

**Toronto Public Library Board****Meeting No. 7: Monday, September 8, 2014, from 6:45 p.m. to 11:00 p.m.****Malvern Branch, Community Room, 30 Sewells Road, Toronto****Members Present:**

Mr. Michael Foderick (Chair)

Councillor Paul Ainslie

Ms. Lindsay Colley

Councillor Janet Davis

Councillor Sarah Doucette

Mr. Kevin McGuire

Councillor Cesar Palacio

Mr. Ross Parry

Mr. Kenneth Stewart

Ms. Andrea Tagalakis

Mr. Benjamin Wulffhart

**Regrets:**

Mr. Cameron MacKay

Councillor Jaye Robinson (Vice Chair)

**14-140 Call to Order**

Michael Foderick called the meeting to order at 6:45 p.m.

Heather Mathis, Acting Director, Branch Libraries introduced Patricia Eastman, Area Manager. Ms. Eastman provided a presentation regarding the history of the Malvern Branch, including information regarding the services in the branch and its engagement with the community.

Michael Foderick presented a selection of children's books to Lindsay Colley to commemorate the recent birth of her twin sons and to Andrea Tagalakis for the recent birth of her daughter.

**14-141 Declarations of Conflict of Interest**

There were no Declarations of Conflict of Interest by members of the Library Board.

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**14-142 Approval of Agenda***Moved by A. Tagalakis, seconded by L. Colley:**That the Toronto Public Library Board approves the agenda as revised to:*

1. *add a presentation under Agenda Item No. 8 from Miroslav Glavic regarding Agenda Item Nos. 11d – 2014 – 2025 Capital Budget and Plan Submission, 11e – Acquiring Collections from the Public, 13b – E-Content Update and Advocacy Strategies, 16 – Deferred Ombudsman Motion and Bill 8, 20 – Board Resolutions – Status Report and 21 – Adjournment; and*
2. *add a presentation under Agenda Item No. 8 from Councillor Ana Bailão, Ward 18 Davenport and Kevin Putnam, Junction Triangle Library Expansion Committee regarding Agenda Item No. 10 – Notice of Motion: Funding and Timing of Perth/Dupont Branch Relocation.*

***Carried*****14-143 Confirmation of June 23, 2014 Toronto Public Library Board Meeting Minutes***Moved by Councillor Palacio, seconded by B. Wulffhart:**That the Toronto Public Library Board:*

1. *confirms the Minutes of the June 23, 2014 Toronto Public Library Board meeting.*

***Carried*****14-144 Business Arising from the Minutes**

There was no *Business Arising from the Minutes* items at the September 8, 2014 meeting.

**14-145 Chair's Report***Moved by Councillor Palacio, seconded by A. Tagalakis:**That the Toronto Public Library Board:*

1. *receives the Chair's Report for information.*

***Carried***

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**14-146 Communications**

Michael Foderick noted Communication (e) from Jan Harder and Danielle McDonald, Ottawa Public Library Board regarding e-book advocacy efforts and Communication (g), tabled at the meeting, from Linda Diener and Frank Velikonja, Friends of Toronto Public Library regarding acquiring collections from the public.

***Moved by B. Wulffhart, seconded by Councillor Ainslie:***

***That the Toronto Public Library Board:***

1. *receives Communication (a) from The Honourable Shelly Glover, Minister of Canadian Heritage and Official Languages to Michael Foderick, Chair, Toronto Public Library Board, dated July 2, 2014 regarding the availability and cost of e-content for use by public libraries, for information;*
2. *receives Communication (b) from Michael Foderick, Chair, Toronto Public Library Board to The Honourable Michael Coteau, Minister, Tourism, Culture and Sport/Minister Responsible for the 2015 Pan/Parapan American Games, dated July 7, 2014 welcoming him to the Ministry, for information;*
3. *receives Communication (c) from Barbara Russell, Competition Law Officer, Competition Bureau Canada to Vickery Bowles, Director, Collections Management & City-Wide Services, Toronto Public Library, dated July 21, 2014 regarding the provision of e-books to the Toronto Public Library, for information;*
4. *receives Communication (d) from The Honourable Michael Coteau, Minister, Tourism, Culture and Sport/Minister Responsible for the 2015 Pan/Parapan American Games to Michael Foderick, Chair, Toronto Public Library Board, dated July 29, 2014 in response to Mr. Foderick's letter of July 7, 2014 [see Communication (b) above], for information;*
5. *receives Communication (e) from Jan Harder, Chair, Ottawa Public Library Board and Danielle McDonald, CEO, Ottawa Public Library to Michael Foderick, Chair, Toronto Public Library Board, dated August 1, 2014 regarding e-book advocacy efforts, for information;*
6. *receives Communication (f) from Norbert Hartmann to Linda Mackenzie, Director, Research and Reference Libraries, Toronto Public Library, dated August 6, 2014 with a request to forward a copy to members of the Board regarding the Toronto Reference Library's Digital Innovation Hub, for information; and*

