

Toronto STAFF REPORT

November 5, 2002

To: ABC Ad Hoc Committee

From: Chief Administrative Officer

Subject: Toronto Library Board Composition and Expense Reimbursement Status

Purpose:

This report advises the ABC Ad Hoc Committee on the process staff are employing to review possible changes in the composition of the Toronto Library Board and requests feedback from the Committee prior to making any proposal for comment by the Library Board and other stakeholders.

Financial Implications and Impact Statement :

There are no financial implications arising from the recommendation in this report.

Recommendations :

It is recommended that the Ad Hoc Committee provide feedback to staff on the proposals in this report, prior to consultation with the Library Board and staff.

Background :

In June 2000, following a recommendation to reduce the membership size of Standing Committees of Council, in light of the new 45 member size of Council, the City Librarian wrote to City staff requesting consideration of also reducing the size of the Toronto Public Library Board. This request was due in part to address quorum issues and in part to reflect the reduction in City Council size.

The amalgamated Library Boards recommended that board members be compensated for expenses through a \$500 per annum payment. This was put into practice on an interim basis and the CAO was asked to review the practice as part of the review of remuneration policies for all ABCs.

These two requests were referred to the ABC Ad Hoc Committee as part of its mandate to rationalize existing models, recommend improvements and review board selection processes. The ABC Ad Hoc Committee Work Program specifically identified reviewing the size and composition of the Library Board as part of the review of structural issues. The work program also includes reviewing board member selection criteria and process and creating a remuneration and expense policy for ABCs.

Staff attended the Library Board meeting on October 28, 2002 to introduce the work program of the ABC Ad Hoc Committee and seek input on issues the Board would like addressed. Staff noted that consideration was being given to review the Board composition and the \$500 payment for expenses. Following the presentation some citizen board members indicated interest in addressing comments on composition of the Board. Staff subsequently discussed this with the City Librarian. Staff are invited to the next Library Board meeting (November 25, 2002) to solicit comments on Library Board composition.

Comments:

Toronto Public Library Board

The Toronto Public Library is the largest public library system in Canada, with 98 branches and more than 12 million items to borrow or use in the library. A 15 member board manages the Toronto Public Library. Board meetings are held, generally monthly, at Toronto City Hall, 100 Queen Street West, starting at 6:00 p.m. in Committee Room 2. All meetings are open to the public. Notice of Board meetings, agendas, minutes and most reports are published on the Toronto Public Library Board website. The Board has a \$117 million operating budget with most funding coming from Council through the municipal tax base. Council has final approval over the library's budget.

The authority for the Toronto Public Library Board is established by the City of Toronto Act, 1997 (No.2) which provides that the Board shall be deemed to be a public library board established under the Public Libraries Act to manage and control libraries. The Board is responsible for providing a comprehensive and efficient library service that reflects the community's needs. The Board:

- works with the library's professional staff to develop strategic plans, goals and policies for the library based upon community needs and ensures that these plans are efficiently and effectively implemented;
- approves the annual operating and capital budgets for recommendation to Council;
- acts as an advocate for library services, representing the Library before Council and in the community;
- protects the public's right to read materials of their choice;
- hires and evaluates the City Librarian, who is responsible for the day-to-day administration of the Library and its staff; and
- is accountable for the Library's activities and for ensuring that it complies with all applicable legislation and Council direction.

Toronto Public Library Board Membership

The legislative provisions under the Public Libraries Act section 9 and 10 provide that the Board shall consist of between 9 and 15 members appointed by Council, with a minority of Councillors, 2 members recommended by the Board of Education and 1 member recommended by the Separate School Board. Council has the authority to change the total number of Board members, the number of citizens and the number of Councillor within the required 9 to 15 member range. There is no requirement that Councillors be appointed to the board. This authority is under the existing Municipal Act Regulation 214-96 and under the new regulation of the New Municipal

Act, which comes into force January 1, 2003. Under the Public Libraries Act, a citizen member of the Library Board must legally:

- be at least 18 years old;
- be Canadian citizen
- be a resident of the City of Toronto; and
- not be City or Library Board staff

With amalgamation, an interim library board was established, following which Council adopted a new 15-member library board structure. The Toronto Public Library Board is comprised of 7 members of Council, including the Mayor or designate and 8 citizens including 2 nominated by the Toronto District School Board, 1 nominated by the Toronto District Separate School Board and 5 citizens nominated by the Nominating Committee. The current Toronto Public Library Board term of office expires November 30, 2003 but members continue until their successors are appointed, as provided for in the Public Libraries Act. Members may apply to be re-appointed for a second three-year term.

Recommendation of citizens for Toronto Public Library Board membership is currently made by the City's Nominating Committee. Council approved the following qualifications for citizen members:

- demonstrates a strong interest in libraries and a desire to serve as advocates for the library;
- reflects the cultural, educational and social diversity of the city, to ensure that all members of the community are considered in planning library services;
- lives in neighbourhoods and communities across the city to provide balanced geographical representation;
- participates in the community;
- interest in establishing partnerships and fund-raising activities to support the strategic plan and library philanthropic experience;
- possesses a variety of expertise, including leadership and communication skills, to contribute to the library and facilitate decision-making;
- is prepared to commit time and effort to the Library; and
- possesses a valid library card.

