

**Mission Statement**

Freedom to Discover

**Strategic Priorities**

A Community Beacon      Relevant and Responsive  
A Creative and Changing Organization

**HAMILTON PUBLIC LIBRARY BOARD****Ad Hoc Policy Review Committee Meeting Agenda**

Wednesday, September 7, 2016

Central Library, Admin Committee Room

5:00 p.m. Meeting

**MEMBERS:** Vikki Cecchetto (Chair), George Geczy, Mary Ann Leach, Douglas Brown, John Kirkpatrick

**STAFF:** Paul Takala, Lisa DuPelle, Karen Hartog

1. **Call to Order**
2. **Confirm Agenda**
3. **Minutes from June 22, 2016 meeting** **Attachment #3**
4. **Board Policy Manual** **Attachment #4**
5. **Policy Review Schedule**
6. **Briefing on Rules for going In Camera** **Attachment #5**
7. **Other Business**
8. **Next Steps**
9. **Date of Next Meeting**  
October 26, 2016, 5:00 p.m.
10. **Adjournment**

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**HAMILTON PUBLIC LIBRARY BOARD****Ad Hoc Policy Review Committee Meeting Minutes**

Monday, April 4, 2016

Central Library, Admin Committee Room

4:30 p.m. Meeting

**MEMBERS:** Vikki Cecchetto (Chair), George Geczy, John Kirkpatrick, Doug Brown

**STAFF:** Paul Takala, Karen Hartog

**REGRETS:** Mary Ann Leach, Lisa DuPelle

**1. Call to Order**

Ms Cecchetto called the meeting to order at 5:17 p.m.

**2. Confirm Agenda**

**MOVED** by Mr. Brown, seconded by Mr. Geczy,

**THAT THE AGENDA BE ACCEPTED AS PRESENTED.**

**MOTION CARRIED.**

**3. Discuss some of the characteristics of the "revision"**

Ms Cecchetto reviewed the PowerPoint presentation that was recently presented to Library Staff.

**4. Phase 2**

- Advocacy & Political Participation – separate staff and board component
- Library Closures – create policy for public.

**5. Finalize the “Policy Manual Structure”**

This will be open for further discussion. Committee members agreed that structure

**6. Discuss the “new documents” being collected by the Admin Staff to see which ones need to be revised & insert them in the priority list, if necessary**

**7. Other Business**

**8. Adjournment**

Meeting adjourned at 6:30 p.m.

**9. Date of Next Meeting**

September 7, 2016, 5:00 p.m., Administrative Committee Room

Minutes recorded by Karen Hartog.



# Hamilton Public Library Board - Policy Manual

Draft: September 1, 2016

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## 1. GOVERNANCE

### **1.1 Hamilton Public Library Board By-Laws for the Regulation of the Business of the Board - Revised Draft Pending Approval**

Approved: March 2005; revised November 2007; and pending approval September 2016.

The Hamilton Public Library Board is duly constituted as a corporation and governed by the provisions of the Public Libraries Act, Statutes of Ontario, 1990, Chapter P. 44 and is established by the provisions of City of Hamilton By-Law 04-019.

The Hamilton Public Library Board, hereinafter called “the Board”, enacts the following by-laws for regulation of the business of the Board.

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#### ***1.0 Governance Vision of the Hamilton Public Library Board***

The Hamilton Public Library Board oversees the purpose, plans and policies of the Hamilton Public Library. It is the responsibility of the Library Board to ensure that the funding it receives provides the best possible library service to Hamilton residents. In addition, it is committed to providing effective governance for the Hamilton Public Library to ensure services and programs offered by HPL remain relevant to the changing needs of the communities we serve. The Library Board has four main functions:

- 1) To establish the mission and strategic directions.
- 2) To hire and evaluate the Chief Executive Officer/Chief Librarian.
- 3) To ensure resources are in place to achieve the mission.
- 4) To monitor and audit results of programs and resources.

#### ***2.0 Corporation***

In accordance with the Corporations Act, the Board shall have a corporate seal, which shall be under the control and responsibility of the Chief Executive Officer. This seal shall be affixed under the direction of the Board to all deeds, contracts, or documents requiring the seal, which

seal shall be attested to by the signatures of the Chair and the Secretary, or by such other member and/or other officer as the Board shall direct.

The Head Office of the Board shall be at the Central Library, 55 York Boulevard, Hamilton, Ontario L8N 4E4.

### **3.0 Officers**

The Board shall have the following officers:

- Chair
- Vice Chair
- Secretary
- Treasurer
- Chief Executive Officer

#### **3.1 Chair**

In the first year of a new Board's term the Chair shall be elected at the inaugural meeting of the Board and serve until January, when there will be the election of the Chair for that year. In each subsequent year of a Board's term, the election of the Chair shall take place in January. The Chair shall hold office for one year and may be re-elected for a maximum of one additional consecutive year (See **Elections Section 5.0**).

The primary role of the Chair of the Board is to ensure the proper functioning of the Board and the proper conduct of Board business, in accordance with all relevant legislation and with the rules of procedure adopted by the Board.

The Chair's responsibilities include:

- 1) Presiding at regular and special meetings of the Board in the manner and extent prescribed by the Board.
- 2) Committing the Board to no course of action unless specifically authorized by the Board to do so.
- 3) Serving as an ex officio member of all Board committees.
- 4) Only the Chair may represent and speak for the Board in an official capacity to outside parties in announcing Board-stated positions and in stating Chair decisions.
- 5) Acting as one of the authorized signing officers of all documents pertaining to Board business.
- 6) Representing the Board, alone or with other members of the Board, at any public or private meetings for the purpose of conducting, promoting or completing the business of the Board.
- 7) Notifying the Vice-Chair and the Secretary, if for any reason, the Chair is unable to perform these functions.

#### **3.2 Vice-Chair**

The Vice-Chair shall be elected at the first meeting of the Board in each year, shall hold office for one year and may be re-elected for a maximum of one additional consecutive year.

The Vice-Chair, in the absence or illness of the Chair, shall act in the place and stead of the Chair and while so acting has all the powers of the Chair.

If both the Chair and Vice Chair are unavailable, the Secretary will assume the duties of the Chair.

### **3.3 Secretary**

The Secretary of the Board shall be the Chief Executive Officer.

### **3.4 Treasurer**

The Treasurer of the Board shall be the Chief Executive Officer.

### **3.5 Chief Executive Officer**

The Board shall appoint the Chief Executive Officer, who shall be its Chief Librarian, and who shall hold office until the Board rescinds the appointment or a new appointment is made. The Chief Executive Officer shall be responsible, under the supervision of the Board, for the general conduct and management of the Hamilton Public Library.

Only decisions of the Board are binding on the CEO.

- 1) Decisions or instructions of individual Board Members, officers or committees are not binding on the CEO except in rare circumstances when the Board has specifically authorized or delegated such exercise of authority.
- 2) In the case of Board Members or committees requesting information or assistance without Board authorization, the CEO can refuse such requests.

Operational achievement and conduct of library staff are the responsibility of the CEO, to whom the Board has delegated authority over and accountability for staff performance.

- 1) The Board will never give instructions to persons who report directly or indirectly to the CEO.
- 2) The Board will refrain from evaluating, either formally or informally, any staff other than the CEO.

Systematic and rigorous monitoring of the CEO's job performance will be conducted in accordance with the Chief Librarian/ CEO Performance Appraisal document.

(<http://www.hpl.ca/articles/chief-librarianceo-performance-appraisal-policy>)

## **4.0 Board Members' Code of Conduct**

Board Members must avoid any conflict of interest with respect to their fiduciary responsibility by adhering to the regulations of the Municipal Conflict of Interest Act (R.S.O. 1990, Chapter M.50 (<https://www.ontario.ca/laws/statute/90m50>))

There will be no self-dealing or any conduct of private business or personal services between any Board Member and the organization except as procedurally controlled to assure openness, competitive opportunity and equal access to inside information.

Board Members will not use their positions to obtain employment in the organization for themselves, family members or close associates. In the event that a Board Member accepts

employment with either the City of Hamilton or the Hamilton Public Library during their term, they shall resign immediately upon acceptance of said employment.

Any Board Member who declares their candidacy for public office, whether at the municipal, provincial or federal level, shall resign from the Board upon public declaration of their candidacy. This provision does not apply, however, to the Councillors of the City of Hamilton who are appointed to serve on the Hamilton Public Library Board.

Members will annually disclose their involvements with other organizations, with vendors, or any other associations that might produce a conflict.

Members will respect the confidentiality appropriate to issues of a sensitive nature and understand that it is the Chair's role to represent and speak on behalf of the Board.

#### ***4.1 Vacancies***

In the event of a vacancy occurring on the Board, the Secretary, upon instructions from the Board in session, shall advise the Clerk of the City of Hamilton and request that a new member be appointed to fill the vacancy under the conditions contained in the Public Libraries Act.

In the event of a vacancy occurring during the year in the office of Chair or Vice-Chair, the Board at its first regular meeting thereafter shall elect a new Chair or Vice-Chair to serve for the remainder of the elected time in that office.

#### ***4.2 Resignation***

Members of the Board who must resign before the end of their term of appointment on the Board shall inform both the Clerk of the City of Hamilton and the Secretary of the Board in writing, specifying the effective date of their resignation.

### ***5.0 Inaugural Meeting and Elections***

#### ***5.1 Inaugural Meeting***

In the first year of its term, the Board shall hold its inaugural meeting at a place and time to be determined by the Chief Executive Officer, provided that such meeting shall be held within 30 days of the appointment of a majority of its members.

#### ***5.2 Elections***

In the subsequent years of its term, the Board shall hold its nomination meeting at the place and time of its regular January meeting and the regular meeting shall take place immediately following.

The Secretary of the Board shall take the chair and shall call for the Nominating Committee Report with the full slate of nominations for the Chair, Vice-Chair and members of the standing committees. The Chief Executive Officer shall introduce the nominee for each position individually and then ask if there are any nominations from the floor for the same position.

Any member of the Board has the right to make nominations from the floor. This can either be a self-nomination for any position - Chair, Vice-Chair or member of a standing committee – or the nomination of someone else.

- 1) Nominations shall be made with no seconder required.
- 2) Nominations shall be closed by a motion made and seconded.
- 3) Voting shall be by secret ballot.
- 4) The nominee receiving a clear majority of the votes cast shall be declared elected by the Chief Executive Officer.
- 5) Should no member receive a clear majority, balloting shall proceed with the nominee's name receiving the smallest number of votes being dropped.

## ***6.0 Meetings and Notice of Meetings***

A regular meeting of the Board shall be held on the third Wednesday of the month (except July and August) at 6:00 p.m. in the Board Room at the Central Library, 55 York Boulevard, Hamilton or at such other day or time or such other place as may be agreed upon by the Board.

Written notice of all regular meetings together with the proposed agenda and the minutes of the immediately preceding regular meeting and of any special meetings shall be communicated to each member of the Board at least three days in advance of such meetings.

Board meetings are open to the public except for in-camera sessions and individual committee meetings.

### ***6.1 Special Meetings***

The Chair may, or upon the written request of any two members of the Board, call a Special Meeting by giving, through the Secretary or designate, at least two days written notice to each member, specifying the purpose for which the meeting is called.

The purpose of a Special Meeting shall be specific. No business shall be transacted or considered at such a meeting other than that specified in the notice.

Electronic Voting: In cases where a prompt decision is required and scheduling a meeting may not be practical, or expeditious for the issue at hand, the Chair may opt to seek a vote electronically, such as by email or by other electronic communication means. In such cases, motions will be carried by a simple majority of the entire Board. Items decided by electronic voting will be reported as part of the next scheduled Board meeting.

### ***6.2 Attendance***

Board Members are expected to attend all scheduled monthly meetings of the Board. Any member who must be absent from a meeting must advise the Secretary in advance. In any event, absence from three consecutive scheduled meetings (according to the Public Libraries Act, section 13 (c)) will result in the member's disqualification from the Board unless the member is 'excused for cause' by a motion of the Board.

The Secretary shall record the names of members in attendance in each meeting of the Board and of its committees.

### **6.3 Quorum**

A quorum, which shall be a majority of the Board, must be present for the transaction of business at a meeting. If a quorum is not present within fifteen minutes after the hour for which any Board meeting has been called, the Secretary shall record the names of such members present and the Board shall stand adjourned. Any member declaring a conflict of interest in a matter to be discussed during the meeting will not be counted in establishing the quorum for that matter.

Nothing in the foregoing shall prohibit the members in attendance for a regular meeting, when no quorum is present, from constituting themselves as a committee dealing with such agenda items as they see fit.

However, no decisions taken at such meeting may be executed until ratified by motion at a regular meeting of the Board or, when time is of the essence, written approval of such decisions may be obtained from a majority of the members of the Board.

### **6.4 Voting**

All members of the Board (including the Chair) - unless they have declared a conflict of interest on a matter and are therefore ineligible to vote on that matter - shall vote on all questions. Any motion on which there is an equality of votes shall be deemed to be lost. Abstentions are counted as a negative or no vote.

Motions shall be carried by a simple majority (more than one half the total members present eligible to vote), except as otherwise provided for in this By-Law.

Notice of motion given at the previous meeting and two-thirds majority vote is required for:

- 1) A motion to reconsider a lost motion.
- 2) A motion to amend the by-laws.

### **6.5 Agenda Procedure**

The Secretary will work with the Chair and Vice Chair to determine the Agenda for any meeting of the Board. The standard process for getting items added to the agenda is for Board Members to communicate with the Chair and Secretary, preferably with a ten (10) day notice prior to a meeting.

The Secretary and Chair will then develop draft motions, presentations and reports as needed. Other than routine business or those arising out of reports from committees, the Chair may rule items out of order.

Board Members, in extraordinary circumstances where they deem the standard process unsatisfactory, may submit a formal notice of motion to the Chair and Secretary who will ensure their motion is attached to the Board package unedited. Notice of such a motion will be sent to the Chair and Secretary at least ten (10) days' notice before the meeting.

## **6.6 Meeting Procedural Rules**

The rules and practice set out in *Robert's Rules of Order* shall govern wherever applicable in all cases not specifically provided for in these by-laws.

## **6.7 Order of Business**

The order of business at regular meetings of the Board shall be as follows, subject to the discretion of the Chair:

- 1) Discussion
- 2) Acceptance of the Agenda
- 3) Minutes
- 4) Declarations of Conflict of Interest
- 5) Presentations
- 6) Consent Items
- 7) Business Arising from the Minutes
- 8) Correspondence
- 9) Reports
- 10) New Business
- 11) Private and Confidential
- 12) Date of Next Meeting
- 13) Adjournment

## **6.8 Delegations**

Members of the public may make verbal presentations to the Board as a delegation with the permission of the Chair or upon written notification to the Secretary, received seven (7) days in advance of the meeting.

