MARKHAM PUBLIC LIBRARY BOARD

REGULAR MEETING

Notice of meeting to be held on Monday, March 25, 2024 7:00 p.m., Virtual Meeting

AGENDA

1.0 Call to order/Approval of agenda

- 1.1 Declaration of conflict of pecuniary interest
- 1.2 Delegation (none)
- 1.3 Chair's Remarks

2.0 Approval of Minutes:

2.1 Library Board Minutes January 29, 2024

2.2 Consent Agenda:

All items listed under the Consent Agenda are considered to be routine and are recommended for approval by the Chair. They may be enacted in one motion or any item may be discussed if a member so requests

- 2.3 Declaration of Due Diligence by the CEO
- 2.4 Communication and Correspondence

3.0 CEO's Highlights, March 2024

3.1 Markham Centre Update (D. Walker)

4.0 Annual Policy Review

(To be undertaken at the January meeting)

5.0 Internal Monitoring Reports:

- (Compliance list of internal monitoring reports and discussion led by members)
- 5.1 Executive Limitation: EL-2d Financial Condition (K. Wightman/ M. Sawh)
- 5.2 Executive Limitation: EL-2g Emergency Executive Succession (E. Choi /A. Cecchetto)
- 5.3 Executive Limitation: EL-2j Communication & Counsel to the Board (G.Vlahopoulos /D. Walker)

6.0 **Ends:**

6.1 Revised Board Ends-2024

7.0 Governance:

- 7.1 OLS Update (M.McGrory)
- 7.2 Resignation of Mr. Steve Hsu
- 7.3 Amendment to By-law 4.6 (Order of Business)

8.0 **Ownership Linkage:**

- 8.1 Input from Board Members
- 8.2 Ownership Linkage Plan

9.0 Board Advocacy

10.0 Education:

10.1 Customer Service at MPL: C3, Staff Engagement and Customer Service Revolution (A. Cecchetto)

11.0 Incidental Information

12.0 New Business

13.0 **Board Evaluation:**

- 13.1 Questionnaire Results: The Board and the CEO
- 13.2 Questionnaire: Feedback to the Chair

14.0 In Camera Agenda;

14.1 To discuss a confidential personnel matter

15.0 Adjournment

NEXT MEETING: Monday, April 22, 2024, 7:00 p.m. Virtual Meeting

SUBJECT:	CONSENT AGENDA
DATE OF MEETING:	March 25, 2024
PREPARED BY:	Susan Price, Board Secretary
FROM:	Catherine Biss, CEO& Secretary-Treasurer
TO:	Markham Public Library Board

RECOMMENDATION:

That the Consent Agenda comprising of Agenda 2.2 to 2.4 and the same are hereby approved as written and the CEO of the Library is hereby authorized and directed to take such action that may be necessary to give effect to the recommendations as therein contained:

2.2 CONSENT AGENDA:

- 2.3 Declaration of Due Diligence by the CEO
- 2.4 Communication and Correspondence

Catherine Biss CEO & Secretary-Treasurer

MARKHAM PUBLIC LIBRARY BOARD

DECLARATION OF DUE DILIGENCE BY THE CEO

I, Catherine Biss, Chief Executive Officer of the Markham Public Library Board (the "Board"), hereby declare that to the best of my knowledge and belief, Markham Public Library is in compliance with the following from January 24,2024 to March 19,2024

- 1) All wages owing have been paid to all employees of the Board;
- All payroll remittances, consisting of income tax, CPP, EI premiums and Employers Health Tax relating to employee remuneration have been appropriately calculated and withheld, and promptly remitted;
- All the Harmonized Sales Taxes owing have been appropriately calculated based on the Board's current operating procedures and promptly remitted on a quarterly basis;
- 4) All federal and provincial regulatory filings have been made;
- The Board has been informed of any complaints of harassment, including sexual harassment, involving a staff person;
- 6) The Board has been informed of any contraventions of the Occupational Health and Safety Act;
- Other than as previously disclosed to the Board, there are no actual, threatened or potential claims against the Board or its Directors.

