

Toronto Public Library Workers' Union

Local 4948 (CUPE)

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Local 4948

Affiliated with CUPE and the
Toronto & York Region Labour
Council

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March 21, 2011

Mayor Rob Ford and the
City of Toronto Executive Committee
100 Queen St. W.
Toronto, ON M5H 2N2

Dear Mayor Ford and the Executive Committee:

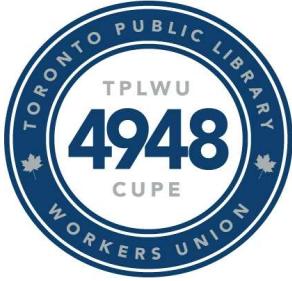
Re: Deputation to City of Toronto Executive Committee – Agenda Items EX4.6 and EX4.7

I would like to address the amendment to the Public Appointments Policy that would reduce the number of City Councillors on the Toronto Public Library Board from five to two.

The five City Councilors on the Toronto Public Library Board were appointed and confirmed on December 7 and 8, 2010 by City Council. These five appointed City Councillors include: Sarah Doucette, Janet Davis, Paul Ainslie, Cesar Palacio and Jaye Robinson.

The first Toronto Public Library Board meeting with the new councillors took place on December 13, 2010.

The Public Libraries Act is the governing legislation which establishes and governs public libraries across Ontario. The Public Libraries Act sets out the composition of the Public Library Board under Section 9(1). Section 10(3) of the Act sets out the term of office and it reads “a board member shall hold office for a term of the appointing council”, thus the City Councillors on the TPL Board hold office for a four year term which began December 1, 2010. The only way that the Board can



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be changed or dissolved is at the end of the term of office in accordance with Section 10(3).

Furthermore, Section 13(a-e) of the Public Libraries Act specifies the only other circumstances upon which a Board member would be disqualified, for example, if she were to no longer reside in the municipality.

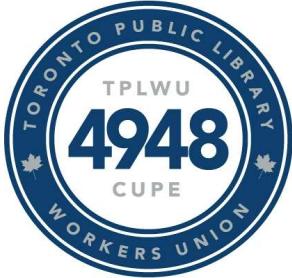
Under Section 8(1) of the City of Toronto Act, 2006, the City under Section 8(2) may pass by-laws concerning the governance structure of the City and its **local** boards but Section 8(6)(e) restricts the City of Toronto from passing by-laws concerning the governance structure of certain boards, including the Public Library Board.

In addition, under the City of Toronto Act, 2006, Section 145(1), the City has the power to dissolve or change **local** boards but again under Section 145(3)(d) the library board is defined as an exemption to this rule.

The City of Toronto Act Section 413(2) establishes the Toronto Public Library Board as a separate statutory body, further evidence that it is not a local board and enjoys a different status.

Put in plain language, the City has the power to pass a by-law but cannot change the current composition of the Board at least until the end of term. The existing five appointed Councillors must remain on the Board until the end of their term.

The Free Libraries Act was established in 1882 by the Ontario Legislature. The Public Library Board in Toronto was established in 1883. The Public Libraries Act is a provincial statute which designates Library Boards as



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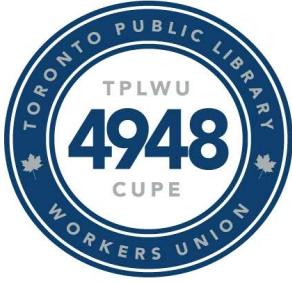
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governing boards. The independence of library boards arises from the importance of establishing intellectual freedom for the public library and the need for the public library board to remain responsive to the changing needs of communities while loyal to the principles underpinning the Public Libraries Act, which protects universal free access to public library services.

We would wish rather than dealing with this issue, that we would be focused on engaging the citizens of Toronto in a dialogue about how to best safeguard and improve public library services for our communities, instead our Mayor is focused on reducing the democratic representation on our public boards. We attend the TPL Board meetings each month. We can tell you that the current composition of the TPL Board does allow for efficient decision making and that there is no problem with respect to efficiency. Debates are healthy when they occur and decisions are made expeditiously.

Neither the decision to dissolve the TCHC Board nor the decision to reduce the number of City Councillors on the TPL Board involved a broad consultation with the people who deliver and access these much needed public services. The proposed amendment to the Public Appointments Policy has not included the citizens of Toronto in a broader discussion about how best to maintain the democratic character of the TPL Board which is crucial to maintaining the highest quality of public library services for the citizens of Toronto.

We respectfully submit to you that at a minimum, this item needs to be referred to the Province for further review as we believe that any move to remove an



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appointed Councillor would be in contravention of the
Public Libraries Act.

Yours truly,

Maureen O'Reilly
President
TPLWU Local 4948