



The Corporation of the Town of Milton

Report To:	Council
From:	Meaghen Reid, Director, Legislative & Legal Services/Deputy Clerk
Date:	May 25, 2020
Report No:	CORS-029-20
Subject:	Amendment to the Terms of Reference for the Milton Public Library Board
Recommendation:	THAT Council approve the amended Terms of Reference for the Milton Public Library Board.

Discussion

In 2019, the Ontario government passed Bill 132, *Better for People, Smarter for Business Act*. Schedule 12 of the *Act* is related to the Milton Public Library Board, requiring two amendments to the Terms of Reference for the Milton Public Library Board:

- A permanent resident of Canada is now allowed to become a member of a public library board under the *Public Libraries Act*. Prior to this, only Canadian citizens qualified.
- Libraries boards will be required to hold at least seven meetings in a year. This amends the prior requirement of meetings once a month for at least ten months per year.

As such, the Terms of Reference for the Milton Public Library has been amended as follows:

- Section 2(b) is amended by deleting the words 'Canadian Citizen' and replacing them with the words 'permanent resident of Canada'; and
- Section 8 is amended by deleting the first sentence in it's entirety and replacing it with the following sentence: 'The Board will hold at least seven regular meetings per year with the exception of July and August when no meetings will be held.'

Draft, updated Terms of Reference have been attached to this report in Appendix A.

Financial Impact

There is no applicable financial impact.



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Respectfully submitted,

Troy McHarg
Commissioner, Corporate Services / Town Clerk

For questions, please contact: Brett Stein Phone: Ext. 2109
 Legislative Coordinator, Legislative
 Services

Attachments
Appendix A – Amended Terms of Reference for Milton Public Library Board

CAO Approval
Andrew M. Siltala
Chief Administrative Officer

MILTON PUBLIC LIBRARY BOARD

Terms of Reference

The Milton Public Library is established by Milton Council via by-law. The Milton Public Library Board (hereinafter called the “Board”) is appointed by Milton Council in accordance with the *Public Libraries Act*, Revised Statutes of Ontario, 1990, Chapter P.44 (hereinafter called the “Act”).

1. General

1. Powers & Duties

The powers and duties of the Board are comprised of those outlined in the Act, and to:

- a. Establish policies that effectively govern the operations of the library
- b. Appoint a Chief Executive Officer (hereinafter called the “CEO”) who will have general supervision over and direction of the operations of the library and staff
- c. Develop, approve and monitor all short and long range plans of the library including strategies for implementation
- d. Monitor the finances of the library and ensure ethical and sound financial operations
- e. Assess relevant information regarding library service for the community
- f. Endorse service priorities and advocate for appropriate funding to achieve service priorities
- g. Advocate to gain support and approval for library services in the community
- h. Cultivate positive relationships with Town of Milton and community leaders
- i. Conduct annual performance appraisals for the CEO

2. Remuneration

Board members will be reimbursed for travel and other expenses incurred whilst conducting Board approved business, through the Milton Public Library.

A. COMPOSITION, TERM AND COMPENSATION OF THE COMMITTEE

1. Composition

1. The *Board* shall be composed of the following members:

Seven (7) members, two (2) of which may be a members of Council.

2. Any Councillor on the Board has all of the rights and privileges of any other member, including voting. In addition, a Council member is also responsible for:
 - a. Liaising between Council and the Board, providing information and clarification;
 - b. Ensuring members are aware of Council issues that may affect the goals and objectives of the Board;
 - c. When necessary and appropriate, explaining the rationale behind the Board's recommendation when brought forward to Council.

2. Selection of Members

1. A person is qualified to be appointed as a member of the *Board* who is a member of the appointing Council or;
 - a. Is at least eighteen (18) years old.
 - b. Is a permanent resident of *Canada*.
 - c. Is a resident of the municipality for which the Board is established.
 - d. Is not employed by the Town.

3. Skills & Experience

1. In order to be appointed to the Board a member must:
 - a. Evidence a commitment to the provision of a wide ranging and efficient public library service that responds to evolving community needs
 - b. Evidence an understanding of the important role of public libraries within the community; is fully committed to the ongoing development of MPL
 - c. Fully understand the role of a Governance Board and how they function; commit to achieving effective governance
 - d. Fully understand the delineation of responsibilities between the Governance Board and the operational responsibilities of the Chief Librarian/ staff
 - e. Be fully committed to supporting the Chief Librarian in the role and achieving positive working relationships; previous experience of managing senior level staff is essential
 - f. Be fully committed to achieving a strong working relationship between Council and the MPL Board;
 - g. Cognizant of the need for maintaining positive relationships between MPL and the Town of Milton; must be supportive of the Chief Librarian / Senior MPL staff in building and maintaining strong working relationships with Town Staff
 - h. Have experience with and/ or understanding of the annual municipal budget cycle
 - i. Have an understanding of legislation that impacts public libraries in Ontario
 - j. Understand the interrelationship between provincial and municipal politics and how this impacts public libraries

2. Desirable skills include

- a. Experience in the development of strategic plans
- b. Recent experience on a public library or other not for profit board an asset

4. Disqualification

1. 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 (3) consecutive months without being authorized, by a *Board* Resolution;
- d. ceases to be qualified under Section 6.1; 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.

