



<b>Type:</b>	By-Law
<b>Authority:</b>	Board
<b>Resolution No.:</b>	BMPL 2018-48 on 3-22-18; POL-BLG.2018.06
<b>Associated Documents:</b>	<ul style="list-style-type: none"> <li>• Public Libraries Act R.S.O., 1990</li> <li>• Amendment: 2009, c. 33, Sched. 11, s. 7(2)</li> <li>• Amendment: 2002, c. 17, Sched. C, s. 24(5)</li> <li>• Amendment: 2006, c. 32, Sched. C, s. 53(1)</li> <li>• POL-BLG.2018.99 Agenda and Multi-Year Agenda</li> </ul>
<b>Original Approval:</b>	03-22-2018
<b>Amended On:</b>	05-16-2019; 01-16-2020; 04-16-2020
<b>Reviewed On:</b>	09-21-2023

### Legal Framework

1. **Meetings:** A Board shall hold at least seven regular meetings in a year. [PLA 16.1].
2. **Special meetings:** The chair or any two members of a Board may summon a special meeting of the Board by giving each member reasonable notice in writing [including electronic], specifying the purpose for which the meeting is called. [PLA 16.2]
3. **Open and closed meetings:**
  - 3.1. In this section,
    - 3.1.1. “committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of the Board;
    - 3.1.2. “meeting” means any regular, special, committee or other meeting of the Board. [PLA 16.1]
  - 3.2. **Open meetings:** Except as provided in this section, all meetings shall be open to the public. [PLA 16.2]
  - 3.3. **Improper conduct:** The Board chair may expel any person for improper conduct at a meeting. [PLA 16.3]
  - 3.4. **Closed meetings:** A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
    - 3.4.1. the security of the property of the Board;
    - 3.4.2. personal matters about an identifiable individual;
    - 3.4.3. a proposed or pending acquisition or disposition of land by the Board;
    - 3.4.4. labour relations or employee negotiations;
    - 3.4.5. litigation or potential litigation, including matters before administrative tribunals, affecting the Board;
    - 3.4.6. advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

- 3.4.7. a matter in respect of which a Board or Committee of a Board may hold a closed meeting under another Act [PLA 16.4].
  - 3.4.7.1. This includes the Municipal Act's Permission to close session for an Educational or Training sessions which reads, "A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied: (1) The meeting is held for the purpose of educating or training the members. (2) At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee". [Municipal Act, 239.3.1].
  - 3.4.7.2. A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Board or Committee of the Board is the head of an institution for the purposes of that Act, or the Head is presenting to the Board or Committee. [PLA 16.5]
- 3.5. **Resolution:** Before holding a meeting or part of a meeting that is to be closed to the public, a Board or Committee of the Board shall state by resolution,
  - 3.5.1. the fact of the holding of the closed meeting; and
  - 3.5.2. the general nature of the matter to be considered at the closed meeting. [PLA 16.6]
- 3.6. **Open meeting:** Subject to PLA subsection 16.8, a meeting shall not be closed to the public during the taking of a vote. [PLA 16.7]
  - 3.6.1. **Exception:** A meeting may be closed to the public during a vote if,
    - 3.6.1.1. PLA subsection 16.4 or 16.5 permits or requires the meeting to be closed to the public; and
    - 3.6.1.2. the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Board or Committee of the Board or persons retained by or under contract with the Board. [PLA 16.8]
  - 3.6.2. **Open is defined as:**
    - 3.6.2.1. Being promoted to the public via advertisement on the BMPL Events Calendar
    - 3.6.2.2. Allowing the public to physically attend the meeting, or in the case of a declared emergency, virtually attend the meeting.
- 4. **Quorum:** The presence of a majority of the Board is necessary for the transaction of business at a meeting. [PLA 16.5]
- 5. **Voting:** The chair or acting chair of a Board may vote with the other members of the Board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative. [PLA 16.6]
- 6. **Language:** The Board may conduct its meetings in English or French or in both English and French and subsections 247(1), (4), (5), and (6) of the *Municipal Act 2001*, apply with necessary modifications. [PLA 17]

1. A schedule of the regular meetings of the Board, identifying date, time and location, shall be developed annually.
2. Annual and multi-year agenda shall be developed to schedule topics over the Board's term [See POL-BLG.2018.99].
3. The Agenda Package shall be distributed to the Board no less than one (1) week before the meeting; and no less than five (5) days before the meeting via BMPL website to the public.

