



A People Place, A Change of Pace  
**SHELBURNE**  
ONTARIO, CANADA

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**Meeting Date:** Monday, April 13, 2026

**To:** Members of Council

**From:** Denyse Morrissey, CAO and  
Jennifer Willoughby, Director of Legislative  
Services/Clerk

**Report:** CAO 2026-02

**Subject:** Library Board Structure and Governance

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## Recommendation

BE IT RESOLVED THAT Council receives Report CAO2026-02 for information;

AND THAT based on the review completed by staff in 2025 and 2026 the Town is not able to locate or confirm the existence of a formal establishing Town of Shelburne by-law or governance agreement constituting the current Library Board structure in accordance with the *Public Libraries Act*;

AND THAT Staff be directed to provide recommendations to Council, by the end of June 2026, regarding and not limited to a Library Board Establishing By-law by the Town of Shelburne to formally constitute the Shelburne Public Library as a Public Library Board, board representation and structure, and the appointing authority of the Town of Shelburne Council for all representatives on the Board.

## Background

### **Shelburne Public Library Board Composition – Review**

Included in the 2019-2022 Council Strategic Priorities under the Sustainable key performance indicators was T2.B “complete a review of municipal

services delivered by third-party boards and complete a governance review".  
[https://www.shelburne.ca/media/4lzp5mgu/web\\_version\\_council\\_sp\\_2019.pdf](https://www.shelburne.ca/media/4lzp5mgu/web_version_council_sp_2019.pdf)

The governance of the Shelburne Public Library was noted in the staff reports in 2025 and 2026 regarding the development of a new Memorandum of Understanding (MOU) for Building & Property with the Shelburne Public Library and the Town of Shelburne and the transfer of all capital funding costs to Town of Shelburne:

*What remains under review is the composition of the Library Board. With voting representatives from other municipalities, and which are not appointed by the Town of Shelburne Council, the structure seems to more resemble a 'union library' under the Public Libraries Act. Confirmation is required on whether this board structure was ever established and authorized by via a Town of Shelburne by-law.*

The links to staff reports are:

Staff report CAO 2026-01: <https://pub-shelburne.escribemeetings.com/filestream.ashx?DocumentId=6154>

Staff report CAO 2025-03 : <https://pub-shelburne.escribemeetings.com/filestream.ashx?DocumentId=5808>

Under Ontario's [Public Libraries Act](#) (PLA), every municipality that operates a public library must establish and maintain a library board as a corporation responsible for the management and control of the library.

The Shelburne Public Library Board\* representation, with each having one vote, is comprised of:

Shelburne	5 representatives** (one is a member of Council)
Mono	1 representative (member of Council)
Mulmur	1 representative (member of Council)
Amaranth	1 representative (member of Council)
Melancthon	1 representative (member of Council)

\*The representatives appointed by other municipalities are chosen directly by that municipality. Town of Shelburne Council is not involved in that process or approves those appointments.

\*\* currently one vacancy

While the Act provides general direction on board composition and authority, it does not prescribe detailed governance procedures. As a result, municipalities are encouraged to formalize expectations through agreements or governance frameworks that clearly define:

- Membership composition
- Council appointment processes
- Roles and responsibilities
- Financial and reporting relationships

Establishing this clarity supports legislative compliance, accountability, and effective oversight.

Staff have conducted an extensive review of historical, municipal, library and museum records, in an effort to locate a formal establishing by-law or governance agreement outlining the structure and authority of the current Library Board. This review has included examinations of archived municipal, library and museum records.

### **Legislative Requirements – Public Libraries Act (PLA)**

The PLA outlines the following key requirements regarding library board structure:

#### 1) Establishment of a Library Board

Each municipality must establish a public library board as a separate corporate body responsible for library governance and operations.

#### 2) Public Library Boards and Union Library Boards

The *Public Libraries Act* provides two primary governance models:

- a Public Library Board, established by a single municipality
- a Union Library Board, established by an agreement between the councils of two or more municipalities to provide joint library services and is managed by a 'union board'

In both models, the board functions as an independent corporation under the Act. However, Union Library Boards require greater clarity through formal agreements to address cost-sharing, appointment proportions, decision-making authority, and governance responsibilities among partner municipalities.

