

Cut to the Chase

Ontario Public Library Governance At-A-Glance



To be an effective board member:

- Know your duties, obligations, and role.
- Be open to continuous learning.
- Recognize that only the board has the authority to act on behalf of the library; individual board members have no authority to act on their own.
- Share in the responsibility for the effective functioning of the board by ensuring full discussion of issues and making reasoned decisions.
- Know who you are there to represent and serve and connect with them.
- Fulfill your legal obligations including duty of care and fiduciary duty.

To be an effective governing body:

- Focus on governance.
- Design meetings to support informed decision-making.
- Develop a trusting and respectful relationship between the Board and CEO and work together.
- Build a solid governance framework that includes by-laws, policies and a strategic plan that is based on why you exist: your mission.
- Make good decisions on behalf of your community.
- Determine what information is needed in order to manage risk.
- Know the composition of the board and who you need to run the library.

3 Major Responsibilities

1. Provide comprehensive and efficient public library service that reflects the community's unique needs.
2. Submit budget estimates to the municipal council and participate in the municipality's annual audit that includes boards.
3. To receive annual grants from the Government of Ontario, submit statistics and financial information along with completed public library operating and pay equity grant application forms.

The Public Libraries Act, RSO 1990, c. P.44 governs the operation of public libraries and is specific legislation that can override certain sections of other more general acts such as the Municipal Act. A library board is an independent body and cannot become a committee of council without legislation being passed that enables this. In Ontario, the majority of public libraries are governed by a public library board. In most First Nations Communities, the Band Council appoints Portfolio Holders to govern the public library. A minority of public libraries in the province are governed by union or county library boards.

Definitions

Public Library Board: a governing board and a legal corporation under the Public Libraries Act (PLA) responsible for the management and control of the public library, including library operations and the creation of policies related to the public library. (PLA Section 3(3)).

Governing: is not the same as managing. It is ensuring that the organization is properly run.

Governance: the framework set by the library's governing body to direct the organization, identify how business will be conducted, how power will be divided and delegated and what processes will be set up to achieve accountability.

Oversight: the actions the board takes to review and monitor policies, plans, programs, and projects, to ensure that they:

- Are achieving expected results.
- Represent good value.
- Are in compliance with applicable policies, laws, regulations, and ethical standards.

Operations: A CEO responsibility guided by the Board policy and strategic plan. Operations are doing the work and organizing day-to-day activities within the constraints defined through governance. Examples of operations include:

- Choosing furnishings and paint colours for the children's area.
- Planning library programs.
- Selecting new books for the library collection.

Risk management: balancing the severity of a threat with the likelihood of the threat occurring. There are multiple types of risks that a Board should consider, for example, reputational, cultural, financial, and governance.

Board Membership

- Members are appointed by the municipal council according to rules set out in the Act.
- The minimum size for a library board is five members.
- The number of municipal councillors on a public library board or union board may not exceed one less than the majority; a county board may have a bare majority of councillors.
- Library or municipal employees may not be board members.

Meeting Requirements

The Public Libraries Act, Sections 16 and 17, RSO 1990, c. P.44:

- Board shall hold 7 regular meetings each year.
- Meetings must be open to the public unless they meet the criteria outlined in PLA 16.1(4-6).
- Majority of members must be present.
- Chair may vote with other members.
- An equal vote is deemed to be negative.

Municipal Integration

Boards may forge closer ties with their municipality to maximize their effectiveness, achieve common goals, and realize cost savings. The library board is an independent body and cannot be directed by a municipality to delegate its responsibility for library funds or employer obligations. However, it can be advantageous to streamline business practices between the two separate organizations by way of a Service Agreement. It must be a decision of the public library board to enter into such a service agreement with a municipality with clear guidelines for exiting such an agreement.

Power to Oversee the Library's Finances

Financial oversight involves:

- Understanding the implications of a budget and a financial report.
- Recognizing if the allocation of monies aligns with board priorities.
- Ensuring that financial policies are in place to control receiving, processing and disbursing money, to ensure fiscally-sound budgeting, comply with current municipal legislation with respect to purchasing and hiring, manage risks, and limit liability to the library and the board.

Financial oversight does not mean:

- Simply approving a budget or financial report.
- Approving a cheque register.
- Challenging a minuscule amount on a budget line.

Power to Make Policy

Policies provide the necessary framework for library operations and priorities. Example includes:

- Personnel and hiring
- Purchasing
- Prevention of Workplace Harassment
- Prevention of Workplace Violence
- Health and Safety
- Accessibility

To be effective, policies should include specific reference to library operations.

