



REPORT TO THE LIBRARY BOARD
MEETING DATE: Wednesday, December 12, 2007

Session:	Public Session
Subject:	Board Delegation Policy
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Presented By:	Svetlana MacDonald & Nancy Branscombe
Purpose of Report:	For Decision: Approval <input checked="" type="checkbox"/>

Recommendation

It is recommended that this report be received and the recommendation be approved by the Library Board of London Public Library.

Issue / Opportunity

London Public Library is committed to listening to the needs, expectations and concerns of library users, members of the community and other stakeholders. We welcome their input in shaping our policies, programs and services. Public input to the Library Board can occur through letters, blogs, community forums, focus groups, advisory committees (i.e. Teen Annex Committee) public surveys, feedback forms, face-to-face meetings with management and delegations. The Library Board received a report on community engagement at its meeting of November 21, 2007. Ultimately, delegations are one venue to reach the library board and management.

The Library Board has an existing delegation process that is quite vague and outdated and does not provide appropriate guidelines for delegations to be heard by the Library Board. In order to effectively accommodate public input, the current policy was reviewed and updated. Benchmarking was undertaken to review Delegation Policies of other public institutions (see Appendix 1) and to identify best practices. A policy was drafted and updated by the committee and the final draft is before the board for discussion and approval by the full Library Board.

This report to the Board also provides additional information about concordance between the Municipal Act and the Public Libraries Act regarding closed meeting investigation. While Section 16 of the Public Libraries Act discusses closed meetings it does not provide for closed meeting investigation. Administration sought clarification from the City Clerk's office regarding the Municipal Act amendments governing closed session meetings and the role of the meeting investigator. Information provided by City Clerk, Kevin Bain, is included in Appendix 2.

Administration also contacted Rod Sawyer, Library Policy and Program Advisor, Ministry of Culture, Heritage & Libraries Branch, about this matter. The information provided concurs with that provided by Mr. Bain that "Pursuant to s. 238 (1) of the Municipal Act, s. 104 of Schedule A of Bill 130 does not apply to public library boards. Section 238 (1) of the Municipal Act states

that for the purpose of ss. 239 to 239.2 'local board' does not include a library board. Therefore, the meaning of 'local board' in the new Municipal Act sections s. 239.1 and 239.2 does not include a public library board." The library is not required by the Public Libraries Act or the Municipal Act to have a closed meeting investigator and the meeting investigator selected by the City of London will not have jurisdiction to complete investigations over closed meetings of the London Public Library Board.

APPENDIX 1

Delegation Policy Review: Benchmarking Links

London District Catholic School Board

<http://www.ldcsb.on.ca/boardroom/B-3-14-Public-Participation-Bd-Mtgs.pdf>

Thames Valley District School Board – review whole package ... procedures at the back of PDF.

<http://www.tvdsb.on.ca/public/PDFdocs/presenterspackage.pdf>

City of London

<http://www.london.ca/council/accesscc.htm>

Halifax Public Library

<http://www.halifaxpubliclibraries.ca/policies/del-pol.html>

Waterloo Public Library

http://www.wpl.ca/site/about/expansion_be_heard.asp

Toronto Police Services Board

http://www.tpsb.ca/V/Making_a_Deputation/

City of Toronto

http://www.toronto.ca/city_council/deputation.htm

Closed Sessions of the Library Board and Confidentiality

The City Clerk's Office has undertaken a review of the Council Procedure By-law and the requirements of Sections 238 and 239 of *Municipal Act, 2001*, as amended. Under Section 238 of the *Municipal Act*, a local board does not include police services boards or public library boards. Both of these boards have their own legislation. Sections 239.1 and 239.2 of the *Municipal Act* come into force on January 1, 2008 and provide for the appointment of a meeting investigator to investigate all requests received by the municipality or its local boards on whether the municipality or local board has complied with Section 239 of the *Municipal Act* or a procedure by-law enacted pursuant to Subsection 238(2) of the *Municipal Act* in respect of a meeting or part of a meeting that was closed to the public.

While the Library attempts to comply with the *Municipal Act* in terms of good practice, its by-laws regarding meeting procedures, including open and closed meetings are governed by Section 16 of the Public Libraries Act. The two acts are virtually identical in terms of requirements.

The closed meeting investigator selected by the City, will not have jurisdiction to complete investigations over the closed meetings of the Library Board as Section 238 of the *Municipal Act* does not include public library boards as local boards.

