



City of
Peterborough

To: **Members of the General Committee**

From: **Ken Doherty, Director of Community Services**

Meeting Date: **May 28, 2018**

Subject: **Report CSD18-007**
Approval of a Memorandum of Understanding Between the
Peterborough Public Library Board and the City

Purpose

A report to recommend approval of a Memorandum of Understanding (MOU) between the Peterborough Public Library Board and the City.

Recommendations

That Council approve the recommendations outlined in Report CSD18-007, dated May 28, 2018, of the Director of Community Service, as follows:

- a) That a presentation from Library Board Chair, Paul Stern, be received;
- b) That the MOU (Appendix A), as approved by the Library Board, and as amended by this report, be approved;
- c) That the enclosed MOU be amended to reflect recent organizational changes at the City, specifically, as follows:
 - (i) that the role of the Director of Community Services to serve as City Liaison to the Library Board and Library CEO be changed to the Commissioner of Community Services;

- (ii) That the role of the Director of Corporate Services as Treasurer be changed to the City Treasurer; and that the Library Board be encouraged to appoint the City Treasurer as the Library Board's Treasurer for the balance of the Board's term;
- d) That Schedule D-Assets and Facilities be amended as appropriate once formal transfers of ownership relating to the Main and DelaFosse Branches have been resolved;
- e) That the City's Chief Administrative Officer and City Clerk be authorized to sign the approved Memorandum.

Budget and Financial Implications

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

Background

Towards a Memorandum of Understanding

Since early 2015, the Peterborough Public Library has experienced significant turnover in both senior staff positions and Library Board membership. This has prompted on-going discussions about the Library Board's relationship with the City. It has also raised concerns about compliance with the provincial **Public Libraries Act** and the need for a formal MOU and/or Service Agreement to document the relationship. (The City has a similar MOU with the Art Gallery of Peterborough.)

To this end, the Board passed the following motion at its October 27, 2015 meeting:

...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.

The Board provided further direction towards development of the MOU with the following motion, approved at its April 26th, 2016 Board Meeting:

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.

At the board's March 29th, 2016 meeting, Peggy Malcolm, from the Southern Ontario Library Service provided a presentation on the Library Board and municipal relationship. She provided a handout "Public Libraries: The Library Board and the Municipality", enclosed as Appendix B. She subsequently also provided a copy of the MOU between the City of Belleville and the Belleville Public Library Board as a possible template.

On May 31, 2016, the Board approved the following recommendations in response to Report PPL16-023 from the Director of Community Services, as follows:

- a) That a joint Library Board/City Committee, comprised of seven members including three Board reps, three City reps, 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 its June 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.
- 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.

Joint Library Board/ City Committee

The Joint Library Board/City staff committee, comprised of Eric Prevost (later replaced by Paul Stern), Leslie Woolcott, Teresa Kerr, and Jennifer Jones from the Library; and Patricia Lester, Sandra Clancy, and Ken Doherty from the City, held its first meeting on June 22, 2016. The Committee met frequently over the next year to draft the MOU and the Schedules as appended.

A separate group of City and Library staff met several times in 2017 and 2018 to identify and resolve the property ownership issues relating to the Main and DelaFosse

Branches. Recommended solutions are being addressed through Reports CLSRE18 002 and CLSRE18-003.

At a Special Board Meeting held on August 29, 2017, the Library Board approved the recommendations in Report PPL17-049 of the Library CEO as follows:

- a) That a verbal report to inform the Library Board of the status of the Library Board/City of Peterborough Memorandum of Understanding by the Committee be received for information; and,
- b) That the draft MOU be approved as revised.

Financial Compliance

In the spring of 2016, the Library Manager/CEO and Provincial staff with the Cultural Services Unit of the Ministry of Tourism, Culture and Sport also raised concerns regarding the Board's financial relationship with the City. Subsequent discussions with Ministry staff focused on the Library's compliance with the **Public Libraries Act** relating to compliance with Section 15(4) 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.

In response to an earlier request from the Ministry, City staff had organized a separate chart of accounts to the Ministry's satisfaction to receive electronic transfers of funds. During the latest round of discussions with the Ministry, it became clear that separate bank accounts were required to ensure compliance. City staff consulted with the City's bank and was assured that an account or accounts in the name of the Board could 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 within the Library and City to be provided authority to access detailed information and transact business on the new account. The required transactions were completed.

Much earlier, 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 Board's April 26, 2016 meeting but no alternate decision was forthcoming so this appointment remains in effect.

Library CEO and Reporting Relationships

Under the **Public Libraries Act**, the Library Chief Executive Officer (CEO) is appointed by the Board to "have general supervision over and direction of the operations of the public library and its staff, shall attend all board meetings and shall have the other powers and duties that the board assigns to him or her from time to time." They report exclusively to the Board.

In the City's case, however, the former Library Manager/ CEO position served in a dual role, both as Library Manager/CEO and as Manager of the City's Arts Culture & Heritage Division, with dual reporting relationship to the Board and to the Director of Community Services respectively. This dual role remained in effect from 1997 until Becky Rogers assumed the full time role of Manager of the Arts Culture & Heritage Division in 2014. By mutual consent between the Library Board and the City, the dual reporting was abandoned with the appointment of Jennifer Jones as Library CEO in 2017.

While the Library CEO reports exclusively and directly to the Library Board, given the broad range of services provided by the City, there still needs to be a close working relationship between the Library CEO and the City. To that end, the Library CEO is encouraged to meet on a regular basis with the City Liaison, the Commissioner of Community Services. The Library CEO is also encouraged to meet regularly with the Manager of the City's Arts Culture & Heritage Division and with their peer facility and program managers within the Division.

Summary

The Board and staff of the Peterborough Public Library enjoy a close working relationship with the City of Peterborough. With significant staff turnover in leadership roles at both the Library and the City, it is important that the relationship be documented at this time. Approval of the Memorandum of Understanding as crafted by representatives from the Library and the City will ensure that positive relations and compliance with the **Public Libraries Act** will continue.

Submitted by,

Ken Doherty, Director
Community Services Department

Contact Name:
Ken Doherty
Director of Community Services
Phone: 705-742-7777 Extension 1823
Fax: 705-748-8824
E-Mail: kdoherthy@peterborough.ca

Attachments:
Appendix A: MOU between the Corporation of the City of Peterborough and the
Peterborough Public Library Board
Appendix B: Public Libraries: The Library Board and the Municipality