

Policy Title: Bylaws

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Definitions

In these Bylaws, the following words or expressions have the meaning as defined thereto. These definitions are extended to the Springwater Township Public Library's Polices.

"Board" means the Springwater Township Public Library Board.

"Bylaw" or "Bylaws" means the Bylaw or Bylaws of the Board.

"CEO" means the chief executive officer of the Springwater Township Public Library.

"CEO Designate" means a designate appointed by either the CEO or the Board to perform the CEO's duties as needed and for an interim period.

"Chair" means the chair of the Springwater Township Public Library Board.

"Council" means the elected council of the Township of Springwater.

"Library" means the Springwater Township Public Library.

"Municipal Clerk" means the Municipal Clerk for the Township.

"OLS" means the Ontario Library Service

PLA" means the *Public Libraries Act*, Revised Statues of Ontario 1990, c. P. 44.

"Policy" or "Policies" means the Policy or Policies of the Board.

"Special Meetings" means meetings of the Board called outside the regular Board schedule and include Board meetings or training and education meetings.

"Standing Committees" means the Governance/Policy Committee, Finance Committee, and CEO Evaluation Committee.

"Township" means either the Township of Springwater municipality or the Township of Springwater Administration.

"Vice-chair" means the vice-chair of the Springwater Township Public Library Board.

1. General

- 1.1 In accordance with the PLA, a public library shall be under the management and control of a board, which is a corporation. (*PLA*, s. 3 (3).)
- 1.2 The Library became established under the Council of the Township of Springwater, Bylaw No. 94-43. (R.S.). 1990, c. P.44, s. 3 (1); 2002, c. 18, Sched. F, s. 3 (4).)
- 1.3 The Library is a registered charity with the Canada Revenue Agency, bearing charitable registration #846725019 RR0001. Springwater Public Library Board will be operated without purpose of gain for its members, and any profits or other assets of the organization will be used solely to promote its objectives. Should the Library Board dissolve, the directions provided under Section 42 of PLA will be followed, with assets distributed to other charitable organizations, including, for example, the municipality.

2. Authority

- 2.1 The Library Board bears legal responsibility for the library by ensuring that it operates in accordance with the *Public Libraries Act*, R.S.O 1990, chapter P. 44. The purpose of this bylaw is to define the legal authority of the Board.
- 2.2 In the event of any variance between these rules and regulations set out in these governing Bylaws and the PLA, the PLA shall take precedence.
- 2.3 The Board recognizes that the PLA sets out procedures for the appointment of members of the Board, the qualifications of members, term of membership, disqualification of members, and vacancies on the Board.

The primary address for the Board will be:

Springwater Township Public Library Board
12 Finlay Mill Road, P.O. Box 129
Midhurst Ontario L9X 0N7

3. Purpose of the Board

- 3.1 The powers and duties of the Board are prescribed in the *Public Libraries Act*, R.S.O. 1990, chapter P. 44, to which this Bylaw adheres. The role of the board is to govern the affairs of the Library, and in accordance with the Public Libraries Act, section 20, the Library Board:
 - 3.1.1 Shall seek to provide, in co-operation with other Boards, a comprehensive and efficient public library service that reflects the community's unique needs;

- 3.1.2 Shall provide library services in the French language, where appropriate;
- 3.1.3 Shall operate one or more libraries and ensure that they are conducted in accordance with the Act and the regulations;
- 3.1.4 May operate special services in connection with a library as it considers necessary;
- 3.1.5 Shall fix the times and places for Board meetings and the mode of calling and conducting them, and ensure that full and correct minutes are kept;
- 3.1.6 Shall make an annual report to the Minister and make any other reports required by this Act and the regulations or requested by the Minister from time to time;
- 3.1.7 Shall make provision for insuring the Board's real and personal property;
- 3.1.8 Shall take proper security for the treasurer;
- 3.1.9 May appoint such committees as it deems expedient.