Fiduciary Duty

You must act honestly, in good faith, and in the best interests of the library. The interests of the library must take precedence over your personal interests or those of any other group with which you are associated.

Duty of Care

You must use the same care, diligence, and skill that a reasonable person would use when performing your duties. This includes making informed decisions, asking questions, and assessing information given to you.

Conflict of Interest

You must disclose any direct, indirect, perceived, or deemed pecuniary interest prior to consideration of any matter. Once the interest is disclosed, you may not participate in discussions or voting.

Power to Set Fees

The Public Libraries Act, RSO 1990, c. P.44, sec.23 (3) allows a board to charge for:

- Use of parts of the library building not being used for library purposes;
- Library services for non-residents;
- Some services not outlined in Regulations.

A board is NOT permitted to charge for:

- Admission to the library;
- Using library materials in the library;
- Reserving or borrowing circulating materials specified in PLA Reg.976 Section 2.

Power to hire the CEO

The Public Libraries Act, Section 15(2) RSO 1990, c. P. 44 gives a library board the sole right to hire the library's chief executive officer.

Legislation to Consult:

The following resources can be found online at www.e-laws.gov.on.ca:

[The Public Libraries Act, RSO 1990, c. P.44](#)

[The Municipal Act, 2001, SO 2001, c. 25](#)

[The Municipal Conflict of Interest Act, RSO 1990, c. M.50](#)

[The Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, c. M.56](#)

Further resources: visit the [Ontario Library Services \(OLS\) Governance Hub](#) which has resources for each year of the four-year term for Public Library Board members.

Organizations supporting Public Libraries:

Provincial:

- [Ontario Library Association](#), including the following divisions: Ontario Library Boards Association, Ontario Public Library Association, L'Association des bibliothèques de l'Ontario-Franco, Indigenous Advisory Council.
- [Federation of Ontario Public Libraries](#)
- [Ontario Library Service](#)

National:

- [Canadian Urban Libraries Council](#)
- [Canadian Federation of Library Associations](#)

The Public Library Board & the Chief Executive Officer: Who Does What

LEGAL ISSUES	BOARD RESPONSIBILITIES	CEO RESPONSIBILITIES
Existing local and provincial laws	Knows provincial laws and local bylaws.	Knows provincial laws and local bylaws.
New legislation affecting libraries	Responds to new legislation.	Responds to new legislation.
Library Records	Ensures records are kept, protected, and reported in compliance with privacy legislation. Approves relevant grant applications and annual reports for the Government of Ontario, such as the Annual Survey of Public Libraries (per PLA Reg. 976 1(b).	Keeps complete and accurate records in compliance with privacy legislation. Prepares and submits annual reports and all relevant grant applications such as the Public Library Operating Grant (PLOG), Pay Equity Grant (PE) and First Nation Salary Supplement Grant (FNSS) as applicable to the Government of Ontario.
Accountability	Municipal/County/Band Council and Government of Ontario.	Board
Board meetings	Participate in all meetings. Appoints a board secretary.	Participates in all meetings. If the CEO is the Secretary, records and maintains minutes of all meetings. Provides reports regularly as directed by the board.
COMMUNITY DEVELOPMENT	BOARD RESPONSIBILITIES	CEO RESPONSIBILITIES
Understanding the community	Acting in the best interest of the community.	Identifies and addresses community needs and concerns.
Community Relationship building	Is aware of the municipal priorities and plans. Builds a strong and communicative partnership with the municipal/county/band council. Maintains dialogue with the community. Identifies strategic partnerships with community groups and leaders. Demonstrates accountability to the community (for example, presenting an annual report to the community).	Is aware of the municipal priorities and plans. Builds strong working relationships with municipal/county/band staff. Forges relationships with community groups and leaders. Develops strategic partnerships with community groups and leaders. Demonstrates accountability to the community (for example, preparing an annual report for the community).
Library's role in the community	Establishes, promotes, and advocates for the library as an essential community service. Builds community pride in the library.	Establishes, promotes, and advocates for the library as an essential community service. Builds community pride in the library.

