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Submitted via email to: Wendy.Stephanson@ottawa.ca

RE: Strong Mayors, Building Homes Act, 2022 and Ottawa Public Library

On behalf of the Ontario Library Association (OLA) and the Federation of Ontario Public Libraries (FOPL), we are submitting the following correspondence to the attention of the City of Ottawa.

It is our understanding that the Ontario Government has extended to Ottawa a series of expanded Head of Council authorities as set out in the *Strong Mayors, Building Homes Act*, which enacted corresponding legislative and regulatory-making authorities to the *Municipal Act* and the *City of Toronto Act*. This correspondence is intended to bring to your attention important information about the relationship between the exercise of these authorities and the broader statutory framework governing Ontario's public libraries.

The changes introduced through 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."

Public libraries in Ontario are administered under the legislative and regulatory framework set out in the *Public Libraries Act*. Under this Act, public libraries are established through municipal by-law and governed by an independent public library board.

Per statute, 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.

In addition, the *Public Libraries Act* states the public library board is also solely 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” (enclosed with this correspondence), furthermore 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.”

We are providing this information as clear reference to the fact that per the legislation, neither the public library board nor the public library CEO fall within the definition of a “head of division” as articulated by the changes to the *Municipal Act* and the *City of Toronto Act*.

Above all, we recognize the critical role that the public library fulfills for residents of all ages and backgrounds in Ottawa. We strongly believe that effective public library governance is best achieved when the municipal government and public library boards work in cooperation to achieve common goals and shared objectives. It is our understanding that the Ottawa Public Library Board has built a highly effective relationship with the City of Ottawa, as expressed through the service of Councillor Matthew Luloff, Councillor Riley Brockington, Councillor Rawlson King, and Councillor Catherine Kitts as serving members of the public library board.

We look forward to supporting the continued relationship between the Ottawa Public Library Board and the City of Ottawa and are available at your discretion to address any further questions or clarifications you may require.

Sincerely,



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Attachment: “Understanding the Public Libraries Act”, Ontario Ministry of Tourism, Culture and Sport

Understanding Ontario's Public Libraries Act

Some Key Aspects



“A library outranks any one thing a community can do to benefit its people. It is a never failing spring in the desert.” – Andrew Carnegie (1835-1919)



Libraries and a Prosperous Community

A strong library system is a cornerstone of a strong community. It contributes to education, literacy and life-long learning for Ontario residents.

Achieving Equality and Universal Access

Ontario's Public Libraries Act (PLA) is the key piece of legislation governing Ontario's public libraries. It supports the provision of equal and universal access to information and establishes free public library services in Ontario through governance and regulations.

Library Boards

Under the PLA, public libraries in Ontario must be operated under the management and control of a public library board. The board has the authority to formulate policies concerning the operations and services of the public library.

Once established by municipal by-law, a public library board is responsible for the operation of its library system. Boards and municipalities should work in cooperation toward common goals.

Under the PLA municipalities can:

- appoint members of the library board for the same term as Council
- give or withhold consent regarding real estate property
- annually approve the board's estimates of all sums required by the board
- make a grant in money, lands or buildings to a library board

Public, Union and County Library Boards

Public library boards are composed of at least five members. The number of municipal councillors on the board may not exceed one less than a majority.

Union public library boards are established when two or more municipalities agree on creating a union library. Once again, councillors on a union board must not exceed one less than a majority.

County public library boards are established when at least two-thirds of a county's municipalities request that the county establish a county library. The appointing council cannot appoint more of its own members to a board than the number that is a bare majority of the board.

Boards: Powers and Duties

Boards provide:

- a comprehensive and efficient public library service that reflects the unique needs of the community they serve, in co-operation with other boards;
- French language and special services as appropriate; and
- services in accordance with the PLA.

Boards are required to:

- fix times and places for board meetings, call and conduct them and ensure full and correct minutes are kept; and
- supply an annual report to the Minister of Tourism, Culture and Sport, along with any other reports and any other information required by the PLA or by the Minister from time to time.

Board Member Eligibility

A board member must be:

- a member of the appointing council; or
- a Canadian citizen;
- at least eighteen years old;
- a resident of the municipality where the board is established or – in the case of a county library cooperative board – the area served by the board, as long they are not an employee of the board or the municipality ;
- a resident of a municipality or a local services board area that contracts with the library board for service;
- a member of an Indian Band that has a contract with the library board for service; or
- a person who is a member of a second board that has entered into a contract with the board to purchase library services for the residents of the second board.

CEO Appointments

A public library board has the power to appoint a library chief executive officer (CEO). 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.

Library Finances

The PLA requires public library boards to appoint a treasurer who:

- receives and accounts for all the board's money;
- opens an account or accounts in the name of the board in a chartered bank, trust company or credit union approved by the board;
- deposits all monies received by the board to the credit of the board's account; and
- disburses the money as the board directs.

The municipality has the right to administer board finances. For example, a municipality can periodically transfer funds from the public library bank account to a municipal bank account to pay public library board bills. In such cases, the library board remains responsible for public library operations and services – including finances – but delegates day-to-day financial administration to the municipality.

Fees

Under the PLA a board cannot charge for:

- admission to a public library
- for the in-library use of materials
- reserving and borrowing circulating materials and the use of reference and information services the board considers practicable.
- the use of inter-library loan services, as long as the materials borrowed fall within the classes of materials prescribed under the PLA.

Fees cannot be imposed for the use or borrowing of:

- books
- periodicals
- newspapers
- audio materials designed for the handicapped
- sound recordings
- audio and video cassettes
- tape recordings
- video discs
- motion pictures
- film strips
- film loops
- micro materials in all formats
- computer software
- multi-media kits

A board may impose fees for:

- services not referred to under the Act;
- the use of the parts of a building that are not being used for public library purposes; and
- the use of library services by persons who do not reside in the area of the board's jurisdiction.

First Nation Public Libraries

First Nation bands can establish their own public library. They may also contract for public library services with a public library board, union board or county library board. Library services are provided according to the terms and conditions set out in the agreement.

Disclaimer

This pamphlet is intended to help Ontario's public library stakeholder understand the general principles behind the establishment, administration and funding of public libraries as set out in the Act. The information contained in this pamphlet is not legal advice. For further questions relating to the PLA or your particular circumstances, you must consult with your own legal advisors.

For further information

Visit the ministry's website: www.ontario.ca/libraries

Visit Ontario's e-Laws website: ontario.ca/q018

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