

MARKHAM PUBLIC LIBRARY BOARD

REGULAR MEETING

Notice of meeting to be held on Monday, April 22, 2024, 7:00 p.m. Virtual Meeting

AGENDA

- 1.0 **Call to Order/Adoption of Agenda**
 - 1.1 Adoption of Minutes: (March 25, 2024)
 - 1.2 Declaration of Conflict of Interest
 - 1.3 Delegations
 - 1.4 Chair's Remarks

- 2.0 **Ownership Linkage**
 - 2.1 Proposed Ownership Linkage Plan

- 3.0 **Board Education**

None this month

- 4.0 **Information Requested by the Board**
 - 4.1 Markham Centre Update April 2024

- 5.0 **Items for Decision**
 - 5.1 Revised By-laws (March 2024)
 - 5.2 Ends Interpretations for Board Approval
 - 5.3 Revised Monitoring Report Schedule 2024

- 6.0 **Monitoring Performance**
 - 6.1 **Ends**
 - 6.2 **Executive Limitations:**
 - Asset Protection: EL-2e (R.Chan/M.Sawh)

AGENDA 1.0

7.0 **Consent Agenda**

All items under the Consent Agenda are considered to be routine and are recommended for approval by the Chair.

7.1 **Declaration of Due Diligence by the CEO**

7.2 **Communication and Correspondence :**

7.2.1 Interview with the new Chair of CFLA-FCAB, Andrea Cecchetto

[Interview with the new Chair of CFLA-FCAB – IFLA](#)

8.0 **Board Performance and Self-Evaluation**

8.1 Questionnaire Results: Feedback to the Chair

9.0 **New Business**

10.0 **In-Camera**

10.1 To discuss confidential matters

11.0 **Adjournment**

**NEXT MEETING: Monday, May 27, 2024 7:00 p.m.
 Markham Village Library Program Room
 6031 Highway 7, East
 Markham, ON L3P 3A7**

TO: Markham Public Library Board
FROM: Catherine Biss, CEO & Secretary-Treasurer
PREPARED BY: Michelle Sawh, Director, Administration
DATE OF MEETING: April 22, 2024
SUBJECT: **INTERNAL MONITORING REPORT: Executive Limitation EL-2e, Asset Protection**

EXECUTIVE SUMMARY:

This report provides the Board with an annual affirmation of protection of various Library assets including facilities and equipment; intellectual property; information and files; disposal of substantial assets; the auditing process; liability risk; theft/vandalism of assets; and ensuring the uniqueness of the Library.

RECOMMENDATION:

That the report entitled “Internal Monitoring Report: Executive Limitation EL-2e, Asset Protection” be received.

POLICY TYPE: EXECUTIVE LIMITATIONS

POLICY TITLE: ASSET PROTECTION (EL-2e)

GLOBAL POLICY LIMITATION:


The CEO shall not allow assets to be unprotected, inadequately maintained, unnecessarily risked, or substantially disposed.

CEO RESPONSIBILITY:

The CEO will ensure that assets are maintained and safeguarded, and that appropriate risk management strategies are in place.

ASSERTION OF COMPLIANCE

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



Catherine Biss, CEO & Secretary-Treasurer

1. Facilities and Equipment:

The CEO shall not subject facilities and equipment to improper use.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

1.1 Customer Promise:

The Library's facilities and equipment are funded through public support and provided for the benefit and use of the public. The CEO ensures that these assets are used appropriately and protected as publicly-owned property.

The Library's "Customer Promise" states that MPL will deliver quality services to all customers on an equitable basis, and that it will provide welcoming public spaces. In return, the Library has the following expectations of its customers:

We are confident that you will work with us to ensure that all library customers share an outstanding experience. As a customer of Markham Public Library you will:

- Respect the rights of all library customers to share a common space
- Ensure the care and safety of your children
- Be courteous and respectful to others
- Follow library practices and procedures
- Treat library materials and resources with care

Public observance of these guidelines ensures that the Library's facilities and equipment are enjoyed by the community and that improper use is avoided. They are followed by the vast majority of customers, and only on rare occasions is direct staff intervention required to enforce them.

1.2 Assistance from City Departments:

In order to maintain and repair facilities and equipment, the Library has agreements with several City departments (Sustainability & Asset Management and Information Technology Services) as well as contracts and agreements with suppliers and third party companies. The Recreation Services Department is also a close partner because most MPL branches are located within large joint-use recreation centres where residents can access and participate in a number of activities, including public library use.

