

Memorandum of Understanding (MOU)

Between:

The Corporation of the City of Peterborough (the "City")

and

The Peterborough Public Library Board (the "Board")

Whereas the Board is a Public Library Board that has been established pursuant to the provisions of the **Public Libraries Act**, R.S.O., 1990, c. P.44 (the "PLA") as amended and which operates the Public Library in accordance with the provisions of that Act;

And Whereas the City is a municipal corporation incorporated pursuant to the provisions of the **Municipal Act, 2001**, SO., 2002, c.25 as amended (the "Municipal Act");

And Whereas the Board and the City are committed to working harmoniously and cooperatively to deliver library services to the citizens of the City of Peterborough;

And Whereas the City can provide expertise through the provision of various services and support;

And Whereas it is important to the City and the Board to improve efficiency in delivering municipal services, including library services, to the residents of the City;

And Whereas the City and Board wish to enter into a Memorandum of Understanding ("MOU") to clarify the management roles of the Board and outline the services and support the City is prepared to provide to the Board in delivering and administering public library services to the public;

And Whereas the City and the Board acknowledge and agree that the terms and provisions of this MOU apply only to the services and responsibilities set out in Schedules A and B attached hereto and reflect the arrangements and practices of both the City and the Board as of the date of execution of this MOU.

Now Therefore the City and Board hereby state as follows:

1. Independent Legal Entities

- a) The Board is an independent entity and separate from the City, subject to the provisions of the PLA, and has been established to manage public library services to the residents of the City;

- b) The City is an independent entity and separate from the Board and provides municipal services to the residents of the City pursuant to the provisions of the Municipal Act and related legislation; and
- (c) The Parties agree that this MOU is a statement of intent only and is not meant to create legally binding obligations between the parties.

2. Governance

- a) City Council appoints the Board with a term concurrent with the term of the appointing Council or until a successor is appointed and may be reappointed for one or more further terms.
- b) The Board is currently composed of representation as follows: 2 City Council members; 1 Friends of the Library member; 1 Library Foundation member and 5 members at large. Such representation may be put forward by the Board to City Council for consideration.
- c) The Board shall be composed of at least 5, but no more than 9 members. The appointing council shall not appoint more of its own members to a board than the number that is one less than a majority of the board, as stated in section 10(2)(a) of the PLA.
- d) Board appointees shall meet the qualifications as set out with section 10 of the PLA.

3. City Provision of Services

- a) The City agrees that it will provide and make available to the Board during the term of this MOU those services that are listed and more particularly described in Schedule "A" attached hereto and form part of this MOU. The City and the Board acknowledge that this MOU applies only to those services listed and described in the Schedule attached hereto.
- b) The Board and the City acknowledge that the City is able to provide those services as set out in the Schedule A and which may be amended from time to time, with City staff and equipment. The cost for the provision of the services will be set out in the budget submitted to the City by the Board. The City annually reviews and approves budgetary estimates received from the Board for the operation of the Board in accordance with Section 24 of the PLA.

4. Board Responsibilities

- a) The Board agrees that it is responsible for certain legislative requirements, such as those listed and more particularly described in Schedule "B", attached hereto.

- b) The Board shall employ the Library CEO, who shall have the key responsibilities as set out in Schedule "C", attached hereto.

5. Assets and Facilities

- a) The City and Board agree that Assets and Facilities include both land and buildings, as listed in Schedule "D", attached hereto.
- b) The Board and City agree that assistance with day-to-day maintenance and preventative maintenance of Library facilities, including management of capital renovation and rehabilitations projects, will be provided by the City.
- c) The Board acknowledges that no acquisition or disposition of real property can occur without City approval, in accordance with section 19 of the PLA.
- d) The Collection is an asset owned and managed by the Board. The Collection shall mean, but not be limited to the following: the total accumulation of books and other materials owned by a library, catalogued and arranged for ease of access, which often consists of several smaller collections (reference, circulating books, serials, government documents, rare books, special collections, etc.).

6. Partnerships and Public Relations

- a) The City and Board agree that they both may work with community partners, to provide an avenue to promote the library and its services through sponsorship, advertising and partnership opportunities.
- b) The Board acknowledges that the City has a Sponsorship, Naming Rights and Advertising Policy that it utilizes to generate non-tax revenue by working with community partners to promote their company's brand or service by reaching out to audiences that utilize various City services. The City will seek endorsement from the Board for any sponsorship or partnership opportunities that may promote the library, its services or programs.
- c) The Board may work on sponsorship and partnership opportunities independently of the City on matters relating to advertising, programming, and other library specific services.

7. Board Appointment of a Treasurer

- a) The Board shall appoint a Treasurer in accordance with section 15.4 of the PLA. This role has currently been appointed to the City's Director of Corporate Services, or their designate.
- b) The Board Treasurer will 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; and disburse the money as the Board directs.

