

# The Blue Mountains Public Library Board By-Laws & Governance Policies



**Approved** March 22, 2018  
**Effective Date:** March 22, 2018  
[End of Board Meeting]

**Next Scheduled Review** 2019

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**Type:** Governance**Authority:** Board**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.01

**Associated Documents:**

- Public Libraries Act R.S.O., 1990, c.P44
- Amendment: 2002, c. 18, Sched. F, s. 3(4)
- Standards for Ontario Community Museums, 2017
- Not-for-Profit Corporations Act, SO 2010, c.15
- Ontario Employment Standards Act, SO 2000, c.41
- Ontario Health and Safety Act, RSO 1990, c.O.1
- Ontario Heritage Act, RSO 1990, c.O18
- Accessibility for Ontarians with Disabilities Act, SO 2005, c.11
- Municipal Conflict of Interest Act, RSO 1990, c.M.50
- Municipal Freedom of Information and Protection of Privacy Act, RSO. 1990, cM.56
- Town of the Blue Mountains By-Law 2004-47
- Town of the Blue Mountains By-Law-2011-36

### **Purpose**

By-Laws and Governance Policies define how the Public Libraries Act and other relevant legislation are applied at the Blue Mountains Public Library. They set the framework for the governance and operations of the BMPL, and provide direction to Board, Staff and Community. They advance the mission, vision, values and mandates of the library, museum and gallery. Board Members, CEO and Staff are responsible for knowing, understanding and complying with the By-Laws and Governance policies.

### **Legal Framework**

The Board is subject to all legislation and local By-Laws. The following list identified the primary Acts and external documents which direct the Board:

1. The Public Libraries Act, 1990 and any amendments thereto;
2. The Heritage Act, 1990 with the Standards for Ontario Community Museums, 2017 and any amendments thereto;
3. The Not-for-Profit Corporations Act, 2010 and any amendments thereto;

4. The Ontario Employment Standards Act, 2000, with the Ontario Health and Safety Act, 1990 and any amendments thereto;
5. The Accessibility for Ontarians with Disabilities Act, 2005 and any amendments thereto;
6. The Municipal Freedom of Information and Protection of Privacy Act, 1990 and any amendments thereto; and
7. Municipal Conflict of Interest legislation and any amendments thereto; and
8. The Town of the Blue Mountains Bylaws 2004-47 and 2011-36.

#### **BL1.1 Repeal Former By-Laws**

All previous By-Laws governing the Board are hereby repealed and replaced with these By-Laws.

#### **BL1.2 Amending By-Laws**

1. These Board By-Laws may be amended or removed by majority vote of the Board, providing:
  - 1.1. Notice is given at the previous meeting of the Board; and
  - 1.2. Proposed wording is distributed no less than two (2) weeks prior to the scheduled board meeting.
2. Motions for amendments may be brought at any time by an individual board member, a Committee of the Board designated for this purpose, or by recommendation of the CEO based on legislative or other changes.

#### **BL1.3 Indemnification**

The Corporation indemnifies and saves harmless its Board members, officers, and employees, their heirs and legal representatives, from and against all costs, charges and expenses, including all amounts paid to settle an action or satisfy any judgement, reasonably incurred in respect of any civil, criminal or administrative action or proceeding in which the Board member, officer or employee is a party by reason of being or having been a board member, officer or employee if:

1. The board member, officer or employee acted honestly and in good faith with a view to the best interests of the Corporation;
2. In the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, board member officer or employee had reasonable grounds for believing his or her conduct was lawful.

#### **BL1.4 Review Cycle**

By-Laws and Governance policies shall be reviewed in the first year of the Board's cycle or as required by legislated updates and changes.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

NO: BL-2

Title: *Authority to Establish and Manage a Public Library & Community Museum*



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.02

- Associated Documents:**
- Public Libraries Act R.S.O., 1990
  - Amendment: 2002, c. 18, Sched. F, s. 3(4)
  - TBM By-Law 2004-47
  - TBM By-Law 2011-36

**Legal Framework**

- 1. Authority to Establish a Public Library:** The Council, as per [PLA 3.1], established the BMPL by the adoption of the municipal by-law #2004 – 47.
- 2. Authority to Manage a Public Library:** The BMPL shall be under the management and control of a board, which is a corporation known in English as *The Blue Mountains Public Library Board*. [PLA 3.3]
- 3. Authority to Establish a Community Museum:** The Council established the Craigleith Heritage Depot community museum by the adoption of the municipal by-law #2011-36.
- 4. Authority to Manage a Community Museum:** The Blue Mountains Public Library board shall be the publicly accountable body responsible for the governance and management of the Craigleith Heritage Depot community museum per the adoption of municipal by-law #2011-36.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**Type:** By-Law**Authority:** Board**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.03

**Associated Documents:**

- Public Libraries Act R.S.O., 1990
- Amendment: 2002, c. 18, Sched. F, s. 3(8)
- Amendment: 2002, c. 18, Sched. F, s. 3(9, 10, 11)

### Legal Framework

1. **Composition of the Board:** The Board shall be composed of at least five members and be appointed by the Council. [PLA 9.1]
2. **Board Members:** A person is qualified to be appointed as a member of the board who is a member of the appointing Council or,
  - 2.1. is at least eighteen years old;
  - 2.2. is a Canadian citizen;
  - 2.3. is a resident of the municipality for which the board is established,
  - 2.4. is not employed by the Board or by the municipality. [PLA 10.1].
3. **Number of council members on Board Limited:** The appointing council shall not appoint more of its own members to the Board than the number that is one less than a majority of the Board. [PLA 10.2]
4. **Term:** The Board member shall hold office for a term concurrent with the term of appointing council, or until a successor is appointed, and may be reappointed for one or more further terms. [PLA 10.3]
5. **Time for making appointments:** The appointment of members of the Board shall be made at the first meeting of Council in each term or no later than 60 days after its first meeting. [10.4]
6. **Notice of Vacancies:** The clerk of The Town of The Blue Mountains 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. [PLA 11.1]
7. **Notice of Vacancies Idem:** The notice referred to in PLA subsection 11.1 shall be in English or in both English and French, as may be appropriate. [PLA 11.2]
8. **Vacancies:** Where a vacancy arises in the membership of a Board, the 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. [PLA 12]

#### BL3.1

#### Composition

1. The Board shall be composed of at least five members inclusive of councillor(s).
2. All members of the Board are trustees.



