

MINUTES

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Toronto Public Library Board**Meeting No. 7: Monday, June 25, 2012, from 6:00 p.m. to 10:25 p.m.****Toronto Reference Library, Board Room, 789 Yonge Street, Toronto****Members Present:**

Councillor Paul Ainslie (Chair)

Mr. Michael Foderick (Vice Chair)

Councillor Janet Davis

Councillor Sarah Doucette

Ms. Kimberley Korinek

Mr. Cameron MacKay

Councillor Cesar Palacio

Mr. Ross Parry

Councillor Jaye Robinson

Mr. Kenneth Stewart

Mr. Benjamin Wulffhart

Ms. Andrea Zammit

12-107 Call to Order

Councillor Paul Ainslie called the meeting to order at 6:00 p.m.

12-108 Declarations of Conflict of Interest

There were no Declarations of Conflict of Interest by members of the Library Board.

12-109 Approval of Agenda*Moved by Councillor Palacio, seconded by K. Stewart, and carried:**That the Toronto Public Library Board approves the agenda as revised to:*

1. *move Agenda Item Nos. 23 and 24 – 2011 Audited Financial Statements and the Audit Year-End Report to earlier on the agenda to accommodate guests in attendance at the meeting;*
2. *move the Board's discussion, which will be confidential, regarding Justin Laflamme's Appeal of Exclusion, which will be in public session, to later on the agenda to avoid disruption in the public portion of the meeting;*

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Approval of Agenda – continued

3. *add a presentation from Maureen O'Reilly, President, Toronto Public Library Workers Union, Local 4948 CUPE regarding Agenda Item No. 17 – 2012 Operating Budget Surplus;*
4. *request the Board to consider a request from Miroslav Glavic, which was made less than 48 hours before the Board meeting to address the Board regarding Agenda Item Nos. 10 – Notice of Amendment – Toronto Public Library Board Procedural By-law, 11 – Affinity Credit Card for TPL Employees and City of Toronto Residents, 14 – Naming New Branch – Scarborough Centre Area, 15 – Whistle Blower Protection Policy and 16b – 2012 Operating Budget Suggestions – Paid Parking at Library Lots;*
5. *move Agenda Item No. 19 – Security Guard Contract – Award of Tender, which is a confidential item, to later on the agenda to avoid disruption in the public portion of the meeting; and*
6. *request the Board to consider adding Communication Item (b), which was received less than 48 hours before the Board meeting from Don Ferguson, President, Lyngsoe Systems Ltd. regarding Agenda Item No. 18 – Automated Materials Handling System – Award of Contract.*

The Board consented to adding a presentation from Miroslav Glavic and Communication Item (b) from Don Ferguson, President, Lyngsoe System Ltd. to the agenda.

12-110 Confirmation of May 28, 2012 Toronto Public Library Board Meeting Minutes*Moved by Councillor Davis, seconded by A. Zammit, and carried:**That the Toronto Public Library Board:*

1. *confirms the Minutes of the May 28, 2012 Toronto Public Library Board meeting.*

12-111 Confirmation of May 28, 2012 Toronto Public Library Board Closed Meeting Minutes*Moved by Councillor Doucette, seconded by K. Korinek, and carried:**That the Toronto Public Library Board:*

1. *confirms the Minutes of the May 28, 2012 Toronto Public Library Board Closed meeting.*

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12-112 Business Arising

a. Open Hours Vision – Request for Additional Information

Moved by A. Zammit, seconded by M. Foderick, and carried:

That the Toronto Public Library Board:

1. receives the Business Arising – Open Hours Vision – Request for Additional Information report for information.

12-113 Chair's Report

Moved by C. MacKay, seconded by K. Korinek, and carried:

That the Toronto Public Library Board:

1. receives the Chair's Report for information.

12-114 2011 Audited Financial Statements – Toronto Public Library Board

Terri McKinnon, Partner, PricewaterhouseCoopers and Larry Hughsam, Director, Finance and Treasurer, responded to questions from the Board regarding the *2011 Audited Financial Statements* and the *Audit Year-End Report – December 31, 2011*.

Moved by Councillor Palacio, seconded by M. Foderick, and carried:

That the Toronto Public Library Board:

1. approves the 2011 Audited Financial Statements – Toronto Public Library Board, appended as Attachment 1.

12-115 Audit Year-End Report – December 31, 2011 – Toronto Public Library Board

Moved by C. MacKay, seconded by K. Korinek, and carried:

That the Toronto Public Library Board:

1. receives the Audit Year-End Report – December 31, 2011 – Toronto Public Library Board for information.

