
**BARRIE PUBLIC LIBRARY
CONSTITUTION AND PROCEDURAL BYLAWS**

MOTION #16-34

Revised June 23, 2016

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1. NAME AND ADDRESS

BARRIE PUBLIC LIBRARY
60 WORSLEY STREET
BARRIE, ONTARIO
L4M 1L6

2. AUTHORITY

The Barrie Public Library Board is a corporation appointed under and acting in accordance with the *Public Libraries Act*, Revised Statutes of Ontario 1990, Chapter P.44, as amended by: 1993, Chapter 27, Sched; 1996, Chapter 32, S83; 1997, Chapter 26, Sched; 1999, Chapter 6, S56; 2002, Chapter 17, Sched. C, S24; 2002, Chapter 18, Sched.F, S.3(1-3); 2009, c33, sched. 11, s7(1) and the following Regulation (as amended) Grants for Public Libraries (R.R.O. 1990, Reg. 976). Charitable Donation Registration #106773716RR0001.

3. MISSION STATEMENT

Enriching the economic, social and cultural vitality of our community by opening doors to lifelong learning.

**4. ENDORSEMENT OF THE CANADIAN PUBLIC LIBRARY ASSOCIATION
“STATEMENT ON INTELLECTUAL FREEDOM”**

The Barrie Public Library endorses the Canadian Library Association “Statement on Intellectual Freedom” (Approved by Executive Council June 27, 1974, Amended November 17, 1983 and November 18, 1985):

“All persons in Canada have the fundamental right, as embodied in the nation’s Bill of Rights and the Canadian Charter of Rights and Freedoms, to all expressions of knowledge, creativity and intellectual activity, and to express their thoughts publicly. This right to intellectual freedom, under the law, is essential to the health and development of Canadian society.

Libraries have a basic responsibility for the development and maintenance of intellectual freedom.

It is the responsibility of libraries to guarantee and facilitate access to all expressions of knowledge and intellectual activity, including those which some elements of society may consider to be unconventional, unpopular, or unacceptable. To this end, libraries shall acquire and make available the widest variety of materials.

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It is the responsibility of libraries to guarantee the right of free expression by making available all of the library's public facilities and services to all individuals and groups who need them.

Libraries should resist all efforts to limit the exercise of these responsibilities while recognizing the right of criticism by individuals and groups.

Both employees and employers in libraries have a duty in addition to their institutional responsibilities, to uphold these principles.”:

- All libraries should have interdependent intellectual freedom and collection development policies.
- In recognition of the lack of clarity in the Criminal Code in defining such areas as pornography and hate literature, it is the responsibility of the Library Board to show “due diligence” in their procedures and in explaining both policies including the responsibility of users or their legal guardian for exercising personal judgment in their choice of library materials.
- Library Boards are responsible for the education and advocacy of the principles of intellectual freedom to staff, Council and the public.
- Endorsement of this statement does not supersede the Library Board right to establish rules and regulations as set out in the *Public Libraries Act*. For example, rules governing the orderly sharing of materials.
- This statement recognizes that charges for access to free research sources on the Internet constitutes a barrier to intellectual freedom.
- The Intellectual Freedom Policy of the Board should be reviewed at least every three years.

5. ENDORSEMENT OF THE ONTARIO LIBRARY ASSOCIATION STATEMENT ON THE INTELLECTUAL RIGHTS OF THE INDIVIDUAL (APPROVED BY OLA BOARD OF DIRECTORS, DECEMBER 2003 AND REAFFIRMED DECEMBER 2005)

In affirming its commitment to the fundamental rights of intellectual freedom, the freedom to read and freedom of the press, as embodied in the Canadian Charter of Rights and Freedoms, the Ontario Library Association declares its acceptance of the following propositions:

1. That the provision of library service to the public is based upon the right of the citizen, under the protection of the law, to judge individually on questions of politics, religion and morality.

