



## CITY OF VANCOUVER

# A6

### ADMINISTRATIVE REPORT

Report Date: October 9, 2008  
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Meeting Date: October 28, 2008

TO: Vancouver City Council

FROM: City Librarian, Vancouver Public Library

SUBJECT: Guidelines on the Relationship Between Vancouver City Council and the Vancouver Public Library Board (2008)

#### RECOMMENDATION

THAT City Council approve the Guidelines on the Relationship Between Vancouver City Council and Vancouver Public Library Board (2008) as attached.

#### CITY LIBRARIAN'S COMMENTS

The City Librarian recommends approval of the foregoing.

#### CITY MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

#### COUNCIL POLICY

None applicable

#### PURPOSE

To update the 1985 Guidelines to reflect current organizational structures and current practice.

## **BACKGROUND**

The 1985 Guidelines between the City and the Library was the first time that the relationship between the parties was formalized. While noting at the time that the relationship was “smooth and mutually beneficial” it was also noted that there was occasional confusion over roles and responsibilities. The fact that the original Guidelines have not been revised in over twenty years is indicative of the fact that the relationship has continued to be collaborative and constructive.

Sections of the 1985 Guidelines had significance in discussions between the City and Library during the 2007 civic strike. At that time the need to update the Guidelines was identified.

## **DISCUSSION**

Vancouver Public Library is governed under the Library Act of BC and this differentiates the Library from other City departments. While acknowledging the rights granted the Library Board under the Act, the Library does operate in many ways as if it was a City department.

The Guidelines identify those areas where the Library conforms to Council and City policy and procedures and addresses the service relationships between the Library and individual City departments. City departments were consulted in the development of the guidelines and have individually concurred with the sections relating to their area. The revised Guidelines reflect current practice.

The Library Board approved the Guidelines at its August meeting and directed that they be forwarded to Council for consideration.

## **FINANCIAL IMPLICATIONS**

Not applicable.

## **CONCLUSION**

The approval of the Guidelines on the Relationship Between Vancouver City Council and Vancouver Public Library Board (2008) will update the 1985 Guidelines to reflect current organizational structures and practice.

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## **Guidelines on the Relationship Between Vancouver City Council and Vancouver Public Library Board (2008)**

### **I. INTRODUCTION**

This document replaces the 1985 Guidelines approved by City Council and the Vancouver Public Library Board.

The relationship between the City of Vancouver and Vancouver Public Library is predicated upon a common understanding that:

- Vancouver Public Library is a separate legal entity governed under *The Library Act of BC* (relevant sections of The Act are appended)
- Section 204 of *The Vancouver Charter* enables the City to acquire “real property for and establishing thereon and equipping, improving, maintaining, and providing for the management of “ public libraries.
- The Library Board has sole authority for establishing policy governing the operations of the Library
- The Vancouver Public Library will, where appropriate, adhere to Council policies. Any financial policies will be within the authority limits set by Council.
- City Council appoints new trustees to fill vacancies on the Library Board at its first meeting in December as called for in *The Library Act*
- City Council approves the Library’s operating and capital budgets

### **II. RELATIONSHIP BETWEEN THE LIBRARY AND CITY DEPARTMENTS**

#### **1. General**

The City Librarian sits as a member of the City Corporate Management Team and participates in CMT decision making. VPL staff participate in other standing and ad hoc City committees as deemed appropriate by the City and Library.

City staff working with the Library staff on specific issues will make every reasonable effort to attend Library Board meetings as requested.

The City Librarian or designate will attend Council Chambers when a Library report is being considered.

Either party may request a meeting with the other party for the purpose of reviewing operations and/or strategic planning.

The City will request proposals from the Library Board when developing the capital plan. Both the City and Library will actively pursue the development of joint facilities where appropriate.

The Library and City will actively seek efficiencies through shared services where feasible given operational and policy constraints.

The Library retains two thirds of net revenues earned from operations which are fully funded by revenues.

The Library retains two thirds of sponsorship funds arranged by the Library (these contributions established on a multi-year basis involving identification of a commercial supplier as a sponsor) to be used at the discretion of the Library but within the guidelines regarding service increases and new positions.

The Library retains 100% of donations from individuals and unconditional donations or donations requiring minimal sponsor identification from commercial organizations.

## **2. City Clerk**

The City Clerk's Office coordinates the appointment of Library Board members by City Council including advertising Board vacancies as required by the Library Act.

The City Clerk's Office provides advice to the Library Board and City Librarian on Board meeting procedures, protocol and freedom of information and privacy matters as requested.