## **6.9 Minutes**

The Secretary or designate shall keep Minutes of every meeting of the Board.  
The Minutes shall be confirmed by motion at the next following Board meeting.

## **6.10 In Camera Sessions**

An in camera session of the Board shall be held when it is expedient to consider all or part of an agenda in camera because "intimate financial or personal matters" may be disclosed in debate and the desirability of protecting against the consequences of such disclosure outweighs the desirability of holding the meeting in public.

The decision must be confirmed by the Board or Board Committee in the form of a motion "THAT item(s) #\_\_\_ be considered during an in camera session". Such a motion shall be non-debatable and, if it is carried, the Chair shall designate a time for the session to be held. An in camera session shall be ended by a motion that the regular session be resumed.

Any actions determined during an in camera session must be authorized by Board motion passed during regular open session and recorded in public minutes. However, the Board's

Secretary may designate the minutes of in camera sessions as confidential if Section 28(2) of the Public Libraries Act applies.

### **6.11 Committees**

The Board has two standing Committees: the Nominating Committee and the Audit Committee, but may also appoint Ad Hoc Committees

- 1) Ad Hoc Committees may be appointed by the Board to deal with special issues assigned by the Board. Such committees report to the Board and shall be dissolved immediately upon making their final report to the Board.
- 2) A committee may have any number of members. The Board shall name a chair for each Ad Hoc committee.

A quorum for all committees shall be the majority of members. Committees meet when required at the call of the committee chair.

The Chair of the Board shall be a member of all Committees of the Board ex officio.

The Secretary of the Board (or designate) shall attend all committee meetings and shall be the Secretary of all committees.

### **6.12 Standing Committees**

#### **6.12.1 Nominating Committee**

The **Nominating Committee** will be composed of four (4) members, - the Secretary of the Board plus three (3) elected Board Members. It shall be established annually by the Board at its November meeting to present the slate of officers for the ensuing year at the January Meeting.

In a municipal election year, the outgoing Chair of the Board shall appoint the Nominating Committee from among the members of the new Board immediately following the appointment of the new Board by City Council.

In each year, the Nominating Committee shall meet before and report to the January Meeting following its appointment.

Duties of the Nominating Committee:

- 1) To select from the nominations received for each position or standing committees, the most appropriate candidate. In their selection across the whole slate, the Committee will endeavour to balance candidates with expertise and new Board Members with a view to succession planning over the term of the Board.
- 2) To recruit candidates for those positions where no nominations have been received.
- 3) If any member of the Nominating Committee intends to stand for election as Chair or Vice Chair, they shall inform the Nominating Committee and withdraw from it.
- 4) To ensure that their report indicating the full slate of candidates is ready to be included with the January Board meeting package.
- 5) To ensure the right of any member to either self-nominate or nominate someone else for any of the positions from the floor during elections in January is clearly outlined in their report.

### **6.12.2 Audit Committee**

The **Audit Committee** oversees the financial reporting process, monitors the choice of accounting policies and procedures and monitors internal control procedures to ensure the effective development and maintenance of adequate financial controls and reporting.

The Committee is independent of the auditing function and ensures appropriate actions are taken with audit findings. The Committee has no direct responsibility for the operations and functions of audit areas. It does however make recommendations to the Board regarding both factors.

The Audit Committee will be composed of four members of the Hamilton Public Library Board, one of whom shall be the Chair of the Hamilton Public Library Board. Preference will be given to Library Board Members who are financially literate with relevant background in financial matters (i.e. prior experience as a business person, recognized accounting designation, work in the accounting profession, or in the financial accounting department of a current or past organization). Committee members will have no current business relationship or financial interests with the Library or its management.

Members will be appointed at the first meeting in each year of the Board's term and will serve until the end of the year. The members of the Audit Committee will appoint one of the members as Chair who will chair the meeting of the Audit Committee and perform such other duties as required to ensure the proper functioning of the Committee. (See Audit Committee Terms of Reference, Appendix 1, for further information about the duties and responsibilities of this committee).

### **7.0 Payment of Board Expenses**

Citizen appointees shall be paid no salary, fees or honorarium for their services. However, any member of the Board may be reimbursed for their actual, out of pocket expenses and travel costs, incurred as a result of their acting either within or outside the municipality in their capacity as members of the Board. Such payments must be allowed for in the budget that is approved by the Board and Council and the expenses must have been incurred with the prior approval of the Board.

### **8.0 Amendment of the By-Laws**

Amendments to these by-laws may only be made at a regular meeting provided that Notice of Motion in writing shall have been given at the previous meeting. Such amendments shall require a two-thirds majority vote of the Board.

### **9.0 Board Self-Assessment**

A Board self-assessment demonstrates that it believe in the values of accountability, learning and development and establishes its credibility not only with the funding agencies, but also with the public being served. In order to monitor how well it is fulfilling its responsibilities, there will be periodic self-assessments carried out by the Board according to the procedures/ processes and timing agreed upon by the Board.

## ***10.0 Effective Date***

These By-Laws shall come into effect on September 21, 2016 and all former By- Laws and Rules of Procedure of predecessor Boards are hereby repealed.

## ***Appendix 1: Audit Committee Terms of Reference***

### ***Purpose***

The Committee is to oversee the financial reporting process, to monitor the choice of accounting policies and procedures and to monitor internal control procedures to ensure the effective development and maintenance of adequate financial controls and reporting. The Committee is to be independent of the auditing function and ensure appropriate actions are taken with audit findings. The Committee has no direct responsibility for the operations and functions of audit areas. It does however make recommendations to the Board regarding both factors.

### ***Appointment of External Auditors***

Under the authority of the Municipal Act, the City of Hamilton shall appoint the external auditor for the Hamilton Public Library.

### ***Membership***

The Audit Committee will be composed of four members of the Hamilton Public Library Board one of whom shall be the Chair of the Hamilton Public Library Board. A quorum shall be two members.

Preference will be given to Library Board Members who are financially literate with relevant background in financial matters (i.e. prior experience as a business person, recognized accounting designation, work in the accounting profession, or in the financial accounting department of a current or past organization). Committee members will have no current business relationship or financial interests with the Library or its management.

Members will be appointed at the first meeting in each year of the Board's term and will serve until the end of the year. The members of the Audit Committee will appoint one of the members as Chair who will chair the meeting of the Audit Committee and perform such other duties as required to ensure the proper functioning of the Committee.

### ***Meetings***

The Committee will meet at least twice in each year – to meet the external auditors to review the scope of the audit and, after the audit has been done, to review the results.

Additional meetings may be held at the Call of the Chair of the Audit Committee, request by a Committee member or by the external auditors. Notice of each meeting confirming the venue, time and date of the meeting together with an agenda of items to be discussed shall be forwarded to each member of the Committee prior to the date of the meeting in a timely manner.

The external auditors, Chief Librarian and the Director, Finance and Facilities will be invited to attend meetings and at least once a year, the Committee will meet with the external auditors

without Library staff present. The Audit Committee may invite such other persons to its meetings as it deems necessary.

### ***Duties***

The duties of the Committee will be:

- 1) To meet with the external auditors before the audit commences and to discuss and approve the nature and scope of the audit
- 2) To discuss with external auditors issues such as compliance with accounting standards and proposals by external auditors
- 3) To monitor the integrity of the financial statements of the Library and to review, and challenge where necessary, the actions and judgements of management in relation to financial statements before submission to the Board, focusing particularly on:
  1. Significant accounting policies and practices and any changes in them;
  2. Major judgemental areas
  3. The extent to which the financial statements are affected by any unusual transactions in the year and how they are disclosed;
  4. The clarity of disclosures
  5. Significant adjustments resulting from the audit
- 4) To meet with the external auditors post-audit at the reporting stage to discuss the audit, including problems and reservations arising from the audit, and any matters the auditor may wish to discuss;
- 5) To review the management representation letter, the external auditors' management letter and management's response.
- 6) To monitor and review the internal audit programme (if any) and its effectiveness;
- 7) To monitor and review the Library's systems for internal financial control, financial reporting and risk management;
- 8) To consider any major audit recommendations and to consider the major findings of internal investigations and management's response.

### ***Reporting***

The Chair of the Committee shall report to the Board on all meetings of the Committee.

The Committee shall make whatever recommendations to the Board it deems appropriate on any area within its responsibility where action or improvement is needed.

The Committee members shall conduct an annual review of their work and these *Terms of Reference* and make recommendations to the Board.

## **Appendix 1: Ontario Public Libraries Act (R.S.O. 1990) Chapter 4**

**Consolidation Period:** From April 1, 2010 to the [e-Laws currency date](#).

Last amendment: 2009, c. 33, Sched. 11, s. 7.

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### **Definitions**

[1.](#) In this Act,

“board” in Part I means a public library board, a union board, a county library board or a county library co-operative board; (“conseil”)

“lower-tier municipality”, in relation to a county, means a municipality that forms part of the county for municipal purposes; (“municipalité de palier inférieur”)

“Minister” means the Minister of Culture or such other member of the Executive Council to whom the administration of this Act may be assigned under the *Executive Council Act*; (“ministre”)

“municipality” means a local municipality; (“municipalité”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“rèlements”)

“single-tier municipality”, in relation to a county, means a municipality that is geographically located within the county but does not form part of the county for municipal purposes. (“municipalité à palier unique”) R.S.O. 1990, c. P.44, s. 1; 2002, c. 17, Sched. C, s. 24 (1); 2002, c. 18, Sched. F, s. 3 (1-3); 2009, c. 33, Sched. 11, s. 7 (1).

## **PART I PUBLIC LIBRARY SERVICE**

### **PUBLIC LIBRARY BOARDS**

#### **Public libraries continued**

**2.** Every public library established under a predecessor of this Part that was being operated immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 2.

#### **Establishment of public library**

**3. (1)** The council of a municipality may by by-law establish a public library. R.S.O. 1990, c. P.44, s. 3 (1); 2002, c. 18, Sched. F, s. 3 (4).

#### **Copy of by-law to be sent to Minister**

**(2)** When a by-law is passed under subsection (1), the clerk shall promptly mail or deliver a copy of the by-law to the Minister. R.S.O. 1990, c. P.44, s. 3 (2).

#### **Board**

**(3)** A public library shall be under the management and control of a board, which is a corporation known in English as The (*insert name of municipality*) Public Library Board and in French as Conseil de la bibliothèque publique de (*insert name of municipality*). R.S.O. 1990, c. P.44, s. 3 (3).

### **UNION BOARDS**

#### **Union libraries continued**

**4.** Every union public library established under a predecessor of this Part that was being operated immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 4.

#### **Establishment of union public library**

**5. (1)** The councils of two or more municipalities may make an agreement for the establishment of a union public library. R.S.O. 1990, c. P.44, s. 5 (1).

#### **Agreement**

**(2)** An agreement under subsection (1) shall specify what proportion of the cost of the establishment, operation and maintenance of the union public library, including the cost of existing libraries, shall be paid by each municipality. R.S.O. 1990, c. P.44, s. 5 (2).

#### **Union board**

**(3)** A union public library shall be under the management and control of a union board, which is a corporation known in English as The (*insert appropriate name*) Union Public Library Board and in French as Conseil de la bibliothèque publique unie de (*insert appropriate name*). R.S.O. 1990, c. P.44, s. 5 (3).

#### **Dissolution of public library boards**

**(4)** When an agreement is made under subsection (1),

- (a) the public library boards established for the municipalities for which the union board is established are dissolved; and

- (b) the assets and liabilities of those public library boards are vested in and assumed by the union board unless the agreement provides otherwise. 2002, c. 18, Sched. F, s. 3 (5).

#### **Copy of agreement to be sent to Minister**

(5) When an agreement is made under subsection (1), the clerk of the municipality that has the greatest population shall promptly mail or deliver a copy of the agreement to the Minister. R.S.O. 1990, c. P.44, s. 5 (5).

### **COUNTY LIBRARY BOARDS**

#### **County libraries continued**

6. Every county library established under a predecessor of this Part that was being operated immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 6.

#### **County library establishment**

7. (1) Where resolutions of the councils of at least two-thirds of the municipalities forming part of a county for municipal purposes request that the county establish a county library, the council of the county may by by-law establish a county library for those municipalities. R.S.O. 1990, c. P.44, s. 7 (1).

#### **Copy of by-law to be sent to Minister**

(2) When a by-law is passed under subsection (1), the clerk shall promptly mail or deliver a copy of the by-law to the Minister. R.S.O. 1990, c. P.44, s. 7 (2).

#### **Additional members: agreements**

(3) At any time after a county library is established, the council of a non-participating lower-tier municipality or single-tier municipality and the county council may make an agreement bringing the non-participating lower-tier municipality or single-tier municipality into the county library, and the county council shall amend the establishing by-law accordingly. 2002, c. 17, Sched. C, s. 24 (2).

#### **Contents of agreement**

(4) An agreement under subsection (3) shall specify what proportion of the cost of the establishment, operation and maintenance of the county library shall be paid by the county and the single-tier municipality, respectively. 2002, c. 17, Sched. C, s. 24 (2).

#### **Dissolution of public library boards, etc.**

- (5) When a county library is established,
- (a) every public library board and county library co-operative board established for a municipality or any part thereof that is included in the area for which the county library is established is dissolved; and
  - (b) the assets and liabilities of those boards are vested in and assumed by the county library board unless the by-law establishing the county library provides otherwise. 2002, c. 18, Sched. F, s. 3 (6).

#### **Idem**

(6) When a municipality joins a county library, subsection (5) applies with necessary modifications. R.S.O. 1990, c. P.44, s. 7 (6).

#### **County library board**

(7) A county library shall be under the management and control of a board, which is a corporation known in English as The (*insert name of county*) County Library Board and in French as Conseil de la bibliothèque du comté de (*insert name of county*). R.S.O. 1990, c. P.44, s. 7 (7).

### **COUNTY LIBRARY CO-OPERATIVE BOARDS**

#### **County library co-operative boards continued**

8. (1) Every county library co-operative board established under a predecessor of this Act that was in existence immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 8 (1).

#### **When dissolved**

(2) If a county library co-operative board has jurisdiction in an area for which a county library is established, the county library co-operative board is dissolved, and its assets and liabilities are vested in and assumed by the county library board. 2002, c. 18, Sched. F, s. 3 (7).