3.2 The Board shall also:

- 3.2.1 Determine and adopt written policies to govern the operation of the Board and the Library and advocate for library service; understand and plan for current and future library-related needs of the community; determine the goals and objectives of the Library and ensure adequate funding to fulfill these goals;
- 3.2.2 Make provision for the Township to insure the Board's real and personal property;
- 3.2.3 Utilize the services of the Township's Finance Departments for all financial matters;
- 3.2.4 Appoint a competent and qualified Chief Executive Officer (CEO), evaluate and fix the rate of pay of the CEO in accordance with the Township's Human Resources policy, and if necessary, dismiss the CEO;
- 3.2.5 Work with the CEO to prepare a budget adequate to carry out the Library's goals and objectives, and present this budget to Council;
- 3.2.6 Monitor the finances in order to ensure that the ongoing financial position of the Library is consistent with the priorities approved by the Board. The Board shall monitor the monthly financial report as prepared by the treasurer, at each meeting;

- 3.2.7 Ensure that the Library is operated in accordance with the *PLA*, and;
- 3.2.8 Approve the submission of all reports required or requested by Council and the Ontario Ministry of Culture, Sports and Tourism.

4. Governance of the Board

4.1 The Board governs effectively by:

- 4.1.1 Developing and expressing the Board's philosophy and values;
- 4.1.2 Articulating mission, service priorities, and long-term strategy;
- 4.1.3 Setting policies on governance and service;
- 4.1.4 Planning for future library development;
- 4.1.5 Delegating authority to the CEO for management of library operations;
- 4.1.6 Providing direction to the CEO through Board motions, policies, and plans;
- 4.1.7 Providing feedback to the CEO through a performance appraisal process;
- 4.1.8 Securing the financial resources to achieve the intended results exercising financial control and overseeing finances;
- 4.1.9 Advocating for library services;
- 4.1.10 Assessing for outcomes and impact;
- 4.1.11 Representing the interests of the community, working proactively and making decisions that focus on the Library's future and place in the community;
- 4.1.12 Engaging the community in determining responsive and dynamic library service;
- 4.1.13 Acting as a bridge between the Library and Council;
- 4.1.14 Working collaboratively with the CEO and Council;
- 4.1.15 Setting meeting agendas and plans that reflect the Board's current goals and strategic issues, and;
- 4.1.16 Monitoring organizational performance.

5. Composition of the Board

5.1 Sections 9 and 10 of the PLA, specifies that Library Boards must have a minimum of five members, and identifies the requirements for appointment or rules for disqualification.

5.2 The Board shall consist of a minimum of five persons appointed by the Council which shall include one member per contracting municipality. Council may appoint its own members to the Board, up to a number that is one (1) less than the majority. One member shall be appointed from contracting municipalities.

5.3 A person is qualified to be appointed as a member of a Board who is:

5.3.1 A member of the appointing Council;

5.3.2 Is at least eighteen years old;

5.3.3 Is a Canadian citizen or permanent resident of Canada within the meaning of the *Immigration and Refugee Protection Act (Canada)*;

5.3.4 Is a resident of the Township of Springwater;

5.3.5 A resident of a municipality that has a contract with the Board or who is not employed by the Board or by the municipality or by the contracting municipality.

5.4 In accordance with s. 13 of the *PLA*, a Board member becomes disqualified if they:

5.4.1 Are convicted of an indictable offence;

5.4.2 Become incapacitated;

5.4.3 Are absent from three consecutive Board meetings without approval of the Board by resolution;

5.4.4 Cease to qualify as a resident for the Township or contracting municipality;

5.4.5 Forfeit their seat.

5.5 The CEO by Board resolution shall notify the Municipal Clerk of such disqualification and resulting Board member vacancy.

5.6 Every attempt shall be made to ensure fair representation from various demographic sectors, communities throughout the Township, and contracting municipalities.

6. Term

6.1 A Board member shall hold office for a term concurrent with the term of the appointing Council, or until a successor is appointed in the result of becoming disqualified. Board members can be reappointed for one or more further terms. (PLA, s. 10(3).)

6.1.1 For clarification, a Board member must reapply to the Township each municipal term for consideration by the appointing Council.

6.2 Council shall appoint Board members at its first regular meeting of the new term, or failing to do so, at any regular or special meeting no later than 60 days after its first meeting. (PLA, s. 10(4).)

6.3 Board members shall only be appointed during the above period as per the PLA and at no other times unless there is a vacancy and/or a request by the Board.