### **BL3.2 Appointments**

1. Prior to the call for appointments, the Board shall provide recommendations to Council on considerations for attributes, including size of board.
2. The Board Secretary shall give notice to TBM Clerk of any vacancies after the Board has declared the seat vacant.

### **BL3.3 Orientation**

1. An orientation shall occur prior to the first meeting of the Board. The orientation shall provide training to prepare new Board Members for the first Board meeting and enable all Board Members, new and returning, to get acquainted. The CEO shall schedule this meeting.
2. Each Board Member shall receive an orientation binder which includes:
  - 2.1. The Public Libraries Act
  - 2.2. BMPL Policy Manual;
  - 2.3. Board Member job description;
  - 2.4. Current budget;
  - 2.5. Names, and contact information of other Board Members and CEO;
  - 2.6. A package of materials from the previous meeting (minutes, reports, etc.);
  - 2.7. Current planning document(s);
  - 2.8. BMPL (Library, Museum, and Gallery) Organization chart;
  - 2.9. List of Council members;
  - 2.10. MOU between the Board and TBM;
  - 2.11. Committee Terms of Reference;
  - 2.12. Annual Report;
  - 2.13. An application for Library membership (if not already a member);
  - 2.14. Library Board Development Kit;
  - 2.15. Robert's Rules of Order; and
  - 2.16. *OLBA's Cut to the Chase: Ontario Public Library Governance at a Glance*.
3. In addition to the review of the Orientation Binder, the CEO and outgoing Chair shall be available to answer questions and further discuss the by-laws, policies, and direction of the Library.

### **BL3.4 Training**

1. Board members shall participate in training mandated by legislation.
2. Board members are encouraged to participate in training opportunities that include, but are not limited to:
  - 2.1. Relevant legislation;
  - 2.2. Effective governance;
  - 2.3. Planning;
  - 2.4. Advocacy;
  - 2.5. Funding development; and
  - 2.6. Community Building.
3. To ensure ongoing education, the Board shall:
  - 3.1. Schedule time for Board training throughout the year;

- 3.2. Maintain a membership in the Ontario Library Association and the Ontario Library Boards' Association;
- 3.3. Assign a representative who shall attend the regional SOLS Trustee Council meetings and report back to the Board; and
- 3.4. Provide funding in the annual budget to allow for conference attendance.
4. The CEO shall notify the Board of available training and networking opportunities.
5. The cost of any training must be approved by the Board before it is undertaken, or be within the larger budgetary lines approved within the annual estimates.
6. Board members shall report on their participation in training events at a duly scheduled Board Meeting.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**Type:** By-Law**Authority:** Board**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.04**Associated Documents:**

- Public Libraries Act R.S.O., 1990
- Municipal Conflict of Interest Act R.S.O., 1990, c. M50
- Oath of Confidentiality
- Code of Ethics

### **Legal Framework**

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If a board member,

1. is convicted of an indictable offence;
2. becomes incapacitated;
3. is absent from the meetings of the Board for three consecutive months without being authorized by a Board resolution;
4. ceases to be qualified for membership under PLA clause 10 (1) (c); or
5. 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 Council accordingly. [PLA 13]

#### **BL4.1 Criminal Records Check**

1. All Board Members shall provide a Criminal Records Check to be kept on file for the duration of their term on the Board. If not required as part of TBM application and appointment, it must be requested by the Board Member immediately upon appointment to the Board, and provided to the Board Secretary. The Cost of the Criminal Records Check will be reimbursed by the BMPL.
2. Members agree to disclose new or pending criminal charges immediately to the Board Chair. Failure to disclose within 30 days of charge(s) being laid could result in removal. Upon notification of charges, action is at the discretion of the Board, and may include removal from the Board, suspension pending outcome of charges, or acknowledgement of charges with no immediate action taken. These steps are taken as a means of protecting the Brand of the BMPL and are not deemed an admission nor assumption of guilt.
3. If not already completed as part of TBM application and appointment, the Board Secretary shall be required to maintain records of Board Members and their Criminal Records Checks for the Board in confidence.
  - 3.1. Records shall be maintained in a Board Dossier.
  - 3.2. Should there be an updated CRC, the old CRC shall be shredded.
  - 3.3. A CRC shall be shredded within one year of the resignation of a Member from the Board, unless the Member:
    - 3.3.1. Was removed by the Board and an investigation is in place; or
    - 3.3.2. Is involved in legal proceedings against the Library.

## **BL4.2      Removal from the Board**

Board Members may be removed from the Board, by resolution. Reasons for removal from the Board include, but are not limited to:

1. Failure to disclose criminal charges.
2. Breach of Oath of Confidentiality, Code of Ethics, or Municipal Conflict of Interest Act.
3. Attendance at fewer than 50% of regularly scheduled meetings in any 12 month period.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**NO: BL5**

**Title: *First Meeting of the Board***



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.05

**Associated Documents:** Public Libraries Act R.S.O., 1990

### Legal Framework

1. **By-Law re-calling the first meeting:** The Council may by by-law authorize the Chief Executive Officer appointed under PLA subsection 15.2 to call the first meeting of the board in each new term. [PLA 14.2]
2. **First Meeting:** The first meeting of the Board in a new term shall be called, if a by-law has been passed under PLA subsection 14.2, by the Chief Executive Officer appointed under PLA subsection 15.2. [PLA 14.1]
3. **Chair:** The Board shall elect one of its members as chair at its first meeting in a new term. [PLA 14.3]
4. **Acting Chair:** In the absence of the chair, the Board may appoint one of its members as acting chair. [PLA 14.4].

