

**Report to / Rapport au:**

**Ottawa Public Library Board  
Conseil d'administration de la Bibliothèque publique d'Ottawa**

**February 11, 2020 / 11 février 2020**

**Submitted by / Soumis par:**

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**File Number: OPLB-2020-0203**

**SUBJECT: *Public Libraries Act* and related Governance Amendments**

**OBJET: *Loi sur les Bibliothèques publiques* et modifications relative sur la gouvernance**

**REPORT RECOMMENDATIONS**

**That at its meeting of February 11, 2020, the Ottawa Public Library (OPL) Board:**

- 1. Receive and table the *Public Libraries Act (PLA)* and related Governance Amendments report.**

**That, its meeting of March 10, 2020, the OPL Board:**

- 2. Approve the OPL Board Rules of Procedure By-law amendments pertaining to Section 15, as further described in this report (Document 1);**
- 3. Approve the revised 2020 OPL Board meeting schedule (Document 2); and,**
- 4. Upon approval of this report, direct staff to forward a copy of the report to the Office of the City Clerk with a request to incorporate the *PLA* amendment regarding the filling of any vacancies and/or future recruitment.**

## RECOMMANDATIONS DU RAPPORT

Que, lors de sa réunion du 11 février 2020, le Conseil d'administration (C.A.) de la Bibliothèque publique d'Ottawa (BPO):

1. Examine et dépose le rapport sur la *Loi sur les Bibliothèques publiques et modifications en relation sur la gouvernance*.

Que, lors de sa réunion du 10 mars 2020, le C.A. :

2. Approuve la modification relative à l'article 15 du Règlement sur les règles du C.A. de la BPO, tel que décrit dans le rapport (document 1);
3. Approuve le calendrier révisé des réunions ordinaires de 2020, proposé au document 2;
4. Après approbation du rapport, charge le personnel de transmettre une copie du rapport au bureau du greffier municipal avec une demande d'incorporée la modification de la *Loi sur les Bibliothèques publiques* concernant l'attribution de tout poste vacant ou recrutement futur.

## BACKGROUND

The Ottawa Public Library Board (the "OPL Board") is constituted under the *Public Libraries Act*, R.S.O. 1990, Chapter P.44 ("the Act") as amended from time to time. The OPL Board has adopted a policy governance model, designed to empower the Board to fulfill its obligations towards the organization. The model "...enables the board to focus on the larger issues, to delegate with clarity, to control management's job without meddling, to rigorously evaluate the accomplishment of the organization; to truly lead its organization."<sup>1</sup>

The most current version of the OPL Board Rules of Procedure By-law were approved December 11, 2018 (OPLB-2018-1201).

On December 10, 2019, Bill 132, Chapter 14, the Statutes of Ontario, 2019, *Better for People, Smarter for Business Act, 2019*, received Royal Assent. This omnibus bill

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<sup>1</sup> Carver, J. and Carver, M., (2015, January 2) *The Policy Governance Model*®. Retrieved from PolicyGovernance.com

included changes the *PLA* to simplify and modernize regulations, and eliminate requirements that are outdated or duplicative, making regulatory processes more efficient for business and better for people.

The primary purpose of this report is to recommend and seek approval for amendments to the OPL Board Rules of Procedure By-law and the Board annual meeting schedule to more closely align with the recent changes to the *PLA*. It is also to identify other required edits to any Board policies or reporting requirements. There are no required edits to any other Board policies; reporting edits to the requirements for Semi-Annual Performance Measurement are described below.

According to the existing Rules of Procedure By-law, Section 44 (1), amendments to the By-law require a majority vote of the whole Board. Further, Section 44 (2) states that amendments or repeals to the By-law shall be considered at any meeting of the Board provided notice of the proposed amendment or repeal was given at a prior regular meeting of the Board. However, with a majority vote of all members the Board, this notice can be waived.

## **DISCUSSION**

### **Legislative Changes to the *PLA***

The recent legislative changes provide for two amendments to the *PLA*:

1. Section 10 (1): permits Canadian permanent residents to serve as public library board members. Prior to this amendment, only Canadian citizens were permitted to serve on public library boards. This amendment provides boards with a larger and more diverse pool of potential board members.
2. Section 16 (1): reduces the minimum number of annual public library board meetings from ten per year to seven per year. This amendment provides more flexibility for public library boards to determine the appropriate number of meetings needed for their local circumstances.

These changes have implications for the OPL Rules of Procedure By-law, the OPL Board's annual meeting schedule, and Board recruitment, as outlined below.

### **Recommendation 1: OPL Board Rules of Procedure By-law Amendments**

The purpose of the first recommendation in this report is to replace Section 15 (1) of the Rules of Procedure By-law, December 11, 2018, to reflect the current legislation as follows (see Document 1):

“Regular meetings of the Board shall be held once a month for at least months of the year as required by the *Act*, or more frequently at the direction of the Board, and shall be held at the place and time as may be designated by the Board.”

