

Toronto Public Library Board

Meeting No. 5: Monday, June 15, 2009, from 6:05 p.m. to 8:20 p.m.

Toronto Reference Library, Beeton Auditorium, 789 Yonge Street, Toronto

Members Present:

Mr. Matthew Church (Chair)
Ms. Eman Ahmed (Vice-Chair)
Councillor Paul Ainslie
Mr. Adam Chaleff-Freudenthaler
Councillor Janet Davis
Ms. Ann Decter
Ms. Tina Edan
Mr. Okeima Lawrence
Councillor Chin Lee
Councillor Anthony Perruzza
Councillor Adam Vaughan
Ms. Kate Wilson

Regrets:

Ms. Kathy Gallagher Ross

09-081 Call to Order

Matthew Church called the meeting to order at 6:05 p.m.

09-082 Declarations of Conflicts of Interest

There were no Declarations of Conflicts of Interest by members of the Library Board at the June 15, 2009 meeting.

09-083 Approval of Agenda

Moved by Councillor Ainslie, seconded by K. Wilson, and carried:

That the Toronto Public Library Board approves the agenda as revised to:

- 1. move Agenda Item No. 12 – Naming Committee – Toronto Reference Library Capital Campaign, which is a confidential item, and the confidential portion of Agenda Item No. 16 – Employee and Labour Relations Committee – Non-Union Compensation Issue, 2009 and 2010, to the end of the meeting, before Agenda Item No. 30 – Collective Bargaining – Update, to avoid disruption in the public portion of the meeting; and*

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Approval of Agenda – continued

2. *move Agenda Item No. 18 – Audit Results – Year Ended December 31, 2008 and Agenda Item No. 19 – Results of Follow-up on Previous Audit Recommendations to immediately after Agenda Item No. 11 – Audited 2008 Financial Statements, to accommodate guests in attendance at the meeting.*
3. *add Councillor Michael Walker to the agenda to speak to the Board concerning Item No. 10 – Build Toronto – Potential Redevelopment Sites immediately following a presentation by Bruce Bowes, Chief Corporate Officer, City of Toronto.*

09-084 Confirmation of April 20, 2009 Toronto Public Library Board Meeting Minutes*Moved by Councillor Lee, seconded by Councillor Ainslie, and carried:**That the Toronto Public Library Board:*

1. *confirms the Minutes of the April 20, 2009 Toronto Public Library Board meeting.*

09-085 Confirmation of April 20, 2009 Toronto Public Library Board Closed Meeting Minutes*Moved by T. Edan, seconded by E. Ahmed, and carried:**That the Toronto Public Library Board:*

1. *confirms the Minutes of the April 20, 2009 Toronto Public Library Board Closed meeting.*

09-086 Business Arising

There were no Business Arising items at the June 15, 2009 meeting.

09-087 Chair's Report

Matthew Church noted in particular:

1. the reopening of the Kennedy/Eglinton Branch on June 25;
2. a compilation of media clippings about Toronto Public Library for the period of January to May 2009 distributed at the meeting.

*Moved by T. Edan, seconded by A. Chaleff-Freudenthaler, and carried:**That the Toronto Public Library Board:*

1. *receives the Chair's Report for information.*

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09-088 Presentations

There were no Presentations at the June 15, 2009 meeting.

09-089 Communications

Moved by O. Lawrence, seconded by A. Decter, and carried:

That the Toronto Public Library Board:

1. receives Communication Item (a) for information:
 - (a) Letter to Jane Pyper, City Librarian, from Gwyn Thomas, President, Toronto Parking Authority, dated May 14, 2009, regarding the provision of parking in conjunction with the development of the proposed Scarborough Centre Library Branch.

Items for Approval:**09-090 Build Toronto – Potential Redevelopment Sites**

Bruce Bowes, Chief Corporate Officer, City of Toronto, provided the Board with a presentation regarding Build Toronto and the principles of a real estate strategy recently approved by City of Toronto Council. In attendance with Mr. Bowes was Joe Casali, Director, Real Estate Services, City of Toronto. Mr. Bowes and Mr. Casali responded to questions from members of the Library Board.

