and will monitor any legal invoices to ensure that any maximum cost set out in the initial retainer is not exceeded without further CEO approval.
- (b) Should the Board need legal services to pursue any legal action, the Board will be required to engage independent legal advice to avoid the potential community perception of a conflict of interest with the City's Solicitor's office providing legal support to the Board.
- (c) The City reserves the right to decline any request.