#### GENERAL

##### **Composition of public library board**

9. (1) A public library board shall be composed of at least five members appointed by the municipal council. 2002, c. 18, Sched. F, s. 3 (8).

##### **Composition of union board**

(2) A union board shall be composed of at least five members appointed by the councils of the affected municipalities in the proportions and in the manner specified in the agreement made under subsection 5 (1). 2002, c. 18, Sched. F, s. 3 (8).

##### **Composition of county library board**

(3) A county library board shall be composed of at least five members appointed by the county council. 2002, c. 18, Sched. F, s. 3 (8).

##### **Same**

(4) When a single-tier municipality joins a county library, the members of the county library board shall be appointed by the county council and the council of the single-tier municipality in the proportions agreed upon by the county council and the council of the single-tier municipality. 2002, c. 18, Sched. F, s. 3 (8).

##### **Composition of county library co-operative board**

(5) A county library co-operative board shall be composed of at least five members appointed by the county council. 2002, c. 18, Sched. F, s. 3 (8).

##### **Board members**

10. (1) A person is qualified to be appointed as a member of a board who is a member of the appointing council or,

- (a) is at least eighteen years old;
- (b) is a Canadian citizen;
- (c) is,
  - (i) a resident of the municipality for which the board is established in the case of a public library board, a resident of one of the municipalities for which the board is established in the case of a union board, a resident of one of the participating municipalities in the case of a county library board, or a resident of the area served by the board in the case of a county library co-operative board,
  - (ii) a resident of a municipality that has a contract with the board under section 29,
  - (iii) a resident of the board area of a local service board that has a contract with the board under section 29,
  - (iv) a member of an Indian band that has a contract with the board under section 29, or
  - (v) a member of a second board that has entered into a contract with the board to purchase from it library services for the residents of the second board; and
- (d) is not employed by the board or by the municipality or county or, in the case of a union board, by any of the affected municipalities. R.S.O. 1990, c. P.44, s. 10 (1); 2002, c. 18, Sched. F, s. 3 (9).

##### **Number of council members on board limited**

(2) The appointing council shall not appoint more of its own members to a board than the number that is,

- (a) in the case of a public library board or union board, one less than a majority of the board; and
- (b) in the case of a county library or a county co-operative library, a bare majority of the board. R.S.O. 1990, c. P.44, s. 10 (2).

### **Term**

[\(3\)](#) A board member shall hold office for a term concurrent with the term of the appointing council, or until a successor is appointed, and may be reappointed for one or more further terms. R.S.O. 1990, c. P.44, s. 10 (3).

### **Time for making appointments**

[\(4\)](#) The first appointments of members of a new board shall be made at a regular meeting of council and the member shall take office as soon as possible thereafter, and thereafter appointments shall be made at the first meeting of council in each term, but if the council fails to make the appointments at its first meeting, it shall do so at any regular or special meeting held within 60 days after its first meeting. R.S.O. 1990, c. P.44, s. 10 (4); 2002, c. 18, Sched. F, s. 3 (10).

### **Notice of vacancies**

[11. \(1\)](#) The clerk of the appointing municipality or county or, in the case of a union board, the clerks of the affected municipalities shall give public notice of vacancies on the board by publishing a notice of them, inviting applications, in a newspaper of general circulation in the municipality. R.S.O. 1990, c. P.44, s. 11 (1).

### **Idem**

[\(2\)](#) The notice referred to in subsection (1) shall be in English or in both English and French, as may be appropriate. R.S.O. 1990, c. P.44, s. 11 (2).

[\(3\)](#) REPEALED: 2002, c. 18, Sched. F, s. 3 (11).

### **Vacancies**

[12.](#) Where a vacancy arises in the membership of a board, the appointing council shall promptly appoint a person to fill the vacancy and to hold office for the unexpired term, except where the unexpired term is less than forty-five days. R.S.O. 1990, c. P.44, s. 12.

### **Disqualification of board member**

[13.](#) If a board member,

- (a) is convicted of an indictable offence;
- (b) becomes incapacitated;
- (c) is absent from the meetings of the board for three consecutive months without being authorized by a board resolution;
- (d) ceases to be qualified for membership under clause 10 (1) (c); or
- (e) otherwise forfeits his or her seat,

the member's seat becomes vacant and the remaining members shall forthwith declare the seat vacant and notify the appointing council accordingly. R.S.O. 1990, c. P.44, s. 13.

### **First meeting**

[14. \(1\)](#) The first meeting of a board in a new term shall be called,

- (a) if a by-law has been passed under subsection (2), by the chief executive officer appointed under subsection 15 (2); and
- (b) if no by-law has been passed under subsection (2), by the clerk of the appointing council or, in the case of a union board, the clerk of the municipality having the greatest population. R.S.O. 1990, c. P.44, s. 14 (1).

### **By-law re calling first meeting**

[\(2\)](#) A municipal council or, in the case of a union board, a majority of the municipal councils affected may by by-law authorize the chief executive officer appointed under subsection 15 (2) to call the first meeting of the board in each new term. R.S.O. 1990, c. P.44, s. 14 (2).

### **Chair**

[\(3\)](#) A board shall elect one of its members as chair at its first meeting in a new term. R.S.O. 1990, c. P.44, s. 14 (3).

### **Acting chair**

[\(4\)](#) In the absence of the chair, the board may appoint one of its members as acting chair. R.S.O. 1990, c. P.44, s. 14 (4).

### **Staff**

[15. \(1\)](#) 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. R.S.O. 1990, c. P.44, s. 15 (1); 1993, c. 27, Sched.

### **Chief executive officer**

[\(2\)](#) A board shall appoint a chief executive officer who shall have general supervision over and direction of the operations of the public library and its staff, shall attend all board meetings and shall have the other powers and duties that the board assigns to him or her from time to time. R.S.O. 1990, c. P.44, s. 15 (2).

### **Secretary**

- [\(3\)](#) A board shall appoint a secretary who shall,
- (a) conduct the board's official correspondence; and
  - (b) keep minutes of every meeting of the board. R.S.O. 1990, c. P.44, s. 15 (3).

### **Treasurer**

- [\(4\)](#) A board shall appoint a treasurer who shall,
- (a) receive and account for all the board's money;
  - (b) open an account or accounts in the name of the board in a chartered bank, trust company or credit union approved by the board;
  - (c) deposit all money received on the board's behalf to the credit of that account or accounts; and
  - (d) disburse the money as the board directs. R.S.O. 1990, c. P.44, s. 15 (4).

### **Idem**

[\(5\)](#) The same person may be both the secretary and the treasurer, and the chief executive officer appointed under subsection (2) may be the secretary and may be the treasurer. R.S.O. 1990, c. P.44, s. 15 (5).

### **Meetings**

[16. \(1\)](#) A board shall hold regular meetings once a month for at least 10 months each year and at such other times as it considers necessary. 2009, c. 33, Sched. 11, s. 7 (2).

### **Special meetings**

[\(2\)](#) The chair or any two members of a board may summon a special meeting of the board by giving each member reasonable notice in writing, specifying the purpose for which the meeting is called. R.S.O. 1990, c. P.44, s. 16 (2).

[\(3\), \(4\)](#) REPEALED: 2002, c. 17, Sched. C, s. 24 (4).

### **Quorum**

[\(5\)](#) The presence of a majority of the board is necessary for the transaction of business at a meeting. R.S.O. 1990, c. P.44, s. 16 (5).

### **Voting**

[\(6\)](#) The chair or acting chair of a board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative. R.S.O. 1990, c. P.44, s. 16 (6).

### **Open and closed meetings**

[16.1 \(1\)](#) In this section,

“committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of the board; (“comité”)

“meeting” means any regular, special, committee or other meeting of the board. (“réunion”) 2002, c. 17, Sched. C, s. 24 (5).

### **Open meetings**

(2) Except as provided in this section, all meetings shall be open to the public. 2002, c. 17, Sched. C, s. 24 (5).

### **Improper conduct**

(3) The board chair may expel any person for improper conduct at a meeting. 2002, c. 17, Sched. C, s. 24 (5).

### **Closed meetings**

- (4) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
- (a) the security of the property of the board;
  - (b) personal matters about an identifiable individual;
  - (c) a proposed or pending acquisition or disposition of land by the board;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the board;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which a board or committee of a board may hold a closed meeting under another Act. 2002, c. 17, Sched. C, s. 24 (5).

### **Other criteria**

(5) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the board or committee of the board is the head of an institution for the purposes of that Act. 2002, c. 17, Sched. C, s. 24 (5).

### **Resolution**

- (6) Before holding a meeting or part of a meeting that is to be closed to the public, a board or committee of the board shall state by resolution,
- (a) the fact of the holding of the closed meeting; and
  - (b) the general nature of the matter to be considered at the closed meeting. 2002, c. 17, Sched. C, s. 24 (5).

### **Open meeting**

(7) Subject to subsection (8), a meeting shall not be closed to the public during the taking of a vote. 2002, c. 17, Sched. C, s. 24 (5).

### **Exception**

- (8) A meeting may be closed to the public during a vote if,
- (a) subsection (4) or (5) permits or requires the meeting to be closed to the public; and
  - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the board or committee of the board or persons retained by or under contract with the board. 2002, c. 17, Sched. C, s. 24 (5).

### **Language**

17. A board may conduct its meetings in English or French or in both English and French and subsections 247 (1), (4), (5) and (6) of the *Municipal Act, 2001* or subsections 195 (1), (4), (5) and (6) of the *City of Toronto Act, 2006*, as the case may be, apply with necessary modifications. 2002, c. 17, Sched. C, s. 24 (6); 2006, c. 32, Sched. C, s. 53 (1).

## **Expenses**

**18.** A board may reimburse its members for proper travelling and other expenses incurred in carrying out their duties as members. R.S.O. 1990, c. P.44, s. 18.

## **Real property**

**19. (1)** A board may, with the consent of the appointing council or, where it is a union board, the consent of a majority of the councils of the municipalities for which it was established,

- (a) acquire land required for its purposes by purchase, lease, expropriation or otherwise;
- (b) erect, add to or alter buildings;
- (c) acquire or erect a building larger than is required for library purposes, and lease any surplus part of the building; and
- (d) sell, lease or otherwise dispose of any land or building that is no longer required for the board's purposes. R.S.O. 1990, c. P.44, s. 19 (1).

## **Application of *Expropriations Act***

**(2)** The *Expropriations Act* applies to the expropriation of land under subsection (1). R.S.O. 1990, c. P.44, s. 19 (2).

## **Powers and duties of board**

**20.** A board,

- (a) shall seek to provide, in co-operation with other boards, a comprehensive and efficient public library service that reflects the community's unique needs;
- (b) shall seek to provide library services in the French language, where appropriate;
- (c) shall operate one or more libraries and ensure that they are conducted in accordance with this Act and the regulations;
- (d) may operate special services in connection with a library as it considers necessary;
- (e) shall fix the times and places for board meetings and the mode of calling and conducting them, and ensure that full and correct minutes are kept;
- (f) shall make an annual report to the Minister and make any other reports or provide any other information required by this Act and the regulations or requested by the Minister from time to time;
- (g) shall make provision for insuring the board's real and personal property;
- (h) shall take proper security for the treasurer; and
- (i) may appoint such committees as it considers expedient. R.S.O. 1990, c. P.44, s. 20; 2009, c. 33, Sched. 11, s. 7 (3).

## **Operation of branch libraries by county library board**

**21.** A county library board shall operate a branch library in each local municipality that operated a public library before that municipality became part of the county library system, unless the county council and the council of the municipality concerned agree otherwise. R.S.O. 1990, c. P.44, s. 21.

## **Employee benefits**

### **Pensions**

**22. (1)** A board may, by resolution, provide pensions for employees or any class of them and their surviving spouses and children. 2006, c. 32, Sched. C, s. 53 (2).

### **Sick leave credits**

**(2)** A board may, by resolution, establish a system of sick leave credit gratuities for employees or any class of them in the manner and subject to the conditions set out in section 281 of the *Municipal Act, 2001* or section 220 of the *City of Toronto Act, 2006*, as the case may be, and those sections apply with necessary modifications. 2006, c. 32, Sched. C, s. 53 (2).

## **Libraries to be open to public**

**23. (1)** A board shall not make a charge for admission to a public library or for use in the library of the library's materials. R.S.O. 1990, c. P.44, s. 23 (1).

#### **Certain library services free**

**(2)** Every board shall allow the public to,

- (a) reserve and borrow circulating materials that are prescribed or belong to a prescribed class; and
- (b) use reference and information services as the board considers practicable,

without making any charge. R.S.O. 1990, c. P.44, s. 23 (2).

#### **Fees**

**(3)** A board may impose such fees as it considers proper for,

- (a) services not referred to in subsections (1) and (2);
- (b) the use of the parts of a building that are not being used for public library purposes; and
- (c) the use of library services by persons who do not reside in the area of the board's jurisdiction.

R.S.O. 1990, c. P.44, s. 23 (3).

#### **Rules**

**(4)** Subject to the regulations, a board may make rules,

- (a) for the use of library services;
- (b) for the admission of the public to the library;
- (c) for the exclusion from the library of persons who behave in a disruptive manner or cause damage to library property;
- (d) imposing fines for breaches of the rules;
- (e) suspending library privileges for breaches of the rules; and
- (f) regulating all other matters connected with the management of the library and library property.

R.S.O. 1990, c. P.44, s. 23 (4).

#### **Estimates**

**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).

#### **Council may authorize variation**

**(4)** The council may, in its approval of the board's estimates or at any time at the board's request, authorize the board to apply a specified amount or percentage of the money paid to it under subsection (2) otherwise than in accordance with the items of the estimates as approved. R.S.O. 1990, c. P.44, s. 24 (4).

#### **Idem: union board**

**(5)** A union board shall submit its estimates to each of the councils of the municipalities for which the board was established, and subsections (1), (2), (3) and (4) apply to the union board with necessary modifications. R.S.O. 1990, c. P.44, s. 24 (5).

#### **Where two or more municipalities concerned**

[\(6\)](#) A union board shall submit with its estimates a statement as to the proportion of the estimates that is to be charged to each of the municipalities, and if the estimates of the board are approved or amended and approved by the councils of the municipalities representing more than one-half of the population of the area for which the board was established, they are binding on all the municipalities. R.S.O. 1990, c. P.44, s. 24 (6).

[\(7\)](#), (8) REPEALED: 2009, c. 33, Sched. 11, s. 7 (4).