Councillor Michael Walker, Ward 22, St. Paul's, addressed the Board concerning the Deer Park Branch at 40 St. Clair Avenue East in his ward. He requested that the Board consider:

- (a) adding the following language to the recommendation: "the requirement for an appropriate replacement building at 40 St. Clair Avenue East";
- (b) a plan for alternate service during a branch closure; and
- (c) participating in a meeting in the local community to inform residents concerning the declaration of the property at 40 St. Clair Avenue East as surplus.

Moved by Councillor Vaughan, seconded by Councillor Ainslie, and carried:

That the Toronto Public Library Board:

1. declares the properties located at 40 St. Clair Ave. East and 1303 Queen St. West surplus, subject to the continuing need for a library at both locations, for the purpose of negotiating a Turnover Agreement with Build Toronto which will include the requirement for appropriate replacement buildings capable of delivering modern library services as described in Attachments 2 and 3;

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Build Toronto – Potential Redevelopment Sites – continued*Moved by Councillor Davis, seconded by Councillor Lee, and defeated:**That the Toronto Public Library Board:*

2. *declares the properties located at 40 St. Clair Ave. East and 1303 Queen St. West surplus, subject to the continuing need for a library at both locations, for the purpose of negotiating a Turnover Agreement with Build Toronto which will include the requirement for an appropriate replacement building at 40 St. Clair Avenue East capable of delivering modern library services as described in Attachments 2 and 3;*

*Moved by A. Chaleff-Freudenthaler, seconded by Councillor Lee, and carried:**That the Toronto Public Library Board:*

3. *requests an annual Consumer Price Index escalation clause for the rental revenue Toronto Public Library would forego through development;*

*Moved by A. Chaleff-Freudenthaler, seconded by Councillor Lee, and carried:**That the Toronto Public Library Board:*

4. *holds or participates in an information meeting for local stakeholders during the Fall 2009, in consultation with the local Councillor, and that Toronto Public Library request the City of Toronto and Build Toronto to participate in the meeting.*

09-091 Audited 2008 Financial Statements

Matthew Church introduced Gary Kaye, Partner, Assurance and Advisory Business Services and Bessy Hui, Senior Manager, Assurance and Advisory Business Services from Ernst and Young, in attendance at the meeting to respond to questions concerning the Audited 2008 Financial Statements and the Audit Results – Year Ended December 31, 2008.

Larry Hughsam, Director, Finance and Treasurer, advised the Board of the following revisions to the disclosures:

1. Note 4[a], second paragraph to be replaced by the following:
As a result of the restatement, as at December 31, 2007, the sick leave benefits liability increased by \$10,327,469 and the net unamortized actuarial loss increased by \$7,187,751. As a result, the amounts to be recovered from City of Toronto and employee benefits payable increased by \$3,139,718 respectively. In the Statement of Financial Activities, staff costs and employee benefits and vacation pay to be recovered increased by \$3,139,718 respectively.

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Audited 2008 Financial Statements – continued

2. Note 11 to be replaced by the following:
The Board benefits from the fundraising efforts of the Foundation. During the year, the Board received contributions of \$1,840,748 [2007 - \$1,838,683] from the Foundation. Included in other accounts payable and accrued liabilities is \$157,822 owing to the Foundation [2007 - \$4,316]. The Foundation has net assets of \$14,431,456 [2007 - \$5,664,459] which includes an endowment balance of \$3,123,948 [2007 - \$3,708,232].

*Moved by Councillor Perruzza, seconded by Councillor Ainslie, and carried:
That the Toronto Public Library Board:*

1. *approves the Audited 2008 Financial Statements of the Toronto Public Library Board, as amended.*

Items for Information:**09-092 Audit Results – Year Ended December 31, 2008**

Moved by A. Decter, seconded by E. Ahmed, and carried:

That the Toronto Public Library Board:

1. *receives the Audit Results – Year Ended December 31, 2008 report for information.*

Councillor Ainslie congratulated Finance staff on their efforts.