Catherine Biss, CEO & Secretary-Treasurer

March 19, 2024 Date

SUBJECT:	INTERNAL MONITORING REPORT: Executive Limitation EL-2d, Financial Condition
DATE OF MEETING:	March 25, 2024
PREPARED BY:	Michelle Sawh, Director, Administration
FROM:	Catherine Biss, CEO & Secretary-Treasurer
TO:	Markham Public Library Board

EXECUTIVE SUMMARY:

This report provides the Board with an update on the year-to-date financial condition of the Library.

This is a report on Actual and Budgeted Operating Budget expenditures for the Twelve-month period ending December 31, 2023. This is the last of three financial reports to the Board covering fiscal year 2023 (Jan – Dec).

The Library ended the period in an unfavourable position with a net deficit of **\$(105,684)** based on Library Income that was below budget due to unforeseen circumstances. The main contributor to the unfavourable was the variance in Library Income of \$(302,281), which represents the shortfall between the budgeted and actual figures. The City has advised that this deficit will be covered in the City's overall budget roll-up for 2023. Staff are preparing a report for the April Board meeting detailing strategies that will be undertaken to ensure that the Library is not in a deficit position at the end of 2024 and onwards.

RECOMMENDATION:

That the report entitled "Internal Monitoring Report: Executive Limitation EL-2d, Financial Condition" be received.

POLICY TYPE:	EXECUTIVE LIMITATIONS
POLICY TITLE:	FINANCIAL CONDITION (EL-2d)

[Report on actual expenditures compared with budget]

GLOBAL POLICY LIMITATION:

With respect to the actual, ongoing financial condition and activities of the organization, the CEO shall not cause or allow the development of fiscal jeopardy or a material deviation of actual expenditures from Board priorities established in Ends policies.

CEO RESPONSIBILITY:

Consistent with statutory obligations and prudent financial management, funds will be allocated and expended in a manner that is consistent with Board priorities established in the Board Ends policies.

ASSERTION OF COMPLIANCE

Per the Report below, I assert that I am in compliance with this Global Policy Executive Limitation.

Catherine Biss CEO & Secretary-Treasurer

1. POLICY LIMITATION: The CEO may not expend more funds than have been received in the fiscal year to date unless the debt guidelines (below) are met.

CEO RESPONSIBILITY:

The CEO shall not operate in a deficit situation at any time during the fiscal year that cannot be repaid within 60 days.

EVIDENCE OF COMPLIANCE:

- The CEO is in compliance with respect to Expenditures. As of December 31, 2023, the Library had a net budgetary deficit of \$(105,684) based on an unfavourable variance in Library Income of \$(302,281) and a favourable variance in Expenditures of \$196,597. See Appendix "A" (Statement of Revenue and Expenditures Twelve Months Ended 12/31/2023).
- Library Income The CEO is not in compliance with respect to income. 2023 YTD Actual was \$844,839 against a Budget of \$1,147,120 creating an unfavourable variance of \$(302,281). This unfavourable is partly attributable to the gradual recovery from the Covid-19 crisis, as income in certain areas has not yet returned to pre-pandemic levels. It is also largely attributable to the overdue fines budget target (\$222,648) that is no longer feasible, as libraries all across North America have eliminated overdue fines for their customers. Customers no longer expect to pay overdue fines and have many digital tools that ensure they return their items by its due date. In 2023, the library was \$174,634 short of meeting this target.
- **Expenditures** The 2023 YTD Actual was \$15,376,388 against a Budget of \$15,572,985 creating a favourable variance of \$196,597.
- All figures in this Report are based on the Financial Statement dated December 31, 2023, received from the City of Markham's Financial Services Department on February 6, 2024.
- 2. POLICY LIMITATION: The CEO may not indebt the organization in an amount greater than can be repaid by certain, otherwise unencumbered revenues within 60 days, or hold the controllable expenditures to avoid overspending funds.

CEO RESPONSIBILITY:

The CEO shall not enter any commitment that cannot be fully paid from unencumbered revenues or monitor the expenditures to ensure commitments are covered, without jeopardizing the Library's financial stability.