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2. That intellectual freedom requires freedom to examine other ideas and other interpretations of the life than those currently approved by the local community or by society in general, and including those ideas and interpretations which may be unconventional or unpopular.
3. That freedom of expression includes freedom for a creator to depict what is ugly, shocking and unedifying in life.
4. That free traffic in ideas and opinions is essential to the health and growth of a free society and that the freedom to read, listen and view is fundamental to such free traffic.
5. That it is therefore part of the library's intent to maintain the right of intellectual freedom and to implement it consistently in the selection of books, periodicals, films, recordings, and other materials, and in the provision of access to electronic sources of information, including access to the internet.
6. That it is therefore part of the library's service to its public to resist any attempt by any individual group within the community it serves to abrogate or curtail access to information, the freedom to read, view and listen by demanding the removal of, or restrictions to library information sources in any format.
7. That it is equally part of the library's responsibility to its public to ensure that its selection of material is not unduly influenced by the personal opinions of the selectors, but determined by the application of generally accepted standards of accuracy, style and presentation.

6. ENDORSEMENT OF PROVINCIAL GOALS

- 6.1 The Provincial Government is committed to the individual's right of access to the material of the Province to meet the individual's personal, informational and cultural requirements.
- 6.2 The Provincial government is committed to providing legislation which ensures public library service to all citizens of Ontario.
- 6.3 The Provincial Government is committed to the provision of funding and staff support to ensure the accomplishment of the following provincial objectives.

7. PROVINCIAL OBJECTIVES

- 7.1 To encourage and to assist municipalities to give strong support to local public library service development;
- 7.2 To ensure that materiel are acquired and maintained throughout the Province to meet the informational, educational, recreational and cultural needs of local citizens;
- 7.3 To ensure equality of access to Ontario public libraries' resources for the citizens of Ontario;

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- 7.4 To encourage and assist in the implementation of technological change in Ontario public libraries;
- 7.5 To develop and assist in making available networked Province-wide information systems to Ontario Public libraries.

8. LEGAL RESPONSIBILITIES

- 8.1 The Barrie Public Library Board has been established to ensure and direct the continuing operation of the Barrie Public Library as a service within the meaning and terms of the Public Libraries Act, 1990 and the statement of goals and objectives of the Barrie Public Library.
- 8.2 The library shall be operated without purpose of pecuniary gain to any of the Board members and any surplus or accretions of the library shall be used solely for the purposes of the library and the promotion of its purpose.
- 8.3 The Board shall make an annual report to the Minister responsible for libraries and any other reports required by the Act or as requested by the Minister from time to time (Public Libraries Act, 1990 S.29 C2).
- 8.4 A person may, during ordinary business hours, inspect any records, books, accounts and documents in the possession or control of the CEO except for information that:
 - i. in the CEO's opinion, is of an intimate financial or personal nature, or
 - ii. identifies an individual user of library services by name or makes him or her readily identifiable by other means (*Public Libraries Act 1990 S.28*)
 - iii. conflicts with the terms and conditions of the Freedom of Information and Protection of Individual Privacy in Municipalities and Local Boards Act which states:
 - a) Every person has a right of access to a record or a part of a record in the custody or under the control of an institution unless the record or part falls within one of the exemptions under the Freedom of Information Legislation.
 - b) Where an institution receives a request for access to a record that contains information that falls within one of the exemptions under the Freedom of Information Legislation, the head shall disclose as much of the record as can reasonably be severed without disclosing the information that falls under one of the exemptions.
- 8.5 It is the responsibility of all Board members and Officers of the Board to maintain the strictest confidentiality in all matters of Board business that pertain to information of an intimate financial or personal nature concerning library patrons, personnel or other Board members.

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- 8.6 If a member has a pecuniary interest in any matter and is or will be present at a meeting at which the matter is the subject of consideration, the member:
- i. shall, before any consideration of the matter at the meeting, orally disclose the interest and its general nature;
 - ii. shall not, at any time, take part in the discussion of, or vote on, any question in respect of the matter;
 - iii. shall not, at any time, attempt, either on his or her own behalf or while acting for, by or through another person, to influence the voting on any such matter or influence employees or persons interested in a contract with the Board in respect of the matter.
- 8.7 Where a disclosure omits reference to a member's spouse or child, the interest shall be stated as being that of the member.