The Library will use the City's record management systems and the City will provide support for the maintenance of these systems.

The Library and City Archives will actively seek opportunities for collaboration.

## **3. City Manager's Office**

Reports to Council or one of its Committees from VPL will be submitted through the City Clerk's Office and the City Manager may comment on the reports as deemed appropriate.

The Library Board will consult with the City Manager before appointing or terminating the City Librarian.

The Library collaborates with the City's Equal Employment Office where appropriate.

## **4. Community Services**

The Library manages the Carnegie Reading Room on behalf of Community Services with Reading Room staff being employees of the Library and funded by Community Services

The Library will collaborate with Community Services as appropriate in support of Council approved initiatives.

City Planning staff will assist the Library in the development of library branch projects.

The Library will collaborate with the Cultural Services in initiating and delivering joint programs.

## **5. Corporate Services**

### **a) Information Technology**

The Library manages its own computer, data, and telecommunications services and assets.

The Library develops its own computer, data, and telecommunications policies to suit the unique and required policy and operating conditions of public library service.

The City provides and maintains enterprise software to support City-wide business processes. The Library will make use of such software except in circumstances precluded by its policy framework or unique service requirements

Where feasible within its policy framework, the Library participates in City-wide data and telecommunications initiatives.

The City acts as the Library's wide area network (WAN) provider and provides support on WAN troubleshooting. The Library cooperates with the City to assist in its delivery of this service.

The City provides information technology funding to the Library through the IT Infrastructure budget and other funding mechanisms that are appropriate for technology-related services. IT funding for the Library will be considered by the Business Applications Committee (BAC).

The City help desk provides end user support in accessing city networked resources. As required, City IT staff also provide technological, strategic, policy advice and support services to VPL technical staff

The Library will implement IT security practices consistent with those of the City except in situations precluded by policy and differing service requirements.

### **b) Finance**

The Library will participate in the annual operating budget process.

The Library will adhere to City policy regarding operating and capital budget reporting and transfer authorities. The Library Board will include plans for new or revised services in its operating budget presentation to Council but also may report to Council on such items at other times of the year. Operating efficiencies will always be sought and the Library will inform Finance of the reallocation of savings to other uses.

The Library's Director of Corporate Services will collaborate closely with City staff on financial matters including the preparation of budget submissions and improved budget controls. The City will provide a variety of financial and other services to the Library including but not limited to: cheque production, periodic audits, processing insurance claims, risk management assessment, inventory control etc.

The City's Internal Audit department will review the Library's financial statements annually and report their findings to the Library Board.

The Library Board's purchasing policies will follow City policy and practice for awarding contracts.

The Library will employ the same payroll and employee information systems as the City.

**c) Real Estate Services**

The Library Board will propose the location and size of Library building projects and Council will approve funding or inclusion in a capital plan referendum.

Real Estate Services will oversee the City's acquisition of property and the rental of space for library purposes. Any negotiations regarding buying, selling or leasing a library facility will be done by Real Estate Services. The Library Board will approve all real estate agreements entered into on its behalf. Real Estate Services will also represent the Library on matters regarding tenant/landlord issues concerning operations and maintenance of leased facilities.

**d) Facilities Design and Management**

The role of Facilities Design & Management is to ensure that Library facilities as City assets are properly designed, constructed, and maintained to provide optimum functionality through their entire life span.

The following support will be provided by Facilities Design & Management staff, subject to the availability of resources and the application of project management fees for all funded projects:

Facilities Development will:

- Provide Strategic Facilities Planning support
- Provide Project Management Support
- Develop, fund and manage the implementation of the Capital Maintenance Program

The Library will:

- Advise the Director of Facilities Design and Management of future work plans or proposals well in advance to enable integration into the Facilities Departmental Work Plan
- Ensure that all plans and proposals undertaken directly by Library staff are reviewed by Facilities Planning staff prior to implementation.
- Obtain the necessary approvals and funding for all new construction, redevelopment, or renovations
- Obtain an Owner's Undertaking for Lessee Improvements prior to implementation

Building Services will:

- Provide full Operations and Maintenance services at the Library Square including: base building maintenance (heating and air conditioning systems (HVAC), mechanical, electrical, structural, site services) and janitorial/custodial services
- Provide heating and air conditioning maintenance only at Branch Library facilities.

The Library will:

- Pay the building service costs specified above, identify and manage all operations and maintenance, excluding HVAC at all Branch Library facilities using its own forces or external contractors engaged and administered directly by Library staff.