POLICY	BOARD RESPONSIBILITIES	CEO RESPONSIBILITIES
Library policy	Develop governance-related policy. Analyzes CEO policy recommendations. Debates policy issues and implications. Approves policy. Ensures policy is implemented and followed. Regularly reviews established policies.	Recommends policies and a policy development framework. Provides information sources to inform discussion. Interprets and implements policies and procedures to library staff and the public. Maintains policy manual and ensures its accessibility. Ensure policy is followed.
PLANNING	BOARD RESPONSIBILITIES	CEO RESPONSIBILITIES
Mission and strategic plan	Analyzes information and feedback from the staff, community, and other stakeholders. Analyzes library strengths and weaknesses (for example SWOT analysis). Defines mission and strategic plan in partnership with the library staff, community, and other stakeholders.	Gathers information and feedback from the staff, community, and other stakeholders. Compiles library strengths and weaknesses (example: Strength, Weakness, Opportunity, Threat analysis). Partners with the board in defining mission and strategic plan and provides insights.
Strategic goals and objectives	Develops and approves strategic goals. Approves strategic objectives.	Partners with the Board to develop strategic goals and provides insights. CEO and staff develop objectives to achieve the strategic goals. Administers in accordance with the plan.
Action plan for meeting strategic goals and objectives	Approves plan and ensures financial resources are in place by approving the annual budget and advocating to funding sources (example: municipal/county/band council, provincial sources).	Formulates plans and identifies financial resources to meet strategic objectives. Administers in accordance with plan.
Monitoring and evaluation of the strategic plan	Approves a monitoring and evaluation plan for the CEO. Evaluates library progress and performance towards achieving the strategic plan annually or more often as needed. Revises plan accordingly.	Develops a strategic plan monitoring and evaluation system for library operations. Participates in ongoing evaluation. Adjusts plan accordingly.
FINANCE	BOARD RESPONSIBILITIES	CEO RESPONSIBILITIES
Annual budget	Analyzes preliminary budget and proposes necessary changes. Officially adopts budget.	Consults with municipal staff and advises board on municipal budget policy requirements and procedures. Prepares preliminary budget in conjunction with board based on present and anticipated needs and board's plan.

Budget presentation to Council	Presents or participates in presenting the budget to council in accordance with municipal/county/band budget policy and procedures. Works with the CEO on presentation to council.	Participates in budget presentation, supplying facts and figures, analysis and comments as requested. Works with the board on presentation to council.
Sustainable resources	Approve and advocate for options for generating additional revenue to support special project needs and/or funding gaps.	Identifies options for generating additional revenue to support special project needs and/or funding gaps.
Financial control measures	Appoints a Treasurer. Secures a bank account for the public library for deposit of all public library funds. Directs the disbursement of all public library funds into the Board's bank account as outlined in PLA 15(4)(c). Ensures legal control measures are in place to support and protect the library assets. Ensures check and balances are in place to expend the budget with due diligence and in accordance with board policies.	If the CEO is Treasurer, oversees all accounting functions and prepares regular financial statements. Fulfills obligations as directed by the Board. Monitors the budget and reports to the board on a regular basis. Identifies and addresses problems as they arise.

PERSONNEL		BOARD RESPONSIBILITIES	CEO RESPONSIBILITIES
CEO selection	Hires CEO.		
Board-CEO relationship	Builds a strong relationship that recognizes board authority and respects CEO expertise. Delegates to the CEO the authority for the organization and operation of the library and its staff.		Builds a strong relationship that recognizes board authority and respects CEO expertise.
Staff selection			Hires and directs all staff, adhering to board policies. May seek board input on senior staff selection.
Employee performance appraisal	Evaluates CEO performance annually.		Ensures that annual performance appraisals are conducted on all staff.
Salary scales and union contracts	Sets CEO's salary. Approves applicable staff salary scales and/or union contracts.		Negotiates salary and working conditions for staff including union contracts as applicable.
Grievances	Ensures that appropriate policies are in place to handle any grievances that have not been satisfactorily resolved by the library's grievance procedures.		Handles all grievances and keeps the board informed.
CEO succession management	Ensures that there is provision for succession management.		Contributes input to succession management.

GOVERNANCE PROCESS	BOARD RESPONSIBILITIES	CEO RESPONSIBILITIES
Board orientation	Board supports and participates in planning and delivery.	Supports and facilitates planning and delivery.
Board performance and development	Evaluates regularly. Individual board members conduct annual self-appraisal. Results are shared anonymously within the Board to strive for continuous learning and improvement.	Contributes input to evaluation process. Assists with identifying board development and training resources.
Board succession planning	Liaises with the appointing body and identifies the skills and competencies necessary for the incoming board to meet new term challenges. Allocates resources to develop a pipeline of future board members that are representative of their community.	Liaises with municipal staff on board appointments with input from outgoing board. Helps identify community members that could be approached to join the Board.
Legacy planning	Summarizes the successes, challenges, and outstanding action items to provide the incoming board with a framework for moving forward. Approves the legacy document.	Provides input and support to the board for developing a legacy plan. Reviews legacy document with incoming board members.