9. RULES OF ORDER

- 9.1 The procedural reference authority is Ray E. Keesey, *Modern Parliamentary Procedure* Houghton Mifflin, 1974.
- 9.2 These By-Laws define only those procedures which are unique to the Board

10. ORGANIZATION

The Library Board recommended to the City of Barrie, following the proclamation of the *Public Libraries Act, 1990*:

- 10.1 The CEO, as Secretary-Treasurer of the Board, be authorized by Municipal by-law to call the first meeting of the Board in each new term.
- 10.2 The Board to be composed of nine (9) members and that appointments be as follows and outlined in Council Resolution 03-9-226 Barrie Public Library Board – Representation, 2003:
- two (2) members of City council
 - seven (7) members representing the citizenship at large.
- 10.3 If circumstances outlined in Section 13 of the Public Libraries Act, Revised Statutes of Ontario, 1990 Chapter P.44 occur, the CEO as Secretary-Treasurer of the Library Board is authorized to declare a seat on the Library Board vacant and to notify the Council accordingly.
- 10.4 Disqualification of a Board member shall occur under the Public Libraries Act, Revised Statutes of Ontario, 1990 Chapter P.44 section 13.
- i. is convicted of an indictable offense;

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- ii. becomes incapacitated;
- iii. is absent from the meetings of the Board for three consecutive months without being authorized by a Board resolution;
- iv. ceases to qualify as a resident;
- v. otherwise forfeits his or her seat; the member's seat becomes vacant and the remaining members shall forthwith declare the seat vacant and notify council accordingly.

11. OFFICERS OF THE BOARD

11.1 The Officers of the Board shall be the Chair, Vice-Chair and CEO as Secretary-Treasurer, or designate.

11.2 The Board shall elect the Chair and Vice-Chair yearly from among its members at the first meeting each January.

11.3 The Chair shall:

- i. preside at the meetings of the Board;
- ii. conduct Board meetings in accordance with the Act and other relevant legislation within the rules of procedure adopted by the Board;
- iii. in the event that a decision must be made without specific authority of the Board, inform the Board of the decision and the reason(s) necessitating it at the next regular Board meeting;
- iv. serve as an ex-officio member of all Board committees;
- v. act as one of the authorized signing officers of all documents pertaining to Board business;
- vi. represent the Board at public or private meetings for the purpose of conducting, promoting or completing the business of the Board;
- vii. determine the responsibility 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;
- viii. advise the Vice-Chair if, for any reason, the chair is temporarily unable to perform these functions;
- ix. be the "Head" under the Municipal Freedom of Information and Protection of Privacy Act, 1989.

11.4 The Vice-Chair shall:

- i. in the absence of the Chair, be vested with all the powers and perform all the duties of the Chair;
- ii. be assigned by the Board other powers and duties from time to time.

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11.5 CEO Job Description

JOB TITLE: CEO

JOB SUMMARY: The CEO is appointed Chief Executive Officer by the Library Board. The responsibilities for the administration of the provisions of the *Municipal Freedom of Information and Protection of Privacy Act* are delegated to the Chief Executive Officer. The Chief Executive Officer is designated as the Freedom of Information and Privacy Coordinator. The CEO is responsible to the Board for planning, organizing, directing and controlling all library operations and services in accordance with policies established by the Board. As part of a team with the Board, the CEO advises and recommends policies to the Board; serves as Secretary and Treasurer to the Board; serves, along with the Board Chair, as the Board's representative to the public, professional associations, community committees and government agencies. The CEO is expected to exercise initiative, and to take leadership and independent action within limits prescribed by the Board and legislated by the Province.

