



City of
Peterborough

To: Peterborough Public Board of Trustees

From: Ken Doherty, Director of Community Services

Meeting Date: May 31, 2016

Subject: Report PPL16-023
Development of a Memorandum of Understanding Between the
Library Board and City

Purpose

A report to receive direction for the development of a Memorandum of Understanding/ Service Agreement between the Peterborough Library Board and the City of Peterborough.

Recommendations

That the Peterborough Public Library Board of Trustees approve the recommendations outlined in Report PPL16-023, dated May 31, 2016, of the Director of Community Services, as follows:

- a) That a joint Library Board/City Committee, comprised of seven members including three Board representatives, 3 City representatives, and the Library Manager/ CEO be established;
- b) That the Committee be charged with the responsibility of drafting a letter of intent and making a recommendation about the appointment of a Treasurer for the Board's approval at the June 28, 2016 meeting; developing a draft Memorandum of Understanding/Service Agreement for Board and City approval before the end

of 2016; and developing an updated Establishment By-law for the Board and Council's consideration; and

- c) That the Memorandum of Understanding/Service Agreement be drafted such that it ensures compliance with the **Public Libraries Act** and maintains the close working relationship currently enjoyed between the Library and the City; and specifically that it clarifies reporting relationships; addresses ownership of property, buildings, equipment, and collections; outlines the range of City Services provided by various City Departments to the Peterborough Public Library; and clarifies the relationship of Library staff to the Board and City.

Budget and Financial Implications

There is no budget or financial implications in receiving this report.

Background

Towards a Memorandum of Understanding

As a result of Staff turnover and recruitment of new Library Board members, there has been on-going discussion about the Library Board's relationship with the City. There has been concern about full compliance with the provincial **Public Libraries Act** and the lack of a formal Memorandum of Understanding and/or Service Agreement to document the relationship. This report is the result of Library Board direction at its meeting, October 27, 2015, when the following motion was passed:

"That the Director of Community Services provide information on the structure of the relationship between the Peterborough Public Library Board of Trustees and the City of Peterborough; and

That this report come forward in the first quarter of 2016."

A copy of the Memorandum between the Art Gallery of Peterborough and the City relating to the gallery's relationship to the City is included as Appendix A, as previously requested.

Further direction towards development of the Memorandum of Understanding was provided by the following motion, approved at the Board Meeting of April 26, 2016:

“That the City of Peterborough and the Peterborough Public Library Board of Trustees reaffirm that the existing relationship between the City and the Board will continue, and that clarification of the roles and duties of the City and the Board will be undertaken.”

Financial Compliance

Earlier this year, concerns were raised regarding the Board’s financial relationship with the City by the Library Manager/CEO and subsequent discussions with Ministry staff relating to the Library’s compliance with the **Public Libraries Act** Section 15(4) with regard to the Treasurer, as follows:

“A Board shall appoint a treasurer who shall,

- a) receive and account for all the board’s money;
- b) open an account or accounts in the name of the board in a chartered bank, trust company or credit union approved by the board;
- c) deposit all money received on the board’s behalf to the credit of that account or accounts; and
- d) disburse the money as the board directs.”

As a result of recent discussions with Ministry staff, City staff has consulted with the City’s bank and are assured that an account or accounts in the name of the Board can be established to receive and disburse Library funds accordingly.

Subsequently, at its April 26, 2016 meeting the Library Board approved the establishment of a separate bank account in the Board’s name; appointed signing authorities, and identified individuals with the library and City to be provided authority to access detailed information and transact business on the new account.

To ensure compliance with the formal appointment of a treasurer, the Library Board at its February 28, 2012 meeting, passed Motion 12-02-09, as follows:

“That Sandra Clancy, Director of Finance be appointed as Treasurer of the Peterborough Public Library.”

The appointment of a Treasurer was discussed at the April 26, 2016 meeting but no alternate decision was forthcoming so this appointment remains in effect. It is appropriate and timely that the Committee considers the Treasurer’s role relating to the Library Board and the Library’s operations and makes a recommendation to the Board, ideally at its June 28, 2016 meeting.

Ministry staff has been advised that efforts to ensure financial compliance are underway. Background information on Library Board and City Financial Policies is included as Appendix B.

Joint Committee

The Board has expressed a strong desire to be directly involved in the development of a Memorandum of Understanding or Service Agreement to document the Library's relationship with the City. The proposed Joint Committee includes a realistic and workable number for representation and several specific desired outcomes within a reasonable timeframe.

The City has identified three representatives: Ken Doherty, Director of Community Services; Sandra Clancy, Director of Corporate Services; and Patricia Lester, Director of Legal Services. Ideally, the Board should recruit three representatives at this meeting and confirm the composition of the Committee by adding a new recommendation d) to identify these individuals.

Ministry staff have been apprised of the general process and will provide comment and feedback at appropriate times to ensure compliance.

Establishment By-law

The original establishment By-law approved by City Council dates back to the original establishment of the Peterborough Public Library under the **Public Libraries Act** as part of the dissolution of the Mechanics Institute and the pending opening of the new Carnegie funded Library Building at the Corner of George and McDonnell Streets in 1910. It is hoped that the development of the Memorandum of Understanding/Service Agreement can inspire the development of a more contemporary by-law.

Submitted by,

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Attachments:

Appendix A - Memorandum between the Art Gallery of Peterborough and the City

Appendix B - Peterborough Public Library Board Comments and Motions Relating to
City Financial Policies and Reserve Accounts

Appendix C - Library Board Discussions/ Decisions Regarding Relationship with the City
1996-2016

Appendix D - Peterborough Public Library Board Policies and Plans 1996-2016.