1.2.1 Stand-alone Libraries:

The Asset Management Department provides project management services to MPL with respect to Life Cycle repairs in all three "stand-alone branches", i.e. those branches not physically connected to community centres – Markham Village, Thornhill Village and Unionville. The Life Cycle process ensures that buildings and properties are maintained in good condition and that replacement of assets is scheduled and undertaken on a regular basis, ensuring long-term building integrity.

1.2.2 Community Centre Libraries:

MPL has five community centre-based branches: Aaniin, Angus Glen, Cornell, Milliken Mills and Thornhill Community. These buildings are supported by Recreation, and Life Cycle budgets for these branches reside within that department rather than Sustainability & Asset Management.

Within these facilities, Recreation also provides ongoing maintenance services and manages facility building projects that include or impact on the library portion of the complex. Ongoing maintenance includes daily cleaning, basic repairs, utilities, telecommunications, service contracts, room set-ups, etc.

1.2.3 Special Projects (MPL-wide):

In 2023/2024, various upgrade/replacement projects have included the following:

- Various library locations:
 - Semi-annual window cleaning both interior & exterior
 - System-wide high-level cleaning addressing areas excluded from the regular cleaning contract and steam-clean of all carpeted areas.

- Markham Village Library / Administration Centre:
 - Addressed deficiencies of the Sprinkler Room.
 - Leakage repair in staff workroom, with a thorough water testing to identify breaches on exterior wall.
 - Replacement of malfunctioning chiller control board.
 - Concrete/asphalt pavement of the parking lot, including concrete repairs.
 - Installation of one-way ground arrow sign in the parking lot.
 - Fixing drainage and sewage issues at Library Central Admin.
 - Replacement of optical limit switches to address malfunctioning west elevator.
 - Installing Bird Strike Control window film on all exterior windows

- Angus Glen Library:
 - Re-enforced wobbly shelving.

- Cornell Library:
 - Wall retrofitting for Sorter upgrade.
 - Retrofitted Children's Area to create additional space for customers and improved sightlines for staff, which in turn ensures greater safety for children.
 - Replacement of the malfunctioning Children's Info Desk.

- Unionville Library:
 - Repairs to the accessibility washroom: rectifying toilet installation deficiencies, and fixing the malfunctioning auto flush.
 - Efflorescence removal from exterior brickwork.
 - Sound baffle panel re-upholstery in the Computer Lab.

- Thornhill Community Library
 - Security camera relocation to the vestibule outside the Library for improved sightlines.
 - Interior wall re-painting.

- Thornhill Village Library
 - Painting/repairs to the building exterior.

- Repairs to fences and interlocking/patio stones.
- Upgrading fire monitoring alarm hardware to GSM system.
- Installing automated door opener at the front entrance to improve the branch's accessibility. The project received permission from City's Heritage Planning and Heritage Districts Development.

2. Intellectual Property, Information & Files:

The CEO shall not allow intellectual property, information or files to be exposed to loss, improper access or significant damage, or operate without maintaining records in accordance with a records retention schedule.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

2.1 Intellectual Property:

Intellectual property that represents value to the Library includes program curricula. MPL has a number of programs and camps that constitute Library-owned content, including learning activities for 8-week programs or 5 days of camp programs. Content was developed for the Library by subject experts in emergent literacy for preschool programs or Ontario curriculum for school-age programs.

Camp staff and program instructors receive hard copies of the curricula for the program(s) they are teaching. Each page includes a Markham Public Library watermark. All instructors sign a confidentiality agreement stating that the content is the property of MPL and must be returned upon completion of the program. Further to this, Instructor contracts reinforce these requirements.

2.2 Information and Files:

The CEO is responsible for ensuring the protection and proper use of the personal information that is in the Library's custodial care. All new employees sign a "Confidentiality Agreement" requiring them to ensure that all information/property remains confidential, protected and the property of the Library and are required to abide by the terms of this document.

This covers situations where employees, while carrying out their responsibilities, have access to network passwords, human resources records, financial information, business information, technical information, information about customers, other employees, business knowledge, and any other Library-related information, document, material or communication that is of a proprietary or confidential nature.

3. Long-term Preservation of Primary & Secondary Sources:

The CEO shall not allow damage to the long-term preservation of primary or secondary sources of the Library's collections.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

The Library does not have the physical facilities to properly store primary historical documents and therefore does not focus on long-term preservation of primary sources in paper form. Primary sources that originally had been donated to the Library over the years were later transferred to the Markham Museum, which has the equipment and expertise to preserve these unique and fragile paper documents.

