

October 12, 2022

Ministry of Municipal Affairs and Housing  
Local Government Policy Branch  
777 Bay St., 13th Floor  
Toronto, ON, M7A 2J3

*Submitted via Ontario's Regulatory Registry*

**RE: OLA & FOPL Response: 22-MMAH015 – Proposed Minister's Regulations to help bring the Strong Mayors, Building Homes Act, 2022 into effect**

On behalf of the Ontario Library Association (OLA) and the Federation of Ontario Public Libraries (FOPL), we are responding to the regulatory proposal pertaining to Minister's Regulations under the *Strong Mayors, Building Homes Act, 2022*, and the relationship between this Act and proposed regulations and the broader statutory framework governing Ontario's public libraries.

Public libraries in Ontario are administered under the legislative and regulatory framework set out in the *Public Libraries Act, 1990*. This includes specific requirements as to the appointment of independent public library boards, and the sole responsibility of these boards to appoint a Chief Executive Officer (CEO). The changes introduced in the *Strong Mayors, Building Homes Act* permit the Head of Council (mayor) of designated municipalities to "hire, dismiss or exercise any other employment powers with respect to the head of any division." The legislation also includes a list of specific persons to whom this power does not apply, including a general provision that this includes any "other officers or heads of divisions required to be appointed under this or any other Act."

While it is our belief that this provision provides statutory clarity as to the non-applicability of these powers regarding public library boards and CEOs, we are nevertheless concerned that some elected representatives and senior officials of municipal government lack a sufficient understanding of the statutory relationship between municipalities and public libraries. Our sector has frequently encountered issues where municipal governments attempt to assert control over public library governance without fully understanding the statutory relationship between the *Public Libraries Act* and municipal government. As a result, there is a risk of more efforts in the future to inappropriately exercise this new authority in contravention of the law.

Under the *Public Libraries Act*, public libraries are established through municipal by-law and governed by an independent public library board. The public library board is solely responsible for the operation of the public library system, according to the legislative mandate and responsibilities set out in the *Public Libraries Act*. As such, it is not a board/committee under the direction of the municipal government, and there are statutory limitations on the number of municipal council representatives permitted to serve on a public library board. Effective public library governance is

best achieved when municipal government and public library boards work in cooperation to achieve common goals and shared objectives.

Per the *Public Libraries Act*, the public library board is also responsible for the appointment of a CEO, “who shall have general supervision over and direction of the operations of the public library and its staff.” The Ministry of Tourism, Culture and Sport, in its document “[Understanding the Public Libraries Act](#)” states:

“The CEO is a library board employee and not a municipal employee. The CEO reports to the board and not to the municipality. The CEO does not report in a dual relationship to both the board and the municipality.”

As the *Strong Mayors, Building Cities Act* does not include public library boards or CEOs in the statutory list of limitations on the power to hire or dismiss municipal heads of divisions, we recommend the following actions, specifically that:

- The Ontario Government undertake further amendment to the *Municipal Act* and the *City of Toronto Act* to include the *Public Libraries Act* in the list of statutory limitations to the exercise of the expanded hire/dismissal authorities granted under the *Strong Mayors, Building Cities Act*,
- The Ministry of Municipal Affairs and Housing provide further guidance to municipalities to reinforce their familiarity of the statutory relationship between municipal government and public libraries.

We recognize that the legislative amendments made to the *Municipal Act* and *City of Toronto Act* only presently apply to Toronto and Ottawa. However, we are concerned that should these powers be extended to other municipalities in the future, the lack of clear language on this statutory relationship will further exacerbate challenges between municipal governments and local public library governance going forward.

We welcome the opportunity to contribute to this consultation. We would appreciate the opportunity to work together to help provide focused awareness and education to municipalities about the relationship between municipal government and their local public libraries.

Sincerely,



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Hon. Steve Clark, Minister of Municipal Affairs and Housing