



The Public Libraries Act for new Board Members

By Rod Sawyer, and Adam Haviaras

Thursday, January 28, 2016, 2:15 p.m.
MTCC 203A

Convenors: Lynn Humfress-Trute & Pierre Mercier

We do 'Follow-up' ...

This is *not* how we roll...



Doing 'Follow-up'

This is...



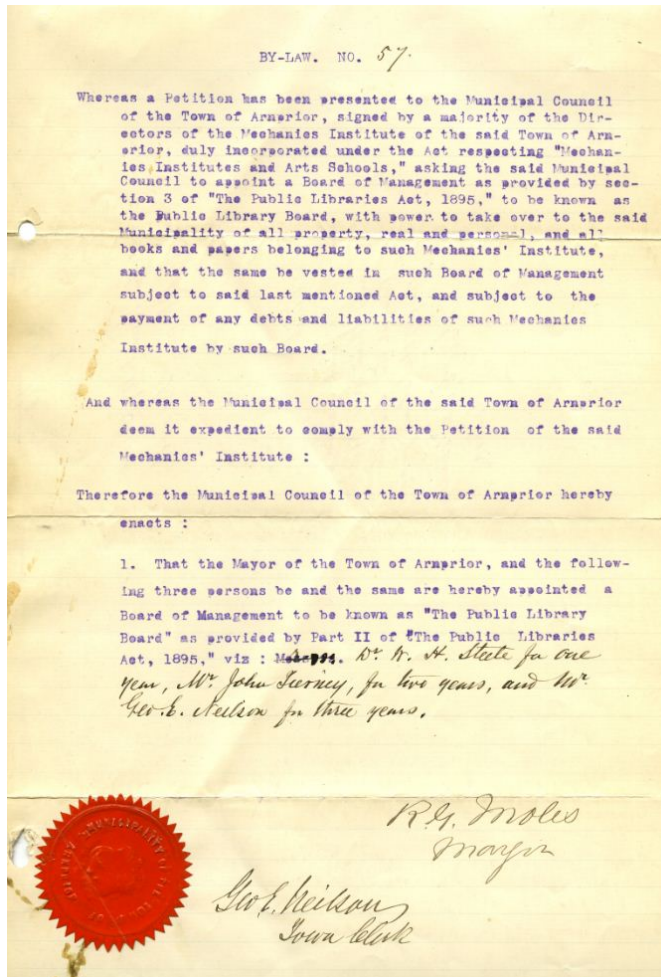
PLA Highlights

- The *Public Libraries Act* (“PLA”) helps ensure free, equitable access to public library service in Ontario
- It is key legislation and a resource for all well managed public library boards (“board”), library CEOs and staff but its effectiveness rests with understanding, and compliance
- The Act sets out board governance in some detail

PLA Highlights cont' d

- Public libraries may be established by municipal by-law. (PLA s. 3 (1))
- *Public libraries are under the management and control of a public library board, which is a corporation, known in English as the (name of municipality) Public Library Board...* (PLA s. 3 (3))

Public Library By-Laws



Ignace, Ontario. *March 28th* 1922

BY-LAW NO. *12*

A BY-LAW to provide for the establishment of a Public Library in the TOWNSHIP of Ignace.

WHEREAS a majority of the electors have petitioned the Council of the Township of Ignace praying for the establishment of a Public Library under the Public Libraries Act.

Be it therefore enacted by the Municipal Council-

- (1). That a Public Library be established in the Community Hall in accordance with the provisions of the Public Library Act.
- (2). That the Council shall be empowered to make a rate not exceeding three-fourths of a mill on the dollar per annum for library purposes.

First Reading... *Feb. 7th. 1922.*

Second Reading... *March. 6th. 1922.*

Read a third time and passed in open council... *March. 28th. 1922.*

Signed... *J. H. [Signature]*...

Reeve.
A. Read
Clerk.