### **Recommendation 2: OPL Board Calendar of Meetings**

The OPL Board Calendar of Meetings is typically approved in November of each year. While the new legislation states that the Board must hold a minimum of seven meetings, staff recommend that the OPL Board hold eight meetings each calendar year. This represents two fewer meetings than previously approved. Specifically, staff recommend that the monthly meetings in January and October be removed from the typical OPL Board meeting schedule. These months are recommended as they do not generally have significant agenda items relating to policy matters. The recommended meeting schedule ensures that staff have flexibility to prepare a legislative agenda that is responsive to Board and community needs, and which aligns with OPL’s operational and strategic requirements.

If approved, the revised meeting schedule would be effective immediately. On November 5, 2019 the OPL Board received a report (OPLB-2019-1101) and approved a meeting schedule for 2020. This schedule was approved knowing that legislative changes were forthcoming; without knowledge, however, of the specific changes that have since received Royal assent. A recommended revised 2020 meeting schedule is hereto attached as Document 2. In sum, the recommended schedule removes two monthly meetings (January and October), but all other meeting dates and locations remain status quo. With the removal of these meetings, there are required changes to reporting requirements. No reporting requirements are set for January, but the Semi-Annual Performance Measurement – January to June report is normally presented to the Board in October of every year. This report will now be presented in November of every year.

### **Recommendations 3: Board Recruitment**

The second legislative change to the *PLA*, Section 10 (1) concerns persons who are qualified to be appointed as members of a Board. The Board recognizes that in keeping with the *PLA*, the Council of the City of Ottawa is solely responsible for determining the constitution of the OPL Board. Recognizing that staff will provide the City Clerk's Office with a copy of this report containing the *PLA* amendments. This will ensure that the City is aware that future Board recruitment will need to reflect that Canadian permanent residents are eligible to serve on public library boards.

### **CONSULTATION**

The City Solicitor was consulted regarding the proposed changes. Staff also consulted colleagues at Toronto Public Library and Hamilton Public Library.

### **LEGAL IMPLICATIONS**

There are no legal implications associated with this report.

### **RISK MANAGEMENT IMPLICATIONS**

The proposed changes will result in two fewer Board meetings in 2020, for a total of eight instead of 10 meetings. This will exceed the minimum number of required meetings as per the revised *PLA* by one meeting. This also represents a gradual approach to more closely align with the *PLA*, while providing the OPL Board with an opportunity to monitor implications of the changes to inform future schedules.

### **FINANCIAL IMPLICATIONS**

The recommendations in this report improve OPL efficiencies with a more streamlined legislative agenda and reduced costs for meeting administration.

### **ACCESSIBILITY IMPACTS**

There is a potential for increased engagement of people with disabilities and seniors as potential Board members, as a result of accepting the recommendations in this report. Fewer meetings may make a time commitment easier for potential board members and reduce barriers to recruitment for some. Similarly, changes to Board recruitment may allow Ottawa residents at risk of exclusion to consider a position on the OPL Board.

## **TECHNOLOGY IMPLICATIONS**

There are no technology implications.

## **BOARD PRIORITIES**

The recommendations for amendments to the Rules of Procedure By-law as identified in this report ensure OPL Board alignment with the revised *PLA*.

## **SUPPORTING DOCUMENTATION**

Document 1 - OPL Board Rules of Procedure By-law, revised

Document 2 – 2020 Board Meeting Schedule, revised

## **DISPOSITION**

Pending Board approval of this report, staff will:

1. Amend the 2020 Board meeting schedule accordingly, as per Document 2, and ensure appropriate communications are updated; and,
2. Forward a copy of this report to the Office of the City Clerk, with a request to incorporate the *PLA* amendment Section 10 (1) with respect to persons qualified to be appointed as a member of the Board for future Board recruitment.

## OPL Board Rules of Procedure By-law - revisions

The OPL Rules of Procedure By-law, Section 15 (1) governs the number of meetings required of the Board.

Section 15 (1) currently states:

*“Regular meetings of the Board shall be held once a month for at least **10** months of each year as required by the Act, or more frequently at the direction of the Board”*

Section 15 (1) will be revised to state:

*“Regular meetings of the Board shall be held once a month for at least **seven** months of each year as required by the Act, or more frequently at the direction of the Board.”*

**Ottawa Public Library Board  
Revised Schedule, February 2020**

The OPL Board meets on the second Tuesday at 5:00 p.m.  
in the **Champlain Room** except as noted below\*:

2020 MEETING DATES
10 March
14 April
12 May
9 June
8 September
3 November*
1 December*