

Aurora Public Library Board

PROCEDURAL BY-LAW

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Aurora Public Library

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1. Name and Address

Aurora Public Library Board
15145 Yonge Street, Aurora, Ontario L4G 1M1

2. Authority

The Public Libraries Act, R.S.O. 1990, CHAPTER P.44 (hereafter called the “Act”) provides that public libraries will be under the management and control of a board, which is a corporation.

The Town of Aurora By-Law # 512 establishes the Aurora Public Library Board (hereafter called the “Board”).

The Board is a registered charity with the Canadian Revenue Agency, # 11879 6754 RR0001.

3. Powers, Duties, and Responsibility

The powers and duties of the Board are those described in the Act. In accordance with the Act, it is the responsibility of the Board to:

- a) Provide, in co-operation with other boards, a comprehensive and efficient public library service that reflects the community’s unique needs;
- b) Provide library services in the French language where appropriate;
- c) Operate one or more libraries and ensure that they are conducted in accordance with the Act and the regulations;
- d) Make an annual report to the Minister and make any other reports required by the Act and its regulations or requested by the Minister from time to time;
- e) Appoint a Chief Executive Officer who will have general supervision over and direction of the operations of the public library and its staff, will attend all board meetings, and will have the other powers and duties that the Board assigns;
- f) Make rules for the use of library services; for admission to the library; for the exclusion from the library of persons who behave in a disruptive manner or cause damage to library property; impose fines for breaches of the rules; suspend library privileges for breaches of the rules; and regulate all other matters connected with the management of the library and library property;
- g) Provide pensions for employees and their surviving spouses and children within the terms of the Municipal Act and may establish a system of sick leave credit gratuities for employees within the terms of the Municipal Act.

4. Composition of the Board

The Board will be composed of at least five (5) members appointed by the Town of Aurora Council.

Citizen appointments must meet the qualifications set out in the Act. A qualified citizen is one who:

- a) Is at least eighteen years old
- b) Is a Canadian citizen
- c) Is a resident of the municipality of Aurora
- d) Is not employed by the Board or by the Town of Aurora

4. Composition of the Board (continued)

Council may appoint its own members to the Board, up to a number that is one (1) less than the majority.

An appointed member will be disqualified and his or her seat will become vacant, in accordance with the Act, if the member:

- a) Is convicted of an indictable offense
- b) Becomes incapacitated
- c) Is absent from the meetings of the Board for three consecutive months, without being authorized by a Board resolution
- d) Otherwise forfeits his or her seat

5. Officers of the Board

The Officers of the Board will be the elected Chair and Vice-Chair and the appointed Secretary-Treasurer who is the Chief Executive Officer.

The Chair and Vice-Chair will be elected annually at the January meeting of the Board, from among the Board's membership. Each officer will serve a one (1) year term or until the next organizational meeting of the Board.

5.1 The Chair will:

- a) Preside at the meetings of the Board;
- b) Conduct Board meetings in accordance with the Act and other relevant legislation, within the rules of procedure adopted by the Board;
- c) 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;
- d) Serve as an ex-officio member of all Board committees;
- e) Act as one of the authorized signing officers of all formal documents pertaining to Board business;
- f) Represent the Board at public or private meetings for the purpose of conducting, promoting or completing the business of the Board;
- g) Advise the Vice-Chair if, for any reason, the Chair is temporarily unable to perform these functions;

5.2 The Vice-Chair will:

- a) In the absence of the Chair, be vested with all the powers and perform all the duties of the Chair;
- b) Be assigned by the Board other powers and duties from time to time.

5.3 The Secretary-Treasurer will:

- a) Conduct the Board's official correspondence;
- b) Keep minutes of every meeting of the Board;

- c) Receive and account for all the Board's money;
- d) Open an account or accounts in the name of the Board in a chartered bank, trust company or credit union approved by the Board;
- e) Deposit all money received on the Board's behalf to the credit of that account(s);
- f) Disburse the money as the Board directs.

6. Board Spokesperson

The Chair is the spokesperson for the Board. The Chief Executive Officer is authorized to act as Board spokesperson with respect to labour relations.

Individual members will not act or communicate on behalf of the Board, unless delegated by the Chair or approved by the Board to do so.

7. Committees

Committees of one or more members may be appointed by the Board for ad hoc or special purposes. Committees will be limited in responsibility and power to advising the full Board, unless specifically authorized to act on behalf of the Board. Committees will provide advice in the form of a report to the Board for its consideration.