4. Disposal of Substantial Assets:

The CEO shall not dispose of substantial assets.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

The CEO is in compliance with this requirement. Disposal of assets is carried out according to the Library's "Procurement Policy", section 5, "Disposal of Personal Property." This section provides a protocol for disposal of assets that are worn out or considered surplus by the user department.

Replacement of tangible capital assets is required over time due to the heavy ongoing public use of MPL facilities. This is carried out in a carefully planned manner and in compliance with the Policy, which mandates that surplus assets such as furniture, fixtures and equipment must first be offered to other departments within the City. The removal of surplus older items from Library facilities frees up space for new equipment, ensuring that good customer service standards.

5. Naming/Renaming of Board Assets:

The CEO shall not name or rename any Board asset.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

In compliance with this policy, no Board assets (e.g. buildings, portions of buildings, or rooms) have been named or renamed.

6. Conflict of Interest:

The CEO shall not make any purchase wherein normally prudent protection has not been given against conflict of interest.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

When undertaking purchases, the Library follows the guidelines outlined in its *Procurement Policy* and in the City's *General Terms & Conditions - Contractors* and its *Purchasing By-Law #2017-8*. Item #2.2 of the latter states that "the Code of Purchasing Ethics published by the National Institute of Government Purchasing [NIGP] and the Purchasing Management Association of Canada [PMAC] shall apply to all City staff involved in the purchase and disposal of goods and services."

Both NIGP and PMAC are professional entities whose missions are to provide guidance to affiliated organizations and their members on standards of behaviour and ethical conduct.

The NIGP Code of Ethics stipulates a number of ethical principles that every person employed by a public sector procurement or materials management organization is expected to follow. Accordingly, they:

- Shall be governed by the highest ideals of honour and integrity in all public and personal relationships in order to merit the respect and inspire the confidence of the organization and the public being served.
- Believe that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and not tolerable.
- Identify and eliminate participation of any individual in operational situations where a conflict of interest may be involved.

- Believe that members of the Institute and its staff should at no time, or under any circumstances, accept directly or indirectly, gifts, gratuities, or other things of value from suppliers, which might influence or appear to influence purchasing decisions.

Staff are very much aware of the importance of avoiding conflicts of interest or the appearance thereof in their daily conduct. The *Procurement Policy* requires competitive bidding processes for the procurement of goods or services valued at specific thresholds, which safeguards against the possibility that decisions could be motivated by personal favouritism.

All purchases made using corporate credit cards are reviewed and authorized by the employee's manager. City Accounts Payable staff frequently query individual purchases and request back-up information. In addition, the independent auditor (see section #8 below) reviews financial records as part of the annual audit procedures and conducts substantive testing. All of these processes help to ensure the avoidance of conflicts of interest as addressed in the code of ethics summarized above.

7. Unbonded Personnel:

The CEO shall not allow unbonded personnel access to material amounts of funds.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

No unbonded personnel have been allowed access to material amounts of funds. Cash and receivables are picked up regularly at MPL branches utilizing bonded personnel.

8. Board-appointed Auditor:

The CEO shall not receive, process, or disburse funds under controls which are insufficient to meet the Board-appointed auditor's standards.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

Each year the City-appointed auditor reviews Library transactions and processes to ensure that they meet recognized accounting standards. Accordingly, the "Financial Statements of the City of Markham Public Library Board, December 31, 2022" were presented to the Board at its meeting May 29, 2023. The minutes of that meeting record the following discussion and 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 at this meeting and all that remained to substantially complete the audit was approval from the Board. It was a clean audit, everything inline, there were no issues noted, no audit misstatements and no control deficiencies. Ms. Khoushnood asked if there were any questions, there were none. She also expressed appreciation for the efficiencies of MPL Management staff.

The Chair thanked the auditor for attending and welcomed her to stay for the remainder of the evening if she wished.

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.

9. Insurance:

The CEO shall not allow the organization, Board members, staff, and volunteers to be uninsured against liability losses, theft, fire and casualty losses to an amount consistent with City of Markham coverage, and against liability losses.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

The Library is insured under the City’s insurer. This policy also covers Library Board members who are exercising their duties as members of the Board.