The current members of the Toronto Public Library Board are:

Toronto Public Library Board	
Citizen Members	Council Members
Ms. Gillian Mason, Chair Mr. Rick Goldsmith, Vice-Chair Mr. William Booth Mr. Meyer Brownstone Ms. Mizan Ibrahim Mr. Mark Nightingale Ms. Marjorie Stephenson Mr. Mitchell Weisberg	Councillor Maria Augimeri Councillor Olivia Chow Councillor Mike Feldman (Mayor's designate) Councillor Joe Mihevc Councillor Denzil Minnan-Wong Councillor Jane Pitfield Councillor Kyle Rae

Council Representation on Toronto Public Library Board

Originally the number of Councillors on the Toronto Public Library Board was established at seven members based upon previous representation of the predecessor library boards, the size of the budget, staffing, value of assets and the high visibility and use of the library system within the community.

A review of attendance records at Board meetings indicates that the citizen members consistently attend meetings, however Councillors have missed more meetings and attended only parts of other meetings. Quorum has been lost during some meetings and Board approval has been sought to give leave to Councillors who have had to miss three or more consecutive meetings of the Board. It should be emphasized that the attendance record of Councillors as a whole reflects the reality of being required to be in too many places at the same time and not an indication of interest in the Library Board or library operations.

Members of the ABC Ad Hoc Committee who are also on the Library Board reported conflicts on meeting times for boards and meetings within their community that just could not be resolved. They also reported that the citizen members participated fully and effectively at the meetings. Some suggested that fewer Council representatives on the Board would be workable and would facilitate achieving quorum.

Proposal

Since the Board was established there has been an opportunity to test the workability of the Library Board structure. The current number of Councillor members has proved to be problematic for the operation of the Board and for Councillors. As part of the evolution of the Board, it is proposed that the composition of the Library Board be revised to reduce the number of Council members and that a new recruitment process be used for selecting citizen board members. The following proposal has been discussed with the City Librarian, whose initial reaction was favourable. It is recommended that the ABC Ad Hoc Committee provide feedback to staff on the following proposal and that staff consult further with the Library Board and finalize recommendations for submission to the Ad Hoc Committee:

- (1) effective March 2004 the composition of the Toronto Public Library Board comprise eleven members including three Councillors and eight citizens, as follows:
 - a) the Mayor or designate;
 - b) 2 Councillors;
 - c) 1 citizen nominated by the Toronto District School Board;
 - d) 1 citizen nominated by the Toronto District Separate School Board; and
 - e) 6 citizen members nominated by a Selection Committee;
- (2) the six citizen members of the Board be appointed by Council giving due consideration to the following qualifications:
 - (a) a combination of extensive experience or knowledge with respect to:
 - Literature and Literacy
 - Arts and Culture
 - Science and Technology
 - Business

- (b) skills, interest and experience in
 - Financial Management
 - Philanthropy
 - Public Sector Governance
 - Community Service
 - Community Diversity
 - (c) independence of judgement;
 - (d) personal integrity; and
 - (e) meets the requirements of the Public Libraries Act;
- (3) a Library Board Selection Committee be appointed by Council to nominate the candidates for the Library board and that the Selection Committee be comprised of the following members:
- Mayor or designate,
 - 2 Councillors currently on the Library Board,
 - Chair, Community Services Committee,
 - Chief Administrative Officer or designate,
 - Commissioner of Community and Neighbourhood Services; and
- (4) the CAO engage a facilitator to assist the Library Board Selection Committee in:
- (a) identifying high-profile candidates with significant achievements in disciplines outlined above;
 - (b) approaching potential nominees to ascertain interest and encourage participation; and
 - (c) arranging meetings with the Selection Committee.

In some major centers in the United States, members of a library board have three functions, namely to oversee the policy-setting and administration of the library, to act as promotional spokespersons for the library and its initiatives within the community, and to promote and support fund-raising events.

Individuals recognized in the community for their achievements in a range of disciplines would bring a higher profile to library activities and fund-raising events. Council Members bring Council's perspective and control function to the Board. Nominees of the two school boards provide input on the needs of a major group of library users. Nominees from citizens at large could round out the Board to provide a balance of interests, skills, and perspectives.

Toronto Public Library Board Expense Remuneration

There are no provisions in the Public Libraries Act concerning remuneration of Board members; therefore general provisions of the Municipal Act section 244 to 246 apply. These state that Council may pass by-laws for paying remuneration and expenses to Members of Council or other persons appointed by Council to a local board and such remuneration and expenses shall not be paid by the board. The Public Libraries Act Section 18 provides that a board may reimburse its members for appropriate travelling and other expenses incurred in carrying out their duties as board members. In the absence of an overall policy for ABCs, the Toronto Public Library Board currently provides a \$500 payment to board members in order to compensate them for any expenses that may be incurred. This approach reduces the administration involved with processing numerous small payments for receipted expenses.

Some ABCs pay for authorized expenses upon receipts for actual expenses being provided. Other boards do not reimburse expenses. The City has received several requests for clarification on providing funds for expenses and staff have drafted a remuneration policy that is the subject of a separate report to the ABC Ad Hoc Committee. The Library Board has been considered in the context of the overall policy to ensure consistency. The Library Board will be asked to comment on the draft remuneration policies proposed in a separate report to the Ad Hoc Committee.

Conclusions :

The Toronto Public Library delivers an important public service in providing access to information and literature across the City. The scale of the operation also makes it a big business requiring expert management and good governance to ensure it continues to operate effectively. Board composition is an important factor of governance and impacts the Toronto Public Library Board's ability to respond effectively to community needs. Given the heavy and often conflicting demands on Councillors' time, it may now be appropriate to change the composition of the Public Library Board to reduce Council representation and introduce high profile individuals who can assist the Board in communication with the community and assist with fund-raising events. Consultation with the current Library Board should provide helpful input on making recommendations to the ABC Ad Hoc Committee.

Toronto Public Library staff and the City Librarian have been consulted in the preparation of this report and concur with the consultation approach to be undertaken. The City Solicitor responsible for the Library Board has also been consulted in the preparation of this report.

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