DUTIES

1. Ensure that the goals, objectives and targets of the Barrie Public Library Strategic Plan are met. Ensure that the needs of the Barrie community are met. Assess needs; evaluate programs and services; recommend initiatives and policies to the Board; participate in planning; implement Board decisions regarding policies, services and resources.
2. Plan, organize, direct, control and evaluate library operations. Communicate Board policies and directives as required. Draw up contracts and agreements between the Library and other agencies, consultants, etc., and obtain Board approval for such documents. Allocate resources to ensure efficient operation of the library.
3. Promote an active and high standard of public relations at all times. Serve as the Board's spokesperson along with the Board Chair, who also deals with the press and City Council.
4. Direct the Library's personnel function to maximize a team approach. Establish and maintain personnel practices. Responsible for hiring, training and development, performance appraisal, job evaluation and salary, administration, discipline and dismissal of staff, except at the Director level, where approval of the Board is required. Recommend compensation and salary administration policies to the Board. Administer the collective agreement.
5. Responsible to the Board for the overall development and maintenance of the Union/Management relationship. Serve as the Board's spokesperson to the staff. Oversee the preparation of revisions to the collective agreement and advise the Board and its Negotiating Committee in the development of the Board's proposals for collective bargaining; interpret the collective agreement; process grievances; participate in Union/Management meetings as required.

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6. Responsible for the operation and maintenance of the physical plant and capital equipment. Responsible for the development and maintenance of the collections.
7. Perform the duties of Treasurer to the Board in accordance with Board directives and the provisions of the Public Libraries Act, 1990 and Board directives. Direct the financial administration of the library; oversee the preparation of the budget; make application for and administer special grants; serve as signing officer for the Library; provide the Board with financial reports and cost analysis as required.
8. Administer the Municipal Freedom of Information and Protection of Privacy Act and the Occupational Health and Safety Act.
9. Develop and maintain effective working relationships with the City administration, provincial ministries and other agencies.
10. Establish and maintain contact with other library systems, professional associations and community organizations; participate in professional committees; represent the Library at workshops, seminars and conferences.
11. Report at each Board meeting and indicate any significant problems and grievances.
12. Perform other related duties, as assigned by the Board.

DIRECT REPORTING RELATIONSHIPS

1. Reports to the Library Board.
2. Supervises: Director, Service Delivery; Director, Business Development; Manager, Adult Information Services; Manager, Children and Youth Information Services; Manager, Information Technology; Manager, Public and Branch Services, Business Officer; Manager, Human Resources;

EDUCATION AND EXPERIENCE REQUIREMENTS

1. MLS degree from an accredited library faculty or a combination of related education and experience.
2. Minimum of 8 (eight) years experience in the field of professional librarianship in progressively responsible positions.
3. At least 2 (two) years of senior administrative experience in a public library.

12. BOARD MEETINGS

- 12.1 The first meeting of a newly appointed Board shall be called by CEO as the Chief Executive Officer of the Library Board.
 - i. Regular meetings are held monthly, on the fourth Thursday of the month (second Thursday in December), except for July and August. An incoming Board shall decide the normal date, time and location for meetings subject to change by a majority vote.
 - ii. Board meetings shall be open to the public except as they deal with confidential matters, such as contractual agreements, suspensions, personal issues, privacy legislation, as identified under 13.1

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- iii. Special meetings may be called by the Chair. Special meetings shall be called as soon as possible upon request to the Chair from at least two trustees or from the CEO.

ORDER OF PROCEEDINGS

1. Call to Order:

The meeting shall be called to order by the Chair or, in the absence of the Chair, by the Vice-Chair at the hour fixed for the meeting, or as soon as a quorum is present.

2. Quorum:

- i. The presence of a majority of the Board (5 members if 9 are appointed) is necessary for the transaction of business at a meeting.
- ii. A Board Member's presence may be either physical or electronic
- iii. Where a quorum is not present within 20 minutes after the hour fixed for the meeting, the Secretary shall record the names of the Board members present and the meeting shall stand adjourned until the next meeting or until a special meeting is called.

