MANITOBA PUBLIC LIBRARIES

Governance at a Glance

This document outlines the roles and responsibilities of trustees and library staff in governing their local public library. Specific governance responsibilities, as stated in the Manitoba Public Libraries Act, are cited and referenced.
Definitions

PUBLIC LIBRARY BOARDS
are governing boards, legal corporations with the authority to make policy and to govern the library’s affairs under The Public Libraries Act, 1997, Part II (21); Part III (27).

GOVERNING
as defined by The Webster’s Reference Library English Dictionary, means to “influence the action” of an organization.

GOVERNANCE
is the entire framework set by the board to direct the organization. It identifies how a board will conduct business, how power will be divided and delegated and what processes will be set up to achieve accountability.

The Board’s Authority

THREE MAJOR RESPONSIBILITIES
A board’s duty is to provide comprehensive and efficient public library service that reflects its community’s unique needs. A board must submit budget estimates and audited financial statements to its municipal council. The province also requires an approved budget, an actual library revenue and expenditure for the previous year, and four copies of an official annual report in narrative format.

THE PUBLIC LIBRARIES ACT, P220, 1997
This act governs the operation of libraries in Manitoba and is special legislation that overrides certain sections of other acts, including The Municipal Act. Agreements between municipalities in regional libraries override The Public Libraries Act.

Meeting Requirements

The Public Libraries Act, P220 1997, Part II 20 (1); Part III 26 (1) requires that:

- The board must hold six, (6) bi-monthly meetings, from January through December inclusive.
- A majority of board members must be present at each meeting.
- The board chair may vote with other members.
- Special meetings can be called by the chair or any two board members. They must provide two days’ notice, in writing, to each member, stating the purpose of the meeting.

Membership

- Board members are appointed by municipal council under the rules of the act.
- The minimum size of a municipal library board is three members; the maximum is seven, one of which must be a municipal councillor.
- Library staff and municipal employees are not allowed to sit on the library board.
- Non-residents of the library’s area are not allowed to sit on the board.
- Members of the board sit for a two-year term.
- The library’s head librarian is an ex-officio member of the board.

We gratefully acknowledge the Ontario Library Trustees Association for giving Manitoba Public Library Services Branch permission to adapt their document to reflect the requirements of library governance in this province.
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Municipal Integration

Libraries can determine whether to operate with separate financial policies and processes or to adopt their municipality’s policies. Many boards forge close ties with their municipalities to maximize their effectiveness and to collaborate in achieving common goals. While the library board is an independent body, aligning agendas and streamlining business processes can be advantageous. Libraries and the municipalities serve the same public and address issues common to both bodies.

Fiduciary Duty

As a member of a library board, your fiduciary duty is to act honestly; in good faith; and in the best interests of the library. Board members cannot profit from business with the library.

Principles of effective library governance

- Build a solid governance framework that includes bylaws, policy, and an achievable plan based on your mission.
- When you have built your plan, make sure it works and keep it in shape.
- Remember, the board represents the public - and know how to connect with them.
- Make good decisions on behalf of the public.
- Know what it is that the library needs to achieve.
- Assess what the library has accomplished and report its progress regularly.
- To manage risk, know what information the board needs and where and how to get it.
- Know what skills are required by board members and recommend individuals to the board to fill those needs.
- Remember, you are not on the board to manage the library, you are there to govern.

Responsibility of supervising library’s finances

Responsibility includes:
- understanding the implications of a budget and a financial report
- recognizing if the allocation of monies aligns with board priorities
- ensuring that financial policies are in place to:
  - control receiving, processing, and disbursing money
  - ensure fiscally-sound budgeting
  - comply with current municipal legislation with respect to purchasing and hiring
  - manage risks
  - limit liability of the library and board
- Board members should not be:
  - approving a budget or financial report without understanding it
  - approving a cheque register
  - challenging a miniscule amount on a budget line
- A library board member is required to carry out his or her duties with the same care and attention that would reasonably be expected from someone of his or her knowledge or experience.

Intellectual Freedom

Public libraries are mandated to provide access to a variety of ideas, literature, and information. All Canadian public libraries will want to follow the principles of the Canadian Library Association’s Statement on Intellectual Freedom, which can be found at www.cla.ca/content/NavigationMenu/Resources/PositionStatements/Statement_on_Intell.htm.

Power to make policy

Policies provide the necessary framework for all of the operations and priorities of the library and allow for a smooth transition from old to new boards. Library policies include:

- advocacy
- children’s services
- circulation
- collection development
- community information
- customer service
- Internet use
- personnel and hiring
- purchasing
- volunteers
- youth services

Policies must be framed within the limitations set out in government legislation and regulations.

Leadership

The stakeholders in today’s libraries expect strong leadership and modern governance must reach beyond budget oversight and a regular strategic planning exercise. It must incorporate new ideas; probe an organization’s basic values and purpose; and forge relationships that will generate more effective organizations.

