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Library Board Report

To: Newmarket Public Library Board
From: Todd Kyle, C.E.O.
Date: April 2, 2020
RE: **Emergency Delegation of Authority**

Background:

The Library does not have policy to cover the emergency delegation of authority in a situation such as the current COVID-19 pandemic. For the purposes of this special emergency meeting, it is proposed that decisions be made on authority delegation for the current emergency only, and that the Board use this as the basis for a more formal policy in the near future.

This future policy would define what constitutes an emergency, but for the purposes of this report, the decisions proposed refer only to the current Emergency related to the COVID-19 pandemic as declared by global, national, provincial, and municipal authorities.

The Governance Policy outlines the formation of an Executive Committee which would be authorized to make decisions between Board meetings in exceptional circumstances. The current Board, consistent with previous Boards, did not appoint a third member to this Committee, instead delegating tasks such as the C.E.O. performance appraisal to the Chair and Vice-Chair. It is recommended that a third member be appointed at this meeting.

For the current emergency, and for consideration for a future policy on emergency delegation, the following powers are proposed:

Executive Committee

Decisions of the Executive Committee may be made without constituting a formal public meeting. They are subject to ratification at the next regular board meeting. If a regular board meeting cannot be held due to the emergency situation, a special meeting must be legally constituted within one month of any Executive Committee decision, or failing that, as soon as is practically possible.

Decisions of the Executive Committee are those that are necessitated by unusual circumstances and that are budgetary, strategic, or fundamental to the Library's status or operations. These include, but are not limited to:

- Extended closure decisions. The existing Policy on Inclement Weather, or Other Emergencies Causing Closure of the Library gives all closure decision authority to the C.E.O. but questions of continued staff payment beyond the first day are referred to the Board. As these two are inextricably linked, it may be necessary to amend this policy going forward. At this point it is most prudent to seek Executive authorization for extended closures.
- Continued employment parameters for staff (see above)
- Extraordinary expenditures outside of approved budgets
- Any Capital Budget expenditure
- Deployment of staff outside of Library functions

Chief Executive Officer

Decisions that may be made by the C.E.O. independently are those that are operational in nature and that may be required for business continuity. These include, but are not limited to:

- Services and activities of the Library to cancel and those to continue
- Expenditures within approved budgets, subject to guidance from the Director of Finance
- Deployment of staff within Library functions
- Emergency communications with the public, subject to any Service Level Agreement with Town of Newmarket Corporate Communications
- Monthly bank balance transfer
- Any other decision required to ensure continued operation of essential activities of the Library

For the purposes of today's meeting, the following actions already taken by the C.E.O. in consultation with the Chair and Vice-Chair shall be considered ratified by motion to approve this report:

- The decision to close the Library to the public and cancel all in-person services and programs effective Saturday, March 14, 2020 and continuing in accordance to the closure of Town of Newmarket recreation and culture facilities;
- The decision to have staff continue to attend the workplace for scheduled hours following that closure, up to and including Wednesday, March 18, 2020;
- The decision as of Thursday, March 19, 2020 to close the library workplace to staff and effect the staff continuance plan agreed to which will be discussed in Closed Session as it relates to labour relations.

For the purposes of today's meeting, the following operational actions by the C.E.O. shall be considered authorized as per the guidelines outlined above:

- The decision to continue online services of the library and to ensure remote assistance to users to facilitate access;
- The decision to extend due dates, current holds, and card expiry dates to a date beyond the expected closure period;

- The decision to pilot online versions of library programs such as storytimes and book clubs;
- The decision to partner with Southlake Regional Health Centre and York Region Makers (NewMakelt) to explore the joint production of Personal Protective Equipment (face shields) for medical staff, and the decision to agree in the short term to fund the materials expenses associated with this project, within approved budgets, but without assurances of revenue offset;
- Decisions to deploy Library staff in remote services, administration, information technology, professional development and other activities in order to facilitate accountable work from home;
- Decisions to issue emergency communications to Library users outlining these actions, and in cooperation with Corporate Communications and Marketing and Sponsorship at the Town of Newmarket;
- The February and March bank transfers of Library funds to the Town of Newmarket, which will be effected as per schedule once authorized upon approval of this report.

In addition to the above, any other decisions made at this meeting by the Board, including the labour relations items in Closed Session, will be considered to be final and therefore not subject to the ratification provisions as above. Only decisions made by the Executive subsequent to this meeting, as circumstances change, will be subject to future ratification.

Conclusion:

The following motions are recommended:

THAT the Library Board receive the report on Emergency Delegation of Authority;

AND THAT the Library Board ratify the decisions outlined in the report and approve the delegated authority to the Executive Committee and to the C.E.O., and authorize the C.E.O. to take the actions necessary to give effect to those decisions;

AND THAT the Library Board appoint the nominated Director as member of the Executive Committee in addition to the Chair and the Vice-Chair.

Appendix A:

The following is an excerpt from the Governance Policy outlining the formation of an Executive Committee.

4.5.3 Executive Committee

Executive Committee is composed of the chair, vice chair, one director (appointed at the first Board meeting of the year.) and the CEO in a non-voting capacity.

The Board Chair chairs the Executive Committee.

4.5.4. Duties of the Executive Committee

This committee possesses specific powers under the by-law to make decisions between Board meetings if necessitated by unusual circumstances. Such decisions are subject to ratification by the Board at its next meeting. The Executive Committee also has responsibility for the annual performance evaluation of the CEO and for making recommendations to the Board with respect to his or her performance, continuing tenure and compensation.