Understanding the PLA

Board members (PLA s. 10)

- A public library board shall be composed of at least five members appointed by council
- The appointing council shall not appoint more of its own members to a public or union library board than the number that is one less than a majority of the board (PLA s. 10 (2)(a))
- Age, Residency and Citizenship requirements (PLA s.10 (1)(c))
- Board members cannot be employed by the board or municipality. (PLA s. 10 (1)(d))
- Board terms are concurrent with council (PLA s. 10 (3))

Understanding the PLA

Open meetings vs. closed meetings

(PLA s.16 (1)(1))

- With some exceptions, all library board meetings shall be open to the public. (PLA s.16 (1)(2))
- A meeting, or part of a meeting may be closed to the public depending on subject matter. (PLA s. 16 (1)(4))
- A resolution must be made prior to holding a closed meeting indicating the nature of the matter to be considered at a closed meeting. (PLA s.16 (1)(6))

Understanding the PLA

- Board may appoint public library staff and remove such employees as it considers necessary. (PLA s. 15 (1))
- The board *shall* appoint the public library chief executive officer. (PLA s.15 (2))

Understanding the PLA

Boards: Powers and Duties:

A board shall:

- Provide efficient public library services; in French where appropriate; operate one library or more in accordance with PLA; operate special services as it considers necessary; fix times and places for meetings; make annual report to the Minister; ensure insurance of board property; take security for treasurer; may appoint committees. (PLA s. 20)
- With the approval of the appointing council, acquire land, erect or alter buildings (PLA s. 19)

Understanding the PLA

- No charges for admission or for in-library use of materials; (PLA s. 23 (1))
- Public allowed to reserve or borrow prescribed circulating materials (PLA s. 23 (2))
- Reference services as practical without making charges
- Fees for other services, other building usage, non-resident fees. (PLA s. 23 (3))

Understanding the PLA

Regulation 976

- Recipients of Ministry public library operating grant must make available prescribed class of circulating materials for free.
- In accordance with s. 23 (2)(a) of the PLA, these include, among other items, books, periodicals, newspapers, audio for people with disabilities, sound recordings, motion pictures, computer software etc.
- Housekeeping amendments

Public Library Funds (PLA s. 15 (4))

A board shall appoint a Treasurer who shall:

- Receive and account for all the board's money
- Open an account or accounts in the name of the board in a chartered bank, trust company or credit union approved by the board
- Deposit all money received on the board's behalf to the credit of that account or accounts
- Distribute the money as the board directs

Ensuring Compliance

The PLA is mandatory legislation

- First step. Educate yourself on the PLA, and key legislation including the Corporations Act and Municipal Act
- Work in cooperation with your municipality and your CEO within the PLA
- Work to educate and inform municipal and other local partners as necessary
- *Believe in your Public Library and be proud to be a trustee*

Understand your library's obligations

The PLA is mandatory legislation

- Regulation 976 sets out reporting requirements to the province. Libraries must provide the Minister (via the Ministry) with financial, statistical and any other information or documents the Ministry requires
- Submit timely and accurate **Annual Survey of Public Libraries (ASPL)** on the **GO-Secure** system
- Submit timely and accurate Public Library Operating Grant etc. applications and funding requirements on the Grants Ontario system
- Retain your passwords and reminder questions to both systems
- Provide your Municipality with reports it needs, including the Estimates set out in PLA 24(1)

<http://www.mtc.gov.on.ca/>

Go to the Public Libraries pages of the Ministry website...

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[Public Libraries Act](#) and [Public Libraries Act, R.R.O. 1990, REGULATION 976](#)

The Public Libraries Act helps ensure free, equitable access to public library service in Ontario.

- General [Questions and Answers](#)
- Download the [Public Libraries Act brochure](#) – Understanding Ontario’s Public Libraries Act – Some Key Aspects

Understanding Ontario’s Public Libraries Act

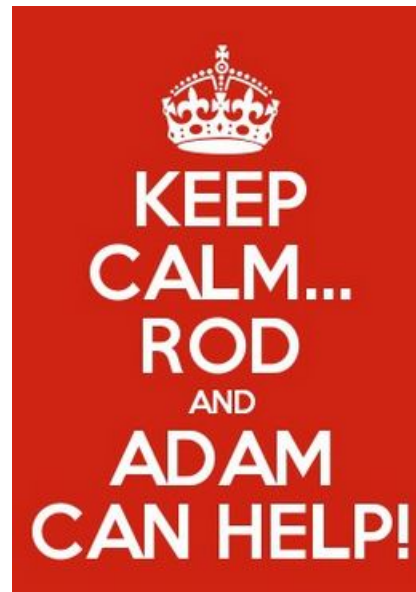
Some Key Aspects



“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)

PLA Questions and Answers

- PLA Q and As on the Ministry website:
http://www.mtc.gov.on.ca/en/libraries/act_q_a.shtml
- Provided for common questions of provincial or sector impact
- Local legal counsel; opportunities for FOPL and OLA to work on interpretations if they choose.
- PLA on e-laws site:
http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90p44_e.htm



Thank you!

QUESTIONS?