### **Debentures for library purposes**

[25. \(1\)](#) The sums required by a public library board or union board for the purposes of acquiring land, for building, erecting or altering a building or for acquiring books and other things required for a newly established library may, on the application of the board, be raised by the issue of municipal debentures. R.S.O. 1990, c. P.44, s. 25 (1); 1996, c. 32, s. 83 (1).

### **Application to council**

[\(2\)](#) The board's application shall be made to the council or councils of the municipality or municipalities for which the board was established. R.S.O. 1990, c. P.44, s. 25 (2).

### **Council to deal with application**

[\(3\)](#) The council or, if more than one, each of the councils, at the first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove it, and if a vote in any council results in a tie, the application shall be deemed to be disapproved by the council. R.S.O. 1990, c. P.44, s. 25 (3).

### **Issue of debentures**

[\(4\)](#) If the council, or a majority of the councils where there are more than one, approves the application, the council of the municipality or, if more than one, the council of the municipality that has the greatest population shall raise the sum required by the issue of debentures in the manner provided under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, or, if it so desires, the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. R.S.O. 1990, c. P.44, s. 25 (4); 1996, c. 32, s. 83 (2); 2002, c. 17, Sched. C, s. 24 (11); 2006, c. 32, Sched. C, s. 53 (4).

### **County estimates: accommodation by municipality**

#### **Operating costs**

[26. \(1\)](#) The amount estimated by a county library board to meet its operating costs, as approved by the council of a county, shall be included in the amounts to be provided by the county under clause 289 (1) (d) of the *Municipal Act, 2001*. 2002, c. 17, Sched. C, s. 24 (12).

#### **Part of levy**

[\(1.1\)](#) The amount mentioned in subsection (1) shall form part of the general upper-tier levy of the county, unless not all of the municipalities forming part of the county for municipal purposes participate in the county library, in which case the amount shall form part of a special upper-tier levy of the county that shall be levied in accordance with section 311 of the *Municipal Act, 2001* on all the assessment rateable for upper-tier purposes in the municipalities forming part of the county for municipal purposes and that participate in the county library system. 2002, c. 17, Sched. C, s. 24 (12).

### **Accommodation may be provided by local municipality**

[\(2\)](#) The council of one or more participating municipalities may, at the request of the county library board, rent accommodation to the board and may issue municipal debentures for the cost of constructing a building for the board's purposes, but the ownership of the building shall remain with the municipality unless the board and the council of the municipality agree otherwise. R.S.O. 1990, c. P.44, s. 26 (2); 1996, c. 32, s. 83 (3).

### **Grant from council**

[27.](#) The council of any municipality or county may make a grant in money, lands or buildings to a board. R.S.O. 1990, c. P.44, s. 27.

### **Inspection of records**

**28. (1)** Subject to subsection (2), a person may, during ordinary business hours, inspect any records, books, accounts and documents in the possession or control of a board's secretary. 2002, c. 18, Sched. F, s. 3 (12).

#### **Exception**

**(2)** The secretary shall refuse to allow an inspection under subsection (1) in circumstances in which a head must refuse disclosure under any of sections 6 to 16 of the *Municipal Freedom of Information and Protection of Privacy Act*, and the secretary may refuse to allow an inspection under subsection (1) in circumstances in which a head may refuse disclosure under any of those sections of that Act. 2002, c. 18, Sched. F, s. 3 (12).

#### **Contract for library services**

**29. (1)** The council of a municipality, a local service board or the council of an Indian band may, instead of establishing or maintaining a public library, enter into a contract with a public library board, union board or county library board for the purpose of providing the residents of the municipality or local service board area or the members of the band, as the case may be, with library services, on the terms and conditions set out in the agreement. 2002, c. 17, Sched. C, s. 24 (13); 2009, c. 33, Sched. 11, s. 7 (5).

#### **Reports**

**(2)** The municipal council, local service board or band council entering into a contract under subsection (1) shall make any report required by this Act or the regulations or requested by the Minister. 2009, c. 33, Sched. 11, s. 7 (6).

#### **Payments to boards**

**30. (1)** The Minister shall make a grant to every board for library purposes, on the prescribed conditions. R.S.O. 1990, c. P.44, s. 30 (1).

#### **Idem: where municipality, etc., has contract for library services**

**(2)** The Minister shall make a grant for library purposes to every municipality, local service board or Indian band that has a contract for library services under subsection 29 (1), on the prescribed conditions. R.S.O. 1990, c. P.44, s. 30 (2); 2002, c. 18, Sched. F, s. 3 (14).

#### **Idem: library of regional municipality**

**(3)** Where a regional municipality has established a public library board, the Minister shall make a grant to the board for library purposes as if it were a board under this Part. R.S.O. 1990, c. P.44, s. 30 (3).

#### **Idem: library of Indian band or local service board**

**(4)** Where the council of an Indian band or a local service board has established a public library, the Minister shall make a grant to the Indian band or local service board for library purposes as if it were a board under this Part. R.S.O. 1990, c. P.44, s. 30 (4).

**PART II (ss. 31-38) REPEALED: 2009, c. 33, Sched. 11, s. 7 (7).**

### **PART III GENERAL**

#### **Regulations**

- 39.** The Lieutenant Governor in Council may make regulations,
- (a) providing for the distribution of all money appropriated by the Legislature for library purposes;
  - (b) prescribing the conditions governing the payments of grants;
  - (c) respecting the establishment, organization, management, premises and rules of public libraries;
  - (d) prescribing circulating materials or classes of circulating materials for the purpose of clause 23 (2) (a). R.S.O. 1990, c. P.44, s. 39.

### **Special library service boards**

[40. \(1\)](#) The Minister may establish special library service boards to provide the resources and services that the Minister specifies and may make grants to special library service boards out of legislative appropriations for library purposes. R.S.O. 1990, c. P.44, s. 40 (1).

### **Information to Minister**

[\(2\)](#) A special library service board established under subsection (1) shall submit to the Minister any information requested by the Minister. 2009, c. 33, Sched. 11, s. 7 (8).

### **Toronto Public Library Board**

[\(3\)](#) The Toronto Public Library Board shall be deemed to be a special library service board and may provide library resources and services to the Ontario library community. R.S.O. 1990, c. P.44, s. 40 (3); 1997, c. 26, Sched.

### **Withholding grant on default of board**

[41.](#) Where a board in any fiscal year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant that would otherwise be payable to the board for that year. R.S.O. 1990, c. P.44, s. 41.

### **Dissolution by Minister**

[42. \(1\)](#) The Minister may dissolve a public library board, a union board, a county library board or a county library co-operative board where the board has not, during the two year period immediately preceding the dissolution, maintained and operated a library. R.S.O. 1990, c. P.44, s. 42 (1).

### **Idem**

[\(2\)](#) The Minister may dissolve an Ontario library service board where the Ontario library service area under its jurisdiction has been dissolved. R.S.O. 1990, c. P.44, s. 42 (2).

### **Assets and liabilities of dissolved board**

[\(3\)](#) Where a board is dissolved under subsection (1), its assets and liabilities are vested in and assumed by the municipality or county or, in the case of a union board, are distributed as the Minister directs among the municipalities for which the union board was established. R.S.O. 1990, c. P.44, s. 42 (3); 2002, c. 18, Sched. F, s. 3 (16).

### **Idem**

[\(4\)](#) Where a board is dissolved under subsection (2), its assets and liabilities are vested in and assumed by the Crown in right of Ontario. R.S.O. 1990, c. P.44, s. 42 (4); 2002, c. 18, Sched. F, s. 3 (17).

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## **Appendix 2: City of Hamilton By-Law NO. 04-019**

### **A BY-LAW FOR THE ESTABLISHMENT OF A PUBLIC LIBRARY BOARD FOR THE CITY OF HAMILTON**

WHEREAS the Public Libraries Act, R.S.O.1990, chapter hereinafter called “the Act” provides that public libraries shall be under the management and control a board, which is a corporation,

AND WHEREAS, the City Hamilton Act, 1999 established a library board the City Hamilton, effective January 1, 2001, under the name “Hamilton Public Library Board”,

AND WHEREAS, the regulations the Act that outline the size and composition a library board have changed since the establishment the Hamilton Public Library Board under City Hamilton By-Law No. 01-038;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

- 1) That a public library board to be known as the Hamilton Public Library Board be established which shall manage and direct the Hamilton Public Library in accordance with the Public Libraries Act, R.S.O. 1990, chapter P44.
- 2) That the Hamilton Public Library Board shall be composed of eleven (11) persons appointed by the Council of the City of Hamilton of who two (2) shall be members of Council and nine (9) shall be citizen appointees.
- 3) That Council shall attempt to balance the citizen appointments to the Board, reflecting the City’s multicultural, generational, geographic and vocational diversity.
- 4) That the term of a Library Board member shall, in compliance with the Act, be concurrent with the term of Council, with citizen appointees staying in place after a new Council has been elected until such time as the new Council names its appointees.
- 5) That the Hamilton Public Library Board shall have all responsibilities given to it by the Act.
- 6) That By-law No. 01-038 is hereby repealed.
- 7) In the event of a conflict between the provisions of this by-law and the Public Libraries Act, R. O. 1990, chapter P44 and its revisions, the provisions of the Act prevail

This by-law shall come into force and take effect on the date of its passing and enactment.

PASSED AND ENACTED this 1 day of February, 2004.

## **1.2 CEO/Chief Librarian Performance Appraisal**

**Policy Level:** Library Board

**Author:** HR Director

**Date Approved:** 2016-05-18

### **Introduction**

One of the responsibilities of the Library Board is to employ a competent CEO/Chief Librarian (henceforth CEO). This Policy has been developed to ensure that the process is fair, is transparent to Board members, protects confidentiality and is focused on improving the CEO's performance and adherence to Hamilton Public Library's strategic priorities, the basis for the CEO's goals.

### **Principles**

- The Library Board is responsible for the CEO's Performance Appraisal (PA) process.
- The CEO Performance Appraisal will be conducted consistent with Library Board mission, values and strategic priorities.
- The Board will seek written self-assessment from the CEO on their previous year's performance. This self-assessment will then be discussed at a meeting of the Library Board and will remain confidential. The Director of Human Resources assists with the process.
- The Library Board aspires to make decisions based on consensus. Where consensus is not achievable, a vote may be taken on specific goals or sections of the PA under question. In such cases a simple majority (number that is greater than half of a total) of Board members present will be required to approve.

### **Criteria for Evaluation**

- The purpose of evaluation is to ensure alignment between the Library Board and the CEO and to ensure feedback systems are in place to support ongoing improvement.
- The Library Board will monitor the degree to which Board policies and strategic priorities are met. Monitoring of the CEO's job performance will be solely against expected job outputs. Data that do not do this will not be considered to be monitoring data.
- The Board may acquire monitoring data by one or more of three methods:
  - Internal reports, in which the CEO discloses performance and compliance information to the Board
  - External reports, in which a disinterested, external third party selected by the Board, assesses compliance with Board policies.
  - Direct Board inspection, in which a designated member or members of the Board assess compliance with the appropriate policy criteria
- The standard for performance/compliance shall be a reasonable interpretation of the Board policy or priority being monitored

### **Frequency of Appraisals**

The standard period for evaluation will be annually, unless a consensus is reached with the Library Board and the CEO that a longer period is more appropriate. In such a case the schedule will be adjusted accordingly.

### **Schedule and Process**

The schedule provides a checklist for the steps of the process

- **Establishing Goals:** November in discussion with Board in December
  - The organizational goals are the CEO's goals and the CEO is to draft goals for the

- coming year based on these discussions.
- Draft sent to Board for comment, comments sent to the Chair/CEO in writing. All comments will be viewed by the entire Board and if approved by the majority of the members it will be incorporated into the performance document for the given year.
- Once finalized, goals will be approved by the Library Board.
- **Mid-Year Progress Report: June**
  - CEO presents to the Board on a mid-year progress report that includes any needed adjustments to the goals for 2<sup>nd</sup> half of the year.
  - Draft sent to Board for comment, comments sent to the Chair in writing. All comments will be viewed by the entire Board and if approved by the majority of the members it will be incorporated into the performance document for the given year.
  - Once finalized, goals will be approved by the Library Board.
- **Final Report for the year: December**
  - CEO works with the Board to complete report for the year
  - Draft sent to Board for comment, comments sent to the Chair/CEO in writing. All comments will be viewed by the entire Board and if approved by the majority of the members it will be incorporated into the performance document for the given year.
  - Once finalized, goals will be approved by Library Board.
  - Final versions of the Goals and Reports will be signed by the Board Chair, CEO and Director of Human Resources and added to the CEO's personnel file.

#### **Board discussions:**

- During the process there may be questions or the need for a Board discussion at any point during the year. Board members wishing such discussion should request that through the Board Chair.
- The item will appear under Private and Confidential as "HR Matter"
- The CEO may remain for the 1<sup>st</sup> part of the *in camera* discussion to make a statement or answer questions; however, the main Board discussion will happen with the CEO not present. The Director of Human Resources will remain in attendance to take notes and advise on process.
- The discussion with the CEO related to their performance appraisal will be done by the Chair and Vice-Chair.

### **1.3 Advocacy and Political Participation Policy – Under Review**

**Policy Level:** Library Board

**Date Approved:** October 2014

#### **Policy Purpose and Scope**

This policy provides guidance for Hamilton Public Library (HPL) staff and the Library Board in regards to advocacy and participation in elections and political parties.

#### **Background**

Public Libraries in Ontario, like HPL, are governed by the Public Libraries Act which establishes that we are governed by independent boards. At HPL a core value is intellectual freedom and our role is to facilitate the expression of a wide range of ideas. Public libraries also play an important role in encouraging democratic participation and awareness. In fulfilling these roles, HPL needs to ensure we preserve the public's trust in us as an independent organization by being careful to avoid the perception of bias or partisanship.

#### **Guidance for Staff**

##### **Promoting Democratic Awareness and Participation**

The Library Board encourages staff to support non-partisan activities that encourage political participation and voter awareness. Approved activities include things like the following:

- Using library space to serve as polling stations
- Using library space for non-partisan voter registration tables
- Using library space to host all candidates meetings
- Using library space to host programs and discussions about relevant current issues

Approval for using the library space or website for non-partisan activities requires approval of the Chief Librarian or designate.

