

Bill 212 – Amendments to the *Public Libraries Act*

Date:	January 18, 2010
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

Bill 212, the *Good Government Act, 2009*, is an omnibus bill that makes amendments to the *Public Libraries Act* that are considered minor in nature. The Bill passed in December 2009 and comes into effect on April 1, 2010. The amendments would 1) provide the Board with more flexibility on when it holds its meetings, 2) give the Minister of Culture more powers to request information from libraries and 3) eliminate a redundancy regarding the legal requirements for boards to submit financial statements to municipalities.

A minor amendment referencing the meeting schedule will need to be made to the Board Procedural By-Law.

FINANCIAL IMPACT

There is no financial impact from these amendments.

The Director, Finance & Treasurer has reviewed this financial impact statement and is in agreement with it.

DECISION HISTORY

Bill 212 received Royal Assent on December 15, 2009. The amendments to the *Public Libraries Act* come into effect on April 1, 2010.

ISSUE BACKGROUND

Bill 212, the *Good Government Act, 2009*, is an omnibus bill, in that it makes changes to many Acts including the *Public Libraries Act*. The government backgrounder highlights changes to a number of Acts including the *Juries Act*, *Public Inquiries Act* and the *Municipal Elections Act*.

COMMENTS

The changes to the *Public Libraries Act* under Bill 212 are considered “housekeeping” amendments, i.e. amendments that make minor, non-substantive changes.

Board Meetings

Boards will be able to choose to hold meetings in any ten months each year, as opposed to being required to have meetings every month from January to June and September to December. These changes were made in large part, to meet the needs of northern library boards which have difficulty meeting in the winter months. The Toronto Public Library Board Procedural By-law (section 15.2) will be changed to reflect the new wording in the legislation.

The current meeting schedule for the TPL Board does not conflict with these amendments and it is not the intention to change the Board’s current schedule as it has been organized to minimize conflicts with City of Toronto Council and Committee meetings.

Requests for Information from the Minister of Culture

Currently, library boards are obliged to provide the Minister of Culture with reports, including annual reports, as required by law or on the Minister’s request. The amendment simply adds that, in addition to these reports, library boards must provide the Minister with “any other information” that the Minister requests.

Financial Statements

The provisions of the *Public Libraries Act* specifically requiring the Board to submit audited annual financial statements to city council are being removed. However, the financial statements of the Board must still be audited by the city auditor under the *City of Toronto Act (COTA)*. The amendment essentially removes a redundancy between the *Public Libraries Act* and the *Municipal Act* and for Toronto, the *City of Toronto Act*.

Since the Bill has passed and the amendments come into effect on April 1, 2010, these changes will not impact the current fiscal year’s financial statements.

Library staff consulted with staff from the Ministry of Culture about the changes to financial reporting. Ministry staff confirmed that this requirement in the *Public Libraries Act* was considered to be a redundancy as the reporting was covered through the *City of Toronto Act*. Legal advice on this issue also agreed that the *City of Toronto Act* – through its auditing requirements for local boards – requires the Library to submit its financial statements to the city.

Strategic and Corporate Policy Division of the City Manager’s office drafted a briefing note in November about these changes indicating that there may be a concern regarding the strength of the language in the *City of Toronto Act* that compels the Library to submit audited financial statements to the City. The provisions are described as indirect; however, it is agreed that COTA includes the right of the City auditor to audit the

Board's statements, that the Library's financial statements are consolidated with those of the City and that the City auditor reports to City Council. No further action was taken regarding this potential issue.

The Library has confirmed a continuing commitment to providing financial information to the City as per past practice.

Ontario Library Service Areas

Part II of the Act, regarding Ontario Library Service areas, is being removed. This part of the Act is no longer being applied and is considered redundant since Part III permits the establishment of special library service boards. This amendment does not affect Toronto Public Library.

Contracts for Library Service

The amendment removes the annual financial reporting requirements for a municipality that provides library services to its residents through a contract with a public library board, union board or county library board instead of establishing or maintaining a public library. This amendment does not affect Toronto Public Library.

NEXT STEPS

The provision in the Board Procedural By-laws related to Board meetings will need to be amended after the Act and amendments come into effect.

CONTACT

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SIGNATURE

Jane Pyper
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ATTACHMENTS

Attachment 1: Amended Sections of the *Public Libraries Act*