## Board Membership

The Act requires that:

- A library board consists of at least five members
- A majority of members must be appointed by Council
- One or more members of Council may be appointed (but Council members cannot form the majority)

Additional community members may be appointed at Council's discretion to ensure broad representation and expertise.

## Analysis

### Governance Review

Under the *Public Libraries Act*, a municipal public library board is established as a corporation once it is formally created by municipal council through an establishing by-law. This by-law provides the legal foundation for the board's existence, including its governance structure and authority to manage and control the library.

A 2009 presentation "Ontario Public Libraries Act: Understanding and Compliance" highlighted a range of issues regarding the Act including library board governance and that public libraries are created by a passed Municipal by-law. The presentation is provided in Appendix 1.

Staff's review:

- Not able to find confirmation that the Board structure was established and authorized by via a Town of Shelburne by-law
- Able to confirm that prior to 1992 it appears all representatives on the Board were appointed by the Town of Shelburne Council
- Able to estimate that around 1998, other municipalities began having voting representatives and each managed their own appointment process to the Board
- Not able to find confirmation of the process that resulted in other municipalities having representatives on the Board
- Ministry of Tourism, Culture and Gaming does not have a record of the Shelburne Public Library confirming by-law in their records
- The Shelburne Public Library has advised they are not able to locate the Board meeting minutes from 1992-1998

Staff understands that the number of council members on a public library board is limited to one less than a majority and that there is usually only one “appointing Council” with a public library board. The current board structure has five members of Council (via five “appointing Council/municipalities”). The majority of the Library Board is council members. This may be inconsistent with the requirements of the Act. Legal review may be required.

Based on the review completed by staff in 2025 and 2026 the Town is not able to locate or confirm the existence of a formal establishing Town of Shelburne by-law or governance agreement constituting the current Library Board structure in accordance with the *Public Libraries Act*. It is the opinion of staff at this time that one does not exist.

In the absence of a formal Town of Shelburne establishing by-law or documented governance agreement, the current board structure would not be properly formalized.

While the library continues to operate and provide services, formalizing the board structure through a Town of Shelburne establishing by-law and governance agreement is needed. It would ensure clarity of authority, legislative compliance, and transparency in the relationship between Town of Shelburne Council and the Library Board.

From a governance and legislative compliance perspective, the lack of a formalized structure may present several risks, including:

- Legal and legislative risk, where the municipality may not be able to demonstrate full compliance with the requirements of the *Public Libraries Act*.
- Governance risk, as the roles and responsibilities between Council and the Library Board may not be clearly defined.
- Financial accountability risk, where oversight of public funds and budget approval processes may lack clearly documented authority.
- Administrative continuity risk, particularly during Council transitions, if board composition and appointment processes are not formally constituted.

### Financial Impact

There are no direct financial impacts associated with formalizing the governance structure. There may be future legal costs associated with this process.

### Policies & Implications (if any) Affecting Proposal

N/A

## Consultation and Communications

Access to information for review on site at Shelburne Public Library and Museum of Dufferin; Ministry of Tourism, Culture and Gaming.

## Council Priorities

Council's Priorities has three Pillars - Sustainable, Engaged and Livable. There are a total of 14 Priorities with the three Pillars.

This report aligns with the Engaged and Sustainable Pillars within the Priorities of:

EP1 Promote effective partnerships

SP3 Promote balanced growth

SP5 Build responsive organizational capacity

## Supporting Documentation

Appendix 1 - Ontario Public Libraries Act: Understanding and Compliance by Mark Gagnon and Rod Sawyer, January 30, 2009, Session 1023

Respectfully Submitted:

Denyse Morrissey, CAO

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Jennifer Willoughby, Director of Legislative Services/Clerk

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# Ontario's *Public Libraries Act*: Understanding and Compliance

By Mark Gagnon and Rod Sawyer  
(slides for Rod Sawyer presentation)

Fri Jan 30, 2009 9:05 a.m.

Session 1023

# PLA Highlights

- The *Public Libraries Act* (“PLA”) helps ensure free, equitable access to public library service in Ontario.
- It is key legislation and a resource for all public library boards (“board”), library CEOs and staff but its effectiveness rests with understanding, and compliance.
- The Act identifies public library board governance in some detail.