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**Communications – continued**

7. receives Communication (g) from Linda Diener, Chair, Friends of Toronto Public Library Corporate Board and President, North Chapter and Frank Velikonja, Vice Chair, Friends of Toronto Public Library Corporate Board and President, South Chapter to Toronto Public Library Board, dated September 3, 2014 regarding the acquiring collections from the public proposal, for information.

*Carried***Presentations**

**14-147 Miroslav Glavic regarding Agenda Item Nos. 11d – 2014 – 2025 Capital Budget and Plan Submission, 11e – Acquiring Collections from the Public, 13b – E-Content Update and Advocacy Strategies, 16 – Deferred Ombudsman Motion and Bill 8, 20 – Board Resolutions – Status Report and 21 – Adjournment**

Mr. Glavic outlined his comments regarding several agenda items, including:

- a. purchasing books from the public that might otherwise be donated;
- b. the negative impact of lower e-book prices on writers;
- c. the importance of providing live web broadcasts of Toronto Public Library Board meetings.

**14-148 Councillor Ana Bailão, Ward 18 Davenport and Kevin Putnam, Junction Triangle Library Expansion Committee regarding Agenda Item No. 10 – Notice of Motion: Funding and Timing of Perth/Dupont Branch Relocation**

Councillor Bailão and Kevin Putnam addressed the Board in support of the potential relocation and expansion of the Perth/Dupont Branch. They requested the Library Board provide flexibility for the timing and funding of the capital budget project to ensure that the branch relocation proceeds with the 299 Campbell Avenue development.

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**Presentations – continued*****Moved by Councillor Palacio, seconded by Councillor Doucette:******That the Toronto Public Library Board:***

1. *receives the presentation from Miroslav Glavic regarding various agenda items, for information; and*
2. *receives the presentation from Councillor Ana Bailão, Ward 18 Davenport and Kevin Putnam regarding Agenda Item No. 10 – Notice of Motion: Funding and Timing of Perth/Dupont Branch Relocation, for information.*

***Carried******Item for Information:*****14-149 Youth Advisors – Update**

Andrea Tagalakis, Liaison to Youth Advisors introduced Theresa Nguyen and Alex Wu, Youth Advisors to the Board. Ms. Nguyen and Mr. Wu provided a presentation to the Board with information regarding a recent survey concerning teen use of library services. They recommended raising teen awareness of Library resources and events through increased social media and in-branch engagement.

The Chair and Board members thanked Ms. Nguyen and Mr. Wu for an excellent presentation.

Anne Bailey, Acting City Librarian, advised that staff would be reviewing the Youth Advisors' recommendations and considering ways of increasing public awareness for these and other issues. Some issues are currently underway, including an e-content awareness campaign for the fall.

***Moved by K. McGuire, seconded by B. Wulffhart:******That the Toronto Public Library Board:***

1. *receives the Youth Advisors – Update verbal report for information.*

***Carried***

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Library Board Decision**

The Toronto Public Library Board on September 8, 2014 adopted the following:

***Moved by M. Foderick, seconded by Councillor Palacio:***

***That the Toronto Public Library Board:***

1. *approves a Motion to Reconsider – Resolution No. 13-181 Perth/Dupont Branch – Potential Relocation and Expansion.*

***Carried***

***Moved by M. Foderick, seconded by Councillor Palacio:***

***That the Toronto Public Library Board:***

1. *reconfirms its support in principle for the proposed Perth/Dupont branch relocation as approved unanimously by the Board November 18, 2013 (Resolution No. 13-181);*

