



20.

To: Toronto Public Library Board – January 27, 2003

From: City Librarian

Subject: **Toronto Public Library Board - Composition**

Purpose:

To provide the Toronto Public Library Board with an opportunity for further comment, in light of recent changes to the *Public Libraries Act*, on the City of Toronto's staff report to the ABC Ad Hoc Committee regarding the future composition of the Library Board.

Funding Implications and Impact Statement:

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

Recommendation:

It is recommended that the Toronto Public Library Board:

- (1) consider the options presented in the *Composition of the Toronto Public Library Board* report, and provide additional feedback to the City of Toronto's ABC Ad Hoc Committee regarding the size and composition of the Library Board; and
- (2) endorse the proposal to have a Library Board Selection Committee appointed by Council for the purpose of recruiting qualified citizens to submit applications for nomination to the Library Board.

Background:

At the meeting of November 25, 2002, the Library Board considered the *Toronto Library Board Composition and Expense Reimbursement Status* report (Attachment 1). This report was prepared by City of Toronto staff for the ABC Ad Hoc Committee, which is reviewing the City's various agencies, boards and commissions (ABCs). The Library Board provided feedback, as requested, through Karen Cooper, Corporate Management & Policy Consultant in the Office of the Chief Administrative Officer (CAO).

Subsequent to the November meeting, Library and City staff became aware of amendments to the *Public Libraries Act* contained in Bill 179, *Government Efficiency Act, 2002*. At the December 9, 2002 meeting, the City Librarian advised the Board that the change in legislation

had occurred, and the section of the *Public Libraries Act* pertaining to the composition of library boards had been amended.

This report summarizes the City staff proposals and the Board's comments (Attachment 2), and it provides new information regarding the recent changes to the *Public Libraries Act* with respect to the composition of library boards (Attachments 3 and 4). The Board is requested to review the options presented in this report and provide additional comments to the ABC Ad Hoc Committee in light of new information.

Comments:

The ABC Ad Hoc Committee was established by Council with a mandate to:

- develop a City framework for the governance of ABCs;
- rationalize existing models and make improvements;
- develop reporting requirements and accountability mechanisms;
- review processes for selecting boards; and
- articulate expectations and relationship to the City.

The extent to which the Ad Hoc Committee's mandate applies to any given agency, board or commission varies according to individual circumstances, such as the legislation under which each one has been established. Within the framework of the *Public Libraries Act*, the following issues have been identified with respect to the Library Board:

1. the number of Board members;
2. the proportion of Councillors to citizen appointees;
3. the process by which citizens are appointed; and
4. the remuneration of citizen appointees.

Any changes made by Council to the number, composition or appointment process of Library Board members were to coincide with the new term of Council in 2004. However, further discussions with the CAO's staff indicate that it may be possible to implement changes to the composition of the Library Board effective December 2003.

Number of Board Members

The report of the CAO's staff proposes that "... the composition of the Toronto Public Library Board comprise eleven members..."

The Board did not make a suggestion as to a preferred number of members at the November 25, 2002 meeting.

The *Public Libraries Act* (Section 9), as amended by the *Government Efficiency Act, 2002*, states "A public library board shall be composed of at least five members appointed by the municipal council." Formerly, the legislation specified a minimum of nine and a maximum of fifteen members on public library boards for municipalities whose population was 100,000 or more. Toronto City Council enjoys greater flexibility under the new legislation to determine the optimum size of the Library Board.

Section 3 of the *Public Libraries Act* confers on a library board the responsibility for “management and control” of the municipal public library. Fulfillment of this responsibility requires a size of board conducive to effective and efficient decision-making which would be weakened if the board were very large. The public library boards of the former municipalities in Toronto conformed to the nine-member minimum then required by the Act for municipalities of 100,000 or more population. Since amalgamation, there have been fifteen members. The amended legislation does not set an upper limit on the number of board members.