##### **Maintaining Public Trust and Independence**

The Library Board requires staff to refrain from activities that could erode our position of trust and independence. The Library will not support, endorse, or advocate the viewpoints or beliefs of any one candidate, political party, partisan organization or group. The following activities are not permitted:

- The posting or distribution of partisan election or campaign material in or around library facilities or on the website
- Renting library space for partisan events, election or campaign activities
- While at work staff will not wear anything that promotes a specific issue, candidate or party. They will not post, distribute or promote any election candidate, issue or party while on library property

#### **Guidance for Library Board Members**

##### **Advocating on Behalf of Libraries**

Public Libraries, like the Hamilton Public Library, provide tremendous value and play an essential role in promoting literacy and the love of reading. Libraries help individuals overcome barriers that limit their ability to participate in the economy and in society. Advocating and promoting public libraries and HPL is an important role for all staff and Board members. While advocacy is important, it is also critical that these efforts are done in a thoughtful way that

strengthens the depth and breadth of support for libraries over the long term. Some key points around advocacy:

- The goal of advocacy is to promote awareness of the impact and value of public libraries. Our efforts in Hamilton are naturally focused on the impact and value HPL has on our community
- HPL has a long history of nurturing as wide of support as possible. In the process of advocating for HPL, we will focus on the positive merits of our value and avoid criticism of individuals not sharing our perspective
- Where appropriate, HPL will participate in advocacy efforts with provincial and national library organizations. We will partner with the library community to support independent research that improves and deepens our understanding about the impacts of libraries and best practices to achieve those impacts
- The timing and nature of our advocacy will be careful to avoid the appearance that we are endorsing a specific candidate or political party.
- In general, formal advocacy efforts that HPL engages in will focus on issues that are related to our mission as a public library. For example, efforts to influence the Ontario and Canadian governments will focus on funding or legislation that impact public libraries or libraries in general. This, however, does not in any way preclude HPL from participating in or supporting awareness campaigns on issues consistent with our values of respect and inclusion or in general support of issues related to health and wellness and democratic participation.

The **Chair** is the official spokes person for the Library Board.

- Only the Chair may represent and speak for the Board in an official capacity to outside parties in announcing Board-stated positions and in stating Chair decisions. (from Board By-Laws)

The **Chief Librarian** speaks on behalf of the HPL in matters relating to the operation and procedures of the HPL and may speak on behalf of the Board in cooperation with the chair of the Board.

- The Chief Librarian identifies and maintains effective relationships with appropriate stakeholders such as other libraries, universities, research organizations, governments, agencies, businesses, media, non-governmental organizations, community leaders and related institutions on a provincial, national and international scale. (from Chief Librarian role description)
- The Chief Librarian is responsible for ensuring procedures are in place to support effective coordination with media

All **Board members** are encouraged to promote the value of the Hamilton Public Library and its impact on the community. This is done by:

- Sharing stories and relevant information about library programs, services and impact
- Sharing information about the Board's values, vision and strategic plans
- Being an excellent ambassador for HPL and advocating consistent with this policy
- When requested, assisting the Board Chair in officially representing HPL at meetings or other events
- Respecting the confidentiality appropriate to issues of a sensitive nature and understand that it is the Chair's role to represent and speak on behalf of the Board

- If contacted by the media, coordinate with the Board Chair and Chief Librarian to ensure appropriate information is shared. Because of their roles the Board Chair and Chief Librarian are responsible for responding to media inquiries. This role is often delegated to others, but the delegation requires the approval of the Board Chair or Chief Librarian

## 1.4 Policy Development Framework – *New Under Review*

**Policy Level:** Library Board

**Author:** Chief Librarian/CEO

**Approved:** Draft pending Board Approval

### Policy Purpose

To specify a formal mechanism to create, approve, publish, rescind and periodically revise Library policies and procedures.

### Key Points Summary

- HPL's body of policy/procedures will be as simple as possible and clearly communicated
- There are clear responsibilities and steps to follow in getting policies/procedures approved and published
- Board policies provide the overall direction for the organization
- Administrative policies ensure regulatory compliance and effective operations.
- Administrative policies and procedures are developed to be consistent with the direction provided by the Library Board in the strategic plan, Board policies and other directions provided.

### Definitions

**Policy:** A policy is a governing set of principles that guide Library practice. It helps to ensure compliance with applicable laws and regulations, promotes operational efficiencies, enhances the Library's mission and values, and reduces institutional risks. It has broad application, provides a basis for consistent decision making and resource allocation.

**Procedure:** The operational processes or practices required to implement library policy. Operating procedures can be specific to a department or applicable across the entire library. Policy generally defines "what" the institution does operationally, while procedures define "how" the library intends to carry out those policies.

### Differences between Policies and Procedures<sup>1</sup>

The distinctions between policy and procedures can be subtle and vary depending on the level of operations being described. Nevertheless, there are common characteristics that can help discern policy from procedures.

Policy	Procedures
Widespread application	Narrow application
Changes less frequently	Prone to change
Usually expressed in broad terms	Often stated in detail
Statements of "what" and/or "why"	Statements of "how," "when" and/or and sometimes "who" sometimes "who"
Answers major operational issue(s)	Describes process

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<sup>1</sup> <http://policy.calpoly.edu/cappolicy.htm>

## Guiding Principles and Commitments

The Hamilton Public Library is committed to having clearly written and understandable policies and procedures. Core principles and rules that shape HPL's policy and procedure body of work include:

1. **Simplicity:** We live in a time of rapid change with the need for HPL to continually evolve and change to response to changing individual and community needs. In this environment, complex rules and processes are less likely to be consistently followed and effectively communicated than simple ones. Our goal therefore in developing policies and procedures will be to aim for as much simplicity as practical.
2. **Clear Language & Presentation:** Policies and procedures will be written in clear language. Wherever possible formatting tools such as lists, tables, graphs, and other visual aids will be used to assist with communicating the information.
3. **Accessibility:** Policies and procedures will be available in accessible formats. Policies and procedures will be published using different channels to ensure they are readily available for staff and customers as needed.
4. **Consolidation:** Where ever practical, related information will be contained in the same policy/procedure. When new circumstances require additional policy development, the goal will be to update existing policies not adding new ones.
5. **Schedule of Review:** A schedule will determine the minimum frequency of review. Where policy/regulatory changes or other special circumstances arise, priority will be given to addressing those over the normal schedule. The standard review cycle will be developed to ensure these goals are met:
  - All policies/procedures get reviewed at a minimum every 4 years (term of the Library Board)
  - The frequency of review does not create unnecessary work that does not advance our mission or service.
  - We meet all regulatory requirements.
6. **General Rules:** Policies and procedures are meant to provide guidance to ensure we approach similar situations consistently and appropriately. In developing them the goal is to address most but not all situations (80/20 rule). Policies/procedures that try to capture rules that address every possible situation often become counterproductive because the core important rules get lost in too much detail and complexity.
7. **Incremental Changes:** Occasionally legislative changes or other external influences require major changes to our policy/procedures; however, when not facing such pressures the priority will be to make adjustments and improvements not radical changes.

## Responsibility for Maintaining Policies/Procedures

Different levels of policy/procedures have different rules around where they need to be published and when they need to be reviewed. While work may be delegated, the responsibility for ensuring policies/procedures are up-to-date, follow at least the minimum review cycle and are published in the appropriate places lies with the CEO/Chief Librarian or Senior Director responsible for the policy/procedure

### Policy Levels

1. **Library Board Policies** – Core policies that set the broad direction for the organization. They articulate priorities for service development; define core service levels and specify fee structures.
2. **Administration Policies** – Policies that are required for administrative or regulatory purposes. These policies are developed consistent with the intention of Board policies and other direction provided by the Library Board.
3. **System Procedures** – Organization procedures developed to ensure effective and efficient operation of the Hamilton Public Library.
4. **Departmental Procedures** – Departments develop internal procedures to ensure effective and efficient operations of their department.

### Publishing Rules for Policies

Policy Level	Approval	Published		
		Board Policy Manual	Website	Staff Intranet (HPLNET)
Library Board	Board	Required	Required	Required
Administration Team	Administrative Team	Listed in manual	When needed	Required

### Policy Template

Policies will be developed consistent with principles and commitments outlined in the Policy Development Framework. The following fields will provide the standard template for the structure of policies.

*Note: information from policies will be extracted and incorporated in online and print communications. This structure only applies to policies as they appear in the official policy manuals.*

- **Policy Number:** Number of Policy
- **Title:** Use a descriptive title that makes sense on its own. HPL or Hamilton Public Library should not be included in the standard title.

- **Policy Level:** Board, Administration or Procedure.
- **Author:** Title of the director responsible for maintaining policy, not personal name.
- **Review Period:** Standard review period in years, the maximum is 4 years.
- **Review/Approval History:** Date(s) of past approval, pending approval date.
- **Policy Purpose:** A brief description of the purpose of the policy
- **Key Points Summary (NEW):** A summary of the most important information contained in the policy or procedure. This should be in the form of a list of items or table. Recommend not to exceed 7 points.
- **Definitions:** An alphabetical listing of definitions that are important to understanding the context of the policy or procedure. Generally simple or well understood concepts do not require a definition.
- **Policy Details:** Details of the policy. Remember to keep as simple as possible and format in ways that make it easy to scan for key information.

## 2. CORE VALUES

### 2.1 Library Mission Statement

**Approved:** November 2003, February 2008

**“Freedom to Discover”**

### 2.2 Values

- **Intellectual Freedom** - Providing Access to all expressions of knowledge and creativity
- **Inclusiveness** - Connecting with diverse communities
- **Innovation** - Anticipating and responding to changing needs
- **Respect** - Embracing a diversity of opinions and protecting the dignity of individuals
- **Accountability** - Ensuring that library services are vital and relevant

### 2.3 Board Strategic Priorities 2012 – 2016

**Approved:** May 2012

#### **Preamble**

The 2011 – 2016 Hamilton Public Library Board has adopted three strategic priorities.

We expect that meeting these new priorities will result in the shifting and reallocation of current resources, ensuring that the communities we serve will continue to enjoy a library system that is relevant, engaged and responsive.

Library staff will develop specific objectives to help the library system to reach toward our strategic priorities. Senior management will use these objectives as guidelines but may also adjust specific objectives if better opportunities to meet the Board's priorities should arise.

In many ways, the library system is already moving toward the stated strategic priorities. Some priorities might be reached by ensuring that the residents of Hamilton better understand services that are already available to them.

The Hamilton Public Library system is internationally recognized as an innovative leader in adopting new technologies, as well as seeking out new services and partnerships that help us better serve all our communities – physical, virtual, ethnic, cultural, and more. Through these priorities we will continue to be forward-looking, responsive, and accountable.

#### **A Community Beacon**

The Hamilton Public Library will be a source of pride in the community. The library's buildings and virtual spaces will be flexible and appealing and will create customer experiences that are successful and enticing. The library system will act as a unifying force within the city and within its communities.

#### **Relevant and Responsive**

The Hamilton Public Library will anticipate the needs of customers and potential customers. The library will maintain strong physical collections while growing collections and services that reflect the increasing demand for information, books, music and videos in digital formats. The library system will be a national leader, working to create model agreements with publishers and

vendors that ensure all Canadians can continue to receive use of the world's intellectual property, regardless of format.

### **A Creative and Changing Organization**

The library will strive to have staff engaged in their roles and in the library profession and ensure that staff have opportunities and support to enhance their current skills and to develop new competencies that are relevant to customers. The Library system will continuously seek new ways staff can add value to the experiences of customers and to the communities we serve.

## **2.4 Core Position Statements – New Under Review**

**Policy Level:** Library Board

**Author:** Chief Librarian/CEO

**Approved:** Draft pending approval October 2016

**Policy Statement:** In keeping with the Hamilton Public Library's mission as a public library, the Library Board endorses the following position statements. These position statements, along with the Library's mission, values and strategic priorities are to guide the development of library policy and services.

### **2.4.1 Intellectual Freedom Policy**

**Policy Level:** Library Board

**Adopted:** March 2003, March 2014 (Pending September 2016)

The Hamilton Public Library Board endorses the Statement on Intellectual Freedom as set out by the Canadian Library Association (CLA) and the Ontario Library Association (OLA) statement on the Intellectual Rights of the Individual.

#### **❖ Canadian Library Association Statement on Intellectual Freedom and Libraries**

The Canadian Library Association recognizes and values the *Canadian Charter of Rights and Freedoms* <http://laws-lois.justice.gc.ca/eng/Const/page-15.html> as the guarantor of the fundamental freedoms in Canada of conscience and religion; of thought, belief, opinion, and expression; of peaceful assembly; and of association.

The Canadian Library Association supports and promotes the universal principles of intellectual freedom as defined in the *Universal Declaration of Human Rights* <http://www.un.org/en/documents/udhr/index.shtml>, which include the interlocking freedoms to hold opinions and to seek, receive and impart information and ideas through any media and regardless of frontiers.

In accordance with these principles, the Canadian Library Association affirms that all persons in Canada have a fundamental right, subject only to the Constitution and the law, to have access to the full range of knowledge, imagination, ideas, and opinion, and to express their thoughts publicly. Only the courts may abridge free expression rights in Canada.

The Canadian Library Association affirms further that libraries have a core responsibility to support, defend and promote the universal principles of intellectual freedom and privacy.

The Canadian Library Association holds that libraries are a key institution in Canada for rendering expressive content accessible and affordable to all. Libraries are essential gateways for all persons living in Canada to advance themselves through literacy, lifelong learning, social engagement, and cultural enrichment.

Libraries have a core responsibility to safeguard and facilitate access to constitutionally protected expressions of knowledge, imagination, ideas, and opinion, including those which some individuals and groups consider unconventional, unpopular or unacceptable. To this

end, in accordance with their mandates and professional values and standards, libraries provide, defend and promote equitable access to the widest possible variety of expressive content and resist calls for censorship and the adoption of systems that deny or restrict access to resources.

Libraries have a core responsibility to safeguard and foster free expression and the right to safe and welcoming places and conditions. To this end, libraries make available their public spaces and services to individuals and groups without discrimination.

Libraries have a core responsibility to safeguard and defend privacy in the individual's pursuit of expressive content. To this end, libraries protect the identities and activities of library users except when required by the courts to cede them.

Furthermore, in accordance with established library policies, procedures and due process, libraries resist efforts to limit the exercise of these responsibilities while recognizing the right of criticism by individuals and groups.

Library employees, volunteers and employers as well as library governing entities have a core responsibility to uphold the principles of intellectual freedom in the performance of their respective library roles.