3. The Agenda shall:

- i. be prepared by the CEO in consultation with the Chair of the Board;
- ii. be available for distribution by the Friday preceding the meeting.

4. The Minutes of the Meeting:

- i. The CEO's Administrative Assistant shall act as the recording secretary
- ii. The minutes of the meeting shall be the legal record of the Board's business, recording all motions and policy decisions, and shall include the Agenda and all reports received at the meeting.

13. CONFIDENTIAL MATTERS

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

- the security of the property of the Board;
- personal matters about an identifiable individual;
- a proposed or pending acquisition or disposition of land by the Board;
- labour relations or employee negotiations;
- litigation or potential litigation, including matters before administrative tribunals, affecting the Board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

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- a matter in respect of which a Board or Committee of a Board may hold a closed meeting under another Act. 2002, c. 17, Schedule c, s. 24 (5).
 - a meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal freedom of Information and Protection of Privacy Act* if the Board or Committee of the Board is the head of a institution for the purpose of that Act. 2002, c., Schedule c, s. 24 (5).
- 13.2 Confidential notes shall be kept and filed separately with restricted access. Some personnel items may be filed in a sealed envelope. Access is restricted to CEO and Board members.
- 13.3 All Board members and the CEO shall receive copies of the confidential notes. These are to be distributed to Board members and CEO in separate envelopes stamped 'confidential'.
- 13.4 Any confidential agenda item shall become an in-camera session unless a Board member indicates there is no reason the subject cannot be dealt with in public. A vote shall be taken to determine whether the matter shall be discussed in-camera.
- 13.5 No motion is necessary for the meeting to go in-camera. In-camera sessions will be held at the end of the meeting, if possible.
- 13.6 The motions will not always be reported in the public minutes, as the subject may have to remain confidential. The times will not be noted in the public minutes. The phrase "this portion of the meeting was held in-camera" will be used. The Confidential Notes will specify times in and out of the in-camera session and those present at each session.
- 13.7 The CEO and Recording Secretary shall generally be present at the discretion of the Board.
- 13.8 If union negotiations are being discussed, no media, public or union members shall be present.
- 13.9 Directors and Managers may attend unless their performance appraisals and increments are being discussed. The CEO and Recording Secretary shall be present.
- 13.10 If the Administrative and Non-Administrative Exempt group is being discussed as a whole, no member of that group shall be present.

14. DELEGATIONS

- 14.1 Any delegation wishing to address the Board regarding matters on the agenda may be heard by the Board upon written request to the CEO, setting out the issue to be presented to the Board at least 10 days prior to the Board meeting.

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- 14.2 Any delegation wishing to address the Board regarding matters not on the agenda may be heard by the Board upon written request to the CEO, setting out the issue to be presented to the Board at least 10 days prior to the Board meeting.
- 14.3 Requests should be directed to the Chair of the Board through the Library's CEO.
- 14.4 Every such delegation shall be limited to 10 minutes for speaking to the Board unless approval of the Board is obtained by the Chair to extend or limit the speaking time.
- 14.5 Upon the completion of a presentation to the Board by a delegation, any discourse between Board members and the delegation shall be limited to Board members asking questions for clarification and obtaining additional relevant information only.
- 14.6 Board members shall not engage in debate with the delegation with respect to the presentation.

15. COMMITTEES

15.1 Standing Committees:

- i. Community & Governance
- ii. Personnel & Finance

15.2 The Board may appoint ad hoc committees as required.

15.3 Membership:

15.3.1 The Board Chair and Vice Chair are ex-officio voting members of all committees.

15.3.2 The CEO or designate is a non-voting member of all standing committees.

15.3.3 At the Committee Chair's prerogative, outside resource people may be asked to address the committee or may be asked to join the committee to serve for a predetermined length of time. Such members are non-voting members of the committee.

15.4. Function:

- Committees have a mandate to examine, explore, gather information and seek advice on matters which fall within the terms of reference for that committee.
- Committees report directly to the Board and are expected to make proposals and recommendations to the Board as required
- Committees may not act on the Board's behalf, and may not expend funds unless prior specific authority has been delegated by the Board.
- Committee activity is intended to foster Board effectiveness and efficiency.

