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To: Toronto Public Library Board – December 9, 2002

From: City Librarian

Subject: **Amendments to the Public Libraries Act**

Purpose:

To identify amendments to the *Public Libraries Act* and to request adoption of consequential amendments to the Board's Procedural By-law – Section 25 – In Camera Meetings.

Funding Implications and Impact Statement:

There are no funding implications arising from the recommendations contained in this report.

Recommendations:

It is recommended that the Toronto Public Library Board:

- (1) receive the *Amendments to the Public Libraries Act* report for information; and
- (2) adopt the amendments to the Toronto Public Library Board's Procedural By-law – Section 25 – In Camera Meetings (Attachment 4), to take effect January 1, 2003.

Background:

On November 26, 2002, Bill 177, entitled the *Municipal Statute Law Amendment Act, 2002* received Royal Assent. The legislation as a whole contains amendments to a wide variety of statutes that address numerous municipal matters including the *Public Libraries Act* (the "Act").

Comments:

Attachment 1 contains section 24 of Schedule "C" to Bill 177, which sets out the amendments to the Act. Although most of the amendments involve minor changes to terminology in the Act to reflect terminology changes in other statutes, there is a significant change regarding the criteria and process for holding a closed meeting of the Board.

The current legislation provides for a closed meeting when "intimate financial or personal matters may be disclosed at a meeting and that the desirability of protecting against the consequences of their public disclosure outweighs the desirability of holding the meeting in public...". A copy of the current legislation is provided in Attachment 2.

Under the revised legislation, closed meetings may be held when the following matters are being considered:

- ◆ the security of the property of the Board;
- ◆ personal matters about an identifiable individual;
- ◆ a proposed or pending acquisition or disposition of land by the Board;
- ◆ labour relations or employee negotiations;
- ◆ litigation or potential litigation, including matters before administrative tribunals, affecting the Board;
- ◆ advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- ◆ a matter in respect of which a board or committee of a board may hold a closed meeting under another Act.

A meeting shall be closed if the matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*.

The effective date for the relevant amendments to the Act is January 1, 2003.

The amendments to the Act affect the Board's Procedural By-law relating to Section 25 – In Camera meetings. The current (Attachment 3) and revised (Attachment 4) versions of Section 25 are attached for the Board's consideration.

References to "In Camera" in the following sections of the Procedural By-law will be changed to "Closed" as a result of Board adoption of amendments to Section 25:

Section 20 (1) – Agenda
Section 32 (4) and (5) – Conflict of Interest
Section 43 (3) – Minutes of Meetings
Ready Reference Guide

Conclusion:

The Board's adoption of changes to the Procedural By-law will update the By-law in time for the January 1, 2003 effective date.

Contact:

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List of Attachments:

Attachment 1: Bill 177 – Section 24 pertaining to the *Public Libraries Act*. **Please note:**
Attachment #1 is unavailable electronically

Attachment 2: *Public Libraries Act, R.S.O. 1990, c. P. 44* – Section 16 (3) pertaining to *Open meetings: exception*

Attachment 3: Current Section 25 – *In Camera Meetings – Toronto Public Library Board Procedural By-law*

Attachment 4: Proposed Revisions to Section 25 – *Closed Meetings - Toronto Public Library Board Procedural By-law*