Township of Havelock-Belmont-Methuen Public Library Board

Constitution and By-laws

The Council of the Township of Havelock-Belmont-Methuen enacts as follows, by means of By-law No. 1998-40 dated May 5, 1998.

1. That a Public Library be established under Part 1, Section 3(1) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 for the Township of Havelock-Belmont-Methuen.

2. That the Township of Havelock-Belmont-Methuen Public Library shall be under the management and control of a Board, which is a corporation known as the Havelock-Belmont- Methuen Public Library Board having a mailing address of P.O. Box 10, Havelock, Ontario K0L 1Z0.

The Purpose of the Library

The Township of Havelock-Belmont-Methuen Public Library is responsible for providing a comprehensive and efficient public library service to all citizens of the municipality. The Public Libraries Act requires that the public be able to borrow circulating materials and use reference and information services without charge. This also includes the operation of special services as the Board considers necessary. The services can be provided in co-operation with other Boards.

Seal and Symbol

A corporation seal and symbol will be used for business purposes.

Composition of the Board

1. The Township of Havelock-Belmont-Methuen Public Library Board shall be composed of five (5) members appointed by Council. As per Section 10(3) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a board member shall hold office for a term concurrent with the term of the appointing Council, or until a successor is appointed, and may be reappointed for one or more further terms.

2. The appointing Council shall appoint one Council member to the board.

3. As per Section 10(1) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a person is qualified to be appointed as a member of a board who is a member of the appointing Council or,
    (a) is at least eighteen (18) years old;
    (b) is a Canadian Citizen;
    (c) is a resident of the Township of Havelock-Belmont-Methuen;
    (d) is not employed by the Board or by the Municipality or County.

4. As per Section 11(1) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 the Clerk of the appointing Municipality 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.

5. As per Section 10(4) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 the first appointments of members of a new board shall be made at a regular meeting of council and the member shall take office as soon as possible thereafter, and thereafter appointments shall be made at the first meeting of council in each term, but if the council fails to make the appointments at its first meeting, it shall do so at any regular or special meeting held within 60 days after its first meeting.

6. Board Members shall take the Oath of Office and be sworn in by the Township Clerk or Deputy Clerk at the first meeting in a new term, and thereafter the Oath of Office shall be administered by the Township Clerk or Deputy Clerk as board vacancies are filled following the first meeting in a new term.

7. As per Section 12 of the Public Libraries Act, R.S.O. 1990, Chapter P.44, where a vacancy arises in the membership of a board, the appointing 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.

8. As per Section 13 of the Public Libraries Act, R.S.O. 1990, Chapter P.44 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 consecutive months without being authorized by a board resolution;

   (d) ceases to be qualified for membership under Section 10 (1) (c) of the Public Libraries Act, R.S.O. 1990, Chapter P.44; 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.

Role of Board Members:

1. As per Section 14(3) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a board shall elect one of its members as chair at its first meeting in a new term.

2. As per Section 15 of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a Board shall appoint a Chief Executive Officer, Secretary, and a Treasurer.

3. As per Section 20 of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a board,
   (a) shall seek to provide, in co-operation with other boards, a comprehensive and efficient public library service that reflects the community's unique needs;

   (b) shall seek to provide library services in the French language, where appropriate;

   (c) shall operate one or more libraries and ensure that they are conducted in accordance with this Act and the regulations;

   (d) may operate special services in connection with a library as it considers necessary;

   (e) 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;

   (f) shall make an annual report to the Minister and make any other reports or provide any other information required by this Act and the regulations or requested by the Minister from time to time;

   (g) shall make provision for insuring the board's real and personal property;

   (h) shall take proper security for the treasurer; and

   (i) may appoint such committees as it considers expedient.

4. As per Section 18 of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a board may reimburse its members for proper travelling and other expenses incurred in carrying out their duties as members.