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15.5 Committees may hear deputations.

15.6 Committees meet when required.

15.7 Committee responsibilities

15.7.1 Community & Governance Committee:

Governance:

- Identify the skills and competencies necessary for an incoming Board to meet new term challenges.
- Evaluate Board performance yearly through Board member annual self-appraisal.
- Conduct planning and delivery of new Board member orientation and development.
- Prepare a legacy document to summarize the successes and challenges of the term to provide the incoming Board with a framework for moving forward.
- Review and revise Library and Board policies on an annual basis.

Community:

- Ensure goodwill in the community by:
 - Building a strong communicative relationship with municipal council
 - Maintaining a dialogue with the community at Library and community events.
 - Promoting the Library as an essential community service.
 - Building community pride in the Library.
 - Advocating for the Library's role in the community.

15.7.2 Personnel & Finance Committee:

Finance:

- Analyze preliminary budgets and propose necessary changes.
- Oversee and make recommendations with administrative staff to ensure safe financial control measures are in place to expend the budget with due diligence and in accordance with Board policies.
- Examine monthly financial statements for discrepancies and anomalies.

Personnel:

- Ensure good Library leadership and management by evaluating the CEO's performance against the Board's strategic organizational objectives.
- Support the CEO in the development and execution of personnel policies for staff skill development, discipline, motivation and to the extent possible, a Collective Agreement with the Union that will meet service requirements within the Library's fiscal environment.
- Consult with the CEO in developing a senior management structure and succession plan to ensure the continuity of the Library's management team.

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- When necessary, request that the Library Board strike an ad hoc committee to recruit a replacement for the CEO proposing optional recruitment strategies and a process to develop the criteria for the selection of a new CEO.

16. BOARD SPOKESPERSON

- 16.1 The CEO is authorized to act as Board spokesperson for statements to the media regarding the library's operations. Whenever practical, the CEO should first consult with the Chair of the Board.
- 16.2 Individual Board members shall not use the title of "Trustee" for personal purposes. Any correspondences using the title of Trustee should be restricted to Board matters and have the approval of the Board Chair.

17. PERSONNEL

- 17.1 The Board may appoint and remove such officers and servants as it considers necessary, determine the terms of employment, fix their remuneration and prescribe their duties, (Public Libraries Act 1990, section 15 (1)).
- 17.2. CEO:
- i. The Board shall advertise a vacant position of CEO in appropriate library journals, newspapers and websites and/or use a recruitment service.
 - ii. Candidates for CEO shall be screened and interviewed by the Board Chair and an ad hoc Hiring Committee.
 - iii. Recommendation for CEO shall be made by the Board Chair and the ad hoc Hiring Committee to be approved by motion of the Board;
 - iv. An annual job performance evaluation of the CEO shall be undertaken by the Board and a formal documented evaluation shall be reviewed with the CEO. Major concerns with performance will be conveyed in writing throughout the year.

18. REVISIONS

The Constitution and By-Laws shall be reviewed every year by the Governance Committee of the Board in June.

MOTION #94 – 134	December 15, 1994
MOTION #95 – 08	January 27, 1995
MOTION #95 – 82	June 29, 1995
MOTION #97 – 57	June 26, 1997
MOTION #97 – 94	November 27, 1997
MOTION #98 – 87	June 25, 1998
MOTION #00 - 84	June 29, 2000

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MOTION #01-08	February 22, 2001
MOTION #01-51	July 05, 2001
MOTION #02-11	April 25, 2002
MOTION #03-26	June 26, 2003
MOTION #04-39	October 28, 2004
Motion #06-25	June 22, 2006
Motion # 09-20	June 25, 2009
Motion #11-16	April 28, 2011
Motion #13-22	July 24, 2013
Motion #14-36	November 27, 2014
MOTION #15-27	June 25, 2015
MOTION #16-34	Revised June 23, 2016