6.4 When a vacancy arises in the Board, Council, upon receiving notice of such vacancy under paragraph 5.4 above, shall promptly appoint a person to fill the vacancy until the end of the term unless the unexpired term is less than 45 days. (PLA, s. 12.)

7. Election of Board Officers and Appointments

7.1 The officers of the Board shall be the Chair, Vice-Chair, and the CEO as Secretary-Treasurer.

7.1.1 Election for the positions of Chair and Vice-Chair shall take place at the Inaugural meeting of the Board. The positions shall be held for a four-year term ending when the new Board is appointed. If any officers become disqualified from the Board during their term, the Board must immediately elect or appoint a new officer.

7.1.2 Election of Standing Committee members shall take place after the election of the Chair and Vice-Chair and follow the same timelines and conditions.

7.2 The Chair and/or Vice-Chair shall serve as a voting member of all Board committees.

7.3 Duties of the Chair:

7.3.1 Acts as an official representative and spokesperson of the Board;

7.3.2 Assumes a leadership role to the Board;

7.3.3 Ensures the proper functioning of the Board and the proper conduct of Board business, in accordance with appropriate legislation and *Roberts Rules of Order*.

7.4 In addition, the Chair is responsible for:

- 7.4.1 Presiding at regular and special meetings of the Board;
- 7.4.2 Acting as an authorized signing officer of all documents pertaining to Board business;
- 7.4.3 Representing the Board, alone or with the CEO and other Board members, at any public or private meetings for the purpose of conducting, promoting, or completing the business of the Board;
- 7.4.4 Determining the responsibilities of ad-hoc committees in consultation with the Board;
- 7.4.5 Advising the Vice-Chair, if for any reason, the Chair is temporarily unable to perform these functions;
- 7.4.6 Look after both the content and the process of the meeting, keep the Board focused on governance, facilitate the Board's crucial partnership with the CEO.

7.5 The Chair shall not commit the Board to any course of action in the absence of specific authority of the Board.

7.6 Duties of the Vice-Chair:

- 7.6.1 Assumes the duties and responsibilities of the Chair in the absence of the Chair;
- 7.6.2 Upon receiving no absence notices from the Chair, where there is quorum, shall commence and preside over regular or special meetings until the arrival of the Chair, or adjourn the meeting in the absence of quorum.

8. Committees of the Board – Standing Committees

8.1 Governance/Policy Committee

- 8.1.1 Governance/Policy Committee Responsibilities include:
 - 8.1.1.1 Reviewing and revising the Policies as outlined in GOV-006 Policy Creation;
 - 8.1.1.2 Prepare an application which identifies the skills and competencies necessary for an incoming Board to meet new term challenges;
 - 8.1.1.3 Evaluating Board performance yearly by conducting a Board member annual self-appraisal. Final evaluation results shall be

kept on file with the CEO for at least one full term or in accordance with the Library's Retention Policy;

- 8.1.1.4 Recommendations for new Board members orientation and training material;
- 8.1.1.5 Preparing and sharing a legacy document to summarize the successes and challenges of the term to provide the incoming Board with a framework for moving forward.

8.2 Finance Committee

8.2.1 Responsibilities include:

- 8.2.1.1 Conducting an overview of current financial estimates and determining whether Library needs were achieved;
- 8.2.1.2 Analyzing preliminary financial estimates and proposing necessary changes to meet the needs of the Library's programs and services;
- 8.2.1.3 Making recommendations to ensure safe financial control measures are in place to expend the budget with due diligence and in accordance with Board policies;
- 8.2.1.4 Preparing an annual financial estimates presentation to Council.

8.3 CEO Evaluation Committee

8.3.1 Responsibilities include:

- 8.3.1.1 Comprising (i) a confidential 360° evaluation that invites feedback from all Board members, the CEO's self-assessment, and all permanent Library Staff, and (ii) a six-month goals review conducted by Board members;
- 8.3.1.2 Compiling results, reporting same to the Board, and finalizing comments;
- 8.3.1.3 Presenting a final evaluation and six-month goals review to the CEO and submitting completed evaluation forms to the Township HR manager. Completed evaluation forms shall be retained on file in accordance with the Township's retention policy regarding personnel files.