8. Payment of Board Expenses

Citizen appointees will be paid no salary, fees or honorarium for their services. However, any member of the Board may be reimbursed for proper out-of-pocket expenses and travel costs incurred in carrying out their assigned duties as members. Payment of such reimbursements must be allowed for in the approved budget, the expenses must have been incurred with the prior approval of the Board, and approval of payment is subject to the same review process as any other payment made by the Library.

9. Conflict of Interest

The Municipal Conflict of Interest Act R.S.O. 1990, Chapter M.50 will govern members of the Board. Each meeting agenda will provide an opportunity for members to disclose direct or indirect pecuniary interest in a matter as well as the general nature of that interest. The minutes will record any such disclosures. Once a disclosure is made, the member will not participate in discussion or voting on the applicable matter.

10. Meetings

The following procedures concern conduct of Library Board meetings:

10.1 Location

Meetings of the Aurora Public Library Board will be held at the Aurora Public Library, 15,145 Yonge Street in Aurora, unless otherwise determined by the Board.

10.2 Notification

Notice of meetings will be in the form of a written agenda accompanied by its supporting documents, including the date, time, and location of the meeting.

10.2 Notification (continued)

The CEO/Secretary-Treasurer, in consultation with the Board Chair, will prepare the agenda. Any member wishing to place an item on the agenda may make a request to do so through the Chair or Secretary, no later than seven (7) days prior to the meeting. Such requests will then be considered at the Chair's discretion. Minutes of the previous regular Meeting and any Special Meetings will be provided to the members with the agenda.

The agenda will be delivered to the members' designated addresses at least three days prior to an upcoming meeting or delivered in electronic format if requested by a member.

Lack of receipt of notice for a regular meeting will not affect the validity of holding the meeting or any action taken thereat, provided a quorum is obtained

10.3 Attendance

Members are expected to attend all meetings of the Board. Any member who must be absent from a Meeting will advise the Secretary in advance.

10.4 Quorum

A quorum for the transaction of business at any Meeting will be a simple majority of the Board. As soon as there is a quorum present, the Chair will call the Meeting to order.

Where a quorum is not present within thirty (30) minutes after the hour fixed for a Meeting, the Secretary will record the names of the members present. In the absence of a quorum, the Meeting may continue; however, no motions may be made or carried.

10.5 Open to the Public

Meetings of the Board will be open to the public, other than for a duly constituted closed session, and will not be closed to the public during the taking of a vote.

10.6 Closed Session

An approved motion is required to move into a closed session. Such a motion is not debatable. The following subjects may be discussed at properly constituted closed sessions.

- .1 Debate as to whether or not an item is properly in closed sessions or not if, in the Chair's opinion, such discussion would be prejudicial if discussed at an open meeting.
- .2 The security of the Board's property.
- .3 Personal matters about an identifiable individual.
- .4 A proposed or pending acquisition or disposition of land by the Board.
- .5 Labour relations or employee negotiations.
- .6 Litigation or potential litigation, including matters before any Court or Administrative Tribunal, affecting the Board.
- .7 Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- .8 A matter in respect of which a board or board committee may hold a closed meeting under another Act.
- .9 A request under the Municipal Freedom of Information and Protection of Privacy Act

10.7 Order of Business

The following will be the standard order of business at a regular meeting of the Board, unless otherwise decided by the majority of members present at the meeting in question.

- .1 Call to order
- .2 Confirmation of Quorum
 - Recording of regrets for attendance received by the Chair or Secretary and excused absences, leading to confirmation of quorum
- .3 Adoption of the Agenda
 - Determines the business that will be considered by the Board at the meeting
- .4 Declaration of Conflict of Interest
 - Self-declared interest by a member, with respect to items on the approved agenda
- .5 Special Presentations
 - Delegations, presentations by invited guests, orientation sessions: treated as information, unless deemed by the Chair to be added to the agenda as an item for consideration
 - Requests for delegation status must be made in writing, be received by noon two business days prior to the meeting, and must identify the subject and purpose of the delegation, including the name of the spokesperson. Delegates may speak to the matter identified for up to five minutes. Delegation requests received after the issuing of the agenda will be considered by the Board as an amendment to the agenda.
- .6 Minutes of Meeting(s)**
 - Approval of minutes of past meeting(s) that record: date/time/place of meeting; attendance of members; adoption of minutes; simple proceedings of the meeting including motions, generally without note or comment
- .7 Business Arising from the Minutes**
 - Incidental questions or clarifications from members
 - Formal business arising is addressed under reports or items for consideration
- .8 Correspondence**
- .9 Reports**
 - Operational/status reports from staff or committees
- .10 Items for Consideration**
 - Reports from staff or committees, inclusive of recommendations, for the Board's consideration and determination as to any action
- .11 General Information**
 - Information or questions from members, felt to be in the interest of all members, raised for the purpose of clarification or understanding. Such items are not regarded as the business of the meeting. Should a member wish to introduce a matter as Board business, a Notice of Motion for a future agenda may be given.