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Presentations**12-116 a. Justin Laflamme – Appeal of Exclusion**

Justin Laflamme addressed the Board regarding his Appeal of Exclusion from all properties, buildings and services of the Toronto Public Library Board for a period of twelve months from November 7, 2011. He requested that the Board consider reinstating his library privileges.

Linda Mackenzie, Director, Research and Reference Libraries provided the Board with additional detail concerning Mr. Laflamme's exclusion on November 7, 2011.

Mr. Laflamme responded to some of the information provided to the Board in the verbal staff report.

Moved by Councillor Doucette, seconded by K. Stewart, and carried:

That the Toronto Public Library Board:

1. *receives the presentation from Justin Laflamme regarding his Appeal of Exclusion from all properties, buildings and services of the Toronto Public Library Board for a period of twelve months for consideration; and*
2. *renders the decision in writing to Justin Laflamme, subsequent to the June 25, 2012 Toronto Public Library Board meeting.*

12-117 b. Maureen O'Reilly, President, Toronto Public Library Workers Union, Local 4948 CUPE regarding Agenda Item No. 17 – 2012 Operating Budget Surplus

The Union distributed a communication to the Board regarding the 2013 Operating Budget and Staffing.

Ms. O'Reilly addressed the Board regarding staffing issues at the Library. She requested that the Union provide a more in-depth presentation on staffing at a future Employee and Labour Relations Committee meeting.

Moved by K. Stewart, seconded by Councillor Davis, and carried:

That the Toronto Public Library Board:

1. *receives the presentation from Maureen O'Reilly, President, Toronto Public Library Workers Union, Local 4948 CUPE regarding Agenda Item No. 17 – 2012 Operating Budget Surplus for information.*

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Presentations – continued

- 12-118 c. Miroslav Glavic regarding Agenda Item Nos. 10 – Notice of Amendment – Toronto Public Library Board Procedural By-law, 11 – Affinity Credit Card for Toronto Public Library Employees and City of Toronto Residents, 14 – Naming New Branch – Scarborough Centre Area, 15 – Whistle Blower Protection Policy and 16b – 2012 Operating Budget Suggestions – Paid Parking at Library Lots**

*Moved by Councillor Robinson, seconded by Councillor Palacio, and carried:
That the Toronto Public Library Board:*

1. *receives the presentation from Miroslav Glavic regarding Agenda Item Nos. 10 – Notice of Amendment – Toronto Public Library Board Procedural By-law, 11 – Affinity Credit Card for Toronto Public Library Employees and City of Toronto Residents, 14 – Naming New Branch – Scarborough Centre Area, 15 – Whistle Blower Protection Policy and 16b – 2012 Operating Budget Suggestions – Paid Parking at Library Lots for information.*

Councillor Davis left the meeting at 7:00 p.m.

12-119 Communications

*Moved by K. Stewart, seconded by R. Parry, and carried:
That the Toronto Public Library Board:*

1. *receives the following items (a) and (b) for information:*
 - (a) *communication from Joe Clark dated May 24, 2012 regarding DVD due dates; and*
 - (b) *communication from Don Ferguson, President, Lyngsoe Systems Ltd. regarding Agenda Item No. 18 – Automated Materials Handling System – Award of Contract.*

12-120 Notice of Amendment – Toronto Public Library Board Procedural By-law

*Moved by Councillor Palacio, seconded by R. Parry, and carried:
That the Toronto Public Library Board:*

1. *receives the Notice of Amendment – Toronto Public Library Board Procedural By-law for information.*

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Items for Approval:**12-121 Affinity Credit Card for Toronto Public Library Employees and City of Toronto Residents***Moved by K. Korinek, seconded by B. Wulffhart, and carried:**That the Toronto Public Library Board:*

1. requests the City Librarian to identify a strategy to create a partnership with a financial institution and the Toronto Public Library to create an affinity credit card available to the general public for use such that a percentage of all fees earned by the credit card company will revert back to the Toronto Public Library; and
2. requests the City Librarian to identify a strategy in which all employees of the Toronto Public Library that are using credit cards be issued one on an affinity basis such that funds can be raised for programs as Toronto Public Library Board sees fit.