Power to hire the CEO

The Public Libraries Act, P220 1997, gives library boards the sole right to hire the library’s chief executive officer. Relevant federal laws, including the Criminal Code, Charter of rights and Freedoms and relevant local bylaws apply.

Legislation to consult

- The Public Libraries Act, P220 1997
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- The Municipal Act
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- Municipal Council of Conflict of Interest Act
  http://web2.gov.mb.ca/laws/statutes/ccsm/m255e.php
- The Freedom of Information and Protection of Privacy Act
  http://web2.gov.mb.ca/laws/statutes/ccsm/f175e.php
- Employment Standards Code
  http://web2.gov.mb.ca/laws/statutes/ccsm/e110e.php
- Human Rights Code
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Legal obligations of the library service

- Hold and achieve a quorum for a minimum of six meetings annually, as required by The Public Libraries Act.
- Meet the residency requirement to be a legal representative on the library board.
- Understand the regulations for funds from federal, provincial and municipal bodies.
- Read and be generally familiar with all minutes and reports, including financial reports, and reports from outside professionals.
- Read library journals and be generally familiar with models of library service.

Board members should also participate in developing and reviewing:

- the mission, vision and values of the library
- its goals and objectives
- its action plan
- all status reports on the library’s projects
- library personnel policies and procedures
- the guidelines for hiring and evaluating the library administrator
- the library’s code of ethics and conduct for the board
- the guidelines for board evaluation
- the guidelines for job descriptions for the officers and members
- the guidelines for board committees and description of purpose

Board members should also:

- Read any literature produced as part of the library’s programs, services, newsletters, websites.
- Be knowledgeable about library programs to personally promote the services in the community.
- Participate in selection committees to ensure applicants for the library administrator have the appropriate skills and experience.
- Be comfortable with and clear about all issues addressed by the board.
- Ask questions when you don’t understand an issue to ensure that you are making a knowledgeable decision.

To be an effective board member:

- Know your job.
- Be open to continuous learning.
- Recognize that only the board has the authority to act on behalf of the library; individual board members have no authority to act on their own.
- Share responsibility for the effective functioning of the board by ensuring full discussion of issues and making reasoned decisions.
- Build your knowledge and understanding of the broader library community.
- Demonstrate your interest in your community library by holding a membership in the library before appointment to the board.

Liability in the courts

Trustees need to be aware that the courts are unlikely to exonerate a board member’s personal liability because of:

- honest ignorance
- leave of absence
- lack of attendance at the meeting when an issue was discussed
- ignorance of the details
- not signing the relevant documentation
- recent resignation from the board

Because of this personal liability, it is important for every board member to act with due diligence in the performance of her or his duties.

Duty of obedience

Effective boards present a face of solidarity to the community. You may personally disagree with a board decision, and you are free to debate it during board meetings. However, you must endorse the board’s decision in public.

Members of the library board require board authorization recorded in the minutes to enter into contracts or agreements on behalf of the library.

Duty of loyalty or avoiding conflicts of interest

Board members are expected to operate with undivided allegiance to the organization that they are managing. If a board member stands to personally or professionally profit from a decision of the library board, there is a potential conflict of interest. The conflict should be openly disclosed to the board, and the individual should remove himself or herself from the deliberations and voting of the board even if there is not a quorum present. The disclosure of conflict of interest and removal of the individual board member from the proceedings should be noted in the minutes.

In circumstances where a board member strongly disagrees with the board’s decision, the individual board member can request that his or her vote and the reasons for disagreeing be noted in the minutes to help mitigate personal liability for the decision. Dissenting opinions of individual board members can also be officially noted by sending a registered letter to the board outlining the objections, which must be included in the minutes.

The Public Library Board and the Chief Executive Officer: Who Does What?