***Carried***

2. *authorizes staff to work with the local councillor and developer to negotiate terms for relocating the Perth/Dupont Branch to 299 Campbell, subject to Board approval of the negotiated terms and the proposed development receiving the appropriate planning approvals and Toronto Public Library retaining the proceeds from the sale of the current property, receiving the remainder of the funding from Section 37 agreements or funding from other non-Toronto Public Library sources or the City; and*

3. *requests the Director of Finance to add an additional \$841,000 to the 2015 – 2024 capital plan for submission to the City through the 2015 budget process;*

***Carried***

4. *requests that Councillor Ana Bailão be formally thanked and congratulated for her excellent work related to the revitalization of the Perth/Dupont Branch;*

***Carried***

5. *requests that the local City Councillor consult with the local community and make a recommendation to the Board for a new name for the relocated branch (which will no longer be located at the corner of Perth and Dupont).*

***Carried***

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**Notice of Motion: Funding and Timing of Perth/Dupont Branch Relocation – continued**

At the request of Michael Foderick, Andrea Tagalakis presided over the meeting.

**Motions**

See the following:

**Moved by M. Foderick, seconded by Councillor Palacio:**

**That the Toronto Public Library Board:**

1. *approves a Motion to Reconsider – Resolution No. 13-181 Perth/Dupont Branch – Potential Relocation and Expansion – Recommendation 2.*

**Amended**

**Moved in amendment by Councillor Davis, seconded by Councillor Doucette:**

**That the Notice of Motion moved by M. Foderick and seconded by Councillor Palacio be amended to:**

1. *remove the words “Recommendation 2” at the end of the motion.*

**Carried**

See the following Notice of Motion:

**Moved by M. Foderick, seconded by Councillor Palacio:**

**That the Toronto Public Library Board:**

2. *reconfirms its support in principle for the proposed Perth/Dupont branch relocation as approved unanimously by the Board November 18, 2013 (Resolution No. 13-181);*
3. *authorizes staff to work with the local councillor and developer to negotiate terms for relocating the Perth/Dupont Branch to 299 Campbell Avenue, subject to the following:*
  - a) *Board approval of the negotiated terms;*
  - b) *the proposed development receiving the appropriate planning approvals from the City;*
  - c) *The project timing and funding may be adjusted as outlined in the Planning Framework for Toronto Public Library’s Capital Program for Library Branches, which provides for adjustments to capital projects in accordance with specified guidelines, subject to Board approval;*
  - d) *Toronto Public Library retaining the proceeds from the sale of the current property, receiving the remainder of the funding from Section 37 agreements, funding from other non-Toronto Public Library sources, or other funding from the TPL capital budget;*

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**Notice of Motion: Funding and Timing of Perth/Dupont Branch Relocation – continued**

- e) *the timing of the proposed Perth/Dupont branch relocation, including the capital budget funding, may be adjusted as necessary to ensure that the branch relocation may proceed in unison with the 299 Campbell Avenue development in which the proposed relocated branch will be located;*
- 4. *requests that the local City Councillor consult with the local community and make a recommendation to the Board for a new name for the relocated branch (which will no longer be located at the corner of Perth and Dupont).*

**Amended**

See the following motions to amend:

**Moved in amendment by Councillor Palacio, seconded by M. Foderick:**

**That the Notice of Motion moved by M. Foderick and seconded by Councillor Palacio be amended to add the following:**

- 1. *requests that Councillor Ana Bailão be formally thanked and congratulated for her excellent work related to the revitalization of the Perth/Dupont Branch.*

**Carried**

**Moved in amendment by Councillor Davis, seconded by Councillor Ainslie:**

**That the Notice of Motion moved by M. Foderick and seconded by Councillor Palacio be amended by replacing it with the following:**