12-122 Railway Lands Branch – Award of Tender*Moved by Kim Korinek, seconded by R Parry, and carried:**That the Toronto Public Library Board:*

1. awards the contract to the lowest bidder, Bondfield Construction Company Limited, for the construction of the Railway Lands Branch, at a cost of \$6,136,900.00, which includes a contingency of \$557,900.00 [excluding Harmonized Sales Tax (HST)]; and
2. authorizes and directs the appropriate Library staff to take the necessary action to give effect thereto.

After discussion, the Board requested that reporting on future projects provide more detailed information, including an executive summary of tender requirements.

12-123 Naming New Branch – Railway Lands Area*Moved by M. Foderick, seconded by R. Parry; and carried:**That the Toronto Public Library Board:*

1. names the new library branch located at 190 Fort York Boulevard at the intersection of Fort York Boulevard and Bathurst Street the Fort York Branch.

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12-124 Naming New Branch – Scarborough Centre Area

Michael Foderick assumed the Chair at the request of Councillor Ainslie.

Moved by Councillor Ainslie, seconded by C. MacKay; and carried:

That the Toronto Public Library Board:

1. *names the new library branch located at 150 Borough Dr. the Scarborough Civic Centre Branch.*

Councillor Ainslie assumed the Chair again.

12-125 Whistle Blower Protection Policy

Moved by K. Korinek, seconded by R. Parry, and carried:

That the Toronto Public Library Board:

1. *approves the Whistle Blower Protection Policy (Attachment 1).*

2012 Operating Budget Suggestions:

12-126 a. Affiliate Retail Options

Moved by B. Wulffhart, seconded by Councillor Robinson, and carried:

That the Toronto Public Library Board:

1. *develops its own affiliate retail program directly with retailers; and*
2. *authorizes and directs the appropriate Library staff to take the necessary steps to give effect thereto.*

12-127 b. Paid Parking at Library Lots

Moved by M. Foderick, seconded by B. Wulffhart, and carried:

That the Toronto Public Library Board:

1. *requests staff to solicit from private parking providers an assessment of the feasibility of paid parking at Toronto Public Library lots, and report back to the Board, including the possibility of overnight parking in the spring, summer and fall months.*

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2012 Operating Budget Suggestions – continued**12-128 c. Fines Review***Moved by M. Foderick, seconded by Councillor Palacio, and carried:**That the Toronto Public Library Board:*

1. maintains the current overdue fine rates and fine structure and that staff report to the Board on the impact of these new rates as part of the Board's annual review of the Circulation and Collection Use (including Fines and Fees) Policy in the first quarter of 2013.

12-129 2012 Operating Budget Surplus*Moved by A. Zammit, seconded by Councillor Doucette, and carried:**That the Toronto Public Library Board:*

1. returns to the City at year-end, the Toronto Public Library 2012 operating budget surplus, including savings resulting from the March 2012 labour disruption.

12-130 Automated Materials Handling System – Award of Contract

The discussion of this item was moved to the Closed session of the meeting in order to respond to questions of the Board concerning a communication from Don Ferguson, President, Lyngsoe Systems Ltd. regarding the *Automated Materials Handling System – Award of Contract* tabled at the meeting as the subject matter is the security of the property of the Board.

(See Resolution No. 12-143 for the decision concerning *Automated Materials Handling System – Award of Contract*.)

Budget Committee – Meeting of June 11, 2012:**12-131 a. Approved Minutes of the Budget Committee Meeting of May 14, 2012***Moved by K. Korinek, seconded by R. Parry, and carried:**That the Toronto Public Library Board:*

1. receives the Approved Minutes of the Budget Committee Meeting of May 14, 2012 for information.

Councillor Robinson left the meeting at 8:30 p.m.

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Budget Committee – Meeting of June 11, 2012 – continued**12-132 b. 2013 – 2022 Capital Budget and Plan Submission***Moved by Councillor Doucette, seconded by K. Korinek, and carried:**That the Toronto Public Library Board:*

1. *receives the 2013 – 2022 capital budget and plan submission which meets the City debt targets, and requests funding of \$11.0 million debt (\$25.3 million gross) in 2013 and \$153.7 million debt (\$215.8 million gross) over 2013 – 2022;*
2. *amends the capital budget and plan submission by adding \$2 million per year over 2013 – 2022 to address state of good repair backlog needs, which would result in exceeding the City debt targets by \$2 million per year and requests funding of \$13.0 million debt (\$27.3 million gross) in 2013 and \$173.7 million debt (\$235.8 million gross) over 2013 – 2022; and*
3. *requests that the City Librarian revise the Multi-Branch Renovation Program and other appropriate sections of the report to reflect the additional \$2 million capital request for 2013.*