#### **BL5.1 Calling Meeting**

The CEO shall call the inaugural meeting of the BMPL in each new term upon receipt of confirmation of appointments from Council.

#### **BL5.2 Elected Positions of the Board**

1. At the first meeting of the Board, and any election thereafter, the CEO shall conduct elections for positions of Chair and Vice Chair.
2. Every Board, at its first meeting of the four year term shall elect one member each to the positions of Chair and Vice-Chair.
3. For each subsequent year of the Board cycle, an election shall occur annually at the November meeting. Incumbents may be re-elected.

#### **BL5.3 Role of Chair and Vice Chair**

1. The Chair of the Board acts as an official representative of the Library and in a leadership role to the Board, ensures the proper functioning of the Board and the proper conduct of Board business, in accordance with appropriate legislation and prescribed rules of order.
2. In addition, the Chair shall:
  - 1.1. Preside at regular and special meetings of the Board. The Chair shall keep deliberation fair, open, and thorough, but also efficient, timely, orderly, and to the point;
  - 1.2. Ensure all issues of Board governance are brought to the Board for consideration, and all relevant material is available;
  - 1.3. Interpret the Committee Terms of Reference and determine the responsibility of committees to deal with matters which arise where it is unclear which committee has responsibility, subject to eventual confirmation by the Board;

- 1.4. Represent the Board, alone or with other Members, at any public or private meetings for the purpose of conducting, promoting or completing the business of the Board;
- 1.5. Assume no authority to make decisions outside Board-approved mandate; and
- 1.6. Assume no authority to speak for the Board on issues not yet decided.
2. The Chair shall advise the Vice-Chair or designate if, for any reason, s/he is temporarily unable to perform these functions.
3. In the absence of the Chair, the Vice-Chair is responsible for exercising all powers and performing all duties of the Chair.

#### **BL5.4 Temporary Chair**

1. In the absence of both the Chair and Vice Chair, the Board shall appoint a temporary chair.
2. In the event that the Chair has declared a conflict of interest regarding any item on the agenda, the Vice-Chair shall run that portion of the meeting. Should the Vice-Chair also be in conflict of interest, or unavailable for the meeting, an election for Temporary Chair shall occur.
3. The Chair may defer the role to another member, the CEO or a facilitator at a special meeting or to address committee business.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**Type:** By-Law**Authority:** Board**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.06

**Associated Documents:**

- Public Libraries Act R.S.O., 1990
- Amendment: 2009, c. 33, Sched. 11, s. 7(2)
- Amendment: 2002, c. 17, Sched. C, s. 24(5)
- Amendment: 2006, c. 32, Sched. C, s. 53(1)

### Legal Framework

1. **Meetings:** The Board shall hold regular meetings once a month for at least 10 months each year and at such other times as it considers necessary. [PLA 16.1].
2. **Special meetings:** 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 [including electronic], specifying the purpose for which the meeting is called. [PLA 16.2]
3. **Open and closed meetings:**
  - 3.1. In this section,
    - 3.1.1. “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;
    - 3.1.2. “meeting” means any regular, special, committee or other meeting of the Board. [PLA 16.1]
  - 3.2. **Open meetings:** Except as provided in this section, all meetings shall be open to the public. [PLA 16.2]
  - 3.3. **Improper conduct:** The Board chair may expel any person for improper conduct at a meeting. [PLA 16.3]
  - 3.4. **Closed meetings:** A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
    - 3.4.1. the security of the property of the Board;
    - 3.4.2. personal matters about an identifiable individual;
    - 3.4.3. a proposed or pending acquisition or disposition of land by the Board;
    - 3.4.4. labour relations or employee negotiations;
    - 3.4.5. litigation or potential litigation, including matters before administrative tribunals, affecting the Board;
    - 3.4.6. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
    - 3.4.7. a matter in respect of which a Board or Committee of a Board may hold a closed meeting under another Act [PLA 16.4].
      - 3.4.7.1. This includes the Municipal Act’s Permission to close session for an Educational or Training sessions which reads, “A meeting of a council or local board or of a

committee of either of them may be closed to the public if the following conditions are both satisfied: (1) The meeting is held for the purpose of educating or training the members. (2) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee". [Municipal Act, 239.3.1].

- 3.5. **Other criteria:** 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. [PLA 16.5]
- 3.6. **Resolution:** 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,
  - 3.6.1. the fact of the holding of the closed meeting; and
  - 3.6.2. the general nature of the matter to be considered at the closed meeting. [PLA 16.6]
- 3.7. **Open meeting:** Subject to PLA subsection 16.8, a meeting shall not be closed to the public during the taking of a vote. [PLA 16.7]
  - 3.7.1. **Exception:** A meeting may be closed to the public during a vote if,
    - 3.7.1.1. PLA subsection 16.4 or 16.5 permits or requires the meeting to be closed to the public; and
    - 3.7.1.2. 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. [PLA 16.8]
4. **Quorum:** The presence of a majority of the Board is necessary for the transaction of business at a meeting. [PLA 16.5]
5. **Voting:** 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. [PLA 16.6]
6. **Language:** The 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*, apply with necessary modifications. [PLA 17]

#### **BL6.1 Meeting, Schedule and Agenda**

1. A schedule of the regular meetings of the Board, identifying date, time and location, shall be developed annually.
2. Annual and multi-year agenda shall be developed to schedule topics over the Board's term.
3. The Agenda Package shall be distributed to the Board no less than ten (10) days before the meeting; and no less than one (1) week before the meeting via BMPL website to the public.

#### **BL6.2 Quorum**

Quorum is a simple majority of members.

1. Where a quorum is not present within thirty (30) minutes after the hour fixed for a meeting, the Board Secretary shall record the names of members present and the meeting shall stand adjourned until the next meeting or until a special meeting is called.