EVIDENCE OF COMPLIANCE:

- There are no commitments beyond those identified in the current Operating Budget.
- **3. POLICY LIMITATION:** The CEO may not allow payroll and debts to be handled in an untimely manner.

CEO RESPONSIBILITY:

The CEO shall ensure the timeliness of all payroll and accounts payable activities.

EVIDENCE OF COMPLIANCE:

- The Library's payroll and accounts payable activities are undertaken by the City's Financial Services Department. The Library authorizes and submits payroll and payables information, and Finance then carries out the actual transactions.
- When the Library receives invoices, they are processed and submitted to the Accounts Payable Department in a timely fashion. The actual timing of payments to vendors and suppliers is determined by Accounts Payable through its internal processes.
- **4. POLICY LIMITATION:** The CEO may not withhold, nor otherwise delay, from the Board the results and recommendations of the auditors and the Administrative response thereto.

CEO RESPONSIBILITY:

The Library's financial statements will be evaluated by an independent auditor on an annual basis, who will then express an opinion based on the audit, and present it to the Board.

EVIDENCE OF COMPLIANCE:

- The "Financial Statements of the Markham Public Library Board, December 31, 2022" were presented to the Board in its meeting of May 28, 2023. The *Independent Auditor's Report* indicated that "in our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the [Markham Public Library Board] as at December 31, 2022, and its results of operations, its changes in net financial assets and its cash flows for the year then ended in accordance with Canadian public sector accounting standards."
- The minutes of the May 28, 2023 Library Board meeting records the following resolution:

Staff introduced and welcomed Ms. Maria Khoushnood, Partner, Audit, KPMG, who conducted the Markham Public Library Board annual audit.

Ms. Khoushnood stated that she would give a high level review and all that all remained to substantially complete the audit was approval from the Board. It was a clean audit, everything was in line, and there were no issues noted, no audit misstatements and no control deficiencies. Ms. Koushnood asked if there were any questions, and there were none. She also expressed appreciation for the efficiencies of MPL Management staff.

Staff thanked the auditors for attending.

Moved by Mrs. Pearl Mantell

Seconded by Mrs. Lillian Tolensky

Resolved that the report entitled "Financial Statements of the Markham Public Library Board, December 31, 2022" be received; and,

That the Board approves the Financial Statements of City of Markham Public Library Board December 31, 2022; and,

That the Board Chair be authorized to sign the approved 2022 Financial Statements on behalf of the Board; and,

That the Board authorize Staff to issue the final audited Financial Statements for the fiscal year ended December 31, 2022;

AND that Staff be authorized and directed to do all things necessary to give effect to this resolution.

Carried.

5. POLICY LIMITATION: The CEO may not acquire, lease, rent, encumber or dispose of real property.

CEO RESPONSIBILITY:

For the purpose of acquiring, leasing, renting or encumbering, this means new property not currently under Board ownership, lease, or rental. Real property is interpreted to mean real estate, space and facilities. Disposal would mean the sale of real property.

EVIDENCE OF COMPLIANCE:

- The Library Board does not own real property, nor does it currently lease or rent any spaces. It is responsible for all services, programs and related activities provided to the public within library buildings located on municipal properties. The real property is owned by the City of Markham.
- The Library pays to the City "Occupancy Costs" for branches located within community centres, which constitutes a funding transfer to the Recreation Services Department. This transfer effectively pays for support provided to the Library by Recreation for building-related services including cleaning, utility usage, telecommunications (e.g. telephone, cable TV, etc.), and basic building maintenance and repairs.
- MPL has eight branch locations, including three stand-alone buildings (Markham Village / Thornhill Village / Unionville) and five community centre branches (Aaniin / Angus Glen / Cornell / Milliken Mills / Thornhill Community).
- **6. POLICY LIMITATION:** The CEO may not fail to aggressively pursue receivables, fines and fees, after a reasonable grace period.

CEO RESPONSIBILITY:

The CEO shall ensure receivables, fines, and fees are recovered through the most current methods.