Recorded Vote Requested:**Yes – 7****Councillor Paul Ainslie, Councillor Sarah Doucette, Kimberley Korinek, Cameron MacKay, Ross Parry, Ken Stewart, Andrea Zammit.****No – 3****Michael Foderick, Councillor Cesar Palacio, Benjamin Wulffhart.**

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Budget Committee – Meeting of June 11, 2012 – continued**b. 2013 – 2022 Capital Budget and Plan Submission – continued***Moved in amendment by Councillor Palacio, seconded by B. Wulffhart, and defeated:**That the Toronto Public Library Board:*

4. *includes the St. Clair/Silverthorn Branch in its 2014 Capital Budget.*

Recorded Vote Requested:

Yes – 3

Michael Foderick, Councillor Cesar Palacio, Benjamin Wulffhart.

No – 7

Councillor Paul Ainslie, Councillor Sarah Doucette, Kimberley Korinek, Cameron MacKay, Ross Parry, Ken Stewart, Andrea Zammit.

*Moved in amendment by M. Foderick, seconded by B. Wulffhart, and defeated:**That the Toronto Public Library Board:*

5. *adopts the 2013 – 2022 capital budget and plan submission which meets the City debt targets, and requests funding of \$11.0 million debt (\$25.3 million gross) in 2013 and \$153.7 million debt (\$215.8 million gross) over 2013 – 2022;*
6. *receives the capital budget and plan submission that added \$2 million per year over 2013 – 2022 to address state of good repair backlog needs, which would result in exceeding the City debt targets by \$2 million per year and requests funding of \$13.0 million debt (\$27.3 million gross) in 2013 and \$173.7 million debt (\$235.8 million gross) over 2013 – 2022; and*
7. *receives the request that the City Librarian revise the Multi-Branch Renovation Program and other appropriate sections of the report to reflect the additional \$2 million capital request for 2013.*

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Budget Committee – Meeting of June 11, 2012 – continued**b. 2013 – 2022 Capital Budget and Plan Submission – continued**

Recorded Vote Requested:

Yes – 3

Michael Foderick, Councillor Cesar Palacio, Benjamin Wulffhart.

No – 7

Councillor Paul Ainslie, Councillor Sarah Doucette, Kimberley Korinek, Cameron MacKay, Ross Parry, Ken Stewart, Andrea Zammit.

Strategic Planning Steering Committee – Meeting of June 12, 2012:**12-133 a. Approved Minutes of the Strategic Planning Steering Committee Meeting of January 20, 2012***Moved by C. MacKay, seconded by A. Zammit, and carried:**That the Toronto Public Library Board:*

1. *receives the Approved Minutes of the Strategic Planning Steering Committee Meeting of January 20, 2012 for information.*

12-134 b. Strategic Plan 2012 – 2015: Draft Priority Areas*Moved by C. MacKay, seconded by A. Zammit, and carried:**That the Toronto Public Library Board:*

1. *approves the four draft priority areas and thirteen related goals for the 2012 – 2015 strategic plan as outlined in the Strategic Plan 2012 – 2015 – Draft Priority Areas and Next Steps report as a framework for public consultation;*

Toronto Public Library Board**Meeting No. 7: Monday, June 25, 2012, from 6:00 p.m. to 10:25 p.m.****Toronto Reference Library, Board Room, 789 Yonge Street, Toronto**

12-135 Requests for Reconsideration of Library Materials – 2011 Annual Report*Moved by Councillor Palacio, seconded by B. Wulffhart, and carried:**That the Toronto Public Library Board:*

1. *revises the Materials Selection Policy to reflect the Library Board's endorsement of the Ontario Library Association Statement on the Intellectual Rights of the Individual, and Teen's Rights in the Public Library, as revised in Attachment 2; and*
2. *receives the Requests for Reconsideration of Library Materials – 2011 Annual Report for information.*

Items for Information:**2012 Operating Budget Suggestions:****12-136 a. Increasing Support for Collections through Donations Online***Moved by Councillor Doucette, seconded by K. Korinek, and carried:**That the Toronto Public Library Board:*

1. *receives the 2012 Operating Budget Suggestions: Increasing Support for Collections through Donations Online report for information.*

12-137 b. Sale of Used Books and Other Materials*Moved by K. Korinek, seconded by Councillor Doucette, and carried:**That the Toronto Public Library Board:*