2. If notified by a majority of Members of their anticipated absence from a meeting, the Board Secretary shall notify all Board Members and the public that the meeting is cancelled.

### **BL6.3 Attendance at Meetings**

1. In the event that a Board Member must be absent from any meeting, that person shall notify the Secretary prior to the day of the meeting.
2. Meeting attendance is to be in-person, but may, in special situations, be considered by teleconference, with approval of the Chair.
3. Proxy voting is not permitted.

### **BL6.4 Declaring a Conflict of Interest**

1. Board Members having any conflict of interest, direct or indirect, in any matter and are present at a meeting at which the matter is the subject of consideration, the member,
  - 1.1. shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - 1.2. shall not take part in the discussion of, or vote on any question in respect of the matter; and
  - 1.3. shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
2. In addition, where the meeting is not open to the public, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration.
3. Any Board Member perceiving a possible conflict of interest of another member shall identify the concern at the meeting.
4. When an agreement between the Board and Town comes before the Board for deliberation or approval, the Board members who are also Councillors shall recuse themselves in accordance with clause 1 above.

### **BL6.5 E-mail Vote**

1. In the event of an emergency or a time sensitive single item, the Chair may require an e-mail poll to immediately move on business.
2. The e-mail message shall constitute official correspondence and be recorded as the content of the minutes. A recorded vote shall be included in the minutes.
3. There shall be no discussions on an e-mail vote. Should further discussion be requested, a Special Meeting shall be called.

### **BL6.6 Rules of Debate**

The Board shall follow *Robert's Rules of Order*. A copy of Robert's Rules of Order shall be available for each Board meeting.

### **BL6.7 Deputations**

1. Members of the public may address the Library Board, provided they complete and submit to the Board Secretary, a Deputation Request Form.
2. A Deputation Request Form must be received by the Board Secretary by noon, at least three (3) days prior to the date of the next scheduled Board meeting.

3. Any Deputation Request which is received by the deadline, but prior to the public release of the agenda will be included in the publicly distributed agenda package.
4. Deputation Requests received prior to the deadline, but after the public release of the agenda will be posted in an amended package following the meeting.
5. If the Deputation Request Form is received after the deadline, or if the Agenda is deemed to be full, the presentation may be delayed until a subsequent Board meeting.
6. Complete details of the Deputation, and any questions for the Board, must be submitted in writing to the Board Secretary with the Request form. All materials will be circulated to the Board and relevant staff prior to the presentation to aid in a productive dialogue.
7. All materials within the application or provided during the actual presentation will be entered into the official record.
8. Any person who has presented information on the same topic at previous meetings shall be limited to providing only new information in their subsequent presentations.
9. Deputations will be identified within the agenda and shall occur prior to any new business. Any Deputation on the agenda will be expected to make their presentation at the allotted time.
10. The Library Board allocates up to ten minutes per presentation. The Chair may extend this time if the Board approves and the agenda permits.

#### **BL6.8 Public Input on Agenda Items**

1. The Public Input on Agenda Items is an open mic session where community members may speak on any issue which is included in the agenda. This format is intended to provide an opportunity for community input prior to Board decisions being made. Those wishing to speak to items not on the agenda, should follow the Deputation process.
2. There is no advance application process. Prior to the meeting the Board Secretary will have a sign-up sheet for community members who wish to address issues on the agenda. On the sign-up sheet, presenters will be asked to identify the agenda item to be addressed. The order of presenters is at the discretion of the Chair.
3. Total time is limited to 20 minutes for this agenda item and the Chair may extend this time if the Board approves and the agenda permits. Individual presenters shall be limited to three (3) minutes.
4. The identity of presenter and agenda item addressed will be noted in the minutes.

#### **BL6.9 In Meeting Procedures for Deputations and Public Input on Agenda Items**

1. Speakers shall direct their presentation to, and through the Chair.
2. Board members may, through the Chair, respond to the presentation, or ask questions, where it is appropriate, but shall not enter into debate about the presentation.
3. Anyone making a presentation to the Board shall speak respectfully and follow MFIPPA policies, addressing only the approved presentation topic.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**NO: BL7**

**Title: Staff**



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.07

**Associated Documents:**

- Public Libraries Act R.S.O., 1990
- Amendment: 1993, c. 27, Sched.
- Appendix: Lines of Authority

### Legal Framework

1. **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. [PLA 15.1]
2. **Chief Executive Officer: The** Board shall appoint a Chief Executive Officer (CEO) who shall have general supervision over and direction of the operations of the BMPL 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. [PLA 15.2]
3. **Secretary:** The Board shall appoint a secretary who shall,
  - 3.1. conduct the Board's official correspondence; and
  - 3.2. keep minutes of every meeting of the Board. [PLA 15.3]
4. **Treasurer: The** Board shall appoint a treasurer who shall,
  - 4.1. receive and account for all the Board's money;
  - 4.2. open an account or accounts in the name of the Board in a chartered bank, trust company or credit union approved by the Board;
  - 4.3. deposit all money received on the Board's behalf to the credit of that account or accounts; and
  - 4.4. disburse the money as the Board directs. [PLA 15.4]
5. **Idem:** The same person may be both the secretary and the treasurer, and the CEO appointed under PLA subsection 15.2 may be the secretary and may be the treasurer. [PLA 15.5]

### **BL7.1 Appointment of the CEO/Secretary/Treasurer**

1. The Board shall appoint a CEO to manage the operations of the BMPL library, museum and gallery, and who shall also be Secretary/Treasurer of the Board.
2. The Board shall establish a job description, hours of work, salary, and benefits for the position.
  - 2.1. The job description shall clearly list the duties assigned to the position and establish the reporting relationships of the CEO;
  - 2.2. This job description shall be reviewed for amendments, updates and changes not less than every four (4) years.
3. The Board shall conduct an annual evaluation of the performance of the CEO to aid in setting objectives for the following year.
4. The Board shall direct the CEO via policy, the Strategic Plan and annual evaluation.
5. Any contracts between the CEO and Board supersede policy.