8.4 All Board committees shall be comprised of a minimum of three Board members. Each committee shall elect a chair. Each committee at its discretion may request an outside person(s) to address the committee and/or join the committee for a

specific need and duration, but such outside person(s) shall not have voting rights.

8.5 In the case of a discrepancy or lack of consensus on committee matters, the issue will be taken to the Board for final debate.

8.6 The CEO or CEO designate shall serve as a non-voting ex-officio member on all standing and ad-hoc committees with the exception of the CEO Evaluation Committee.

8.7 All committees report to the Board and are expected to make recommendations. Committees do not act on behalf of the Board and cannot expend funds except by direction and resolution from the Board.

8.8 Meetings of committees are public meetings and must have agendas posted and minutes taken. Committees may have working groups which do work outside of the committee meetings and then report back at committee meetings.

9. External Committees

9.1 The following are external committees that all or some Board members shall belong to:

9.1.1 Ontario Library Association: The CEO shall register each Board member.

9.1.2 OLS Board Assembly: The Board shall elect a Board member and an alternate to act as official Board representative(s) to the OLS Board Assembly meetings.

10. Orientation of Members of the Board

10.1 The CEO shall invite all Board members to attend an Orientation meeting. All Board members shall receive an orientation to the Board following policy GOV-003 Board Orientation.

11. Board Conduct

11.1 Each Board member is responsible for exercising:

11.1.1 A duty of diligence;

11.1.2 A duty of loyalty;

11.1.3 A duty of care.

11.2 Board members are expected to act in an ethical and businesslike manner and will interact with each other, with library staff and the Library's partners in such a manner. This commitment includes the proper use of authority, appropriate

decorum in group and individual behaviour and respect for others and their contribution to the Board.

11.3 Board members shall support the interest of the library when making or influencing decisions.

11.4 Board members shall respect the confidentiality of all information discussed at **in-camera** sessions.

11.5 All decisions will be respected by all members of the Board.

12. Board Spokesperson

12.1 The Chair is the primary spokesperson of the board.

12.2 The CEO is authorized to act as the Board's spokesperson for statements to the media regarding the Library's operations. Whenever practical, the CEO should first consult with the Chair.

12.3 Any Board member contacted by media regarding Library business shall, if possible, defer to the Chair or the CEO for official comments. Otherwise, any comments made must present Board positions fairly, accurately, and without bias.

12.4 Board members expressing individual comments of personal opinions should clearly identify such remarks as personal and not those of the Board as a whole.

13. Meetings of the Board

13.1 The CEO shall call the inaugural meeting of the Board in each new term upon receipt of Council's bylaw from the Municipal Clerk confirming the appointments to the Board.

13.2 The inaugural meeting of the Board shall be held at the first meeting of each new term. The CEO shall preside and conduct the election for the position of Chair in accordance with *Robert's Rules of Order* and the *PLA*. The newly elected Chair shall then preside and conduct elections of the Vice-Chair.

13.3 In accordance with s. 16(1) of the *PLA*, the Board shall hold at least seven (7) regular meetings in each year and at other such times as the Board deems necessary. Board meetings will be held on a rotating schedule at each of the branches of the Library; the schedule to be determined by the Board and availability of the meeting space at each location. Meetings may be held virtually upon consent of the Board.

- 13.4 Notice of all regular meetings shall be posted on the Library website and in each branch of the Library. Minutes of the meetings are public documents (except for **in-camera** meetings) and shall be made available to the public.
- 13.5 Prior to the start of all meetings, members of the Board shall disclose any pecuniary interest in writing and general nature thereof before any consideration is given to the matter and shall:
- 13.5.1 Not take part of in the discussion of, or vote on any question in respect to the matter; and,
 - 13.5.2 Not attempt before, during, or after the meeting to influence the voting on any such questions;
 - 13.5.3 When the member is absent from a meeting, the interest will be disclosed at the next meeting attended by the member.
- 13.6 The Chair or any two members of the Board may summon a Special Meeting of the Board by giving each member reasonable notice in writing, specifying the purpose for which the meeting is called and which shall be the sole business transacted at the meeting. Despite any other act, Board meetings shall be open to the public, except where the Board moves into closed session (in-camera) to discuss confidential, financial, or personnel matters within a meeting. Education or training meetings may be exempt to the public.
- 13.7 The Chair of the Board or of the Committee Meeting may expel any person for improper conduct at a meeting.