5. As per Section 19(1) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a board may, with the consent of the appointing council,

   (a) acquire land required for its purposes by purchase, lease, expropriation or otherwise;

   (b) erect, add to or alter buildings;

(c) acquire or erect a building larger than is required for library purposes, and lease any surplus part of the building; and

(d) sell, lease or otherwise dispose of any land or building that is no longer required for the board's purposes.

6. As per Section 22(1) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a board may, by resolution, provide pensions for employees or any class of them and their surviving spouses and children.

7. As per Section 22(2) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a 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 section 281 of the *Municipal Act, 2001.*

8. As per Section 23(3) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a board may impose such fees as it considers proper for,

   (a) services not referred to in Sections 23(1) and (2) of the Public Libraries Act;

   (b) the use of the parts of a building that are not being used for public library purposes; and

   (c) the use of library services by persons who do not reside in the area of the board's jurisdiction.

9. As per Section 23(4) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 Subject to the regulations, a board may make rules,

   (a) for the use of library services;

   (b) for the admission of the public to the library;

   (c) for the exclusion from the library of persons who behave in a disruptive manner or cause damage to library property;

   (d) imposing fines for breaches of the rules;

   (e) suspending library privileges for breaches of the rules; and

   (f) regulating all other matters connected with the management of the library and library property.

10. As per Section 24(1) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a public library board, shall submit to the appointing 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.

11. As per Section 24(2) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 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.

12. A Board shall submit its annual financial statements, audited by a firm appointed under Section 296(1) of the Municipal Act, 2001, R.S.O., c. 25, to the appointing Council annually on or before the date specified by Council.

13. Board members shall have regular attendance at Board meetings.

14. As per Section 15(1) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a board may appoint and remove such employees as it considers necessary, determine the terms of their employment, fix their remuneration and prescribe their duties.

Officers of the Board

1. The Board shall elect one member as Chairperson at the first meeting in a new term, who will assume the following duties;

   To act as an official representative of the library and in a leadership role to the Board, ensuring that business is dealt with expeditiously.

   Preside at regular and special meetings of the Board and to vote on all issues.

   Conduct Board meetings in accordance with the Public Libraries Act, R.S.O. 1990, Chapter P.44 and other relevant legislation, following the rules of procedure as adopted by the Board.

   In the absence of specific authority, not committing the Board to any course of action.

   Acting as one of the signing officers of all documents pertaining to Board business.

   Representing the Board, individually or with other Board members, at any public or private meetings for the purpose of conducting, promoting, or completing the business of the Board.

   Determining the responsibilities of committees to deal with matters which arise where it is unclear as to which committee has responsibility, subject to eventual confirmation by the Board.

Consult with the Board Secretary regarding preparation of the monthly meeting agenda.

2. As per Section 15(2) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a board shall appoint a chief executive officer (CEO) who shall have general supervision over and direction of the operations of the public library 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.

   The CEO shall provide the Board with information and make recommendations on possible courses of action so as to assist the Board in its decision making.

   The CEO shall oversee the delivery of Library services to the community based on the objectives set by the Board.

3. At the first meeting in a new term, the Board shall appoint a Secretary whose duties will be as follows:

   Conduct the Board's official correspondence.

   Keep accurate minutes of every Board meeting and circulate a copy of the minutes to each member of the Board.

   Keep copies of the financial reports, meeting minutes and other documents on file.

   Consult with the Chairperson to prepare the monthly meeting agenda.

4. At the first meeting in a new term, the Board shall appoint the Municipal Treasurer as Board Treasurer whose duties will be as follows:

   Open a bank account or multiple accounts in the name of the Board in a Chartered Bank, Trust Company, or Credit Union approved by the Board and be a signing officer for those accounts.

   Receive and account for all finances of the Board.

   Deposit all monies received on the Board's behalf to the credit of the bank accounts.

   Disburse monies as directed by the Board.

   Maintain accurate records of all income and expenses.

   Prepare and distribute a monthly Financial report to each member of the Board and the CEO.