8. Development of Policies

- a) The Board shall consider and may use City policies in order to comply with the powers and duties of a board as set out in section 28 of the PLA. For greater clarity the Board presently has adopted the following: Human Resource; Procurement; Financial; Procedural and Accessibility policies.
- b) The Board acknowledges and agrees that the City, in providing the services as set out in Article 3 and Schedule A of this MOU, will comply with any and all applicable Board and/or City policies.
- c) Operational policies that pertain to the programs and services offered by the library shall be the Board's responsibility.

9. Resolution of Issues

The Chief Administrative Officer (CAO) or designate for the City and the Chair of the Board shall each designate members of their respective staff to address any issues that may arise out of the operation of this MOU.

10. Effective Date and Termination

- a) The City and the Board hereby agree that this MOU will come into effect on the first day of xxx and shall continue until such time as either party terminates this MOU in accordance with the provisions of paragraph 10(b) below.
- b) The City and the Board hereby agree that either party to this MOU may terminate the MOU upon providing to the other party no less than six months prior written notice of its intention to terminate this MOU.

11. Amendments to MOU

- a) If at any time during the term of this Agreement the parties shall deem it necessary or expedient to make any alteration or addition to this MOU, they may do so by means of written amendment between them which shall be supplemental to and form part of this MOU.
- b) The Board and the City acknowledge that the CAO and the Board Chair each have the authority to execute this MOU on behalf of the City and the Board respectively and also have the authority to make such amendments to this MOU as may be necessary including the authority to terminate this MOU in accordance with the provisions of paragraph 10.

12. Notice

Any notice or other communication to be given in connection with this MOU shall be given in writing and may be given by personal delivery, facsimile or by registered mail addressed to the recipient as follows:

To the City:
The Corporation of the City of Peterborough
500 George Street North
Peterborough, Ontario K9H 3R9
Attention: CAO

To the Board:
Peterborough Public Library Board
345 Aylmer Street
Peterborough, Ontario K9H 3V7
Attention: Library Board Chair

or such other address or individual as may be designated by written notice by either party to the other. Any notice given by personal delivery or facsimile shall be conclusively deemed to have been given on the day of actual delivery or transmission thereof and if made or given by registered mail, on the third day not counting Saturday, Sunday or statutory holidays in Ontario, following the deposit thereof in the mail.

13. Assignment

Neither this MOU nor any of the rights or obligations of either of the parties hereunder may be assigned without the prior written consent of the other party to this MOU.
In Witness Whereof the parties have executed this Memorandum of Understanding

Signed, Sealed and Delivered in the presence of

The Corporation of the City of
Peterborough

The Peterborough Public Library Board

Chief Administrative Officer

Board Chair

City Clerk

Board vice-Chair

SCHEDULE A – SERVICES PROVIDED BY THE CITY TO THE BOARD

Human Resources

1) Health and Safety:

- advises on pending and current legislation related to Health and Safety
- interprets and manages Library Benefit plans assistance in the preparation and implementation of Health and Safety programs
- advises and support on day-to-day Health and Safety issues that arise
- assists with the preparation, monitoring and follow-up of WSIB claims
- provides support for the Accessibility for Ontarians with Disabilities Act (AODA)

2) Labour Relations:

- advises on pending and current legislation related to Labour Relations
- advises on grievances, discipline and other labour relations issues
- advises and assist in the preparation and implementation of Policies related to Labour Relations
- advises and supports on day-to-day Labour Relations issues that arise

3) Collective Bargaining

- advises and assists with interpreting and following the Collective Agreement
- advises and assists with Collective Bargaining preparation, and throughout the bargaining process as required

4) Pay Equity

- assists in amending and/or creating new Job Descriptions
- advises and assists in the maintenance of the Pay Equity Plan

5) Payroll

- provides all applicable payroll services for Library staff

6) Recruitment

- coordinates the recruitment process, including advertising for positions
- coordinates the interview appointments and draft interview questions in consultation with Library management staff
- conducts reference checks

7) Discipline / Termination

- provides guidance and direction regarding specific discipline measures
- advises and assists in all aspects of the termination process including seeking advice from outside legal counsel

8) Performance Review Support

- provides support for performance reviews for management staff
- provides forms for performance reviews and ensures a copy is placed in the employee's file
- provides Probationary Review forms for new employees and ensure a copy is placed in employee's file

Financial Services

- 1) Purchasing services
- 2) Accounts payable/receivable services
- 3) Operating and Capital budget assistance/preparation
- 4) Banking/cash management/investment services
- 5) Financial statements preparation and audit services
- 6) Commodity taxes remittance/reconciliation
- 7) Appointment of an auditor
- 8) Canada Revenue Agency (CRA) annual submission for charitable rebate status
- 9) Purchasing by-law compliance and monetary approvals for purchases