Delegations

- 13.8 Any delegation wishing to address the Board may direct written requests to the Chair of the Board through the CEO, setting out the issue to be presented to the Board at least 7 days prior to the Board meeting.
- 13.9 Delegations will be limited to 5 minutes unless approval of the Board is obtained by the Chair to extend or limit the speaking time.
- 13.10 Upon the completion of a presentation to the Board by a delegation, any discourse between Board members and the delegation shall be limited to Board members asking questions for clarification and obtaining additional relevant information only. Board members shall not engage in debate with the delegation with respect to the presentation.
- 13.11 A maximum of 3 delegations will be approved per meeting.

Closed (In-Camera) Session

13.12 In accordance with the *Public Libraries Act*, section 16.1(4), a meeting or part of a meeting may be **closed to the public** if the subject matter being considered is:

- 13.12.1 The security of the property of the board;
- 13.12.2 Personal matters about an identifiable individual;
- 13.12.3 A proposed or pending acquisition or disposition of land by the board;
- 13.12.4 Labour relations or employee negotiations;
- 13.12.5 Litigation or potential litigation, including matters before administrative tribunals, affecting the board;
- 13.12.6 Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 13.12.7 A matter in respect of which a board or committee of a board may hold a closed meeting under another *Act*.

13.13 When the Board determines that matters should be dealt with in the absence of the public or a staff member, a motion to move into in-camera session must be moved, seconded, and approved by majority vote. Motions to move in-camera are not debatable. At the conclusion of the in-camera session, a motion must be moved, seconded, and approved by majority vote to return to open session. A motion to confirm any motions approved during the in-camera session shall be made

- 13.13.1 The Board may invite appropriate persons to attend the in-camera session;
- 13.13.2 Minutes of in-camera meetings will be recorded and kept separately and held to be confidential and thus will not be available to the public. In-camera minutes will be filed with the CEO, with the exception of CEO evaluation minutes, which will be filed with the Township HR manager.

13.14 Minutes of the in-camera portion of the regular meeting are confidential.

Attendance at Meetings

13.15 Attendance of all Board members at Board meetings is vital to the satisfactory conduct of Board business. In the event that a member must be absent from any meeting, that member shall notify the CEO and/or Chair as soon as possible prior to the meeting.

13.16 Notwithstanding subsection 5.4.1 above, should a Board member be absent for three (3) consecutive meetings, the Board shall consider the circumstances of the absence and either:

13.16.1 Notify Council that the seat is vacant, or;

13.16.2 Pass a resolution authorizing that person to continue as a Board member

Electronic or Virtual Meeting Attendance

13.17 Electronic meetings may be held via telephone or other electronic communications, provided all participants are able to communicate with each other simultaneously. All attendees, including the public, must be identifiable via video or voice. Information to attend electronically shall be made available to the public. Board members so participating electronically are deemed to be present at the meeting and are counted in the quorum; however, in-person quorum must be reached if public call-in information is not made. If communication is lost with members causing quorum to be lost for a period of more than 10 minutes, the meeting shall be either adjourned, continue with all motions ratified the following meeting, or continued for discussion only. The Board may also allow individual Board members to participate electronically in an in-person meeting.

Order of Proceedings

13.18 Meetings shall be called to order as soon after the hour fixed for a meeting as a majority is present. (*PLA* s. 16(5).)

13.19 Where a majority is not present (quorum) within twenty minutes after the hour fixed for a meeting, the CEO shall record the names of the Board members present and the meeting shall either stand adjourned until the next meeting or until a special meeting is called, continue the meeting and ratify all motions at the next scheduled meeting, or continue the meeting for discussion only.

13.20 The order of business for all regular meetings of the Board shall be as set by the Board.

13.21 All business shall be dealt with in order of the agenda unless decided by the Chair.

14. Voting

Majority of Votes Cast

14.1 All motions at Board or committee meetings, except those approving or amending the Bylaws, are decided by a majority of the votes cast. Amendments to the Bylaws require approval from two-thirds of those members present.