10.7 **Order of Business** (continued)

.12 Announcements

- Informal and general announcements from members, not recorded as business in the Minutes

.13 Date of Next Meeting

.14 Closed Session

.15 Adjournment

10.8 **Standard Procedures**

.1 Agenda Amendments

The Chair determines if proposed amendments to the Agenda represent minor or substantive business. Minor items can be added as 'other business'. Substantive items require either a Notice of Motion or a 2/3 majority vote to waive proper notice and add to the agenda.

.2 Motions

Main motions require a mover and a seconder in order to discuss or debate and a simple majority vote in order to carry. (See Appendix A for a summary of standard motions)

.3 Rules of Debate

The member moving the motion will have the opportunity to speak first. All members wishing to speak to the motion should be recognized, before any one member speaks for a second time.

.4 Voting

The Chair or Acting Chair may vote with the other members on all questions.

Any question on which there is a tie vote will be deemed to be negative.

An abstention will be dealt with as an abstention only and not deemed to be a negative vote.

Voting will be by a show of hands, unless otherwise indicated. Upon the request of a member who is present when a question is stated, a recorded vote will be taken.

10.9 **Authority for Other Procedural Matters**

The accepted authority for guidance on procedural matters not otherwise addressed in this by-law will be the most recent edition of Bourinot's Rules of Order.

11. **Special Meetings**

The Chair may, or upon written request of any two members of the Board will, call a Special Meeting by giving, through the Secretary, at least two days' notice to each member, specifying the purpose for which the meeting is called.

The purpose of a special meeting will be specific. No business will be transacted or considered at such a meeting other than that specified in the notice.

Special Emergency Meetings may be called with twenty-four hours notice.

11. Special Meetings(continued)

The Chair or Acting Chair may arrange for a teleconference or e-mail communication among members to deal with emergency or urgent matters. This option will be avoided as much as possible and a quorum as defined in this by-law will be required to proceed in this manner. All decisions will be ratified at the next scheduled meeting of the Board.

Lack of receipt of notice for a Special Meeting will not affect the validity of holding the meeting or any action taken thereat, provided a quorum is obtained.

12. Board Members' Conduct

Members will be courteous and will not engage in any action that disturbs the meeting. Specifically, members will not:

- a) Use unparliamentary or offensive language
- b) Make any noise or disturbance that prevents members from being able to participate in a meeting.
- c) Interrupt a member who is speaking, except to raise a matter of privilege or a point of order.
- d) Disregard the Chair's decision on questions of order or practice or on the interpretation of Board by-law.

Members will respect the confidentiality appropriate to issues of a sensitive nature.

13. Public Conduct

Members of the public will be courteous and will not engage in any action that disturbs the Meeting.

Members of the public will not:

- a) Make any noise or disturbance that prevents members from being able to participate in a meeting.
- b) Address the Board without a prior appointment or permission at a Meeting.
- c) Use unparliamentary or offensive language.

14. By-Law Review, Amendment, and Conflict

This by-law will be reviewed within the first six (6) months of each term of the Library Board.

By-law amendments require a two-thirds majority vote by the members.

In the event of a conflict between this By-Law and the provision of either the Public Libraries Act or other legislation, the provisions of the Act or other legislation will prevail, to the extent of any conflict.