# PLA Highlights cont'd

- Public libraries may be established by municipal by-law. (PLA s. 3.1)
- *Public libraries are under the management and control of a public library board, which is a corporation, known in English as the (name of municipality) Public Library Board...* (PLA s. 3.3)

# Understanding the PLA

## Board Appointments (PLA s. 10)

- A public library board shall be composed of at least five members appointed by the municipal council.
- The appointing council shall not appoint more of its own members to a public or union library board than the number that is one less than a majority of the board (PLA s. 10.2(a))
- Age, Residency and Citizenship requirements (PLA s.10(1)(c))
- Board members cannot be employed by the board or municipality. (PLA s. 10(1)(d))

# Understanding the PLA

## Board Members

- Shall hold office for a term concurrent with the term of the appointing council or until a successor is appointed (PLA s. 10(3)).
- A board member can only be disqualified if they: are convicted of an indictable offence, become incapacitated, is absent for 3 consecutive meetings without authorization by board resolution, cease to be a resident or otherwise forfeits his or her seat (PLA s. 13).

# Understanding the PLA

## Open meetings vs. closed meetings (PLA s.16.1)

- With some exceptions, all library board meetings shall be open to the public. (PLA s.16.1(2))
- A meeting, or part of a meeting may be closed to the public depending on subject matter. (PLA s. 16.1 (4))
- A resolution must be made prior to holding a closed meeting indicating the nature of the matter to be considered at a closed meeting. (PLA s.16.1(6))

# Understanding the PLA

## Public Library Funds (PLA s. 15.4)

A board shall appoint a Treasurer who shall:

- Receive and account for all the board's money
- Open an account or accounts in the name of the board in a chartered bank, trust company or credit union approved by the board
- Deposit all money received on the board's behalf to the credit of that account or accounts
- Distribute the money as the board directs

# Understanding the PLA

- Board may appoint public library staff and remove such employees as it considers necessary. (PLA s. 15(1))
- The board *shall* appoint the public library chief executive officer. (PLA s.15(2))

# Understanding the PLA

Boards: Powers and Duties:

A board shall:

- Provide efficient public library services; in French where appropriate; operate one library or more in accordance with PLA; operate special services as it considers necessary; fix times and places for meetings; make annual report to the Minister; ensure insurance of board property; take security for treasurer; may appoint committees. (PLA s. 20)
- With the approval of the appointing council, acquire land, erect or purchase buildings (PLA s. 19)

# Understanding the PLA

- No charges for admission or for in-library use of materials; (PLA s. 23 (1))
- Public allowed to reserve or borrow prescribed circulating materials (PLA s. 23 (2))
- Reference services as practical without making charges
- Fees for other services, other building usage, non-resident fees are permitted. (PLA s. 23(3))

# Understanding the PLA

- Boards submit annual estimates to the appointing council. (PLA s.24(1))
- Amount approved or amended and approved is the amount to be spent by the board.
- Council may authorize, including at board's request, a variance in expenditures other than in accordance with the items in the estimates. (PLA s. 24 (4))

# Understanding the PLA: Regulation 976

- Recipients of Ministry public library operating grant must make available prescribed class of circulating materials for free.
- In accordance with s. 23(2)(a) of the PLA, these include, among other items, books, periodicals, newspapers, audio for people with disabilities, sound recordings, motion pictures, computer software etc.

# Corporations Act

- Public library boards are corporations without share capital under Part III of the Corporations Act.
- Board members have fiduciary responsibilities.

# Municipal Act, 2001

## **Why are public libraries affected by the *Municipal Act, 2001*?**

Boards are affected by the *Municipal Act, 2001*, because they are defined as local boards under the *Municipal Act, 2001*.

<http://www.culture.gov.on.ca/english/library/ma2001-faq.htm>

# Ensuring Compliance

The PLA is mandatory legislation.

- First step. Educate yourself on the PLA, and key legislation including the Corporations Act and Municipal Act.
- Understand your roles as trustees of municipal public library boards.
- Work in cooperation with your municipality and work to educate and inform municipal and other local partners as necessary.

# PLA Questions and Answers

- PLA Q and As on the Ministry website:  
<http://www.culture.gov.on.ca/english/library/plafaq.htm>
- Provided for common questions of provincial or sector impact
- Local legal counsel; opportunities for FOPL and OLA to work on interpretations if they choose.