10. Exposure to Claims of Liability:

The CEO shall not unnecessarily expose the organization, its Board, or staff to claims of liability.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

Through the City, the Board is insured against liability losses when Board members carry out their Board functions. Library staff have the same level of protection as City staff from claims of liability.

11. Theft / Vandalism of Assets:

The CEO shall not allow the Board to be unaware of theft or vandalism of assets worth \$1,000 or more.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

During this reporting period (April 2023 – March 2024), there were no thefts or acts of vandalism that fell within this threshold.

12. Uniqueness of the Library:

The CEO shall not risk or endanger the uniqueness of the Library as being distinct from the City.

CEO RESPONSIBILITY and EVIDENCE OF COMPLIANCE:

Markham Public Library operates as a unique entity in terms of its governance and many of its operations. It works in cooperation with the City of Markham, which provides more than 90% of the Library's funding.

12.1 Governance:

The Board's governance structure is mandated by the *Public Libraries Act, R.S.O. 1990, Ch. P.44* (the "Act"). The Act mandates that "a public library shall be under the management and control of a board, which is a corporation known as the [Markham] Public Library Board" (sec. 3).

As per sec. 9(1) "Composition of the public library board", members of the current Library Board were appointed by Markham Council. The Board has been functioning in all respects according to the requirements of the Act, administering the services provided by the public library as per sec. 20 "Powers and duties of the board."

Sec. 24 of the Act outlines the Board's financial responsibilities:

24. (1) A public library board, county library board or county library co-operative board shall submit to the appointing council, annually on or before the date and in the form specified by the council, estimates of all sums required during the year for the purposes of the board. R.S.O. 1990, c. P.44, s. 24 (1).

Approval of estimates

(2) The amount of the board's estimates that is approved or amended and approved by the council shall be adopted by the board and shall be paid to the board out of the money appropriated for it. R.S.O. 1990, c. P.44, s. 24 (2).

Idem

(3) The board shall apply the money paid to it under subsection (2) in accordance with the estimates as approved, subject to subsection (4). R.S.O. 1990, c. P.44, s. 24 (3).

The Library participates in the City's annual budget process and submits its budget to Council for approval. Following budget approval by Council, the Library Board adopts and approves the Library's annual Capital and Operating Budgets. The funding provided by the City is then applied as outlined in the Board budget reports and financial reporting is provided to the Board three times throughout the year in the form of a monitoring report entitled "Executive Limitation EL-2d Financial Condition." While the Library is included in the City's budget process, the Board also has a separate budget approval process that follows approval by Council.

12.2 Operational Uniqueness:

While the Library is essentially integrated with the City of Markham in a number of important functional areas, it maintains its own operations in several critical areas. For example, sec. 15(1) of the *Public Libraries Act* states that "A board may appoint and remove such employees as it considers necessary, determine the terms of their employment, fix their remuneration and prescribe their duties."

Accordingly, the CEO reports to the Board, and she in turn has hiring and firing authority with respect to all other employees. The Library maintains its own employee recruitment program, posts its own staff positions, and has separate CUPE union locals with Collective Agreements that are unique to MPL. Further, the Library has a unique Joint Health and Safety Committee, functioning under the *Workplace Health and Safety Act*.

AGENDA 6.2

The Library also has its own Board-approved "Procurement Policy" per the requirements of the *Municipal Act*.

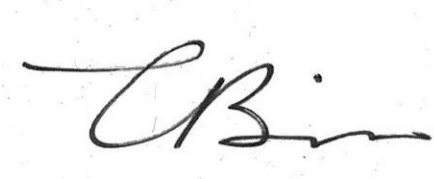
AGENDA 7.0

TO: Markham Public Library Board
FROM: Catherine Biss, CEO& Secretary-Treasurer
PREPARED BY: Susan Price, Board Secretary
DATE OF MEETING: April 22, 2024
SUBJECT: **CONSENT AGENDA**

RECOMMENDATION:

That the Consent Agenda comprising of Agenda 7.1 to 7.2 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:

- 7.0 CONSENT AGENDA:**
 - 7.1 Declaration of Due Diligence by the CEO**
 - 7.2 Communication and Correspondence**
 - 7.2.1 Interview with the new Chair of CFLA-FCAB, Andrea Cecchetto
[Interview with the new Chair of CFLA-FCAB – IFLA](#)



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 March 20,2024 to April 16,2024

- 1) All wages owing have been paid to all employees of the Board;
- 2) 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;
- 3) 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;
- 5) 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;
- 7) 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

April 16, 2024
Date