- 1. *amend Resolution 13-181, Motion 2 taken at the Toronto Public Library Board meeting on November 18, 2013 so that it reads:*  
*“authorizes staff to work with the local councillor and developer to negotiate terms for relocating the Perth/Dupont Branch to 299 Campbell Avenue, subject to Board approval of the negotiated terms and this project having no impact on the funding of other capital projects in the 2014 and 2023 plan and the proposed development receiving the appropriate planning approvals and Toronto Public Library retaining the proceeds from the sale of the current property, receiving the remainder of the funding from Section 37 agreements or funding from other non-Toronto Public Library sources or the City”.*
- 2. *request the Director of Finance to add an additional \$841,000 to the 2015 – 2024 capital plan for submission to the City through the 2015 budget process.*

**Withdrawn**

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**Notice of Motion: Funding and Timing of Perth/Dupont Branch Relocation – continued***Moved in amendment by Lindsay Colley, seconded by R. Parry:**That the Notice of Motion moved by M. Foderick and seconded by Councillor Palacio be amended by replacing it with the following:*

1. *amend Resolution 13-181, Motion 2, taken at the Toronto Public Library Board meeting on November 18, 2013 so that it reads:*  
*“authorizes staff to work with the local councillor and developer to negotiate terms for relocating the Perth/Dupont Branch to 299 Campbell Avenue, subject to Board approval of the negotiated terms and the proposed development receiving the appropriate planning approvals and Toronto Public Library retaining the proceeds from the sale of the current property, receiving the remainder of the funding from Section 37 agreements or funding from other non-Toronto Public Library sources or the City”.*
2. *request the Director of Finance to add an additional \$841,000 to the 2015 – 2024 capital plan for submission to the City through the 2015 budget process.*

***Carried***

Michael Foderick returned to chairing the meeting.

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**Budget Committee:**

**14-151 a - c. Approved Minutes of the Budget Committee Meeting of April 17, June 3 and July 28, 2014**

*Moved by Councillor Doucette, seconded by K. Stewart:*

*That the Toronto Public Library Board:*

1. *receives the Approved Minutes of the Budget Committee meeting of April 17, June 3 and July 28, 2014 for information.*

*Carried*

**13-152 d. 2015 – 2024 Capital Budget and Plan Submission**

Larry Hughsam, Director, Finance and Treasurer, provided the Board with an overview of the 2015 – 2024 Capital Budget and Plan Submission.

*Moved by Councillor Ainslie, seconded by R. Parry:*

*That the Toronto Public Library Board:*

1. *takes the position that there should be no “discount rate” for development charges due to the projected large development charge surplus even with the discount rate applied (notwithstanding the conservative assumptions of the background study);*
2. *takes the position that no further debt funding over and above what has already been committed be made available for the First Parliament Site without explicit Board approval, and this be communicated to the City of Toronto;*
3. *approves the 2015 – 2024 Capital Budget and Plan submission, which meets the City debt targets, and requests funding of \$14.450 million debt (\$19.334 million gross) in 2015 and \$153.235 million debt (\$242.367 million gross) over 2015 – 2024; and*
4. *requests the City to adjust the 2015 operating budget target to recognize the second year impact of \$0.763 million in 2015 for the additional operating costs associated with the operations of the new Fort York and Scarborough Civic Centre branches.*

*Carried*

Lindsay Colley left the meeting at 9:30 p.m.

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**13-153 d. Acquiring Collections from the Public***Moved by Councillor Palacio, seconded by K. Stewart:**That the Toronto Public Library Board:*

1. *initiates a pilot project at the Toronto Reference Library in 2014 to test the practicality and value of purchasing collections materials from the public, reporting back to the Library Board at six months and then one year after implementation; and*
2. *requests staff to implement the necessary measures to increase the volume of saleable material donated by the public for re-sale by the Library, reporting back to the Library Board one year after implementation.*

*Carried***14-154 2014 Capital Budget Adjustments***Moved by A. Tagalakis, seconded by K. McGuire:**That the Toronto Public Library Board:*

1. *approves the following cash flow reallocations, which have no impact on annual debt levels:*
  - a. *defer \$1,400,000 gross and debt funding from 2014 to 2015 from the Albion Library Renovation project;*
  - b. *accelerate \$1,400,000 gross and debt funding from 2015 to 2014 for the Multi-Branch Minor Renovation project; and*
2. *authorizes and directs staff to take the necessary actions to give effect thereto.*

*Carried***E-Book Working Group:****14-155 a. Approved Minutes of the E-Book Working Group Meeting of March 11, 2014***Moved by Councillor Doucette, seconded by Councillor Palacio:**That the Toronto Public Library Board:*