**Source:** [http://cla.ca/wp-content/uploads/CLA Intellectual Freedom Position Stmt 27sept2015 ltrhd.pdf](http://cla.ca/wp-content/uploads/CLA_Intellectual_Freedom_Position Stmt 27sept2015 ltrhd.pdf)  
Approved by CLA Executive Council ~ June 27, 1974 Amended November 17, 1983; November 18, 1985; and September 27, 2015

### ❖ Ontario Library Association Statement on the Intellectual Rights of the Individual

In affirming its commitment to the fundamental rights of intellectual freedom, the freedom to read and the freedom of the press, as embodied in the Canadian Charter of Rights and Freedoms, the Ontario Library Association declares its acceptance of the following propositions:

- 1) That the provision of library service to the public is based upon the right of the citizen, under the protection of the law, to judge individually on questions of politics, religion and morality.
- 2) That intellectual freedom requires freedom to examine other ideas and other interpretations of life than those currently approved by the local community or by society in general, and including those ideas and interpretations which may be unconventional or unpopular.
- 3) That freedom of expression includes freedom for a creator to depict what is ugly, shocking and unedifying in life.
- 4) That free traffic in ideas and opinions is essential to the health and growth of a free society and that the freedom to read, listen and view is fundamental to such free traffic.
- 5) That it is the responsibility of libraries to maintain the right of intellectual freedom and to implement it consistently in their selection of books, films, recordings, other materials, and in the provision of access to electronic sources of information, including access to the

internet.

6) That it is therefore part of the library's service to its public to resist any attempt by an individual or group within the community it serves to abrogate or curtail access to information, the freedom to read, view and listen by demanding the removal, or restrictions to library information sources in any format.

7) That it is equally part of the library's responsibility to its public to ensure that its selection of materials is not unduly influenced by the personal opinions of the selectors, but determined by the application of generally accepted standards of accuracy, style and presentation.

**Source:** [https://www.bpl.on.ca/sites/default/files/basic\\_page/ola-int-rights.pdf](https://www.bpl.on.ca/sites/default/files/basic_page/ola-int-rights.pdf)

Approved by the Ontario Library Association, November 7, 1998

### **2.4.2 Rights of Children and Teens in the Public Library Policy**

**Policy Level:** Library Board

**Author:** Director, Youth Services

**Approval Dates:** First Approved: September 2015 – replacing the Children's Rights in the Public Library Policy - First Approved June 18, 1999; Revision date: April 2001

The Hamilton Public Library provides library service for children and teens to support and foster a lifelong love of reading and learning. The Hamilton Public Library Board fully endorses the **Children's Rights in the Public Library** adopted at the Ontario Library Association Annual General Meeting, November 1998 and the **Teen Rights in the Public Library** adopted at the Ontario Library Association General Meeting, June 2010.

#### **❖ Ontario Library Association's Position on Children's Rights in the Public Library.**

Children in Public Libraries have the right to:

1. Intellectual freedom
2. Equal access to the full range of services and materials available to other users.
3. A full range of materials, services and programs specifically designed and developed to meet their needs.
4. Adequate funding for collections and services related to population, use and local community needs.
5. A library environment that complements their physical and developmental stages.
6. Trained and knowledgeable staff specializing in children's services.
7. Welcoming, respectful, supportive service from birth through the transition to adult user.
8. An advocate who will speak on their behalf to the library administration, library board, municipal council and community to make people aware of the goals of children's services.
9. Library policies written to include the needs of the child.

**Source:** [http://www.accessola2.com/data/1/rec\\_docs/380\\_ola3.pdf](http://www.accessola2.com/data/1/rec_docs/380_ola3.pdf)

Ontario Library Association – November 1998

## ❖ Ontario Library Association's Position on Teen's Rights in the Public Library

Teens in Ontario Public Libraries have the right to:

### **1. Intellectual freedom**

The library establishes clear policy statements concerning the right to free access by young adults to library resources and information sources; and respect for the rights of young adults to select materials appropriate to their needs without censorship. The library's teen collection, policies and services should be consistent with the concepts of intellectual freedom defined by the CLA, OLA and Ontario Human Rights code.

### **2. Equal access to the full range of materials, services, and programs specifically designed and developed to meet their unique needs.**

The Library integrates library service to teens into the overall plan, budget and service program for the library. Library service to teens is integrated with those offered to other user groups.

### **3. Adequate funding for collections and services related to population, use and local community needs.**

The Library incorporates funding for materials and services for teens in the library operating budget and ensures there is equitable distribution of resources to support programs and services for young adults.

### **4. Collections that specifically meet the needs of teens**

The Library provides a wide spectrum of current materials of interest to young adults to encourage lifelong learning, literacy, reading motivation, and reader development. The library endeavors to develop collections that encourage leisure reading, support homework and school success and responds to gender and cultural diversity. The library provides unfettered access to technology including social networking, licensed databases, and other online library resources for teens.

### **5. A library environment that complements their physical and developmental stages.**

The Library provides identifiable spaces for teens that are separate from children's spaces where possible, reflects their lifestyle and allows for teens to use this library space for leisure or study, either independently or in groups.

### **6. Welcoming, respectful, supportive service at every service point.**

The Library promotes friendly, positive, non-biased customer interactions with teens, providing staff development and training and ensures that services for teens embrace cultural and gender diversity and economic differences. Library staff will endeavor to respect the teen's need for privacy and nonjudgmental service and assist young adults in acquiring the skills to effectively access all library resources and become information literate.

### **7. Library Programs and Services appropriate for Teens**

The Library fosters youth development by providing programs for teens that contribute to literacy, life-long learning and healthy youth development. The library endeavors to provide volunteer opportunities for helping others through community service hours including participating on Library Advisory Boards, and other projects that help develop a sense of responsibility and community involvement. The library's teen services initiatives are effectively managed according to best practices in the field of Youth

Services.

**8. Trained and knowledgeable staff specializing in teen services.**

Library staff is knowledgeable about adolescent development and age appropriate resources for young adults inclusive of those with special needs. The library provides services by teen specialists as well as by others who are trained to serve teens.)

**9. An advocate who will speak on their behalf to the library administration, library board, municipal council and community to make people aware of the goals of teen services.**

The Library works in partnership with other community agencies and organizations to support all aspects of healthy, successful youth development.

**10. Library policies are written to include the needs of the youth.**

**Source:** [http://www.accessola2.com/data/5/rec\\_docs/729\\_TeenRightsOLA-1.pdf](http://www.accessola2.com/data/5/rec_docs/729_TeenRightsOLA-1.pdf)

Ontario Library Association – June 2010

### **2.4.3 Diversity and Inclusion Policy**

**Policy Level:** Library Board

**Approved:** May 2015 *Replaced Religious Seasonal Displays Policy (March 1997, April 2001)*

The Hamilton Public Library is committed to fostering an environment of understanding and respect. The Hamilton Public Library Board endorses the Statement on Diversity and Inclusion as set out by the Canadian Library Association.

Libraries strive to deliver inclusive service. The Hamilton Public Library recognizes and affirms the dignity of those it serves, regardless of heritage, education, beliefs, race, income, religion, gender, age, sexual orientation, gender identity, physical or mental abilities.

The Library is committed to fostering an environment of respect, understanding and accepting differences.

- The Hamilton Public Library makes diversity and inclusion a priority in planning and decision making for staffing, collections and service development.
- The Hamilton Public Library acts to ensure that people can enjoy services free from attempts by others to impose values, customs or beliefs.
- In the spirit of diversity and inclusion for all members, the Hamilton Public Library will permit the exhibit of displays and provision of programs that fit into the location's communities at the appropriate times (e.g. seasonal Christmas displays, menorahs displayed during Hanukkah, program celebrating other cultures or religious backgrounds).

❖ **Canadian Library Association Position Statement on Diversity and Inclusion**

The Canadian Library Association believes that a diverse and pluralistic society is central to our country's identity. Libraries have a responsibility to contribute to a culture that recognizes diversity and fosters social inclusion.

Libraries strive to deliver inclusive service. Canada's libraries recognize and energetically affirm the dignity of those they serve, regardless of heritage, education, beliefs, race,

religion, gender, age, sexual orientation, gender identity, physical or mental capabilities, or income.

Libraries understand that an acceptance of differences can place individual and collective values in conflict. Libraries are committed to tolerance and understanding. Libraries act to ensure that people can enjoy services free from any attempt by others to impose values, customs or beliefs.

**Source:** <http://cla.ca/wp-content/uploads/Diversity-and-Inclusion-May-2008.pdf>

Approved by CLA Executive Council ~ May 25, 2008

#### **2.4.4 Access to Information and Communication Technology (ICT)**

**Policy Level:** Library Board

**Approved:** March 2014

The Hamilton Public Library Board endorses the Canadian Library Association Position Statement on *Access to Information and Communication Technology (ICT)*.

##### **❖ Position Statement on Access to Information and Communication Technology (ICT)**

###### **Preamble**

Canadian Library Association (CLA) views the Internet and other publicly available ICT networks as public goods essential to participation in a democratic and information-driven society. Therefore, CLA recognizes that access to ICT is an essential part of the universal access to information that Canadian libraries provide and support.

CLA and its members will co-operate with governments, agencies, industry and other organizations to ensure that these fundamental rights are represented in all policies and laws governing access to and dissemination of information via ICT.

All Canadians have the right to:

###### **1. Universal, Equitable, and Affordable Access to Robust ICT networks**

**1.1.** Access to high-speed ICT networks should be available and affordable to all regardless of factors such as age, religion, ability, gender, sexual orientation, social and political views, national origin, economic status, location and level of information literacy.

**1.2.** Special efforts should be made to ensure equity of access in rural and remote areas and access to inclusive technologies for people with disabilities.

**1.3.** A public policy framework should support the development of ICT infrastructure that meets high standards of speed, reliability and universality.

###### **2. Access to Information Literacy**

**2.1.** Everyone should have the opportunity to acquire the necessary skills to find and use information using ICT.

###### **3. Open Access to Information**

**3.1.** Open access to information should be encouraged at all levels of government and in all publicly-funded institutions. This information should be available free of charge with as

little restriction on re-use and modification as possible

**3.2.** Government and public institutions should take responsibility for archiving information in order to preserve collective memory.

#### **4. Freedom of Expression**

**4.1.** Individuals have the right to create, share, exchange, access and receive the widest range of ideas, information and images.

**4.2.** Public policy should encourage neutrality of traffic flow on ICT networks, neither privileging nor restricting information based on content or type. Libraries and other knowledge organizations should encourage the development and use of neutral search and retrieval mechanisms.

#### **5. Privacy**

**5.1.** Privacy of personal information on ICT networks should be carefully protected by legislation.

**5.2.** In all situations, there should be a written statement outlining the purpose for which personal data is collected. The collection of personal information should be limited to that which is necessary for the purposes identified by the organization. Consent should be required for the collection of personal information and the subsequent use or disclosure of this information.

**5.3.** This data should not be traded or sold without the express written permission of the individual affected. Information about privacy policies and mechanisms should be easily accessible and all changes to these should be made on an "opt-in" basis.

**5.4.** Individuals should have the right to examine their own personal information collected by government, public bodies and corporations and to have mistakes corrected, both without charge.

**Source:** <http://cla.ca/wp-content/uploads/Access-to-Information-and-Communication-Technology-ICT-June-1994-Amended-May-2012-Affirmed-June-2012.pdf>

- Approved by Executive Council – 18 June 1994; amended – 29 May 2012 and affirmed at CLA AGM – 1 June 2012

### **2.4.5 Access by Design and Privacy by Design**

**Policy Level:** Library Board

**Approved:** June 2013

The Hamilton Public Library endorses the principles of Access by Design (AbD) and Privacy by Design (PbD) as developed by the Ontario Privacy Commissioner. As library systems, programs and policies are reviewed or developed the principles outlined in AbD and PbD will be incorporated into the planning process.

#### **❖ Privacy by Design (PbD) - The 7 Fundamental Principles**

##### **1. Proactive not Reactive; Preventative not Remedial**

The Privacy by Design (PbD) approach is characterized by proactive rather than reactive measures. It anticipates and prevents privacy invasive events before they happen. PbD does not wait for privacy risks to materialize, nor does it offer remedies or resolving privacy

infractions once they have occurred — it aims to prevent them from occurring. In short, Privacy by Design comes before-the-fact, not after.

## **2. Privacy as the Default Setting**

We can all be certain of one thing — the default rules! Privacy by Design seeks to deliver the maximum degree of privacy by ensuring that personal data are automatically protected in any given IT system or business practice. If an individual does nothing, their privacy still remains intact. No action is required on the part of the individual to protect their privacy — it is built into the system, by default.

## **3. Privacy Embedded into Design**

Privacy by Design is embedded into the design and architecture of IT systems and business practices. It is not bolted on as an add-on, after the fact. The result is that privacy becomes an essential component of the core functionality being delivered. Privacy is integral to the system, without diminishing functionality.

## **4. Full Functionality — Positive-Sum, not Zero-Sum**

Privacy by Design seeks to accommodate all legitimate interests and objectives in a positive-sum “win-win” manner, not through a dated, zero-sum approach, where unnecessary trade-offs are made. Privacy by Design avoids the pretense of false dichotomies, such as privacy vs. security, demonstrating that it is possible to have both.

## **5. End-to-End Security — Full Lifecycle Protection**

Privacy by Design, having been embedded into the system prior to the first element of information being collected, extends securely throughout the entire lifecycle of the data involved — strong security measures are essential to privacy, from start to finish. This ensures that all data are securely retained, and then securely destroyed at the end of the process, in a timely fashion. Thus, Privacy by Design ensures cradle to grave, secure lifecycle management of information, end-to-end.

## **6. Visibility and Transparency — Keep it Open**

Privacy by Design seeks to assure all stakeholders that whatever the business practice or technology involved, it is in fact, operating according to the stated promises and objectives, subject to independent verification. Its component parts and operations remain visible and transparent, to users and providers alike. Remember, trust but verify.

## **7. Respect for User Privacy — Keep it User-Centric**

Above all, Privacy by Design requires architects and operators to keep the interests of the individual uppermost by offering such measures as strong privacy defaults, appropriate notice, and empowering user-friendly options. Keep it user-centric.

**Source:** <https://www.ipc.on.ca/images/resources/7foundationalprinciples.pdf>

Information and Privacy Commissioner of Ontario - Revised January 2011

## **❖ Access by Design (AbD) - The 7 Fundamental Principles**

### **1. Proactive, not Reactive**

Many public institutions are still reactive and wait until a request for information is received before deciding to release it; this can be a slow, cumbersome process, easily used

as a mechanism to deny access to information. With Access by Design, government institutions can take a proactive approach to promote full transparency, while at the same time, achieving cost-savings by eliminating a costly and cumbersome disclosure process.

