

Composition of the Board and Terms of Reference for Officers

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Unless exempt through special legislation, the library board adheres to the Public Libraries Act, R.S.O. 1990, c. P44 as it relates to the composition of the board and the election and appointment of officers. The purpose of this bylaw is twofold: to guide the council's appointment process for board members. In addition, this by-law outlines the responsibilities of each of these officers.

Where the term "Board" is used, it is understood to mean "Port Colborne Public Library Board of Trustees." Where the term "Act" is used, it is understood to mean the Public Libraries Act, R.S.O. 1990, chapter P.44.

Section 1: Composition of the Library Board

1. While the Act, section 9(1) prescribes a board of no fewer than five members, and gives the municipal council the power to make appointments, the library board endorses a board that consist of at least five, and no more than nine members.
2. In accordance with the Act section 10(4), municipal council will appoint all board members at the first regular meeting of council in each term.
3. In accordance with the Act, section 10 (2a), municipal council shall not appoint more of its own members to the board than the number that is one less than a majority of the board.
4. In accordance with the Act, section 10 (3), a board member shall hold office for a term concurrent with the term of the appointing municipal council, or until a successor is appointed.
5. A board member may be re-appointed for one or more terms.
6. A member seeking re-appointment must follow the same process of application for consideration as for new candidates to the board.

7. In accordance with the Act, section 13, if any member of the board is disqualified from holding office, the members will forthwith declare the seat vacant and notify the municipal council accordingly.
8. In accordance with the Act, section 12, when a vacancy arises in the membership of the board, the municipal council will promptly appoint a person to fill the vacancy and to hold the office for the unexpired term, except where the unexpired term is less than forty-five days.
9. Resignations should be presented in writing to council with a copy to the chair of the Port Colborne Public Library Board.

Section 2: Duties and Responsibilities of Library Board Trustees

1. The library board is established to provide progressive, collective leadership and direction to the library and to set the framework for the operating context. All appointed trustees are entrusted to direct the activities of the organization as a whole rather than in their own interest or that of any specific group.
2. Library board trustees will:
 - a) attend board meetings prepared to conduct the business at hand
 - b) determine the library's mission, vision and values
 - c) develop, implement and monitor a strategic plan
 - d) determine policy of the library
 - e) review and revise board policies
 - f) operate the board effectively
 - g) orient and engage board members
 - h) prepare the budget estimates with the assistance of the chief executive officer
 - i) monitor expenditures
 - j) identify risk
 - k) determine the future needs of the library
 - l) advocate and promote the interest of the library in the community
 - m) become familiar with the Public Libraries Act governing the Board, as well as the by-laws and policies of the library board
 - n) review the collective agreement and establish policies for union negotiation in collaboration with council and the negotiating team

Section 3: Officers of the Library Board

1. In accordance with the Act, section 14, at the first meeting of the new term, members of the library board will elect a chair from among the members.
2. At the first meeting of the new term, members of the library board will elect a vice-chair from among the members.
3. In accordance with the Act, section 15, the library board will appoint a Chief Executive Officer (CEO), who shall also be secretary and treasurer of the library board, as allowed by the Public Libraries Act, section 15(5).
4. If any of the officers retire, step down or are dismissed during the officer's term, the library board must immediately elect or appoint a new officer.

Section 4: Terms of Reference for the Board Chair

1. In accordance with the Act, section 14 (3), a board will elect one of its members as chair at its first meeting in a new term.
2. The term of office for the chair will be for the term of the library board.
3. The chair leads the library board, acts as an official representative of the library, ensures the proper functioning of the board and the proper conduct of board business, in accordance with appropriate legislation and prescribed rules of procedure adopted by the board.
4. The chair will:
 - a) preside at regular and special meetings of the library board, preserve order and decorum, and decide all questions of order
 - b) set the agenda with the assistance of the board secretary and approve the agenda for distribution to the board
 - c) ensure that business is dealt with expeditiously and help the library board work as a team
 - d) in accordance with the Act, section 16(6), vote on all questions
 - e) act as an authorized signing officer of all documents pertaining to board business
 - f) appoint committees and serve as ex-officio member of all board committees
 - g) coordinate the CEO evaluation process

- h) share with the CEO the responsibility for conducting board orientation;
- i) coordinate the library board's evaluation process
- j) represent the library board, alone or with other members of the library board, at any public or private meetings for the purpose of conducting, promoting or completing the business of the library board
- k) not commit the library board to any course of action in the absence of the specific authority of the library board.

Section 5: Terms of Reference of the Vice-Chair

1. The election of vice-chair will take place at the first meeting for the term of the library board.
2. The vice-chair will hold a term concurrent with the term of the appointing council.
3. In the absence of the board chair, the vice-chair will be vested with all the powers and will perform all the duties of the chair. The vice-chair will possess and may exercise such other powers and duties as may, from time to time, be assigned by the library board.
4. As permitted by the Act, section 14(4), in the absence of the chair and the vice-chair, the board may appoint one of its members as acting chair.

Section 6: Terms of Reference of the Secretary

1. As permitted by the Public Libraries Act, section 15(5), the Chief Executive Officer of the Port Colborne Public Library shall serve as the secretary of the library board.
2. The secretary acts as the record-keeper to the library board and will attend all meetings of the board.
3. As a non-voting member of the board, the secretary may not vote on board business.
4. The secretary acts as the record-keeper to the library board. In the absence of the secretary, the library board may appoint one of its members as the acting secretary.
5. In accordance with the Act, section 5(3), the secretary will:
 - a) conduct the board's official correspondence

- b) keep minutes of every meeting of the board
6. In addition, the secretary will:
- a) prepare the agenda prior to each board meeting, in cooperation with the chair
 - b) distribute the agenda, with all reports and enclosures, to all board members prior to the relevant board meeting
 - c) distribute the minutes to all board members not less than three days prior to the next board meeting

Section 7: Terms of Reference of the Treasurer

1. As permitted by the Public Libraries Act, section 15(5), the Chief Executive Officer of the Port Colborne Public Library shall serve as the treasurer of the library board.
2. The treasurer will monitor the financial activities of the library and will ensure that complete and accurate records are kept in accordance with generally accepted accounting practices.
3. In accordance with the Act, section 14(4), the treasurer will:
 - a) receive and account for all the library board's money
 - b) open an account or accounts in the name of the library board in a chartered bank, trust company, or credit union approved by the board
 - c) deposit all money received on the library board's behalf to the credit of that account or accounts
 - d) disburse the money as the library board directs
4. The treasurer will act as an authorized signing officer of all documents pertaining to the financial business of the library board.
5. The treasurer will provide the library board with a report of all financial transactions and of the financial position of the library, monthly or as otherwise required.

Section 8: Terms of Reference of the Chief Executive Officer (CEO)

1. In accordance with the Public Libraries Act, section 15(2), the library board appoints the chief executive officer who shall attend all board meetings.
2. The library board delegates the authority for management and operations of services to the chief executive officer.

3. The CEO acts as secretary and treasurer to the library board and will attend all meetings of the board and assist in the general conduct and management of all library operations and services.
4. As a non-voting officer of the library board, the CEO will:
 - a) sit ex-officio on all the committees of the library board
 - b) act as a resource person
 - c) ensure that board decisions are communicated to library staff
 - d) make recommendations as necessary
 - e) interpret and communicate the board's decisions to the staff

Related Documents:

- Public Libraries Act, R.S.O. 1990, chapter P44
- Port Colborne Public Library. BL-01: Statement of Authority of the Board
- Port Colborne Public Library. BL-03: Meetings of the Board
- Port Colborne Public Library. BL-04: Amendments of By-laws