Environmental Services will:

- Manage the Asbestos Management Program applicable to Library Square and Branch Libraries
- Manage the Green House Gas Reduction & Energy Conservation Program
- Monitor energy performance at Library Square and Branch Libraries and reporting back to Library staff.
- Utilities invoicing at Library Square only
- Management of other Hazardous Materials abatement such as mould and lead

The Library will:

- Administer and pay utility invoices for Branch Library facilities.

## **6. Engineering**

City Engineering will purchase and maintain vehicles required by the Library, provide construction and manufacturing as required and will advise on, supervise and/or undertake major electrical alterations in Library buildings via the City's Facilities Design and Management group.

## **7. Human Resources**

The Library Board will use the Metro Vancouver Labour Relations Department staff as the lead negotiator in contract negotiations with CUPE 391. The City's Human Resources General Manager will be briefed on negotiations throughout the process. The Library Board will consult with City Council prior to ratification of a new labour contract.

City Human Resources will provide advice and, where appropriate, legal fees in addressing Library labour relations issues. The Library will maintain close liaison with the City Human Resources Department to ensure that Library personnel policy and practice do not unnecessarily conflict with City policy and practice.

City Human Resources staff will provide support to Library staff in the use of common systems. City staff will assist Library staff in the implementation of the Library benefit plan.

The Library determines the creation, deployment, and deletion of Library staff positions. The creation of new permanent full time positions which require additional City funding will be approved by City Council.

The Library will maintain a job classification system which is compatible with the City system, and any changes of classification or organization will be discussed with the City in order to ensure compatibility.

Library staff will participate in City training programs as deemed appropriate. The City may provide funding for Library specific training programs upon request.

The City's Employment Assistance Program will be made available to Library staff.

## **8. Legal**

The City Solicitor will provide the Library with legal advice and assistance, primarily in the areas of human resources, supplier contracts and property leases. All contracts for service signed by the Library will be vetted by City Legal in accordance with City policy .





## Appendix A

### The Library Act of British Columbia (Excerpts)

#### Part 2 — Municipal Libraries

##### How a municipal library is established

- 3 (1) A municipality may, by bylaw, establish a municipal library.
- (2) A municipal library may be established under subsection (1) in a municipality served by a public library association, but only if the association has requested the municipality to assume responsibility for providing library service in the municipality.
- (3) [Repealed 2003-52-157.]

##### Role and status of the library board

- 4 (1) A municipal library is to be managed by a library board called the "*[insert name of municipality]* Public Library Board".
- (2) The members of the library board and their successors in office are a corporation with the powers and duties given in this Part.

##### How the library board is appointed

- 5 (1) The municipal council must appoint the members of the library board at the first meeting of the municipal council after the coming into force of the bylaw establishing the municipal library.
- (2) The library board is to consist of an uneven number of members, not fewer than 5 or more than 13, selected as follows:
  - (a) one from the municipal council;
  - (b) the remainder from people who are residents or electors of the municipality and who are not members of the municipal council or employees of the municipality or library board.
- (3) All subsequent regular appointments are to be made each December at the first regular meeting of the municipal council.

- (4) Before selecting anyone under subsection (2) (b), the municipal council must invite applications for membership by publishing a notice in a newspaper.
- (5) A vacancy arising during the term of an appointment is to be filled, for the remainder of the term, by an appointment made at the first meeting of the municipal council after the vacancy arises.
- (6) If an appointment is not made at the time specified in this section, the appointment must be made as soon as convenient.

### **Term of office**

- 6 (1) The member appointed to the library board from the municipal council holds office for one year, or for the remainder of the year for which the appointment is made.
- (2) One half of the members first appointed to the library board under section 5 (2) (b) hold office for a term of one year, and the others hold office for a term of 2 years.
- (3) All subsequent regular appointments under section 5 (2) (b) are for terms of 2 years.
- (4) A member is eligible for reappointment, but no member may serve for more than 8 consecutive years.
- (5) The term of office of a member continues until a successor is appointed unless the member is removed for cause.
- (6) On receiving a report from the library board, the municipal council may remove a member of the library board for cause, including if the member
  - (a) fails to attend 3 consecutive regular meetings of the library board without its written approval,
  - (b) becomes an employee of the municipality or of the library board, or
  - (c) ceases to be a resident or elector of the municipality.

### **Election of chair and vice chair**

- 7 (1) The library board must elect a chair and a vice chair at its first meeting in each year after appointments are made to the library board.

- (2) If the chair is not present at a meeting of the library board, the vice chair has all the powers of the chair and is subject to all rules applicable to the chair.
- (3) If neither the chair nor the vice chair is present at a meeting of the library board, the members present may elect an acting chair who has, during the meeting, all the powers of the chair and is subject to all rules applicable to the chair.