## **BL15.2 Responsibilities of the CEO**

1. The CEO reports to and is evaluated by the Board.
2. The CEO is responsible for reasonable interpretation of the Board policies.
3. The CEO shall keep the Board informed of relevant trends, anticipated adverse community reaction, material external and internal changes.
4. The CEO has authority for all operational aspects of the library, museum and gallery. These include but are not limited to:
  - 4.1. Day to day operations and decisions;
  - 4.2. Hire, discipline, termination, and evaluation of employees and volunteers;
  - 4.3. Expensing within the Board approved budget;
  - 4.4. Establishing operational policies, procedures, plans, and programs;
  - 4.5. Collection Development, creating collection plans, and collection purchases;
  - 4.6. Accepting of donations, gifts, and in-kind contributions; and
  - 4.7. Marketing, promoting and branding of services and programs.

## **BL7.3 Secretary of the Board**

The Secretary has the primary responsibilities of:

1. Maintaining the official record of Board business, including Board Minutes, and Board and Committee reports;
2. Preparing all copies of Reports, Minutes, and Agenda prior to meeting;
3. Attending all duly scheduled Board and Committee meetings as a resource person or providing a designate; and
4. Taking Minutes, or designating a Note Taker, to prepare Official Minutes.

## **BL7.4 Treasurer of the Board**

1. The Treasurer has the primary responsibilities of:
  - 1.1. Developing short and long-term operational and capital budgets for board resolution which reflect and support the Board priorities and plans;
  - 1.2. Preparing and presenting monthly finance reports to the Board;
  - 1.3. Ensuring accurate and timely filing of tax and other government payments and reports;
  - 1.4. Receiving, processing, and disbursing funds under controls which meet the Generally Accepted Accounting Principles (GAAP);
  - 1.5. Assessing risk and maintaining insurance to protect the organization, Board and staff from loss or liability;
  - 1.6. Developing purchasing procedures which ensure value for money, open and transparent documented policy and processes with equitable access to vendors;
  - 1.7. Maintaining investments in secure instruments of AA rating or better.
2. The Board, by MOU or contract, may assign some of the aforementioned services to other parties; however the Treasurer is ultimately responsible for ensuring their completion.

## **BL7.5 Curator**

The Curator is hired by and reports directly to the CEO and is responsible for the preservation of and exhibition of assets of the community museum.

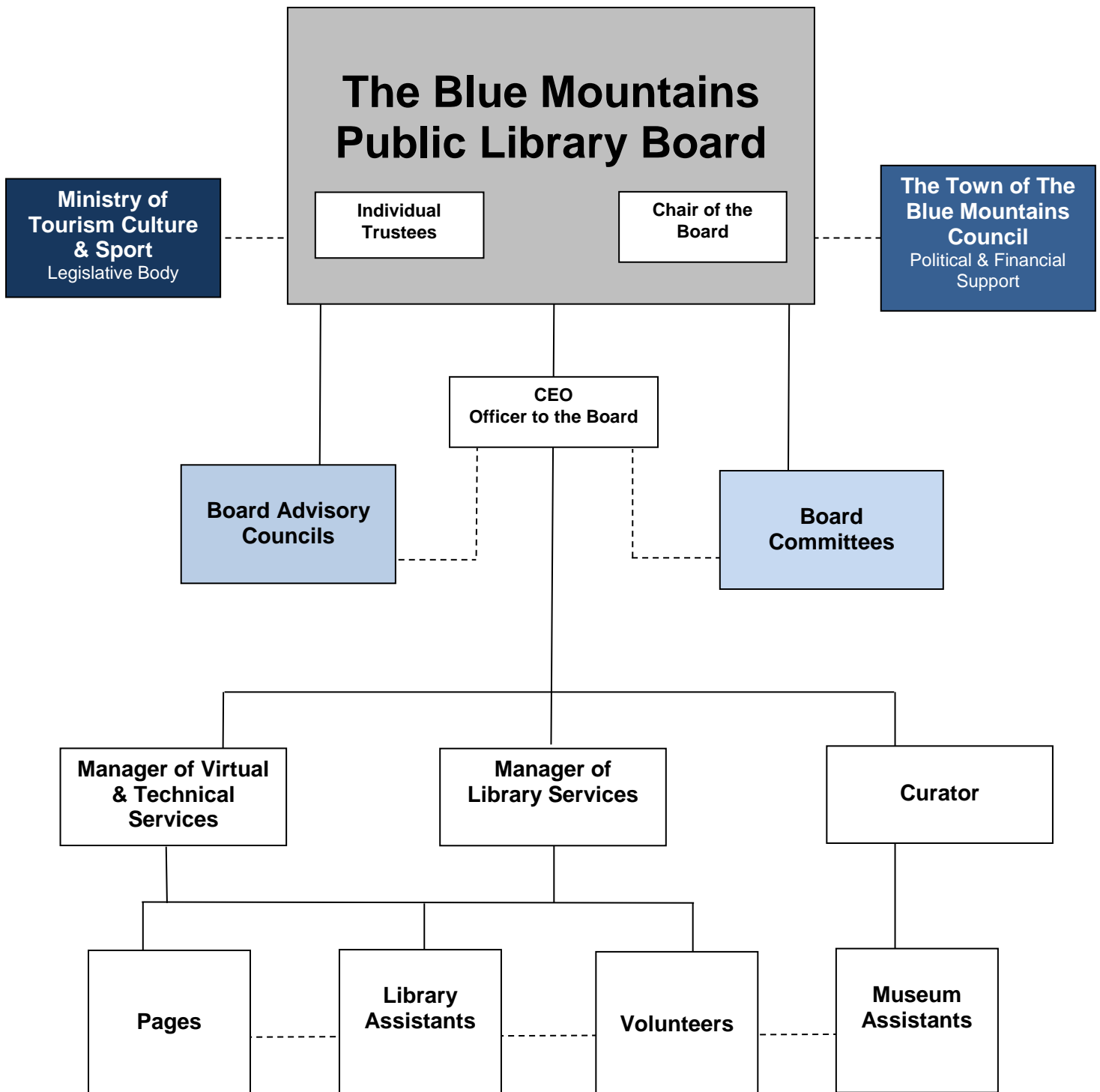
**BL7.6 Reporting Relationship**

The CEO/Secretary/Treasurer reports to the Board as a whole but works collaboratively with the Board and Committee Chairs to facilitate Board and Committee operations respectively. The communication between the Board and between the Board and Staff is described in the BMPL Organizational Chart (See Appendix).