EVIDENCE OF COMPLIANCE:

- The Library recovers receivables, fines and fees on an ongoing basis. Fines and fees are incurred after customers have borrowed physical collection items and then kept them beyond the authorized loan period, or have lost and failed to return borrowed items.
- These receivables are usually paid by the customers voluntarily in order to keep their records in good standing. MPL, as do all libraries, provide customers with several options to assist them in keeping track of due dates, including pre-due notices, thereby enabling them to avoid the assessment of overdue fines. This has led to a drastic reduction in overdue fine revenue year over year.
- MPL has an agreement with Unique Management Services (UMS), a specialized collection agency that pursues suspended customer accounts with amounts owing of greater than \$40.00 in fines, fees and lost material values, and where the customer has failed to respond to multiple MPL contact attempts over a minimum of 45 days.
- UMS is an international company providing service to thousands of library system clients utilizing a "gentle nudge" approach which helps to maintain customer goodwill.
- The table below is a summary of 2023 (Jan Dec) information related to MPL's UMS transactions.

	Description	Amount
Α	# of customer accounts submitted to collection agency	576
В	Fines/fees received from customers following UMS contacts	\$13,059
С	Returned items following UMS contact (value)	\$61,867
D	Subtotal – Fines/fees plus returned items (B + C)	\$74,926
Е	Fees paid to UMS by MPL	\$7,057
F	Net benefit to MPL (D – E)	\$67,869
G	Net benefit ratio (Benefit per \$1 investment in service) (F/E)	\$9.62

- While the relationship with UMS has been successful financially, the primary benefit is a higher return rate for overdue materials, making them available to other customers and ensuring that the Library can better achieve its service mandate within the community.
- The arrangement ensures that resources purchased through taxpayer-based funding remain public assets and that community access to them is maintained.
- **7. POLICY LIMITATION:** The CEO may not allow tax payments or other government-ordered payments or filings to be overdue or inaccurately filed.

CEO RESPONSIBILITY:

The CEO shall ensure that the Library submits all tax payments, filings, and other government-required payments in an accurate manner and in compliance with mandated timelines.

EVIDENCE OF COMPLIANCE:

• The Library met the deadline of June 30, 2023, in filing its annual Charity return for 2022 with the Canada Revenue Agency (CRA).

- The Library also met the deadline of January 31, 2024, in filing its Q4/2023 (Oct-Dec) Public Service Bodies Rebate Claim with the CRA. This submission is required for rebate of the federal portion of the HST.
- All other government filings and requests were satisfied within the required timelines throughout 2023.

ATTACHMENTS:

- Appendix "A" Statement of Revenue and Expenditures Twelve Months Ending 12/31/2023.
- Appendix "B" Variance Report
- Appendix "C" Statement of Revenue and Expenditures Comparative Data for 2022 and 2023

TO:	Markham Public Library Board
FROM:	Catherine Biss, CEO & Secretary-Treasurer
PREPARED BY:	Deborah Walker, Director, Strategy & Planning
DATE OF MEETING:	March 25, 2024
SUBJECT:	INTERNAL MONITORING REPORT: Executive Limitation EL-2j, Communication & Counsel to the Board (October 2023 to January 2024)

EXECUTIVE SUMMARY:

This report provides the Board with a triannual affirmation that the Board is informed and supported in its work.

This is a report on communication and counsel to the Board for the period from October 2023 to January 2024. All communication and counsel requirements are in full compliance with Board policy.

RECOMMENDATION:

That the report entitled "Internal Monitoring Report: Executive Limitation EL-2j, Communication & Counsel to the Board (October 2023 to January 2024)" be received.

POLICY TYPE: EXECUTIVE LIMITATIONS

 POLICY TITLE:
 COMMUNICATION AND COUNSEL TO THE BOARD (EL-2j)

 [Report on the CEO's communications to the Board, ensuring that it is properly informed and equipped to make appropriate decisions.]

GLOBAL POLICY LIMITATION:

The CEO shall not permit the Board to be uninformed or unsupported in its work.

CEO RESPONSIBILITY:

The CEO will ensure the Board is informed and supported in its work.

ASSERTION OF COMPLIANCE

As per the Report below, I assert that I am in compliance with this Global Policy Executive Limitation.