**2. Access Embedded into Design**

When access is embedded into the design of public programs from the outset, it delivers the maximum degree of access to government-held information by making proactive disclosure the default. The benefits are twofold: the public can access information more directly; and government institutions can save significant resources by making their information available on a routine basis – by default.

**3. Openness and Transparency = Accountability**

A transparent and open government is vital for a free and democratic society. The essential purpose of access to information legislation is to support the democratic process by ensuring that citizens have the information required to hold their governments accountable – which is not possible if government activities and documents are hidden from public view. When government proactively provides routine access to government-held information, it creates a “culture of accountability.”

**4. Fosters Collaboration**

The Internet has given impetus to a new phenomenon where more and more community groups are coming together online with the power to engage government policy makers directly. Government institutions need to embrace this new culture by making data readily available to these groups as part of the social contract to serve their citizens. Further, there are new opportunities for the private sector to work collaboratively with government in utilizing public data, with many potential benefits for the economy as a whole.

**5. Enhances Efficient Government**

The demand for government services continually increases, while governments constantly face the need for cost reduction measures. By embracing Access by Design, public institutions can improve their information management practices by eliminating the inefficient process of “reactive” disclosure, and yet provide more streamlined access to public information. Further, citizen groups can also utilize public data to spot inefficiencies in, and improvements for, government services – increasing efficiency by reducing demand on government resources.

**6. Makes Access Truly Accessible**

Simply releasing more data is not enough. Access by Design also requires that public information be easily found, indexed and presented in user-friendly formats. There is little value in proactively disclosing public information if it is quietly placed online in obscure locations, using uncommon software which cannot be widely utilized. In addition, public institutions need to ensure that their IT systems are up-to-date and can meet increased public demand by extracting information quickly, in a cost-effective manner.

**7. Increases Quality of Information**

Information has been called the lifeblood of the 21st century economy. This is no less true when it comes to meaningful citizen participation in public life. Not only is it essential for government institutions to place public data on public databases, they must also ensure that the information is accurate, reliable and up-to-date. Quality control and assurance protocols

are vital to ensure that public participation in the democratic process remains relevant and meaningful.

**Source:** [https://www.ipc.on.ca/images/Resources/accessbydesign\\_7fundamentalprinciples.pdf](https://www.ipc.on.ca/images/Resources/accessbydesign_7fundamentalprinciples.pdf)  
Information and Privacy Commissioner of Ontario - Revised April 2010

#### **2.4.6 Library Board Statement of Sustainability**

**Policy Level:** Library Board

**Author:** Chief Librarian/CEO

**Date Approved:** 2010-09-22

##### **Policy Statement**

It is the responsibility of the Hamilton Public Library Board to ensure that the funding it receives provides the best possible library service to Hamilton residents. It is the responsibility of the library to ensure that all residents have access to the information and the resources required to enhance their lives. Libraries thrive when five core elements are present. These elements are:

1. Collections that are relevant and that are available when people need them;
2. Facilities that are busy, attractive, accessible and open sufficient hours to justify their costs;
3. Technological infrastructure that is robust and capable of adapting to changing customer demands and expectations;
4. Staff that are knowledgeable, trained and who perform work that provides relevant value to those they serve.
5. Services and programs that remain relevant to those they serve and that are modified, added or eliminated to reflect changing customer needs.

When too much or too little of the available funding is disproportionately spent on any single element or elements, a library system cannot operate effectively or provide relevant on-going service to the municipality it serves.

The Hamilton Public Library Board is committed to seek a delicate balance between these elements when it sets budgets and when it reviews the operations of the library system.

## 3. POLICIES REGARDING CUSTOMERS

### 3.1 Customer Code of Conduct

**Author:** Director Public Service

**Policy Level:** Library Board

**Approved:** January 2001; January 2005; April 2015

#### **Service and Customer Commitment**

Welcome to the Hamilton Public Library. Our top priority is to ensure a positive experience for our library users, whether in person or virtual. With staff and customers sharing a commitment to maintain a pleasant, safe and respectful environment for learning and leisure, together we will create the opportunity for everyone to use the library.

Everyone has the right to enjoy the services of the Hamilton Public Library. As a customer of Hamilton Public Library we ask you to:

- **Be courteous and respectful**  
Please minimize disturbance to others and use respectful language and conduct at all times. Be mindful of personal hygiene and always wear appropriate attire including shirt and footwear.
- **Follow Library policies and procedures**  
Employees make every effort to apply these library rules in a fair, dignified, and positive manner for the benefit of all. You can assist by providing the library with your up-to-date contact information as well as offering comments and feedback on our service.
- **Treat Library materials, resources and spaces with care and respect**  
Please keep library materials clean and in good condition so that they may be enjoyed again. When visiting the library, please use resources and spaces for their intended purpose to ensure a positive experience for all.
- **Be responsible for those in your care**  
Do not leave a child or vulnerable person unattended. Supervise all individuals for whom you are responsible.

Failure to comply with the Customer Code of Conduct may result in a suspension of Library privileges.

**Relevant Legislation:** [Child and Family Services Act](#); [Accessibility for Ontarians with Disabilities Act](#); [Human Rights Code](#); [Public Libraries Act](#); [Children's Aid Society of Hamilton](#); [Catholic Children's Aid Society of Hamilton](#)

## **3.2 Customer Registration Policy – Under Review**

**Policy Level:** Library Board

**Approved:** November 2001, May 2002, March 2003, December 2003; January 2005; December 2005; May 2006; February 2010, April 2011, May 2011, October 2011, October 2013 (Under Review)

### **Policy Statement**

The Hamilton Public Library Board establishes who may obtain a Hamilton Public Library card. The registered card holder is responsible for following the rules, regulations, policies and procedures of the Hamilton Public Library.

- The registered card holder is responsible for charges incurred through use of this card, or in the case of multiple cards, any card attached to the borrower record
- If a card is lost or stolen the library must be notified immediately
- Hamilton Public Library cards are issued free of charge, with the exception of the non-resident card. Cards to caregivers recognized under AODA (Accessibility for Ontarians with Disabilities Act) legislation are free.
- A fee is charged for the replacement of a library card, or for additional cards at the time of issues. Additional cards for care givers recognized under AODA (Accessibility for Ontarians with Disabilities Act) legislation are free but there is a charge for replacement cards
- Staff must ask if the borrower has any e-books requests on their account as these must be transferred over by filing a ticket with the Digital Technology Help Desk. The old borrower card number and the new borrower card number should be included when submitting the ticket

### **Library Cards**

Cards are issued free to the following applicants:

- An individual with a permanent address or who work or pays taxes in the City of Hamilton
- A student who attends a Hamilton educational institution.
- A Hamilton daycare centre or institution
- A Hamilton school, corporation, business, government agency, association, charitable and non-profit organization or group home
- A short stay resident in the City of Hamilton
- A library staff member
- Cardholders from a neighbouring library system which has a signed Reciprocal Borrower Agreement with the Hamilton Public Library.

**Non-residents** may obtain a card for a fee.

The registered card holder may elect to have additional cards per borrower record to enable family or friends to borrow or pick up library materials.

### **Membership Exceptions**

- Children of divorced or separated parents can have only one card. The parent without the child's card must borrow material for their child on their own adult card.
- Restrictions may apply for our Digital Collections on certain cards.
- Foster children can only have one card. The responsibility for this card is the guardian who is required to sign the card.
- Borrower record information of clients using our Virtual Library Service is shared with the volunteer assigned to the client.

### **Low Barrier Access Card (Approved February 2012)**

The Low Barrier Access Card would be available to all residents 14 years of age or older. The following card parameters would be applied to this card type:

- Cardholders will be required to have a single piece of identification;
- Cardholders will be limited to 5 checkouts at a time;
- Cardholders will be able to have 2 active hold requests at a time;
- Cardholders would not accrue fines for overdue materials but they will lose borrowing privileges if they have 2 items that are overdue;
- Standard express limits will apply;
- Cardholders will be responsible for the cost of lost items and the materials they borrow will follow the same 6 week loss cycle as all other materials;
- Cardholders will have full access to digital collections wherever possible.

### **Personal Information and the Terms of the Library Card Agreement**

Library registration is in accordance with the Library Policy A.1.3 Privacy Policy for Library Customers which provides the full information about the collection and use of personal information. In order to receive a library card, the card holder must agree to this statement:

Personal information contained on this form is collected under the authority of the Freedom of Information and Protection of Privacy Act, 1990, MFIPPA\Regulations.29. The information collected will be used in the process of the library's business, which may include fines, holds, overdue notices, fundraising and program information. Questions regarding the collection of this information or Freedom of Information Requests should be mailed to: Chief Librarian, Hamilton Public Library, P.O. Box 2700, Hamilton, ON L8N 4E4.

The Library does not share information about the borrower's record such as what an individual library customer has borrowed, overdue items, or fines, with the exceptions noted in the Privacy Policy for Library Customers and which require the consent of the Chief Librarian. However, possession of a library card is considered consent to share such information with the person holding the library card.

Information about what a person may have borrowed is not retained when the item is returned except where fines and fees may have occurred or when the customer has enabled a feature which tracks previous use in their account.

Parents may obtain information about their child's account until the child turns 16.

The Library may, on occasion, permit valid research within the library and this may include the use of individual library records. Any such research will be approved by the Library Board, who will apply the principles of the Canadian Standards Association Model Code for the Protection of Personal Information. Any research that is conducted by an outside agency must be approved by an appropriate research ethics board. Whenever individual customer information is used under the approved terms of a research agreement, personal information will be destroyed before the publication of any results.

### 3.3 Fines and Fees Schedule – *Under Review*

**Author(s):** Director Collections, Public Service

**Policy Level:** Library Board

**Approved:** June 2013, Revised Oct 2015 (3D Printing Fees)

FINES & FEES FOR LIBRARY MATERIALS	
<b>Adults &amp; Teens</b>	25¢/day, Max \$5 (per item)
<b>Children</b>	10¢/day, Max \$2.50 (per item)
<b>Exceptions</b>	<ul style="list-style-type: none"> <li>Interlibrary Loan, DVD Express, Bestseller Express: \$1/day Max \$10 (per item)</li> <li>Games: \$1/day Max \$10 for adults &amp; teens, 50¢/Max \$5 for children (per item)</li> </ul>
<b>Lost Cards</b>	\$2 to replace.
<b>Customers sent to Collection</b>	\$15 service fee
<b>ILLO Charges</b>	Some libraries charge for ILLO and customers are asked to cover the cost

PRINTING AND PHOTOCOPYING		
Printing & Photocopying: Black & White	10¢ per page (first 2 copies free)	
Printing & Photocopying: Colour	25¢ per page	
3D Printing	\$0.10 per gram of filament or \$0.30 per gram of resin (of object's printed weight)	
LOCAL HISTORY & ARCHIVES - IMAGE REPRODUCTION FEES		
Resolution	300 DPI JPEG	600 DPI TIFF
Non-Commercial Use	\$20/image	\$30/image
Commercial Use	\$40/image	\$50/image
ADDITIONAL FEES		
New Digital Images	\$20 per scanned image	
Rush Orders (2 business days)	1-5 images : \$20/order 6-20: \$50/order 21+: \$100/order	

<b>Shipping</b>	Within Canada \$5/order International: \$15/order
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<b>ROOM BOOKING FEES</b>			
<b>Room Type</b>	<b>Capacity</b>	<b>For Profit</b>	<b>Not for Profit</b>
<b>Central Library - Hamilton-Wentworth Room</b>	200	4hrs: \$135, 8hrs \$270	4hrs: \$90, 8hrs \$180
<b>Central Library - Hamilton Room</b>	100	4hrs: \$75, 8hrs \$150	4hrs: \$50, 8hrs \$100
<b>Central Library - Wentworth Room (Board Room Style)</b>	25	4hrs: \$75, 8hrs \$150	4hrs: \$50, 8hrs \$100
<b>Central Library - Wentworth Room (Theatre Style)</b>	60	Above +\$30	Above +\$30
<b>Sherwood Branch A-B</b>	100	\$75	\$50
<b>Ancaster Branch -Murray Ferguson</b>	40	60	40
<b>Central Library - Board Room</b>	30	\$250 half day, \$400 full day	\$250 half day, \$400 full day
<b>Dundas Branch - Allwood Room</b>	50	60	40
<b>Red Hill Branch</b>	50	60	40
<b>Turner Park Branch</b>	50	60	40
<b>Westdale Branch</b>	50	60	40
<b>Security</b>	NA	\$18.20/hour during closed hours (3 hour minimum may apply)	

### 3.4 Library Service Hours – Under Review

**Policy Level:** Library Board

**Approved:** Last revised December 2014

#### Policy Statement

The Library Board determines the service hour of library locations. The holiday closure schedule is annually approved by the Library Board. Special closures, like staff day require Library Board approval.