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

## Appendix: Lines of Authority



**NO: BL8**

**Title: Expenses**



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.08

**Associated Documents:** Public Libraries Act R.S.O., 1990

### Legal Framework

The Board may reimburse its members for proper travelling and other expenses incurred in carrying out their duties as members. [PLA 18]

#### **BL8.1 Board Remuneration**

The Blue Mountains Public Library Board respects the time commitment Board Members give to the community through their volunteerism. Board members are not compensated for their time at Board or Committee Meetings or while conducting other Board tasks.

#### **BL8.2 Travel Expenses**

1. Members shall be reimbursed for any preapproved expenses at the Ontario Treasury Board travel rate.
2. The Board will pay registration fees, travel expenses, meals and accommodation for Board Members selected to attend conferences and workshops which, in the opinion of the Board, are of value to the Board.
3. A Board Member may apply for advance funding. A request for funding must be submitted to the CEO on the appropriate form.
4. Alcohol does not qualify for reimbursement.
5. Board Members must present original receipts which provide an itemized description of expenses with a Board Travel Reimbursement Request Form. Debit or credit card receipts will not be accepted.
6. Board Members are subject to prompt reimbursement by the CEO of pre-approved expenses.

#### **BL8.3 Other Expenses**

Board members may be compensated for other incidental expenses incurred as a result of their involvement on the Board.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**NO: BL9**

**Title: *Real Property***



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.09

**Associated Documents:** Public Libraries Act R.S.O., 1990

### Legal Framework

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1. The Board may, with the consent of the appointing council,
  - 1.1. acquire land required for its purposes by purchase, lease, expropriation or otherwise;
  - 1.2. erect, add to or alter buildings;
  - 1.3. acquire or erect a building larger than is required for library purposes, and lease any surplus part of the building; and
  - 1.4. sell, lease or otherwise dispose of any land or building that is no longer required for the board's purposes. [PLA 19.1]
2. **Application of *Expropriations Act*:** The *Expropriations Act* applies to the expropriation of land under PLA subsection 19.1. [PLA 19.2]

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_



**NO: BL10**

**Title: Powers and Duties of the Board**



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.10

**Associated Documents:** Public Libraries Act R.S.O., 1990

## Legal Framework

The Board,

1. shall seek to provide, in co-operation with other boards, a comprehensive and efficient public library service that reflects the community's unique needs;
2. shall seek to provide library services in the French language, where appropriate;
3. shall operate one or more libraries and ensure that they are conducted in accordance with the PLA and its regulations;
4. may operate special services in connection with a library as it considers necessary;
5. 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;
6. shall make an annual report to the Minister and make any other reports or provide any other information required by the PLA and its regulations or requested by the Minister from time to time;
7. shall make provision for insuring the board's real and personal property;
8. shall take proper security for the treasurer; and
9. may appoint such committees as it considers expedient. [PLA 20]

### BL10.1 Responsibilities of the Board

The Board:

1. Bears legal responsibility for the BMPL;
2. Researches the library-related needs of the community;
3. Researches the museum and heritage-related needs of the community;
4. Develops and publishes a Strategic Plan every four (4) years which sets direction for the library, museum, and gallery and serves as a legacy document for the incoming Board;
5. Determines the individual and combined goals and objectives of the library, museum and gallery, and ensures adequate funding to fulfill these goals;
6. Ensures the Board's assets, be they real estate, collections, or human, are being cared for and managed by the CEO in a responsible, efficient and effective manner;
7. Works with the CEO to prepare a budget adequate to carry out goals and objectives of the library, museum and gallery and presents this budget to TBM for approval;
8. Ensures that the community museum is operated in accordance with the *Standards for Community Museums in Ontario*; and
9. Approves and submits all reports required or requested by funders.

### BL10.2 Committees of the Board

The Board may establish Standing or Ad Hoc Committees to further the work of the Board. The Board establishes terms of reference and specific duties for each of the Committees of the Board.

- 1.1. Committees report directly to the Board and have no authority other than to draft recommendations, or to prepare alternatives for the Board's consideration.
- 1.2. To be considered a Committee of the Board, at least fifty percent of its members must be sitting Board Members.
- 1.3. Committees shall not supervise or direct staff, but may request, via the CEO, for staff to assist with information gathering and retrieval or in-house tasks of the Board.

### **BL10.3 Advisory Councils to the Board**

The Board may establish advisory councils to further the work of the Board in key areas where specific expertise is needed. These councils shall be part of the Board governance structure and be included in the Lines of Authority document.

1. The Board shall establish written terms of reference for advisory councils to identify mandate, powers and limitations.
2. Advisory Council(s) report directly to the Board and submits minutes of their proceedings to the Board.
3. In the case of the community museum and gallery governance, these Advisory Council's shall fill portions of the mandate, required by the responsible Ministry, to have a separate Board from that of the BMPL Board.

### **BL10.4 Board Evaluation**

The Board shall monitor its own effectiveness in fulfilling its major responsibilities and achieving strategic goals. The evaluation process identifies key areas for improvement and the requisite follow-up action.