09-093 Results of Follow-up on Previous Audit Recommendations

Moved by Councillor Perruzza, seconded by T. Edan, and carried:

That the Toronto Public Library Board:

1. *receives the Results of Follow-up on Previous Audit Recommendations report for information.*

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Items for Approval:**09-094 Naming Committee – Renaming the Jean Orpwood Adult Literacy Centre***Moved by Councillor Perruzza, seconded by E. Ahmed, and carried:**That the Toronto Public Library Board:*

1. *approves that the adult literacy offices at the North York Central Library be renamed the Margaret Canning and Jean Orpwood Adult Literacy Centre;*
2. *pending the Library Board's approval of the renaming, that articles are written for @tpl and Shelf Life to commemorate the renaming of the North York Central Library Adult Literacy space; and that*
3. *the unveiling of the new signage commemorating the space be arranged.*

09-095 Brentwood Branch – Closure for Renovation*Moved by Councillor Perruzza, seconded by T. Edan, and carried:**That the Toronto Public Library Board:*

1. *approves the closure of the Brentwood Branch for approximately 18 months; and*
2. *approves the plans for alternate service for the duration of the closure.*

09-096 Malvern Branch Expansion – Youth Hub Initiative*Moved by Councillor Perruzza, seconded by E. Ahmed, and carried:**That the Toronto Public Library Board:*

1. *approves the Area Manager for Malvern, Cedarbrae and Albert Campbell districts, signing the Agency Agreement on behalf of the Youth Initiative Group, if required.*

09-097 Employee and Labour Relations Committee – Non-Union Compensation, 2009 and 2010*A revised Employee and Labour Relations Committee – Non-Union Compensation, 2009 and 2010 report was tabled for Board members.**Moved by Councillor Davis, seconded by Councillor Ainslie, and carried:**That the Toronto Public Library Board:*

1. *adopts the following cost-of-living and performance based increases in 2009 and 2010, for all non-union employees:*

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Employee and Labour Relations Committee – Non-Union Compensation, 2009 and 2010 – continued

- (a) *In 2009:*
 - i. *Performance based increases for progression through the salary range will remain in place and non-union employees may receive a zero to three percent increase based on the objectives that were established for their performance and work they performed in 2008;*
 - ii. *For those employees who have reached the top of the salary range, their performance based one-time re-earnable payments will be suspended; and*
 - iii. *The annual general salary increase (cost-of-living) will be zero.*
- (b) *In 2010:*
 - i. *Performance based increases for progression through the salary range will remain in place and non-union employees may receive a zero to three percent increase based on the objectives that were established for their performance and the work they performed in 2009;*
 - ii. *For those employees who have reached the top of the salary range, their performance based one-time re-earnable payments will be suspended; and*
 - iii. *The annual general salary increase (cost-of-living) will be one percent.*
- 2. *recommends that for non-union employees:*
 - (a) *who are at the maximum salary (Job Rate) for their position;*
 - (b) *who have already acquired their OMERS “90 Factor” or unreduced pension or will acquire their OMERS “90 Factor” or unreduced pension between January 1, 2009 and December 31, 2011;*
 - (c) *will be eligible to retire at any time between January 1, 2009 and December 31, 2011;*
shall receive cost-of-living increases in a manner consistent with the recommendations adopted by City Council on April 29 and 30, 2009 as found in Attachment 2; and
- 3. *recommends that the confidential information provided in this report not be made public as it may have an impact on labour relations.*

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09-098 Internet Service Provider – Award of Contract*Moved by T. Edan, seconded by Councillor Perruzza, and carried:**That the Toronto Public Library Board:*

1. awards the contract to Bell Canada for a one-year period: August 1, 2009 to July 31, 2010 at a cost of \$152,700 [excluding Goods and Services Tax (GST)]; and
2. authorizes two additional one-year renewals under the same terms and conditions, subject to satisfactory performance and at the sole discretion of the Library at a cost of \$152,700 (excluding GST) for each year; and
3. authorizes Library staff to purchase additional Internet services subject to budget availability; and
4. authorizes and directs the appropriate Library staff to take the necessary action to give effect thereto.

Items for Information:**09-099 2009 Operating Budget - \$500,000 Unallocated Reduction***Moved by E. Ahmed, seconded by Councillor Lee, and carried:**That the Toronto Public Library Board:*

1. receives the 2009 Operating Budget - \$500,000 Unallocated Reduction report for information.

09-100 Operating Budget Monitoring Report – April 30, 2009*Moved by E. Ahmed, seconded by Councillor Lee, and carried:**That the Toronto Public Library Board:*

1. receives the Operating Budget Monitoring Report – April 30, 2009 for information.