**LEGAL ISSUES**

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<td>- Is aware of the municipal planning context</td>
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<tr>
<td>Annual budget</td>
<td>- Analyzes preliminary budget and proposes necessary changes</td>
<td>- Consults with municipal staff and advises board on municipal budget policy requirements and procedures</td>
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<tr>
<td></td>
<td>- Officially adopts budget</td>
<td>- Prepares preliminary budget in conjunction with board based on present and anticipated needs and board's plan</td>
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<tr>
<td>Budget presentation to Council</td>
<td>Presents budget to council in accordance with municipal budget policy and procedures</td>
<td>Participates in budget presentation, supplying facts and figures, analysis and comments as requested</td>
</tr>
<tr>
<td>Sustainable resources</td>
<td>Determines revenue sources for special project needs and/or funding gaps</td>
<td>Identifies options for generating additional revenue to support special project needs and/or funding gaps</td>
</tr>
<tr>
<td>Financial control measures</td>
<td>Ensures safe financial control measures are in place to expend budget with due diligence and according to board priorities</td>
<td>- If the CEO is also board treasurer, oversees all accounting functions and prepares regular financial statements</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Monitors the budget</td>
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<td>- Identifies and addresses problems as they arise</td>
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<td>CEO selection</td>
<td>Hires CEO</td>
<td>Builds a strong relationship that recognizes board authority and respects CEO expertise</td>
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<td>Board-CEO relationship</td>
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<td>Staff selection</td>
<td>Defers to CEO's management</td>
<td>Hires and directs subordinate staff, adhering to board policies. May seek board input on senior staff selection</td>
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<tr>
<td>Employee performance appraisal</td>
<td>Evaluates CEO performance annually</td>
<td>Ensures that annual performance appraisals are conducted on all staff under CEO's supervision</td>
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<td>Salary scales and union contracts</td>
<td>Approves these</td>
<td>Negotiates salary and working conditions for staff including union contracts when applicable</td>
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<td>Grievances</td>
<td>Ensures that appropriate steps are in place to handle any grievances that have not been satisfactorily resolved by the library's grievance procedures</td>
<td>Handles all grievances and keeps the board informed</td>
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<td>CEO succession management</td>
<td>Ensures there is provision for succession management</td>
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<td>Board orientation and development</td>
<td>- Board chair supports and participates in planning and delivery</td>
<td>- Board members engage and participate</td>
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<tr>
<td>Board performance</td>
<td>- Evaluates regularly</td>
<td>Contributes input to evaluation process</td>
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<td>- Individual board members conduct annual self-appraisal</td>
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<td>Succession planning</td>
<td>Identifies the skills and competencies necessary for the incoming board to meet new term challenges</td>
<td>Liaises with municipal staff on board appointments</td>
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<td>Legacy planning</td>
<td>Summarizes highlights, successes and challenges of the term to provide the incoming board with a framework for moving forward</td>
<td>Provides input and support to the board for developing a legacy plan</td>
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</tr>
</thead>
</table>
| Annual budget | - Analyzes preliminary budget and proposes necessary changes  
- Officially adopts budget | - Consults with municipal staff and advises board on municipal budget policy requirements and procedures  
- Prepares preliminary budget in conjunction with board based on present and anticipated needs and board’s plan |

<table>
<thead>
<tr>
<th><strong>Budget presentation to Council</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Presents budget to council in accordance with municipal budget policy and procedures</td>
<td>Participates in budget presentation, supplying facts and figures, analysis and comments as requested</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Sustainable resources</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Determines revenue sources for special project needs and/or funding gaps</td>
<td>Identifies options for generating additional revenue to support special project needs and/or funding gaps</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Financial control measures</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
</table>
| Ensures safe financial control measures are in place to expend budget with due diligence and according to board priorities | - If the CEO is also board treasurer, oversees all accounting functions and prepares regular financial statements  
- Monitors the budget  
- Identifies and addresses problems as they arise |

<table>
<thead>
<tr>
<th><strong>PERSONNEL</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>CEO selection</td>
<td>Hires CEO</td>
<td>Builds a strong relationship that recognizes board authority and respects CEO expertise</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Board-CEO relationship</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
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<tbody>
<tr>
<td>Builds a strong relationship that recognizes board authority and respects CEO expertise</td>
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<tr>
<th><strong>Staff selection</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Defers to CEO’s management</td>
<td>Hires and directs subordinate staff, adhering to board policies. May seek board input on senior staff selection</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Employee performance appraisal</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Evaluates CEO performance annually</td>
<td>Ensures that annual performance appraisals are conducted on all staff under CEO’s supervision</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Salary scales and union contracts</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Approves these</td>
<td>Negotiates salary and working conditions for staff including union contracts when applicable</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Grievances</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensures that appropriate steps are in place to handle any grievances that have not been satisfactorily resolved by the library’s grievance procedures</td>
<td>Handles all grievances and keeps the board informed</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>CEO succession management</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ensures there is provision for succession management</td>
<td>Contributes input to succession management</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>GOVERNANCE PROCESS</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
</table>
| Board orientation and development | - Board chair supports and participates in planning and delivery  
- Board members engage and participate | Supports and facilitates planning and delivery |

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<thead>
<tr>
<th><strong>Board performance</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
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</table>
| - Evaluates regularly  
- Individual board members conduct annual self-appraisal | Contributes input to evaluation process |

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<tr>
<th><strong>Succession planning</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Identifies the skills and competencies necessary for the incoming board to meet new term challenges</td>
<td>Liaises with municipal staff on board appointments</td>
<td></td>
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<thead>
<tr>
<th><strong>Legacy planning</strong></th>
<th><strong>Board Responsibilities</strong></th>
<th><strong>CEO Responsibilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Summarizes highlights, successes and challenges of the term to provide the incoming board with a framework for moving forward</td>
<td>Provides input and support to the board for developing a legacy plan</td>
<td></td>
</tr>
</tbody>
</table>
Public Library Services Branch Contact Information

Director of Public Libraries: 1-877-349-1384
Grant Administration: 1-888-556-6362
Library Consultants: 1-888-238-6207
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