2. Resignations must be forwarded, in writing, to the Chair.

3. If a resignation or vacancy arises, Council shall appoint a person to fill the vacancy and to hold office for the unexpired term, except where the term is less than ninety (90) days.

5. Term

1. A member's term on the committee shall be concurrent with the term of Council or until such time as they resign, are disqualified, or their successors are appointed.
2. A member may be appointed for no more than two 2) consecutive terms of Council. Any interim appointments are not included as a term of Council.
3. Members of this committee serve at the pleasure of Council and as such, Council may terminate the membership of any member at any time at its full and final discretion.

6. Officers of the Board

1. The officers of the Board shall be the Chair, the Vice Chair, and the Chief Executive Officer as the Secretary /Treasurer
2. The Chair and the Vice Chair shall be elected annually at the January Board meeting from among the Board's membership. Each officer shall serve a one year term or until the Board's next subsequent organizational meeting.
3. The Chair shall:
 - a. preside at the meetings of the Board;
 - b. conduct Board meetings in accordance with the Public Libraries Act and other relevant legislation within the rules of procedure adopted by the Board;
 - c. in the event that a decision must be made without specific authority of the Board, inform the Board of the decision and the reasons necessitating it at the next regular Board meeting;
 - d. serve as an ex-officio member of all Board committees
 - e. act as one of the authorized signing officers of all documents pertaining to Board business;
 - f. represent the Board at public or private meetings for the purpose of conducting, promoting or completing the business of the Board;
 - g. advise the Vice-Chair if, for any reason, the Chair is temporarily unable to perform these functions.
4. The Vice-Chair shall:
 - a. in the absence of the Chair, be vested with all the powers and perform all the duties of the Chair;
 - b. be assigned by the Board other powers and duties from time to time.
5. The Secretary/Treasurer shall:
 - a. conduct the Board's official correspondence;
 - b. keep minutes of every meeting of the Board;
 - c. receive and account for all the Board's money;

- d. deposit all money received on the Board's behalf to the credit account or accounts;
- e. disburse the money as the Board directs.

B. BOARD MEETING STRUCTURE

7. Meetings

All Board meetings are open to the public in accordance with the Act and with the exception of closed meetings in accordance with the Act.

8. Regular meetings

The Board will hold *at least seven regular meetings* per year with the exception of July and August when no meetings will be held. Board meetings are generally held on the third Wednesday of the month at 7pm though dates and times may be changed with agreement from a majority of the Board.

9. Location of Meetings

Board meetings are held in the board room of the Main Library at 1010, Main Street East or such other location as the Board may determine from time to time.

10. Quorum

1. The presence of more than half of the total number of Board members is necessary to achieve quorum and for the transaction of business at a meeting. The Chair can call the meeting to order as soon as quorum is achieved.
2. If quorum is not present thirty minutes after the appointed time, the Secretary will record the members present and the Chair has the option of declaring the meeting adjourned or calling the meeting to order to satisfy by-law requirements that the meeting was held then declaring no quorum and adjourning the meeting.
3. If all members present agree to not adjourn the meeting, the meeting may continue; however, no motion may be made or passed.
4. When quorum is not present, the agenda cannot be moved to a closed, Executive Session meeting.

11. GENERAL

1. The CEO or designate shall file a copy of the minutes of each meeting (draft or otherwise) with the Town Clerk's office, no later than 21 days after each meeting.

2. The Board shall submit an annual report to Council on the activities of the Board during the past calendar year.
3. The non-statutory provisions of this Terms of Reference may be eliminated or amended in any way by Council at its full and final discretion. Any non-statutory provisions of this Terms of Reference may be waived by Council at its full and final discretion.
4. The Town Clerk or designate is delegated the authority to make administrative changes to this Terms of Reference that may be required from time to time due to legislative changes or if, in the opinion of the Town Clerk, the amendments do not change the intent of the Terms of Reference.
5. Members' terms that have been fulfilled without disqualification or early termination by Council shall receive recognition of appreciation from the Town.