09-101 Capital Budget Monitoring Report – March 31, 2009*Moved by Councillor Ainslie, seconded by Councillor Lee, and carried:**That the Toronto Public Library Board:*

1. receives the Capital Budget Monitoring Report – March 31, 2009 report for information.

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09-102 Accounts Written-off in 2008

Moved by Councillor Perruzza, seconded by O. Lawrence, and carried:

That the Toronto Public Library Board:

1. receives the Accounts Written-off in 2008 for information.

09-103 Toronto Public Library and Urban Libraries Council – Report from Okeima Lawrence

Moved by T. Edan, seconded by A. Chaleff-Freudenthaler, and carried:

That the Toronto Public Library Board:

1. receives the Toronto Public Library and Urban Libraries Council – Report from Okeima Lawrence report for information.

09-104 Annual Performance Measures 2008 and Strategic Plan Update

Moved by A. Chaleff-Freudenthaler, seconded by O. Lawrence, and carried:

That the Toronto Public Library Board:

1. receives the Annual Performance Measures 2008 and Strategic Plan Update report for information.

09-105 Waste Diversion Program

Moved by Councillor Ainslie, seconded by T. Edan, and carried:

That the Toronto Public Library Board:

1. receives the Waste Diversion Program report for information.

09-106 Achievement of Access, Equity and Human Rights Goals – Report to City of Toronto Audit Committee

Moved by E. Ahmed, seconded by Councillor Ainslie, and carried:

That the Toronto Public Library Board:

1. receives the Achievement of Access, Equity and Human Rights Goals – Report to City of Toronto Audit Committee report for information.

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09-107 Approved Minutes of the Naming Committee Meeting of April 9, 2009

Moved by Councillor Ainslie, seconded by T. Edan, and carried:

That the Toronto Public Library Board:

1. *receives the Approved Minutes of the Naming Committee Meeting of April 9, 2009 for information.*

09-108 Approved Minutes of the Naming Committee Closed Meeting of April 9, 2009

Moved by Councillor Ainslie, seconded by E. Ahmed, and carried:

That the Toronto Public Library Board:

1. *receives the Approved Minutes of the Naming Committee Closed Meeting of April 9, 2009 for information.*

09-109 Closed Meeting

At 7:55 p.m., it was:

Moved by O. Lawrence, seconded by E. Ahmed, and carried:

That the Toronto Public Library Board:

1. *conducts a Closed meeting as the subject matters being considered are the security of the property of the Board and labour relations or employee negotiations.*

At 8:20 p.m. the Board resumed its meeting in public.

Confirmation of Closed Meeting Decisions

09-110 Naming Committee – Toronto Reference Library Capital Campaign

Moved by T. Edan, seconded by A. Chaleff-Freudenthaler, and carried:

That the Toronto Public Library Board:

1. *adopts the confidential recommendations in Attachment 1;*
2. *that subsequent to the Board's approval for naming, the naming be held in confidence until negotiations are complete, appropriate approvals have been finalized, and the public announcement has been made; and*
3. *that the release of the general terms of the naming be provided subsequent to the public announcement as provided in Confidential Attachment 1.*

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09-111 Employee and Labour Relations Committee – Non-Union Compensation, 2009 and 2010

*Moved by Councillor Ainslie, seconded by A. Chaleff-Freudenthaler, and carried:
That the Toronto Public Library Board:*

- 1. adopts the confidential recommendation in Attachment 1;*
- 2. recommends that the confidential information provided in this report not be made public as it may have an impact on labour relations.*

Confirmation of Closed Meeting Decisions

09-112 Collective Bargaining – Update

*Moved by K. Wilson, seconded by A. Chaleff-Freudenthaler, and carried:
That the Toronto Public Library Board:*

- 1. receives the confidential Collective Bargaining – Update verbal report for information; and*
- 2. recommends that the information provided in the Collective Bargaining – Update verbal report not be made public as it may have an impact on labour relations.*

09-113 Adjournment

*Moved by T. Edan, seconded by A. Decter, and carried:
That the Toronto Public Library Board:*

- 1. adjourns the June 15, 2009 Toronto Public Library Board meeting.*

The meeting ended at 8:50 p.m.

Signed: _____