Information Technology Services

1) Server Administration

- installs, configures, troubleshoots, and supports software
- monitors performance of key systems
- provides backup and recovery services

2) Lifecycle management

- assists with the procurement of and provides support for computer hardware, software, servers, routers, switches, and other related peripherals
- maintains an accurate hardware and software inventory

3) Data Communications (switches, routers, wireless, etc)

- installs, configures, troubleshoots, and supports hardware, software and appropriate peripherals
- monitors performance of key systems

4) IT Security

- oversees the deployment, integration and initial configuration of all new security solutions
- oversees the design and execution of vulnerability assessments, penetration tests and security audits
- coordinates remedial action for security audit recommendations and known security vulnerabilities
- facilitates regular security awareness training
- oversee the administration of IT security systems (firewalls, anti-malware, etc.)
- provides project management for IT security related projects

5) Day to day IT support for Library staff (excludes Library patrons)

- supports, maintains, and repairs staff hardware including computers, printers, mobile devices, and appropriate peripherals.
- installs, configures, troubleshoots, and supports software on above equipment

6) IT leadership and management

- assists with developing and executing IT strategy for Library
- provides IT related needs assessment and procurement
- provides IT related project management

Insurance and Risk Management

1) Insurance coverage

- ensures that Board members are insured so long as they are acting within the scope of their appointment as a board member and in accordance with the PLA.
- ensures the DelaFosse Branch is insured for building and contents
- ensures the Main Branch is insured for building and contents, including the Fine Arts

2) Risk Management

- provides corporate insurance and risk management programs, including the acquisition of property, equipment and vehicle insurance
- provides insurance requirements for contracts and leases
- provides risk assessments
- provides risk management training
- provides Incident reporting support
- provides claims handling advice and support

Clerk's Office

- acts as the Recording Secretary to the Board

- advises and assists with agenda creation
- prepares meeting minutes, posts agenda and minutes to the Council website
- sends packet to Board members electronically before the monthly meeting, and provides paper copies of packet at meeting
- provides advice on procedural matters including items for closed meetings
- advertises in local newspaper changes to meeting schedule or for special meeting
- advertises vacancies on the Board when needed
- works with the Council Selection Committee to find new members for the Board

Property Management

- Assists with day-to-day maintenance and preventative maintenance of Library facilities, including management of capital renovation and rehabilitations projects.

Community Services Department

1) The Director of Community Services, as delegated by the City's Chief Administrative Officer, serves as City liaison to the Library Board and Library CEO

- provides advice on matters relating to relations with City and provision of City services
- attends Library Board meetings on invitation from the Chair or by request to discuss matters related to City services
- serves as a library advocate / liaison on reports going to Administrative Committee or Council
- currently approves expenditures over \$10,000 up to \$25,000 in accordance with Corporate Financial Policies and Purchasing By-law
- serves as a resource to the Library CEO on budget matters including: preparation, submission, defense, and monitoring
- serves as a resource to the Library CEO on matters relating to City/Corporate policies and procedures, facility management and capital improvements, and property matters
- serves on the Library Joint Union/Management Job Evaluation Committee and attends Joint Union Management meetings, when needed
- invites and encourages Library Board and/or staff participation in Department led community development and strategic planning initiatives such as the Municipal Cultural Plan, Vision 2025, the Integrated Community Sustainability Plan, the Climate Change Action Plan, and the Recreation, Sport and Leisure Policy, etc.

2) Arts, Culture, and Heritage Division

- provides the option for the Library to participate in and benefit from Public Art projects and initiative
- provides the opportunity for the Library CEO to attend monthly meetings with the Manager of the Division, the Heritage Preservation Officer, the Museum Director, and the Art Gallery Director

3) Recreation Division

- provides the option for the Library to market and promote their services through advertising/ participation in the Leisure Services Guide

4) Sustainability Division

- advises and assists posting progress reports on Sustainable Peterborough website and in the annual Report Card

Utility Services Department

1) Transportation

- provides the Library with free parking for 25 designated staff at a City run parking lot. The Library shall pay for additional parking spaces as needed.
- at the Main Branch, provides parking spaces along with applicable pay and display machine, signage and maintenance of lot (including snow clearing)
- provides parking by-law enforcement
- provides and maintains bike racks outside the Library.

2) Public Works

- provides snow removal on the sidewalk south of the Library adjacent to the current Shoppers Drug Mart as well as all City maintained walkways
- maintains the green areas in the City owned property adjacent to the Library property

Legal Services

- provides a range of legal advice on issues related to legislation impacting on all library services such as employment and labour law; by-law and policy drafting; real estate; contractual agreements; litigation and risk management.
- reviews and drafts contractual agreements
- provides real estate support including but not limited to the drafting of all real property documentation including leases; agreements of purchase and sale; easement and encroachment agreements.