Equality of Votes

14.2 The Chair shall vote upon all motions, and where there is an equality of votes, the motion is considered defeated.

Proxy Voting

14.3 Proxy votes are not permitted.

15. Chief Executive Officer of the Library

15.1 The Board shall employ a Chief Executive Officer of the Library. The CEO is not a voting member of the Board

15.2 The CEO shall also serve as Secretary and Treasurer of the Board and official signing officer.

15.3 The Board shall establish a job description, hours of work, salary and benefits in accordance with the Township's Human Resources Policy, for the position.

15.4 The job description shall clearly list the duties assigned to the position and establish the reporting relationships of the CEO, including the annual report to the Ministry of Culture, Sports and Tourism.

15.5 The Board shall conduct an annual evaluation and a six-month goals review of the performance of the CEO to aid in setting objectives for the next year.

16. Financial

16.1 The financial year of the Library runs from January 1 to December 31.

16.2 Bank accounts for the Library are held and administered by the Township's Finance Department. Monies collected for the Library are administered by the Township's Finance Department.

16.3 All expenditures must be approved by the CEO and by the Board for expenditures exceeding \$5,000 with the exception of regular program and collection purchases in accordance with the Library's Purchasing Policy OP-021.

16.4 In accordance with the *PLA*, a public library board, county library or county library co-operative board shall submit to the appointing council, annually on or before the date and in the form specified by the Council, estimates of all sums required during the year for the purposes of the Board. R.S.O 1990, c. P.44, s. 24 (1).

16.5 The accounts of the Library shall be audited in conjunction with the audit performed on the accounts of the Township. Although part of the same audit, the Library accounts shall be identified separately within the document. The Board Chair and CEO are responsible for ensuring that the auditor has all documents required, including closed session minutes.

16.6 Honorarium

16.6.1 Board members appointed by Council will receive the Township stipulated honorarium for their attendance in person or electronically at each regular meeting of the Board and paid annually. Attendance at special meetings or educational/training meetings of the Board may be compensated at the stipulated honorarium rate pending the Library's annual budget. Honorariums may be taxable.

16.6.2 Board members of contracting municipalities will receive an honorarium according to their municipality's bylaws.

17. Reimbursement of Expenses

17.1 Under the approved operating budget, and upon submission of receipts and/or kilometres travelled, Board members may be reimbursed for travel and other expenses at conferences and approved meetings such as semi-annual Board Assembly meetings. Receipts to be submitted to the CEO who shall arrange for reimbursement through the Township. Mileage rates will be adjusted in accordance with the rate paid to Township employees.

18. Reserve Funds for Special Projects

18.1 Upon Board approval, the CEO will approach Council to release funds from reserves for special projects. While the Board has an agreement with the Township for provision of administrative functions, direction regarding the disbursement of library funds remains the prerogative of the Library Board. (*PLA-Questions and Answers for Public Libraries*, Ministry of Culture, Tourism and Sport)

19. Review and Amendment of Policies

19.1 All review and amendment of policies will be governed under GOV-006 Policy Creation.

20. Review and Amendment of Bylaws

20.1 These Bylaws shall be reviewed once per term or as needed or as a result of any revision to the PLA, other legislation, or Board governance policies. The Governance/Policy Committee shall notify the Board of any recommended new or amended Bylaw and bring forward such recommendations to the Board. A motion to amend, remove, or add to these Bylaws shall require a majority vote of at least two-thirds of the members present in order to be carried, provided that verbal or written (including electronic) notice shall have been given up to 30 days prior thereto.

20.2 These Bylaws are effective at the time of approval by Board motion and by its currency date.

Related documents:

Public Library Act, R.S.O. 1990, c. P.44

Adoption and Amendment Dates:

Adopted: November 9, 2010 (Motion 10-44)

Amended: October 13, 2011 (Motion 11-29)

June 21, 2016, (Motion 16-18)

March 20, 2018 (Motion 18-15)

June 16, 2020 (Motion 20-39)

July 25, 2023 (Motion 23-44)

March 28, 2024 (Motion 24-24)