1. The Board shall evaluate its effectiveness on an annual basis:
  - 1.1. Assessing the Board as a whole; and
  - 1.2. Via self-assessment.
2. The evaluation shall be completed by considering the performance of the Board against approved Plans, By-Laws and Policy.
3. The evaluation shall be scheduled within the annual agenda.

### **BL10.5 Advocacy**

1. The Board is the primary body to advocate for the library, museum and gallery. The Board must ensure that the community is aware of the importance of the BMPL, and that funding bodies fully understand the important role the system plays in the community.
2. The Board Chair (or delegate) shall be the official spokesperson for the BMPL pertaining to all issues approved by the Board.
3. In pursuing its advocacy activities, the Board and CEO shall:
  - 1.1. Prepare an annual advocacy plan;
  - 1.2. Inform Council of the needs of the community, plans and achievements by means of annual reports, budget requests and regular updates;
  - 1.3. Participate in activities that build relationships with individuals and organizations that share interests with those of the BMPL;
  - 1.4. Actively pursue donations and relationships which shall benefit the BMPL financially and in collection development, including local history and archives collections;

- 1.5. Identify and respond to issues, concerns, and government policies that may directly or indirectly affect the BMPL, and ensure that government decision-makers at all levels are aware of the value of the library, museum and gallery; and their benefit to individuals groups, and the community now and of the future.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**NO: BL11**

**Title: *Pension and Sick Leave***



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.11

**Associated Documents:**

- Public Libraries Act R.S.O., 1990
- Amendment: 2006, c. 32, Sched. C, s. 53(2)
- Human Resources policies

### Legal Framework

1. **Pensions:** The Board may, by resolution, provide pensions for employees or any class of them and their surviving spouses and children. [PLA 22.1]
2. **Sick leave credits:** The 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 the *Municipal Act, 2001* and the *Employment Standards Act, 2000*. [PLA 22.2]

#### **BL11.1 Pension**

BMPL participates in the TBM pension program (See HR15: Benefit Plan).

#### **BL11.2 Sick Leave**

The CEO shall establish sick leave benefits consistent with TBM policies. (See HR16: Leave Requests)

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**NO: BL12**

**Title: *Operational By-Laws***



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.12

**Associated Documents:**

- Public Libraries Act R.S.O., 1990
- Amendment: 2009, c. 33, Sched. 11, s. 7(3)
- User Services Policies

### Legal Framework

1. **Libraries to be open to public:** The Board shall not make a charge for admission to BMPL or for use in the library of the library's materials. [PLA 23.1]
2. **Certain library services free:** The Board shall allow the public to,
  - 2.1. reserve and borrow circulating materials that are prescribed or belong to a prescribed class; and
  - 2.2. use reference and information services as the Board considers practicable, without making any charge. [PLA 23.2]
3. **Fees:** The Board may impose such fees as it considers proper for,
  - 3.1. services not referred to in PLA subsections 23.1 and 23.2;
  - 3.2. the use of the parts of a building that are not being used for public library purposes; and
  - 3.3. the use of library services by persons who do not reside within the area of the board's jurisdiction of TBM. [PLA 23.3]
4. **Rules:** Subject to the regulations, the Board may make rules,
  - 4.1. for the use of library services;
  - 4.2. for the admission of the public to the library;
  - 4.3. for the exclusion from the library of persons who behave in a disruptive manner or cause damage to library property;
  - 4.4. imposing fines for breaches of the rules;
  - 4.5. suspending library privileges for breaches of the rules; and
  - 4.6. regulating all other matters connected with the management of the library and library property. [PLA 23.4]

#### **BL12.1 User Services Policies**

The CEO shall establish User Services policies. These will be publicly available.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**Type:** By-Law**Authority:** Board**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.13**Associated Documents:** Public Libraries Act R.S.O., 1990

### Legal Framework

1. **Estimates:** The Board shall submit to 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. [PLA 24.1]
2. **Approval of estimates:** 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. [PLA 24.2]
3. **Idem:** The Board shall apply the money paid to it under PLA subsection 24.2 in accordance with the estimates as approved, subject to subsection (4). [PLA 24.3]
4. **Council may authorize variation:** 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 PLA subsection 24.2 otherwise than in accordance with the items of the estimates as approved. [PLA 24.4]

#### BL13.1

#### Financial Oversight

The Board is accountable to the community for the BMPL's financial affairs including that of the library, museum and gallery. The Board ensures adequate controls are in place to manage finances, and allocate available resources to enable the BMPL to deliver services and fulfill its mission.

1. **Financial year:** The Financial Year of the BMPL shall cease on the 31<sup>st</sup> day of December in each year.
2. **Signing:** The Board shall appoint at least three signing officers who may bind BMPL, one of whom shall be the CEO.
3. **Budget (Annual Estimates)**
  - 3.1. The Board shall approve operational and long-term capital budgets which support the BMPL's approved Strategic Plan.
  - 3.2. Budget requests and forecasts shall be provided to TBM for support and to assist in TBM's long-term capital budget planning, and to provide sufficient information to support projected estimates.
  - 3.3. The Board shall demonstrate a commitment to financial sustainability and stability in annual budgets and in long-term projected budgets and reserves.
4. The Board monitors the finances in order to ensure that the ongoing financial position of the BMPL is consistent with the priorities approved by the Board.