1. *receives the Approved Minutes of the E-Book Working Group meeting of March 11, 2014 for information.*

*Carried*

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**E-Book Working Group – continued****13-156 b. E-Content Update and Advocacy Strategies  
Library Board Decision**

The Toronto Public Library Board on September 8, 2014 adopted the following:

***Moved by K. Stewart, seconded by B. Wulffhart:***

***That the Toronto Public Library Board:***

1. *approves e-content advocacy and public engagement strategies that include:*
  - a. *continued conversations with publishers as part of an effort to establish fair and reasonable prices and obtain more e-content;*
  - b. *collaborating with other large Canadian public library boards and associations on this issue;*
  - c. *starting in Fall 2014 campaigns to raise public awareness about the availability of e-content at Toronto Public Library and advocating about the challenges surrounding e-content access and pricing as appropriate;*
  - d. *utilizing strategic communication opportunities to provide information about the challenges surrounding e-content access and pricing.*

***Carried***

At the request of Michael Foderick, Andrea Tagalakis presided over the meeting.

**Motions**

See the following:

***Moved in amendment by M. Foderick, seconded by Councillor Palacio:***

***That the motion moved by K. Stewart and seconded by B. Wulffhart be amended so that Recommendation 1c reads as follows:***

***“starting in Fall 2014 campaigns to raise public awareness about the availability of e-content at Toronto Public Library and advocating about the challenges surrounding e-content access and pricing as appropriate”.***

***Carried***

Michael Foderick returned to chairing the meeting.

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**14-157 Janitorial Services – Award of Contract***Moved by R. Parry, seconded by Councillor Doucette:**That the Toronto Public Library Board:*

1. *awards the contract to Topnotch Building Maintenance Ltd. for janitorial services, for a three-year term beginning January 1, 2015, at a cost of \$1,739,648.90 in the first year, \$1,757,045.39 in the second year and \$1,774,615.84 in the third year, for a total cost of \$5,271,310.13 [excluding Harmonized Sales Tax (HST)];*
2. *authorizes staff to negotiate with Topnotch Building Maintenance Ltd. to add or delete services resulting from operational needs, subject to budget availability; and*
3. *authorizes and directs Library staff to take the necessary action to give effect thereto.*

***Carried*****14-158 Grounds Maintenance and Snow Removal Services – Award of Contract***Moved by K. Stewart, seconded by Councillor Ainslie:**That the Toronto Public Library Board:*

1. *awards the contract to Jimricks Property Services for grounds maintenance and snow removal services, for a three-year term beginning December 1, 2014, at a cost of \$567,900 in the first year, \$567,900 in the second year and \$590,420 in the third year, for a total cost of \$1,726,220 [excluding Harmonized Sales Tax (HST)]; and*
2. *authorizes staff to negotiate with Jimricks Property Services to add or delete services resulting from operational needs, subject to budget availability; and*
3. *authorizes and directs Library staff to take the necessary action to give effect thereto.*

***Carried***

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**14-159 Deferred Ombudsman Motion and Bill 8****Library Board Decision**

The Toronto Public Library Board on September 8, 2014 adopted the following:

**Moved by M. Foderick, seconded by B. Wulffhart:**

**That the Toronto Public Library Board:**

1. *requests staff to report back as soon as possible on the feasibility of bringing the Toronto Public Library under the jurisdiction of the City of Toronto Ombudsman;*
2. *requests staff to report back on the feasibility of establishing a Toronto Public Library Ombudsman by Board resolution with similar powers and duties to those of the City of Toronto Ombudsman, under the authority of the Public Libraries Act, in the event that it is determined that the City of Toronto Act prohibits the jurisdiction of the City of Toronto Ombudsman from being expanded to include the Toronto Public Library; and*
3. *requests that any policy to establish a Toronto Public Library Ombudsman include a provision that if the City of Toronto Act is amended, or other provincial legislation is introduced, so that the Toronto Public Library is brought under the jurisdiction of another Ombudsman, that the need for a Toronto Public Library Ombudsman be reviewed by the Board.*

**Carried**

**Motions**

See the following recommendations in the staff report:

**That the Toronto Public Library Board:**

1. *considers the deferred Notice of Motion: Report Request – Creation of a Toronto Public Library Ombudsman; and*
2. *receives the update on Bill 8 and preliminary information relating to the ombudsman services at the Library for information.*

**Amended**

**Moved by Councillor Doucette, seconded by K. Stewart:**

**That the Toronto Public Library Board:**

1. *maintains the status quo and no other investigations be undertaken at this time in terms of policies and procedures in place to handle customer comments and concerns at the Toronto Public Library*
2. *directs staff to report back as soon as possible on the sole option of bringing the Toronto Public Library under the jurisdiction of the City of Toronto Ombudsman and that the option of a separate Toronto Public Library Ombudsman not be pursued.*

**Defeated**

**Defeated**

**Toronto Public Library Board**

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**Deferred Ombudsman Motion and Bill 8**

At the request of Michael Foderick, Andrea Tagalakis presided over the meeting.

See the following Notice of Motion:

***Moved by M. Foderick, seconded by Councillor Robinson:***

***That the Toronto Public Library Board:***

1. *requests staff to report back as soon as possible on the feasibility of bringing the Toronto Public Library under the jurisdiction of the City of Toronto Ombudsman;*
2. *requests staff to report back on the feasibility of establishing a Toronto Public Library Ombudsman by Board resolution with similar powers and duties to those of the City of Toronto Ombudsman, under the authority of the Public Libraries Act, in the event that it is determined that the City of Toronto Act prohibits the jurisdiction of the City of Toronto Ombudsman from being expanded to include the Toronto Public Library; and*
3. *requests that any policy to establish a Toronto Public Library Ombudsman include a provision that if the City of Toronto Act is amended, or other provincial legislation is introduced, so that the Toronto Public Library is brought under the jurisdiction of another Ombudsman, that the need for a Toronto Public Library Ombudsman be reviewed by the Board.*

***Carried***

Michael Foderick returned to chairing the meeting.

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**Items for Information:**

Councillor Palacio left the meeting at 10:45 p.m.

Ross Parry left the meeting at 10:55 p.m.

**14-160 Fair Wage Policy****Library Board Decision**

The Toronto Public Library Board on September 8, 2014 adopted the following:

***Moved by Councillor Davis, seconded by Councillor Doucette:******That the Toronto Public Library Board:***

1. *adopts the City of Toronto Fair Wage Policy.*

***Carried***

Recorded Vote Requested:

Yes – 5

Councillor Ainslie, Councillor Davis, Councillor Doucette,  
Kenneth Stewart, Andrea Tagalakis

No – 3

Michael Foderick, Kevin McGuire, Benjamin Wulffhart

**Motions**

See the following:

***Moved by Councillor Davis, seconded by Councillor Doucette:******That the Toronto Public Library Board:***

1. *adopts the City of Toronto Fair Wage Policy.*

***Carried******Moved by M. Foderick, seconded by Councillor Palacio:******That the Toronto Public Library Board:***

1. *requests staff investigate the policy issues relative to the adoption of the City of Toronto Fair Wage Policy and report back to the Board by the end of 2014.*

***Redundant***

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**14-161 Operating Budget Monitoring Report – June 30, 2014***Moved by Councillor Davis, seconded by Councillor Ainslie:**That the Toronto Public Library Board:*

1. receives the Operating Budget Monitoring Report – June 30, 2014 for information.

***Carried*****14-162 Capital Budget Monitoring Report – June 30, 2014***Moved by Councillor Ainslie, seconded by A. Tagalakis:**That the Toronto Public Library Board:*

1. receives the Capital Budget Monitoring Report – June 30, 2014 for information.

***Carried*****14-163 Board Resolutions – Status Report***Moved by Councillor Ainslie, seconded by A. Tagalakis:**That the Toronto Public Library Board:*

1. receives the Board Resolutions – Status Report for information.

***Carried*****14-164 Adjournment***Moved by Councillor Ainslie, seconded by A. Tagalakis:**That the Toronto Public Library Board:*

1. adjourns the September 8, 2014 Toronto Public Library Board meeting.

***Carried***

The meeting ended at 11:00 p.m.

Signed: \_\_\_\_\_