1. *receives the 2012 Operating Budget Suggestions: Sale of Used Books and Other Materials report for information.*

12-138 Toronto Public Library Foundation – Assessment of 2012 – 2014 Fundraising Priorities*Moved by K. Korinek, seconded by C. MacKay, and carried:**That the Toronto Public Library Board:*

1. *receives the Toronto Public Library Foundation – Assessment of 2012 – 2014 Fundraising Priorities report for information.*

12-139 Accounts Written-off in 2011*Moved by R. Parry, seconded by Councillor Doucette, and carried:**That the Toronto Public Library Board:*

1. *receives the Accounts Written-off in 2011 report for information.*

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12-140 Board Resolutions – Status Report*Moved by Councillor Doucette, seconded by K. Korinek, and carried:**That the Toronto Public Library Board:*

1. receives the Board Resolutions – Status Report for information.

12-141 Closed Meeting

At 9:30 p.m., it was:

*Moved by M. Foderick, seconded by R. Parry, and carried:**That the Toronto Public Library Board:*

1. conducts a Closed meeting as the subject matters being considered are personal matters about an identifiable individual (Justin Laflamme – Appeal of Exclusion), the security of the property of the Board (Automated Materials Handling System – Award of Contract), litigation or potential litigation, including matters before administrative tribunals, affecting the board (Security Guard Contract – Award of Tender).

At 10:20 p.m. the Board resumed its meeting in public.

12-142 Appeal of Exclusion – Justin Laflamme*Moved by Councillor Doucette, seconded by R. Parry, and carried:**That the Toronto Public Library Board:*

1. upholds the exclusion of Justin Laflamme from all Toronto Public Library properties, buildings and services as outlined in the November 7, 2011 letter from the City Librarian; and
2. renders the decision in writing to Justin Laflamme, subsequent to the June 25, 2012 Toronto Public Library Board meeting.

*Moved in amendment by K. Stewart, seconded by B. Wulffhart, and defeated on a tie vote:**That the Toronto Public Library Board:*

1. reinstates the library privileges of Justin Laflamme effective June 26, 2011, restricting his use at the Toronto Reference Library to the main floor; and
2. renders the decision in writing to Justin Laflamme, subsequent to the June 25, 2012 Toronto Public Library Board meeting.

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12-143 Automated Materials Handling System – Award of Contract*Moved by Councillor Doucette, seconded by K. Korinek, and carried:**That the Toronto Public Library Board:*

1. awards the contract to P.V. Supa Inc. for the supply of the automated materials handling system hardware, software, installation and training at a cost of \$1,806,750 [excluding Harmonized Sales Tax (HST)];
2. awards the maintenance contract for the first three years to P.V. Supa Inc. at a total cost of \$124,432 [excluding HST];
3. authorizes staff to renew the maintenance contract beyond the first three years, subject to budget availability and satisfactory performance; and
4. authorizes and directs the appropriate Library staff to take the necessary action to give effect thereto.

12-144 Security Guard Contract – Award of Tender*Moved by M. Foderick, seconded by K. Stewart, and carried:**That the Toronto Public Library Board:*

1. awards the contract to the lowest compliant bidder, FEDSEC Corporation, for security guard services, subject to resolution of the matters identified in the confidential attachment to this report, for the first year, August 1, 2012 to July 31, 2013, at a cost of \$1,555,640 [excluding Harmonized Sales Tax (HST)]; with an option to renew based on satisfactory performance:
 - a. for the second one-year period, August 1, 2013 to July 31, 2014 at a cost of \$1,555,640; and
 - b. for the third one-year period, August 1, 2014 to July 31, 2015 at a cost of \$1,575,318;
2. awards the contract to the next lowest compliant bidder if a satisfactory resolution of the matters identified in the confidential attachment cannot be achieved with FEDSEC Corporation;
3. authorizes staff to negotiate with the bidder awarded the contract to add or delete services resulting from operational needs, subject to budget availability; and
4. authorizes and direct the appropriate Library staff to take the necessary action to give effect thereto; and
5. requests the Confidential Attachment 1 to the report remain confidential as it relates to litigation that affects the Board and contains advice that is subject to solicitor-client privilege.

Toronto Public Library Board

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12-145 Adjournment

Moved by K. Korinek, seconded by B. Wulffhart, and carried:

That the Toronto Public Library Board:

- 1. adjourns the June 25, 2012 Toronto Public Library Board meeting.*

The meeting ended at 10:25 p.m.

Signed: _____