**BL13.2      Audit**

1. The accounts of the Board shall be audited, by an individual or firm with the professional authority to place judgment on the condition of the BMPL's financial operations. By resolution, the Board shall select the auditor.
2. Audits may be requested by any member of the Board upon the death, resignation, dismissal, or other termination of the CEO or Treasurer; and at such other times as the Board shall direct.
3. At least one (1) original signed copy shall remain on file with the BMPL and be located within the financial records of the corresponding fiscal year. E-copies of the completed and signed Audit shall be kept within the electronic financial records.
4. The Board may, from time to time, request an internal audit of the Finances and/or CEO's records. It is understood by the Board that all records maintained by employees or service partners on behalf of the Board are Board property and must be available for Board business immediately and without delay.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**NO: BL14**

**Title: *Debentures for Library Purposes***



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.14

**Associated Documents:**

- Public Libraries Act R.S.O., 1990
- Amendment: 2006, c. 32, Sched. C, s. 53(4)

### Legal Framework

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1. **Debentures:** The sums required by the 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. [PLA 25.1]
2. **Application to council:** The Board's application shall be made to Council. [PLA 25.2]
3. **Council to deal with application:** The Council at the first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove it. If the vote of Council results in a tie, the application shall be deemed to be disapproved. [PLA 25.3]
4. **Issue of debentures:** If the Council approves the application, it shall raise the sum required by the issue of debentures in the manner provided under the *Municipal Act, 2001*, or, if it so desires, the Council may raise its proportion of the sum required by the issue of its own debentures. [PLA 25.4]

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_



**NO: BL15**

**Title: *Grants from Council***



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.15

**Associated Documents:** Public Libraries Act R.S.O., 1990

### **Legal Framework**

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The Council may make a grant in money, lands or buildings to the Board. [PLA 27]

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**NO: BL16**

**Title: *Inspection of Records***



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.16

**Associated Documents:** Public Libraries Act R.S.O., 1990

### Legal Framework

1. Subject to PLA subsection 28.2, a person may, during ordinary business hours, inspect any records, books, accounts and documents in the possession or control of the Board's secretary. [PLA 28.1]
2. Exception: The secretary shall refuse to allow an inspection under PLA subsection 28.1 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 PLA subsection 28.1 in circumstances in which a head may refuse disclosure under any of those sections of that Act. [PLA 28.2]

#### **BL16.1 Availability of Records**

1. To assist the public in having immediate access to the BMPL records and documents, an unofficial copy of the Minutes Book will be held at the front desk for community review. No portions of this record may be removed without prior authorization by the CEO.
  - 1.1. This public book will have the agenda and all publicly available Board distributed documents for no less than one year.
2. The public upon request, will immediately be given the book for access and review.
  - 2.1. The recipient does not need to be observed with the content as this is not the Official Minutes.
3. The Board Secretary has the right to refuse any request which involves Closed Minutes, unpublished drafts, unapproved minutes, or materials which are protected by the PLA, the Municipal Act, or Municipal Freedom of Information and Protection of Privacy Act.

#### **BL16.2 Official Records**

1. Requests to view Official Records shall be made in writing to the Board Secretary who will schedule a mutually agreeable time for the review to occur.
2. The individual or organization requesting these materials must be observed with the documents (be they financial or Minutes) for the duration of their review to ensure the authenticity, integrity, and safety of the official records.
3. The staff observer has the right to remove the individual from the building and remove the materials from use if there is concern for the safety and integrity of the documents.
4. If the request is deemed appropriate to be referred to the public copy of the records, the Board Secretary may do so as these are a true copy of the official records.

#### **BL16.3 Closed Session Records**

Closed Session Records are defined within the PLA and Municipal Act, and are confidential. The Board Secretary may approve access to these records.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**NO: BL17**

**Title: *Payments to Boards***



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.17

**Associated Documents:**

- Public Libraries Act R.S.O., 1990
- Amendment: 2006, c. 32, Sched. C, s. 53(4)

### Legal Framework

The Minister shall make a grant to every board for library purposes, on the prescribed conditions. [PLA 30.1]

#### **BL17.1      Receipt of Funds by Board**

The Board will receive funds from the MTCS and other funders.

1. These funds shall be deposited into an account bearing the name of the Library or Museum.
2. In the event TBM finance department is providing financial services, the department will properly track all funds on behalf of the BMPL in accordance with GAAP and provide notice and details of all deposits to the CEO.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**NO: BL18**

**Title: *Provincial Powers Over Library & Museum***



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.18

**Associated Documents:** Public Libraries Act R.S.O., 1990

### **Legal Framework**

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The Lieutenant Governor may make regulations [for Public Libraries],

1. providing for the distribution of all money appropriated by the Legislature for library purposes;
2. prescribing the conditions governing the payments of grants;
3. respecting the establishment, organization, management, premises and rules of public libraries; and
4. prescribing circulating materials or classes of circulating materials for the purpose of PLA clause 23.2(a). [PLA 39]

The Lieutenant Governor may make regulations [for Community Museums],

1. providing for the distribution of all money appropriated by the Legislature for community museum purposes;
2. prescribing the conditions governing the payments of grants; and
3. respecting the establishment, organization, management, premises and standards of community museums.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**NO: BL19**

**Title: *Withholding Grants on a Default Board***



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.19

**Associated Documents:**

- Public Libraries Act R.S.O., 1990
- Standards for Community Museums in Ontario

### Legal Framework

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1. Where the Board in any fiscal year fails to comply with the PLA or its 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. [PLA 41]
2. Where the Board in any fiscal year fails to comply with the Standards for Community Museums in Ontario or its 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.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_

**NO: BL20**

**Title: *Dissolution and Assets of Dissolved Board***



**Type:** By-Law

**Authority:** Board

**Resolution No.:** BMPL 2018-48 on 3-22-18; POL-BLG.2018.20

**Associated Documents:** Public Libraries Act R.S.O., 1990

### **Legal Framework**

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1. **Dissolution by Minister:** The Minister may dissolve the Board where the Board has not, during the two year period immediately preceding the dissolution, maintained and operated the BMPL. [PLA 42.1]
2. **Assets and liabilities of dissolved board:** Where the Board is dissolved under PLA subsection 42.1, its assets and liabilities are vested in and assumed by the municipality. [PLA 42.3]
3. **Museum Assets and liabilities of dissolved board:** Where the Board is dissolved or by resolution, ceases to no longer operate a museum, its assets and liabilities are vested in and assumed by the municipality.

Original Approval: 2018-03-22

Amended On: \_\_\_\_\_