APPENDIX A: Standard Motions - Bourinot's Rules at a Glance

Source: Bourinot's Rules of Order, Fourth Revised Edition

Nature of Motion	Purpose	Interrupt Speaker?	Seconder Required?	Debatable?	Amendable?	What Majority Is Required?
Main or Substantive	To propose an action to be taken by the Board	No	Yes	Yes	Yes	Majority vote
Amend	To change words in a motion, without negating it or in effect creating a new motion.	No	Yes	Yes	Yes	Majority vote
Adjourn	To end the meeting	No	Yes	No; Vote is immediate	No	Majority vote
Call for Orders of the Day (Proceed to the Next Item of Business)	To close debate, set aside the motion, and move to next item of business	No	Yes	No; Vote is immediate	No	Majority vote
Call for the Question	To close debate and force vote on the main motion	No	Yes	Yes	No	Majority vote
Challenge Ruling	To overturn ruling of Chair	Yes	Yes	No; Vote is immediate	No	Majority vote
Defer	To defer consideration of a motion to another time or indefinitely	No	Yes	Yes	Yes	Majority vote
Point of Order	To inquire about or object to use of procedural rules	Yes	No	Yes, but only the point in question	No	No vote taken; Chair rules
Point of Information	To request information and/or clarification of the motion being debated	Yes, if urgent	No	No	No	No vote taken; Chair rules
Reconsider	To reconsider a motion that previously failed	No	Yes	Yes	No	Advance notice; 2/3 majority vote
Refer	To refer to a committee or another body for study	No	Yes	Yes, but only the referral	Yes, but only the referral	Majority vote
Rescind a Previous Decision	To cancel the results of a previous vote	No	Yes	Yes	No	Advance notice; 2/3 majority vote
Suspend the Rules	To suspend formal procedures for a specific purpose	No	Yes	Yes	No	2/3 majority vote
Table or postpone	To postpone a motion until later in the meeting	No	Yes	Yes	No	Majority vote
Lift from Table	To consider a postponed motion	No	Yes	No	No	Majority vote
Withdraw	To withdraw a motion under consideration. Used only if unanimous consent not given to a request by the mover.	No	Yes	No	No	Majority vote

APPENDIX B: Glossary of Terms

Adjourn	To end the meeting.
Agenda	A list of business items to be considered at a meeting, arranged in the order in which they are intended to be addressed.
Amendment	A formal proposal to change the words of a pending motion.
Board	The Aurora Public Library Board.
Boards	Other public library boards.
CEO/Secretary-Treasurer	The Chief Executive Officer of the Board.
Chair	The person who presides at the meeting.
Closed	In private. Only Board members, CEO/Secretary-Treasurer, recording secretary, and persons authorized by them may be present at a closed session.
Committee	Any Committee, task force, or work group appointed by the Board.
Council	The Council of the Town of Aurora
Delegation	One or more members of the public who address the Board.
Floor, on the	The current subject of debate.
Floor, to have the	To have the right to speak without interruptions, except on a matter of privilege or a point of order.
Library	Aurora Public Library.
Majority vote	More than half of the members in attendance at a meeting.
Member	A member of the Aurora Public Library Board.
Minutes	The legal record of the Board's proceedings and decisions. Corrections must relate to matters of fact only. A Member who does not agree with a decision cannot have the decision changed by changing the minutes. The appropriate remedy is to move a motion to rescind or to reconsider.
Motion	A formal proposal placed before the meeting by one member, the mover of the motion, for debate and decision.
Move	To formally propose a motion or amendment.
Mover	The person who proposes a motion or amendment.
Notice of motion	Formal advice to the Board that a member proposes to move a motion at a future meeting. Notice usually includes the wording of the proposed motion.
Order	Behaviour in a meeting, which allows members to conduct business without disruption.

Order, call a Member to	A way for the Chair to point out to a member that the member has broken the rules or is speaking out of turn.
Order, call the meeting to	An announcement by the Chair to indicate that the meeting is about to start. Also, it is a way for the Chair to enforce discipline on the meeting after the rules have been broken.
Order, point of	A way for a member to draw attention to a breach of the rules.
Quorum	The minimum number of members who must be present at a meeting to make the proceedings valid, being a simple majority of the Board.
Rescind	To revoke a previous decision.
Resolution	A motion that has been moved, seconded, and carried.
Ruling	A decision by the Chair on a procedural point. Any member may appeal it, in which case the ruling is immediately put to a vote without debate.
Second	To formally endorse a motion or amendment immediately after it has been moved.
Seconder	The person who formally endorses a motion or amendment. A seconder need not wait for recognition by the Chair. Seconding does not necessarily mean that a seconder supports the motion, only that the seconder agrees that it should be considered.
Show of hands	The usual way of voting. Those for and those against the motion are asked to raise their hands. The hands are counted, the result announced, and the motion declared either carried or lost.
Time limit	The maximum time allowed for a speech by an individual member, set by the Chair.
Two-thirds majority	Two-thirds, or the closest whole number that is greater than two-thirds, of the members in attendance at a meeting.
Unparliamentary	Words or expressions that are disrespectful or language offensive. It includes swearing and derogatory and racial remarks.
Vice-Chair	The Vice-Chair of the Board
Vote, majority	One more than half the number of members present.
Vote, recorded	A vote in which each member is asked individually and publicly to announce his or her vote for or against the motion. It is a way for a member to protect himself or herself legally by having his or her vote against a motion recorded in the minutes. It must be requested immediately before the start of voting.
Vote, tie	An equal number of votes for or against a motion.
Voting	See Show of hands.