2:

Catherine Biss CEO & Secretary-Treasurer

1. **POLICY LIMITATION:** The CEO shall not neglect to submit monitoring data required by the Board (see policy on Monitoring Executive Performance) in a timely, accurate and understandable fashion, directly addressing provisions of the Board policies being monitored and including the CEO's interpretations consistent with the "Delegation to the CEO" policy, as well as relevant data.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

- On a regular schedule, the Library provides appropriate internal monitoring reports, in which the CEO discloses compliance information to the Board.
- All such reports include a statement of interpretation indicating the CEO's "reasonable interpretations" of the Board Ends and Executive Limitations Polices within the meaning of the "Delegation to the CEO" policy.
- Relevant data is included in monitoring reports to demonstrate accomplishment of the interpretation (regarding Ends) or compliance with the interpretation (regarding Executive Limitations).
- Monitoring data is also provided to the Board through the regular cycle of Strategic Plan Updates, Ends Reports, Executive Limitation Reports, and Board Statistical Reports.
- Annually, the auditor presents the previous year's financial report.
- 2. POLICY LIMITATION: The CEO shall not let the Board be unaware of significant changes in provincial or municipal policies, anticipated adverse media coverage, material external and internal changes (including purchases of over \$350,000), particularly changes in the assumptions upon which any Board policy has previously been established.

CEO RESPONSIBILITY:

- The monthly CEO reports identify significant changes in provincial or municipal policies, anticipated adverse media coverage, and material external and internal changes.
- Material external and internal changes reported include:
 - Provincial Growth Policy The Greenbelt and the Impact of Bill 23.
 - Markham Public Library Material and Processing Services.
 - Langstaff West Community Spaces Condor Properties Ltd.
 - 2024 Municipal Budget Process Context: Strong Mayor Powers.
 - Updating the City's Strategic Plan Building Markham's Future Together (BMFT).
 - Ontario's Economic Outlook.
 - Cybersecurity at Markham Public Library.
 - Provincial Advocacy by Delegates from the Federation of Public Libraries (FOPL) and the Ontario Library Association (OLA).
- Regarding purchases of over \$350,000, the following contract award took place during the reporting period.
 - The contract award to two vendors for the purchase of Library Material and Processing Services in the amount of \$1,877,941 (incl. HST).
- When an event relevant to the Board's mandate arises outside the normal cycle of Board reports, staff use email communication to ensure Board awareness.
 - No such events took place during the reporting period.
- Adverse media coverage during the reporting period is reported in the regular CEO reports. When a potentially urgent incident of adverse media coverage arises between Board meetings, staff use email to ensure the Board Chair and Vice-Chair are promptly informed.
 - October 2023: There was adverse media coverage during the reporting period of which the Board was informed. This was discussed at the Board meeting.
- **3. POLICY LIMITATION:** The CEO shall not allow the Board to be unaware that, in the CEO's opinion, the Board is not in compliance with its own policies on Governance Process and Board-CEO Linkage, particularly in the case of Board behaviour that is detrimental to the work relationship between the Board and the CEO.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

- There has been no non-compliance to report on.
- **4. POLICY LIMITATION:** The CEO shall not present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision-preparation, or other.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

- Staff prepare appropriate reports and presentations for Board information or recommending Board approval. The reports and presentations include points of view, issues, and options, as appropriate. Examples include:
 - o October 23, 2023:
 - 3.1 Markham Centre Update, October 2023.
 - 10.1 Board Education Plan 2024.
 - November 27, 2023:
 - 3.1 Markham Centre Update, November 2023 Fundraising Best Practices.
 - 9.1 Winter 2024 Library Programs.
 - o January 29, 2024:
 - 6.1 Annual Ends Report.
 - 6.2 Ends Progress Update.
- Staff invite delegations of City staff to attend Board meetings to provide information on municipal aspects of Board issues, as appropriate.
 - October 23, 2023: Mr. Morgan Jones, Commissioner, Community Services. The Mayor of the City Markham, Ex officio Board Member, was also in attendance.
 - \circ $\:$ January 29, 2024: Mr. Morgan Jones, Commissioner, Community Services.
- Staff invite delegations of consultants and other external representatives to attend Board meetings to provide information on projects and initiatives of interest to the Board, as appropriate.
 - No such delegations took place during the reporting period.
- **5. POLICY LIMITATION:** The CEO shall not allow the Board to be without a workable mechanism for official Board, officer or committee communications.