SCHEDULE B – BOARD RESPONSIBILITIES

- 1) The Board shall ensure that the Library is providing comprehensive and effective public library service that reflects the community's unique needs.
- 2) The Board shall appoint an Auditor annually in consultation with the City and the appointed treasurer.
- 3) The Board shall appoint a Treasurer in accordance with section 15.4 of the PLA.
- 4) The Board shall appoint a Secretary in accordance with section 15.3 of the PLA.
- 5) The Board shall appoint a CEO in accordance with section 15.1 and 15.2 of the PLA. The Board will evaluate the performance of the Library CEO annually.
- 6) The Board shall hold an Annual General Meeting (AGM) once a year and elect officials (Chair, Vice-Chair, Treasurer and Secretary) at said meeting.
- 7) The Board shall approve the draft annual budget prepared by the Library CEO, taking into consideration the guidelines set by City Council, prior to submission.
- 8) Through the Library CEO, the Board shall apply for any applicable funding grants and follow all necessary reporting needs of said grants.
- 9) The Board will ensure that the Library complies with all federal, provincial, and municipal regulations including, but not limited to:
 - Public Libraries Act, RSO 1990
 - Municipal Act, 2001, SO 2001
 - Municipal Freedom of Information and Protection of Privacy Act, RSO 1990
 - Accessibility for Ontarians with Disabilities Act 2005, S.O. 2005,
 - Canada Revenue Agency
 - Ministry of Tourism, Culture and Sport
 - Occupational Health and Safety Act, R.S.O. 1990
 - Copyright Act 1985, R.S.C. 1985
 - Employment Standards Act, 2000, S.O. 2000
 - Labour Relations Act, 1985, S.O. 1995
 - Workplace Safety and Insurance Act, 1997, S.O. 1997
 - Mandatory Reporting of Internet Child Pornography, S.C. 2011
- 10) The Board will ensure that there is a Strategic Plan for the Library. This plan shall be reviewed regularly and updates may be provided to Council.
- 11) The Board endeavours to ensure that programs and services offered by the Library meet the needs of the community and that they align with the goals set out in the strategic plan.

- 12) The Board shall ensure an appropriate liaison exists between themselves, the Friends of the Library and the Library Foundation.
- 13) The Board will review, develop and approve policies for governance and operational activities of the Library.
- 14) The Board ensures that there is a collection of materials at the Library that meets the needs of the community.
- 15) The Board shall sign the Collective Agreement with CUPE 1833.
 - a. The Board acknowledges that all staff, other than the Library CEO, are City employees who have been contracted to the Library to provide Library services as may be determined by the Board and otherwise assist the Board in realizing its mandate.
 - b. As employees of the City, staff allocated to the Library will be subject to all City policies, programs, services and benefits.

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Schedule C - Role and Responsibilities of Library CEO

In accordance with the Public Libraries Act, the 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," R.S.O. 1990, c.P.44, s.15 (2).

The Library CEO is responsible for the overall management of the Library. The Library CEO will promote effective information flow between the City, the Council, the staff and the Board.

The range of responsibilities and duties include, but are not limited to:

- Leading and directing staff and ensuring effective Human Resource Management
- Directing all library facilities, programs and services
- Developing, implementing and monitoring Library Policy implemented by the Board
- Developing, implementing and monitoring operating, capital and project budgets
- Developing, implementing, and monitoring strategic, operational and work plans
- Developing, implementing, and monitoring governance, framework and operational policies and procedures
- Developing and managing the Library Collection within operational policies and procedures
- Ensuring optimal customer service; addressing patron issues and concerns
- Liaising with provincial Ministries and service agencies
- Liaising with City of Peterborough
- Liaising with the Friends of the Library and the Library Foundation
- Marketing and promoting the Library to the city, community, and local media
- Enhancing financial performance through revenue-generation and fund-raising
- Ensuring effective labour relations through compliance with Union contract
- Coordinating facility maintenance and capital improvements
- Managing tenant relations
- Monitoring government legislation and regulations
- Representing the Library on city and community committees and projects

While the Library CEO is the employee of the Board, their compensation, benefits, and other entitlements shall be provided through the City.

SCHEDULE D – ASSETS AND FACILITIES

a) Land and Building - Main Branch

- 345 Aylmer Street
- 359 Aylmer (former office of Usher Dwyer)
- Sidewalk on south side of Library with two accessible parking spaces located within the Shoppers Drug Mart parking lot
- Sidewalk on north side of Library
- 30 parking spaces at Seven Hills

b) Land and Building - DelaFosse Library branch

- 729 Park St S is currently owned by the Library Board

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