#### **BLG.2018.6.2 Quorum**

Quorum is a simple majority of members.

1. Where a quorum is not present within thirty (30) minutes after the hour fixed for a meeting, the Board Secretary shall record the names of members present and the meeting shall stand adjourned until the next meeting or until a special meeting is called.
2. If notified by a majority of Members of their anticipated absence from a meeting, the Board Secretary shall notify all Board Members and the public that the meeting is cancelled.

#### **BLG.2018.6.3 Attendance at Meetings**

1. In the event that a Board Member must be absent from any meeting, that person shall notify the Secretary prior to the day of the meeting.
2. Meeting attendance is to be in-person, but may, in special situations, be considered by teleconference, with approval of the Chair.
3. Proxy voting is not permitted.
4. In the event of a pandemic or for time-sensitive business, meetings (including regular, special, committee and council meetings) may be conducted via teleconference (audio and/or video). The CEO shall make options available which meet the needs of all members and which do not put any financial burden on any member. As with any open meeting, the public shall be notified and the Board Secretary shall make every effort to accommodate public requests to participate.

#### **BLG.2018.6.4 E-mail Vote**

1. In the event of an emergency or a time sensitive single item, the Chair may require an e-mail poll to immediately move on business.
2. The e-mail message shall constitute official correspondence and be recorded as the content of the minutes. A recorded vote shall be included in the minutes.
3. There shall be no discussions on an e-mail vote. Should further discussion be requested, a Special Meeting may be called or the item shall be deferred to the next Regularly Scheduled meeting.

#### **BLG.2018.6.5 Rules of Debate**

The Board shall follow a best practice rules of debate such as *Robert's Rules of Order*. A copy of Robert's Rules of Order shall be available for each Board meeting.

#### **BLG.2018.6.6 Deputations**

1. Members of the public may address the Library Board on any BMPL-related topic, provided they complete a Deputation Request Form, including complete details of the deputation.

- 1.1. A Deputation Request Form with all supporting presentation materials (e.g. PowerPoint, statement to be read) must be submitted to the Board Secretary by noon, at least three (3) days prior to the date of the Board meeting to be considered for inclusion on that agenda.
  - 1.2. If the Deputation Request Form is received after the deadline, or if the Chair deems the Agenda to be full, or if presentation materials are omitted, the presentation may be delayed until a subsequent Board meeting.
2. All materials will be circulated to the Board and relevant staff prior to the presentation and will be included in the web-posted agenda package if available before the package is posted. All materials within the application or provided during the actual presentation will be entered into the records management system for that meeting. The Board Secretary shall also update the Agenda Package on the website with any presentation documents received during the meeting.
3. The Library Board allocates up to ten minutes per presentation. The Chair may extend this time if the Board approves and the agenda permits. Any person who has presented information on the same topic at previous meetings shall be limited to providing only new information in their subsequent presentations.

#### **BLG.2018.6.7 Public Input on Agenda Items**

1. The Public Input on Agenda Items is an open mic session where community members may speak on any issue which is included in the agenda. This format is intended to provide an opportunity for community input prior to Board decisions being made. Those wishing to speak to items not on the agenda, should follow the Deputation process.
2. There is no advance application process. Prior to the meeting the Board Secretary will have a sign-up sheet for community members who wish to address items on the agenda. On the sign-up sheet, presenters will be asked to identify the agenda item to be addressed. The order of presenters is at the discretion of the Chair.
3. Total time is limited to 20 minutes for this agenda item. The Chair may extend this time if the Board approves and the agenda permits. Individual presenters shall be limited to three (3) minutes.
4. The identity of presenter and agenda item addressed will be noted in the minutes.

#### **BLG.2018.6.8 In Meeting Procedures for Deputations and Public Input on Agenda Items**

1. Speakers shall direct their presentation to, and through, the Chair.
2. Board members may, through the Chair, respond to the presentation, or ask questions, where it is appropriate, but shall not enter into debate about the presentation.
3. Anyone making a presentation to the Board shall speak respectfully and follow MFIPPA policies, addressing only the approved presentation topic.