### **Regular and special meetings of library board**

- 8 (1) The library board must meet at regular intervals at least 6 times a year.
- (2) A majority of all the members of the library board is a quorum.
- (3) The chair or any 2 members may call a special meeting of the library board by notifying, in writing, the other members at least 2 days before the meeting and stating in the notice the purpose of the meeting.

### **General powers and duties of library board**

- 9 The library board
  - (1) may make rules for managing its business and for regulating the use of its facilities and services by the public,
  - (2) may appoint any committees of its members that it considers necessary to carry out its business,
  - (3) must appoint a chief librarian,
  - (4) may hire and dismiss employees, enter into collective agreements with employees and set the terms of their employment, including fixing their remuneration and duties,
  - (5) may lease land or buildings for library purposes, but only with the prior approval of the municipal council,
  - (6) may acquire personal property for library purposes and dispose of personal property,
  - (7) may contract, for a term of not more than 5 years, for professional or other services for library purposes,
  - (8) may sue and be sued,
  - (9) may have a common seal and may alter or change it, and

- (10) must prepare an annual report in the form approved by the minister and must send copies of the report to the minister.

### **Budget and financing**

- 10** (1) On or before March 1 in each year, the library board must prepare and submit to the municipal council its annual budget for providing library service in the municipality.
- (2) The municipal council must approve, with or without amendment, the budget submitted to it under subsection (1).
- (3) At the request of the library board, the municipal council may approve an amendment to the approved budget.
- (4) The municipal council must include in the municipality's annual budget a sum sufficient to finance the library board's approved budget.
- (5) The municipality must pay to the library board the sum included in the annual budget and the payments must be made on the dates scheduled by the library board and the municipality.

### **Expenditures and financial statements**

- 11** (1) The library board has, subject to the approved budget, exclusive control over the expenditure of
  - (a) all money provided by the municipal council for library purposes,
  - (b) all money given to the library board,
  - (c) the revenue derived from any source, including
    - (i) fees,
    - (ii) fines, and
    - (iii) money recovered by the library board for detention, damage or loss of library materials, and
  - (d) all money received by the library board under an agreement to provide library service.
- (2) The library board must provide to the municipality annual financial statements that have been audited in the same manner and at the same time as the financial statements of the municipality.

## **Powers and duties of chief librarian**

### **12 The chief librarian**

- (1) has general supervision and direction of the municipal library and its staff,
- (2) is the secretary to the library board, and
- (3) has the powers and duties the library board assigns to the chief librarian from time to time.

## **Abolition of municipal library and dissolution of library board**

- 13** (1) A municipal council may only abolish a municipal library by bylaw adopted with the assent of the electors.
- (2) On adoption of a bylaw under subsection (1), the library board is dissolved.
- (3) When the library board is dissolved, the assets of the library board are vested in the municipality and any liabilities or obligations of the library board are assumed by the municipality.

## **Part 5 — General**

### **Free basic public library service**

- 46** (1) A library board must not charge for
  - (a) admission to any part of a building used for public library purposes, or
  - (b) using library materials on library premises.
- (2) A library board must allow residents and electors of any area served by the library board to do the following free of charge:
  - (a) borrow library materials that are normally lent by the library and that belong to prescribed categories of library materials;
  - (b) use reference and information services as the library board considers practicable.
- (3) A library board may charge fees for services not required to be provided free of charge under this section, including for the use of services described in subsection (2) by anyone who is not a resident or elector of an area served by the library board.

## Enforcement of library rules

**47** A library board may

- (1) impose fines for breaches of the library rules,
- (2) suspend library privileges for breaches of the library rules, or
- (3) exclude from the library anyone who behaves in a disruptive manner or damages library property.

## Agreements

**48** (1) Subject to subsection (2), a library board may enter into a written agreement to cooperate in the provision of library services with one or more of the following:

- (a) another library board;
  - (b) a municipality;
  - (c) a regional district;
  - (d) an aboriginal government;
  - (e) a board of school trustees;
  - (e.1) a francophone education authority as defined in the *School Act*;
  - (f) an institution under the *College and Institute Act*;
  - (g) the board of governors of a university;
  - (h) the minister;
  - (i) a prescribed body.
- (2) Before entering into an agreement under subsection (1), the library board of a municipal library must obtain the approval of the municipality that established the municipal library.
- (3) An agreement under this section may provide as follows:
- (a) for the appointment of one or more members to the library board of a municipal library by a municipality, regional district or aboriginal government that enters into the agreement with that library board;
  - (b) for the appointment of one or more members to the library board of a public library association by an aboriginal government that enters into the agreement with that library board.

