



**THE CORPORATION OF THE  
TOWN OF COBALT**

**BY-LAW NO. 2023-07**

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**Being a By-Law to Establish a Public Library**

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**WHEREAS** section 8(1) of the *Municipal Act*, 2001, S.O. 2001, c.25, ("*Municipal Act*") as amended, provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues.

**AND WHEREAS** section 9 of the *Municipal Act* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act.

**AND WHEREAS** section 5 (1) of the *Municipal Act* provides that the powers of a municipality shall be exercised by its Council

**AND WHEREAS** section 5(3) of the *Municipal Act* provides that a municipal power, including a municipality's capacity, rights, powers and privileges under section 9, shall be exercised by By-Law unless the municipality is specifically authorized to do otherwise.

**AND WHEREAS** section 3 of the *Public Libraries Act* R.S.O., Chapter P.44, requires that a Municipality choosing to establish a public library must do so by By-law.

**AND WHEREAS** section 9 (1) provides that a public library board shall be composed of at least five members appointed by the municipal council.

**AND WHEREAS** section 10 (1) provides that a person is qualified to be appointed as a member of a public library board who is a member of the appointing council or,

- a) is at least eighteen years old;
- b) is a Canadian citizen or a permanent resident of Canada within the meaning of the *Immigration and Refugee Protection Act* (Canada);
- c) is,
  - (i) a resident of the municipality for which the board is established in the case of a public library board, a resident of one of the municipalities for which the board is established in the case of a union board, a resident of one of the participating municipalities in the case of a county library board, or a resident of the area served by the board in the case of a county library co-operative board,

- (ii) a resident of a municipality that has a contract with the board under section 29,
  - (iii) a resident of the board area of a local service board that has a contract with the board under section 29,
  - (iv) a member of an Indian band that has a contract with the board under section 29, or
  - (v) a member of a second board that has entered into a contract with the board to purchase from it library services for the residents of the second board; and
- d) is not employed by the board or by the municipality or county or, in the case of a union board, by any of the affected municipalities.

**AND WHEREAS** section 10 (2) (a) provides that the appointing council shall not appoint more of its own members to a board than the number that is one (1) less than a majority of the board.

**AND WHEREAS** the Town of Cobalt Public Library (the “Library”) was established in 1961 by adopting By-Law 1148 which was amended in 1989 by By-Law 89-19 to establish the size of the Library Board.

**AND WHEREAS** since that time, legislation that affects the operation of the Town and its local boards, including the Library Board, has changed significantly.

**AND WHEREAS** the Council for the Corporation of the Town of Cobalt considers it important to clearly define the relationship between the Town and the Library and acknowledges that to do so, it must repeal and replace the By-Law establishing the Library.

**AND WHEREAS** the Council of the Corporation of the Town of Cobalt decides it in the best interest of the Town to continue to provide library services and to clearly establish service level expectations.

**NOW THEREFORE** the Council of the Corporation of the Town of Cobalt directs as follows:

1. That a public library be established pursuant to Part 1 of the *Public Libraries Act, 1990*, for the Town of Cobalt and shall be called the Town of Cobalt Public Library.
2. That the Town of Cobalt Public Library will also be known as the Paul Penna Library.
3. That the Town of Cobalt Library Board (the “Library Board”) shall be composed of seven (7) members appointed by Council, up to three (3) of seven (7) Library Board Members may be Members of Council.

4. That the Town of Cobalt Public Library Board shall comply with all aspects of the *Public Libraries Act* and any other applicable laws, By-Laws, policies, and/or operational standards established by the Town of Cobalt including the Town of Cobalt Code of Conduct and the Council Staff Relations Policy.
5. That the Library Board shall provide Council with operating estimates no later than October 1 for the next year.
6. That the Corporation of the Town of Cobalt will provide services to the Library Board as detailed in Schedule "A" attached hereto and forming part of this By-Law.
7. That amendments to Schedule "A" may be made by resolution.
8. That By-Law 1148 and By-Law 89-19 are hereby repealed.
9. That in the event of a conflict between any provision of this By-law and any provision of the *Public Libraries Act*, the provision of the *Act* prevails.
10. Any conflict arising between this By-Law and provincial or federal legislation shall cause those specific provisions not to be in force.
11. If a court of competent jurisdiction declares any provision or part of this By-Law to be invalid or to be of no force or effect, the remainder of this By-Law shall continue to be in force.
12. That this By-Law will be reviewed one year from the date of passing.
13. This By-Law takes effect on the day of its final passing.