CEO RESPONSIBILITY and EVIDENCE of COMPLIANCE:

- In the absence of any feedback, the CEO is in compliance.
- 6. POLICY LIMITATION: The CEO shall not allow the Board to be without secretarial support, including draft minutes within two weeks of each Board meeting and any action list arising from meetings.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

- The Board Secretary provides action lists arising from Board meetings within 2 weeks of the meeting.
- The Board Secretary provides a draft of the minutes to the Board within two weeks of the meeting.
- The Board Secretary responds to telephone calls and emails within 48 hours of receipt of them.
- 7. POLICY LIMITATION: The CEO shall not favour or privilege certain Board members except when:
 - a) Fulfilling individual requests for information or;
 - b) Responding to officers or committees duly charged by the Board.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

- The CEO is in compliance.
- 8. POLICY LIMITATION: The CEO shall not allow the Board to be unaware of an actual or anticipated noncompliance with Ends or Executive Limitations policies of the Board regardless of the Board's monitoring schedule.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

- There has been no actual or anticipated non-compliance with any policy of the Board to report on.
- **9. POLICY LIMITATION:** The CEO shall not fail to submit to the Board a required approval (consent) agenda containing all items delegated to the CEO, and required by law or contract to be Board-approved, along with the monitoring assurance pertaining thereto.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

- During the reporting period, there was nothing in the consent agendas that was required by law to be Board-approved.
- **10. POLICY LIMITATION:** The CEO shall not allow the Board to be unaware of complaints identified by customers which in the judgment of the CEO are of pressing concern.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

- The Board was informed of complaints and adverse media coverage related to a Library display in October. The Board was informed of the MPL response to this issue in November.
- **11. POLICY LIMITATION:** The CEO shall not allow personal information about Board members to be unprotected or compromised (except for Board member's names, photographs, and any authorized tag lines on the Library website and other promotional vehicles).

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

- The Board Secretary maintains all contact information for Board members in confidential files accessible only to senior administration staff and their support staff.
- The Board's personal contact information is provided through electronic and paper versions to the Board members, senior Administration staff and their support staff only upon specific occasions:
 - a) Emergency,
 - b) Inviting Board members to special MPL events such as opening a library, staff celebrations, etc., and
 - c) To fulfill Revenue Canada's request for information on the "Directors, Trustees, and Like Officials worksheet."
- The Library's Human Resources policy regarding *Confidentiality of Personal Information* further provides that contact information for employees and Library Board members may not be released without the permission of the employee/Board member or the CEO. Requests for this information must be referred to the CEO, or designate.
- **12. POLICY LIMITATION:** The CEO shall not fail to advise the Board in a timely manner of trends, facts and information relevant to the Board's work.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

- The monthly CEO reports include:
 - Relevant external trends, such as:
 - OVERDUE: The Case for Canada's Public Libraries future scenarios for public libraries.
 - Valuing Ontario Libraries Toolkit (VOLT) and economic impact.

- Generational Change and the Future Impacts on Technology and the Workplace.
- Gen Z and Millennials: How They Use Public Libraries and Identify Through Media Use.
- Facility Planning updates regarding future facility opportunities.
- Statistical reports on a quarterly basis as part of the monthly CEO's Highlights Report (3.0). The statistical reports include YTD-over-previous YTD data regarding new member registrations, customer satisfaction, library space (inperson visits, electronic visits, room bookings), circulation, self-service, connectivity (computer usage, website and catalogue sessions, social media followers), and programs and outreach.
- Enterprise Risk Management (bi-annual report).
- Background facts relevant to the Board's work or as follow up to Board discussions.
- Regular Ends Reports regarding activities of the Library which reflect the Library's accomplishments towards the Board Ends.
- Information on Library program offerings is provided on a quarterly basis.