- (4) Members appointed by agreement under this section are additional to those appointed to the library board under any other provision of this Act and members appointed under this section may vote at meetings of the library board.
- (5) An agreement under this section must be consistent with this Act and the regulations.
- (6) A library board may spend money available from its budget for the purposes of an agreement under this section.

### **Library federations**

- 49** (1) Two or more library boards may enter into a written agreement to establish a library federation.
- (2) An agreement under subsection (1) has no effect until it is approved by the minister.
  - (3) An agreement under subsection (1) must include terms
    - (a) establishing a plan for the cooperative provision of library service,
    - (b) establishing a federated library board,
    - (c) establishing a procedure for adopting bylaws,
    - (d) establishing requirements for membership in the library federation,
    - (e) relating to the budget of the library federation, and
    - (f) providing for disestablishing the library federation, distributing its assets and assigning its liabilities.
  - (4) A federated library board has the power and capacity of a corporation under the *Interpretation Act* and, in addition, may acquire and dispose of real property.

### **Unserviced areas**

- 50** (1) The minister may provide library service to individuals and communities that, in the minister's opinion, are unable to obtain public library service.
- (2) For the purpose of subsection (1), the minister may enter into an agreement with a library board, including an agreement under which a library board extends free library service to residents of a reserve as defined in the *Indian Act* (Canada).

## **Director of public library service**

- 51** (1) The minister must designate as director of public library service a person who is appointed under the *Public Service Act* and is a qualified librarian.
- (2) The director of public library service is responsible, under the direction of the minister, for administering this Act and promoting the improvement and extension of public library service throughout British Columbia.
- (3) Without limiting subsection (2), the director of public library service may
- (a) apportion money annually appropriated by the Legislature for grants to help library boards and to help public bodies that are engaged in promoting library service and improving library service,
  - (b) impose conditions for the payment of grants, and
  - (c) refuse or reduce a grant to a library board or public body that does not comply with a condition imposed under paragraph (b).

## **Advisory bodies**

- 52** (1) The minister may establish one or more bodies to advise the minister on matters relating to this Act.
- (2) The minister may appoint, or provide for the manner of appointment of, the members of a body established under this section and may set the terms of reference for those bodies.
- (3) The members of any body established under this section are entitled to be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred by them in performing their duties under this Act, and may be paid for their services an amount determined by the Lieutenant Governor in Council.

## **Conflict of interest**

- 53** (1) A member of a library board who has a direct or indirect pecuniary interest in a matter considered at a meeting of the library board
- (a) must declare that he or she has a pecuniary interest in the matter,
  - (b) must not take part in the discussion and is not entitled to vote on any question respecting the matter,
  - (c) must leave the meeting, and



- (d) must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question respecting the matter.
- (2) Subsection (1) does not apply
  - (a) if the matter relates to expenses payable to one or more members of the library board in relation to their duties as members, or
  - (b) if the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter.
- (3) A person who contravenes subsection (1) is disqualified from continuing to hold office as a member of the library board unless the contravention was done through inadvertence or because of an error in judgment made in good faith.

### **Protection against lawsuits**

- 54** (1) No action for damages may be brought against an existing or former member, officer or employee of a library board or against a person acting under the direction of the library board for
- (a) anything said or done or omitted to be said or done in the performance or purported performance of a duty or the exercise of a power, or
  - (b) any alleged neglect or default in the performance or purported performance of a duty or exercise of a power.
- (2) No action for the debts or obligations of a library board may be brought against an existing or former member, officer or employee of a library board or a person acting under the direction of the library board.
- (3) Subsections (1) and (2) do not provide a defence if
- (a) the member, officer, employee or person acting under the direction of the library board has, in relation to the conduct that is the subject of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct, or
  - (b) the cause of action is libel or slander.
- (4) This section does not absolve a library board from vicarious liability for anything said or done or omitted to be said or done by, or for any neglect or default of, an individual referred to in subsection (1), for which

the library board would have been vicariously liable had this section not been in force.

### **Reimbursement of expenses**

- 55** (1) The members of a library board are not entitled to be paid by the library board for their services but may be reimbursed by it for reasonable travelling and out of pocket expenses, including child care expenses, necessarily incurred by them in performing their duties under this Act.
- (2) A library board may not reimburse a member for any expenses if another body reimburses the member for the expenses or pays the expenses.

### **Power to make regulations**

- 56** The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.