**TAKEN AS READ** a first, second and third time and passed this 21st day of February 2023;

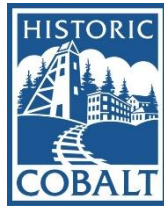
**AND FURTHER THAT** the said By-Law be signed and sealed by the Mayor and Clerk.

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Mayor

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Municipal Clerk



**Schedule "A" to**

**By-Law No 2023-07**

**To Establish a Public Library**

## LEVEL OF SERVICE EXPECTATIONS AND SHARED SERVICES

The Town of Cobalt has established, and a Library Board has operated, a public library since 1961 without a formal understanding of the service expectations of the Town or a documented commitment from the Town outlining what supports the Town will provide to the Library Board.

The Town contributes financially to the operation of the Library Board and believes it important to the success of both the Town and the Library Board to maximize effectiveness and efficiency through the sharing of certain services.

This Schedule outlines the expectations Council has related to the provision of Library Services as well as services the Town will share with or provide to the Library Board.

### Level of Service

The Town and the Library Board acknowledge:

1. That the Library Board is independent of the Town and is responsible to operate according to the *Public Libraries Act* and the level of service established from time to time by Council.
2. That the Library Board operates the public library in a building owned by the Town.
3. That the Town shall provide the following services to the Library:
  - Building
  - Management Support
  - Policies and By-laws
  - Insurance and Risk Management Support
  - Training
  - Shared Town Services
  - Legal Services (cost to be borne by the Library)
4. That historically, the Library Board has received support from the Town, in addition to the annual grant from Council, which was not formally documented.
5. That it is practical for financial and other efficiencies for the Town to continue to provide services to the Library Board and furthermore for those services to be clearly explained for accountability and transparency purposes.
6. That the Town will track and report annually on the cost to provide these services to the Library Board.
7. That the cost of the services provided by the Town to the Library Board will form part of the overall operating cost of the Library Board but will not reduce contributions from the Town to the Library Board for operating purposes.
8. That the Town is able to provide the services as set out herein.
9. That the services provided by the Town are governed by the policies established by the Town and not the Board.

## **Building**

The Town owns and maintains the building the Library operates from. As such, the Town will provide, at their discretion, the necessary space to operate while taking into account the demand and financial commitment required by the Town.

The Town shall provide the following maintenance services to the board:

- Preventive Maintenance
- Code Compliance – TSSA, OHSA, ESA, MOL, Building, Fire, AODA
- Minor Improvements
- Capital Project Management
- Property Management
- Support for emergency after-hours incidents within the Library operating space.
- Budget for building and grounds maintenance, health & safety repairs/upgrades as required, repair/replacement of components of the building/Library operating space.

The Town shall complete all necessary repairs and enhancements in consultation with the Library Board and in a manner/timeframe established by Council.

Requests from the Library Board for maintenance service or repairs to the building shall be made through the Town Manager.

## **Management Support**

Principal understanding:

- The Library Board is the sole employer of all Library employees, including the CEO.

The Town may provide advice and support to the Library Board and CEO on human resource matters that it is competent to provide. Such advice and support are non-binding, and all decisions shall continue to be made by the Library Board and/or CEO. The Town reserves the right to decline any requests.

The Library Board shall adhere to the *Employment Standards Act* and to all other relevant Acts and shall align its policies with those of the Town's Human Resources Policies. To be clear the Library Board shall adopt Town human resource and related policies as may be required by the Town from time to time.

Human resource policies to be supplied to the Library Board may include but are limited to:

- Health and Safety
- Employee Relations
- Recruitment
- Performance Management

If at any point external human resource services are required to support the Library Board, the charges for such services shall be the responsibility of the Library Board. Authority to contract external services shall be subject to prior approval by the Library Board. Examples of external services include but are not limited to legal advice, mediation, or workplace investigations.

The Town shall provide to employees of the Library Board any health and safety training that is provided for Town employees as may be appropriate.

The Library Board shall be responsible to ensure compliance with current health and safety legislation and policies.

The Library Board shall respond to day-to-day health and safety issues that may arise, and provide notice to the Town Manager of all workplace injuries and if a claim/report is being made to WSIB.

#### Performance Management

- a) Performance Appraisals for Library staff shall be the sole responsibility of the CEO. Performance Appraisals for the CEO shall be the responsibility of the Library Board.
- b) The Town Manager may assist the Library Board in establishing performance expectations and conducting the performance evaluation of the CEO.