Meetings

1. As per Section 14(1) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 The first meeting of a board in a new term shall be called,

(a) if a by-law has been passed under Section 14(2) of the Public Libraries Act, R.S.O. 1990, Chapter P.44, by the chief executive officer appointed under subsection 15 (2) of the Public Libraries Act; and

(b) if no by-law has been passed under Section 14(2) of the Public Libraries Act, R.S.O. 1990, Chapter P.44, by the clerk of the appointing council.

2. As per Section 16(1) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 a board shall hold regular meetings once a month for at least 10 months each year and at such other times as it considers necessary.

3. As per Section 16(2) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 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, specifying the purpose for which the meeting is called.

4. All Board meetings shall be open to the public except as provided for in Section 16.1(4) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 which states that

A meeting or part of a meeting may be closed to the public if the subject matter being considered is,

(a) the security of the property of the board;

(b) personal matters about an identifiable individual;

(c) a proposed or pending acquisition or disposition of land by the board;

(d) labour relations or employee negotiations;

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the board;

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

(g) a matter in respect of which a board or committee of a board may hold a closed meeting under another Act.

5. As per Section 16.1(3) of the Public Libraries Act, R.S.O. 1990, Chapter P.44 the board chair may expel any person for improper conduct at a meeting.

6. The presence of three members of the Board is necessary to achieve a quorum and for the transaction of business at a meeting. In the absence of a quorum of Board members, all decisions must be ratified by the Board at the next regular Board meeting.

7. The Chairperson of the Board may vote with other members of the Board upon all questions. A tie vote will be deemed to be negative and the motion defeated.

8. A prepared agenda for each meeting should consist of the minutes of the previous meeting, business arising from the previous meeting, new business, correspondence received by the secretary, CEO reports, Board Chairperson's report, Committee reports, a monthly financial report, other business , scheduling of the next meeting, and adjournment.

Elections

1. The first meeting of the new term will be chaired by the CEO who will preside over the election of officers.

2. The Chairperson shall be elected by the Board from its membership.

3. Nominations shall be received and voting shall be conducted by a show of hands or in the case of more than one nomination, voting will be conducted via secret ballot.

4. Voting by proxy is not permitted.

5. Following the election of the Chairperson, a Vice Chairperson shall be elected in accordance with the same procedure as electing the Chairperson.

6. Following the election of the Chairperson and Vice Chairperson, the Board shall appoint a Secretary.

7. Following the appointment of the Secretary, the Board shall appoint the Township Treasurer as the Board Treasurer.

Finances

1. The fiscal year shall run from January 1 to December 31.

2. The Board shall submit annually, to the appointing Council, estimates of all sums required during the year for the purposes of the Board.

3. The Library Board has exclusive control of the disbursement of the finances of the Library, after Council approval of the proposed budget.

4. All expenditures for items (excluding books and office supplies) that are not specifically included in the budget require approval by motion of the Board.

5. The Treasurer is responsible for the signing and issuing of cheques.

6. The Board shall submit to the appointing Council, its annual financial statements audited by an auditor appointed under Section Section296(1) of the Municipal Act, 2001, R.S.O., c. 25.

7. A person may during regular business hours, inspect any records, books, accounts and documents in the possession of the Board's secretary except in matters where the information is of an intimate financial or personal nature.

8. A monthly financial statement will be submitted to each Board member and the CEO.

Committees

1. Two types of committees may be formed in advisory capacities only.

   (a) AD-HOC Committees are temporary in nature and are dissolved when their goals have been achieved or after deliberations are completed and a final report and recommendations have been presented to the Board e.g. fundraising or special events.

   (b) Standing Committees have a permanent status and are typically formed regarding matters of finance, public relations, planning or policy, personnel, or building and property.

Rules of Order

1. Procedural matters of the Board shall be governed by Robert's Rules of Order.

By-law Amendments

1. The Constitution and By-laws may be amended by approval of a motion and two-thirds majority of votes cast at a regular meeting of the Board.

Authority

1. In cases where the provisions of the Constitution and By-laws of the Board are in conflict with the provisions of the Public Libraries Act, R.S.O. 1990, Chapter P.44 or other legislation, the legislation shall take precedence.