Because the overall size of the Board is influenced by the proportion of Councillors to citizen appointees, it is recommended that the two issues be considered together.

Proportion of Councillors to Citizen Appointees

The report by the CAO’s staff proposes three Councillors and eight citizens. The report notes that the difficulty experienced by Councillors in attending meetings has caused problems for the Board in achieving and maintaining quorum.

The Board has suggested that “the current number of eight citizen representatives on the Board be viewed as the minimum number required.” At the December 9 meeting, during discussion of the change in legislation, some concern was expressed that the number of Councillors should be sufficient to provide effective assistance to the Board, especially with regard to the budget approval process. The point was also made that, to contribute effectively to discussion, members of the Board, including Councillors, need to attend consistently.

The amended *Public Libraries Act* maintains an upper limit on Councillor appointments of one less than a majority (*PLA*, Sec. 10.2). Quorum continues to be defined as “the presence of a majority of the board” (*PLA*, Sec. 16.5).

The experience with a Board on which citizens comprise the bare majority has been that quorum has been difficult to maintain. If there are at least three more citizens than Councillors on the Board, then this problem can be adequately addressed.

The table below shows five possible combinations of citizens and Councillors to make up a Board ranging in size from nine to fifteen members.

Option	Citizen Appointees	Members of Council	Total Library Board	Quorum
1 – status quo	8	7	15	8
2 – recommended by Library staff	8	5	13	7
3 – recommended by CAO’s staff	8	3	11	6
4 – recommended by Library staff	7	4	11	6
5 – not recommended by staff	6	3	9	5

The first option represents the status quo, which is not recommended. The third option is the recommendation of the CAO’s staff, i.e., eight citizen appointees and three councillors. The advantage of this option is that it overcomes the quorum problem while maintaining existing

opportunities for citizen participation. The potential disadvantage of this option is that the effective representation of the diversity of Council views may be difficult to maintain. This same weakness is apparent in option five, which has the further disadvantage of reducing the number of opportunities for citizen appointments.

Based on the issues discussed above, options two and four represent the preferred combination of Councillors and citizen appointees. The selection of any of these options would also designate the preferred total number of Board members.

Appointment Process

The report by the CAO's staff proposes a Library Board Selection Committee, to be appointed by Council to recruit individuals having certain qualifications to apply for nomination to the Board. The report suggests that the CAO engage a facilitator to assist the Selection Committee in identifying potential candidates. The report further proposes a reduction from three to two in the number of citizen members nominated by the School Boards.

The recent amendments to Section nine of the *Public Libraries Act* have removed the requirement that Council appoint School Board nominees to the Library Board. The *Act* maintains the requirement for vacancies to be advertised by the municipal clerk in a local newspaper (*PLA*, Sec. 11.1)

With the change in legislation, the CAO's staff have indicated that their report to the ABC Ad Hoc Committee will be revised to recommend that all citizens be nominated by Council.

The Board is requested to consider endorsing the proposed Library Board Selection Committee appointed by Council for the purpose of recruiting qualified citizens to submit applications for nomination to the Library Board. There will be a further report from the CAO's staff regarding the nomination process for ABCs.

Remuneration of Citizen Appointees

This matter is addressed in the *Toronto Public Library Board – Remuneration and Expenses* report .

Conclusion:

This report provides the Library Board with new information regarding recent changes to the *Public Libraries Act* pertaining to the composition of public library boards. The Board may wish to take advantage of the opportunity to make additional comments to the ABC Ad Hoc Committee or reconsider previous ones.

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City Librarian

List of Attachments:

Attachment 1: Report to the ABC Ad Hoc Committee, *Toronto Library Board Composition and Expense Reimbursement Status*

Attachment 2: Minutes of November 25, 2002 Meeting of Toronto Public Library Board, 02-184

Attachments 3 and 4 are unavailable electronically. Please contact Nancy Marshall at 416 - 393-7215