#### Recruitment, Screening, Hiring and On-Boarding

- a) The Library Board is responsible for recruiting, hiring, contracting, appraising, discipline and termination of the CEO.
- b) The CEO is responsible for all recruitment, hiring, appraisal, discipline and termination activities pertaining to Library Staff.
- c) The Library Board shall recruit, screen and hire its employees following the Town of Cobalt's Hiring Policy By-Law 2017-009.
- d) The Library Board and/or CEO shall notify the Town Manager when recruiting employees.
- e) Onboarding of new employees will be the responsibility of the Library Board and/or the CEO.

- f) The Town Manager or designate will provide all Library employees with training on the role and responsibility of Council and the Town.

**Discipline, Termination and Off-Boarding**

- a) Discipline and termination of the Library employees are the sole responsibility of the CEO.
- b) Discipline and termination of the CEO is the sole responsibility of the Library Board.
- c) Upon request of the Library Board Chair, the Town Manager may assist the Library Board discipline, terminate or conduct an exit interview involving the CEO.
- d) Upon request of the CEO, the Town Manager may provide assistance with employee discipline, termination or conducting an exit interview.

**Policies and Procedures and Training**

- a) The Town Manager shall inform the CEO of any significant changes to the Town’s human resource policies.
- b) Library employees and volunteers shall be invited to participate in all Town staff wellness programs, training, and leadership training opportunities.
- c) The Library Board shall be responsible for budgeting and administering any costs associated with Library specific training, or any training which the Town is not offering to Town employees at the time it is required by the Library.

**Reporting Relationship**

Historically, the Town has been providing the public library a yearly grant based on the budget submitted to Council by the Board. Council will continue to support the provision of library services and will cover costs Council approves subject to the following reports being provided by the Library Board.

The following are reports that the Town requests from the Library Board:

<b>Report type</b>	<b>Due date</b>
Adopted minutes of meetings opened to the public	Within 5 days of adoption of minutes
Annual Report (which details when and how the library was used, itemizes the programs provided by the Library during the reporting year and attendance rates)	February 28
Yearly Trial Balance	January 31
Yearly budget variance report	January 31



Additionally, the Library Board Chair or designate will be required to attend a Council meeting to present the Annual Report.

The annual grant from the Town shall only be used towards the following:

- Insurance
- Employee salaries, benefits and related employee expenses
- Audit expenses
- Equipment rental such as photocopier/scanner
- Office supplies
- Computers, software, books, and any equipment necessary for the function of a public library
- Telephone and internet

The Library Board shall operate the library service within budget.

### **Policies and By-Laws**

The Library Board will deliver the required level of service in an accountable and transparent manner in keeping with all applicable legislation and/or policies established by Council from time to time.

The Library Board shall adopt policies pursuant to the *Occupational Health and Safety Act* and other legislation that will ensure proper and acceptable behavior by the Library Board, its employees, and volunteers including, but not limited to, the following:

- Workplace and Harassment policy
- Budget policy
- Social Media policy
- Code of Conduct/Ethical Behaviour policy
- All meetings to be advertised on Library and Town Social Media.

The Town will provide the Library Board with any other relevant policies and the Library Board may adopt these policies if they so deem it to be appropriate to the operation of the library service.

### **Budget**

Library Board must submit estimates to Council on an annual basis.

The estimates submitted annually to Council shall include:

- Actuals from previous year;
- Projected amounts for the current year;
- Year-to-date actuals for the current year.

The Library Board may be requested by Council to provide a five (5) year budget forecast.

### **Library Board Orientation**

The Clerk of the municipality, in consultation with the CEO, shall ensure that the Library Board, at the beginning of every new term, receives an orientation session and package. The orientation may be conducted by the municipal Clerk or an outside source. The decision shall be at the discretion of the Clerk.

### **Insurance and Risk Management**

The Library Board shall receive support from the Town Manager and the Town's Insurance Broker to ensure that adequate insurance coverage is in place for the library facility and contents including furnishings, capital equipment, and other holdings,

The Town's General Liability Insurance Policy will cover board members, officers and directors of the Town and Cobalt Public Library Board.

The Library Board shall adhere to the requirements of the Town's Risk Management Policies/Program.

The Library Board shall not knowingly place the Corporation under any undue risk.

### **Legal Services**

The Library Board shall have access to the same legal services provided by the Town to other Boards or committees of Council.

To access legal services from the Town's legal counsel, the Library Board Chair, by resolution of the Library Board, shall do so through the Town Manager. All invoices for such service shall be invoiced directly to and paid for by the Library Board.

The Town reserves the right to decline any request.