Location	Mon	Tues	Wed	Thurs	Friday	Sat	Sun
<b>Ancaster</b> - 300 Wilson St. E, Ancaster	10 - 9	10 - 9	10 - 9	10 - 9	---	10 - 5	---
<b>Barton</b> - 571 Barton St. E.	1 - 8	10 - 5	1 - 8	10 - 5	---	10 - 5	---
<b>Binbrook</b> - 2641 Hwy 56, Binbrook	1 - 8	10 - 5	1 - 8	10 - 5	---	10 - 5	---
<b>Bookmobiles</b>							
<b>Carlisle</b> - 1496 Centre Rd., Carlisle	2 - 8	2 - 8	2 - 8	10 - 5	---	10 - 5	---
<b>Central</b> - 55 York Blvd	9 - 9	9 - 9	9 - 9	9 - 9	9 - 6	9 - 5	1 - 5*
<b>Concession</b> - 565 Concession St.	---	10 - 8	10 - 6	10 - 8	10 - 6	10 - 5	---
<b>Dundas</b> 18 Ogilvie Street , Dundas	---	10 - 9	10 - 9	10 - 9	10 - 6	10 - 5	1 - 5*
<b>Freelton</b> - 1803 Brock Rd., Freelton	4 - 8	2 - 5	4 - 8	2 - 5	---	2 - 5	---
<b>Greensville</b> - 59 Kirby Ave., Greensville	4 - 8	2 - 5	4 - 8	2 - 5	---	2 - 5	---
<b>Kenilworth</b> - 103 Kenilworth Ave. N.	10 - 6	10 - 8	10 - 6	10 - 8	---	10 - 5	---
<b>Locke</b> - 285 Locke St. S.	10 - 5	1 - 8	10 - 5	1 - 8	---	10 - 5	---
<b>Lynden</b> - 79 Lynden Rd., Lynden	1 - 8	1 - 8	1 - 8	2 - 5	---	10 - 4	---
<b>Mount Hope</b> - 3027 Homestead Dr.	2 - 5	2 - 8	2 - 5	2 - 8	---	---	---
<b>Red Hill</b> - 695 Queenston Rd.	---	10 - 9	10 - 9	10 - 9	10 - 6	10 - 5	1 - 5*
<b>Rockton</b> - 795 Old Hwy 8, Rockton	2 - 5	4 - 8	2 - 5	4 - 8	---	10 - 1	---
<b>Saltfleet</b> - 131 Gray Rd., Stoney Creek	10 - 9	10 - 9	10 - 9	10 - 6	---	10 - 5	---
<b>Sherwood</b> - 467 Upper Ottawa St.	10 - 9	10 - 6	10 - 9	10 - 9	---	10 - 5	---
<b>Stoney Creek</b> - 777 Highway 8, Stoney Creek	1 - 8	10 - 5	1 - 8	10 - 5	---	10 - 5	---
<b>Terryberry</b> - 100 Mohawk Rd. W.	10 - 9	10 - 9	10 - 9	10 - 9	---	10 - 5	---
<b>Turner Park</b> - 352 Rymal Rd. E.	10 - 9	10 - 9	10 - 9	10 - 9	10 - 6	10 - 5	1 - 5*

<b>Valley Park</b> - 970 Paramount Dr., Stoney Creek	10 - 8	10 - 8	10 - 8	10 - 8	---	10 - 5	---
<b>Waterdown</b> - 25 Mill St. N., Waterdown	10 - 9	10 - 9	10 - 9	10 - 9	---	10 - 5	---
<b>Westdale</b> - 955 King St. W.	10 - 6	10 - 9	10 - 9	10 - 9	---	10 - 5	---

## Notes

Sunday hours run from September (weekend after Labour Day) until the end of April

### **3.5 Safety of Children in the Library Policy**

**Policy Level:** Library Board

**Author:** Director, Digital Technology & Youth Services

**Date Approved:** First Approved: September 2015 – replaced the Unattended Children Policy – First Approved June 21, 1995; Revision date April 2001

#### **Policy Statement**

The Hamilton Public Library welcomes and encourages children of all ages to enjoy the Library's programs, collections, services and spaces. Library staff work to engage children, families and teens in positive ways, and provide support while they are in the Library. All customers are expected to abide by the Library's [Customer Code of Conduct](#). Staff and customers share a commitment to maintain a pleasant, safe and respectful environment for learning and leisure, together we will create the opportunity for everyone to use the Library.

The Hamilton Public Library Board endorses the Ontario Library Association's statements on Children and Teens Rights in the Public Library. Library staff are trained to assist children in using the Library but cannot assume responsibility for the safety and well-being of children left unattended in the building. Library policies and services are designed to provide a safe and welcoming environment for customers of all ages but parents need to use the same caution with their children at the library as they would in any other public setting.

Responsibility for the welfare and the behaviour of children using the library ultimately rests with the parent/legal guardian or an assigned caregiver. The Library recognizes the following terms as stipulated in the [Ontario Child and Family Services Act \(CFSA\)](#) with regards to supervision of children:

Section 79(3) "No person having charge of a child less than 16 years of age shall leave the child without making provision for his or her supervision and care that is reasonable in the circumstances."

Section 79(4) "Where a person is charged with contravening Subsection (3) and the child is less than 10 years of age, the onus of establishing that the person made provision for the child's supervision and care that was reasonable in the circumstances rests with the person."

Library staff are obligated by the [Ontario Child and Family Services Act](#) to call the Police or the Hamilton Children's Aid Society if they have any concerns about the safety and well being of a child.

#### **General Guidelines**

Children under the age of 10 should be accompanied by an adult or caregiver while in the Library. If a child is left at the library at closing time or in the event of an emergency situation or closure the staff person in charge will attempt to contact the parents or caregivers. If the parent or adult caregivers cannot be contacted within 10 minutes after closing, staff will notify the police.

Parents must ensure that children requiring supervision are brought to the library with a responsible caregiver. Parents or caregivers are responsible for supervising their child's access to all library resources including the Internet and Digital Media Lab technologies. Children under the age of 10 must have a parent or caregiver in the immediate vicinity unless they are participating in a library program. We ask that Parents or caregivers who do not attend a program with the child under the age of 10 must remain on the premises. Library staff may request that a parent or caregiver be present to sign a child in and out of a program.

Children ages 10 and over are welcome to use library independently on a regular basis, but parents are still responsible for the behavior of any children while in the library.

### **Unattended Children in the Library**

In most circumstances, the health and safety of children, particularly older children and teens, is not an issue. However, Library staff will intervene when they become aware that a child in the Library is in these, or similar situations:

- A child is alone, visibly upset or ill;
- A child under the age of 12 is left alone with younger siblings;
- A child is alone and doing something dangerous, or another person in the library seems to be a danger to the child;
- A child is alone, and is not following library rules after reasonable warnings;
- A child is left alone at the library at closing time.

### **Requests for information regarding Truant children**

As a public facility, the library does not monitor the activities of its customers unless there is a problem with conduct or a child is inappropriately left alone as outlined above.

If a school age child is noticed to be spending considerable time in the library during the school day, staff may check with the child and ask that a parent confirm with the library that he/she is aware of the child's whereabouts.

### **Requests for Information regarding Missing Children/Runaways**

Staff will not give information to any person over the telephone as to whether a child is currently in the library or has been in the library recently. Staff may offer to take a message and ask the child to call the person back. In the case of a missing child, Library staff will share information with the law enforcement agency requesting specific personal information.

### **Phone Numbers**

Children's Aid Society: 905-522-1121 or 905-522-8053 (after hours)

Catholic Children's Aid Society: 905-525-2012 or 905-522-8053 (after hours)

Hamilton Police Service: 905-546-4925 (non-emergency line)

### **3.6 Technology and Internet Use Policy – Under Review**

**Author:** Director Digital Technology

**Policy Level:** Library Board

**Approved:** April 2001, September 2008, January 2010, May 2014

#### **Definition of Scope**

The Hamilton Public Library's Technology and Internet Use Policy applies to all types of computer and mobile device usage on the premises of the Library or on the Library network. This includes but is not limited to: public computers, laptops and mobile devices using the Library's wireless network, laptops and mobile devices on other networks inside the library.

#### **Policy**

Public computer access and wireless access is provided to ensure equitable access to information and online resources. Wireless access complements public computer access and enables library customers to access library resources and the Internet with their own wireless enabled equipment.

The Hamilton Public Library provides access to the Internet and wireless network to fulfill its mission, "Freedom to Discover". In keeping with the Library's Intellectual Freedom Policy and in support of the Canadian Library Association's Intellectual and Information & Communication Technology statements, the Internet provides access to many resources for different age levels and reflects various points of view. Customers should be aware that information might not be accurate, complete, age-appropriate, or current.

The Hamilton Public Library's computers and work tables are located in public areas and the computers and the wireless network are shared by Library users of all ages, backgrounds, and sensibilities. Individuals are expected to consider other Library users when accessing the Internet within the Library. Parents and guardians are reminded that the restriction of a child's use of a Library computer, including Internet and wireless access, is their responsibility. Hamilton Public Library's staff are available to assist in finding and evaluating the quality of an Internet site. Library computers, equipment, facilities and networks may not be used to:

- Access sites or transmit materials that violate any Canadian federal or provincial law, such as defamatory, discriminatory, or obscene materials.
- Display overt sexual images.
- Send fraudulent, harassing, or obscene email messages.
- Violate the privacy of another library patron.

The Hamilton Public Library also prohibits damaging or modifying the Library's computer equipment, software, or network.

The Internet is not a secure medium and third parties may be able to obtain information about users' activities. Please use caution before providing any personal information over the Internet.

The Hamilton Public Library assumes no responsibility for Internet content or damages, directly or indirectly, arising from its website or from its connections to other Internet services.

Anyone not adhering to this agreement or who willfully abuses or damages any computer or software will have their Library privileges suspended and will be legally and financially responsible for damages.

### **3.7 Interlibrary Loan Policy – Under Review**

**Policy Level:** Library Board

**Author:** Director of Collections

**Date Approved:** April 2001, Revised July 2010

#### **Purpose**

To participate in resource sharing for the benefit of library customers across Ontario and Canada.

To provide Hamilton Public Library customers with efficient access to information and materials not held in the collections of the Hamilton Public Library.

#### **Policy Statement**

#### **GUIDELINES**

The Canadian Library Association Interlibrary Loan (ILL) Code provides the following guidelines.

#### **Definition**

Interlibrary loans are transactions in which library materials are made available by one library to another; they include the provision of copies and microforms as substitutes for loans of the original materials.

#### **Responsibility of Borrowing Libraries**

It is recognized that interlibrary lending does not relieve any library of the responsibility for developing its own collection.

Each library will provide the resources to meet the ordinary study, education, instructional, informational and research needs of its customers.

Requests to borrow from other libraries will be limited to those items that the library might not be expected to own. No library should depend upon another library to supply the normal needs of its clientele except under special request for such service.

Requesting libraries will make every effort to exhaust their own resources before resorting to interlibrary loans. Requesting libraries will screen carefully all applications for loans.

#### **Scope**

Borrowing libraries will not ordinarily request:

- Books in current and/or recurring demand. Bestsellers and brand new books should not be requested.
- Bulky or fragile materials.
- Rare materials.
- A large number of titles for one person at any one time. (See below for Hamilton Public Library limitations).
- Duplicates of titles already owned by Hamilton Public Library. Items in our collections but presumed missing must be checked out to missing books for 6 weeks before they are eligible for request on Interlibrary Loan.
- Materials that can be copied cheaply and legally. (See below for Hamilton Public Library limitations).

- Materials for elementary or secondary school projects, or titles on assigned reading lists.
- Genealogical, heraldic and similar materials.
- Basic reference materials. Standard reference works such as encyclopedias, industrial directories, etc. should not be requested. (Photocopies can be requested from these up to a reasonable amount).
- Blu Rays.

## **Conditions**

The borrowing library will honour any limitation on use imposed by the lending library.

Unless specifically forbidden by the lending library, it is assumed that copying is permitted, provided it is in accordance with the Copyright Act of Canada and will not damage the original volume.

The borrowing library is responsible for returning loans promptly and in good condition.

The safety of borrowed materials is the responsibility of the borrowing library. The borrowing library will meet all costs of repair or replacement in accordance with the preferences of the lending library.

The customer must have a valid library card with the borrowing library and be a member in good standing

## **Hamilton Public Library Conditions**

The following limitations apply:

- There is a limit of 5 ILL requests per month per customer unless authorized by the interlibrary loan department.
- Items available for purchase on Amazon for \$5.00 or less will not be borrowed from another library.
- Customers have the option of requesting a No Charge loan. However, when charges apply, customers must agree to pay up to \$30 in charges when they place the request. IF the charge will exceed \$30 the customer will be contacted.
- ILL requests must be made electronically. Paper forms are not accepted.
- E-mail is the default communication tool. Failure to provide an email address will result in delays.

### **3.8 Accessibility for Customers with a Disability – *Under Review***

**Policy Level:** Library Board

**Approved:** September 2013

#### **Purpose**

The purpose of this policy is to ensure that the Library is compliant with the requirements of the Statutes of Ontario. Ch. 32, Ontarians with Disabilities Act. 2001 (ODA). and the Statutes of Ontario. Ch. 11, Accessibility for Ontarians with Disabilities Act. 2005 (AODA) This policy addresses accessibility policies and standards and includes areas outlined in the Accessibility Standards for Customer Service (Ontario. Regulation. 429/07,) This policy applies to all persons who provide library services.

#### **Policy Statement**

The Hamilton Public Library is committed to providing Library services that are accessible to all persons who wish to obtain and use Library services. Library services will be relevant, inclusive and responsive to community needs and will comply with the requirements of the Ontarians with Disabilities Act and the Accessibility for Ontarians with Disabilities Act. Each member of the community, including persons with disabilities, has an equal opportunity to use Hamilton Public Library services. All library services will be provided in a manner that respects the dignity and independence of persons with disabilities. The Library will strive to provide library services in a way that meets the specific needs of persons with disabilities and in a way that is convenient and accessible to persons with disabilities. When communicating with a person with a disability, the Library will do so in a manner that takes into account the person's disability.

#### **Temporary Service Disruptions**

The Library will make reasonable effort to provide notice of planned or unplanned disruption of library services to the public, including information about the reason for the disruption, its anticipated duration and a description of alternative facilities or services, if any, that may be available. In the case of unplanned disruption, advance notice will not be possible. Notice will be given to the public by posting the information at a conspicuous place on affected premises and by posting notice on the Library website, and by such other method as is reasonable in the circumstances. The Library will have a procedure document that sets out the steps to be taken in connection with a temporary disruption and, upon request, will give a copy of the document in an accessible format to any member of the public.

#### **Assistive Devices**

Persons with a disability may provide their own assistive device for the purpose of obtaining or using Library Services and may have free access to assistive devices available in the Library. An assistive device is any product, instrument, equipment or technological aid used by persons with disabilities to help prevent, compensate, relieve or neutralize a disability and which helps a person with a disability to carry out activities or to gain access to library services.

Exceptions may occur in situations where the Library has determined that the assistive device may pose a risk to the health and safety of the person with a disability or to the health and safety of others on Library premises. In these situations, the Library may offer a person with a disability other reasonable measures to assist him or her in obtaining and using library services, where the Library has such other measures available. It is the responsibility of the person with a

disability to ensure that his or her assistive device is operated in a safe and controlled manner at all times.

### **Service Animals**

Persons with a disability may enter Library premises accompanied by a service animal and may keep the animal with them. Service animals are animals that are individually trained to carry out tasks for people with disabilities. Service animals are generally dogs but do include other animals such as monkeys. If it is not readily apparent that the animal is a service animal, Library staff may ask the person for confirmation of the animal's status. It is the responsibility of the person with a disability to ensure that his or her service animal is kept under control at all times.

### **Support Persons**

Persons with a disability may enter Library premises with a support person to assist with communication, mobility or medical needs or with access to Library Services and may have access to the support person while on the premises. The Library may require a person with a disability to be accompanied by a support person while on Library premises in situations where it is necessary to protect the health and safety of the person with a disability or the health and safety of others on the Library premises. A support person, when assisting a person with a disability to obtain or use Library Services, will be permitted to attend at no charge where an admission fee is applicable. Upon request, persons with disabilities may be issued a duplicate library card, at no charge, for use by a support person.

### **Training**

The Library will ensure that all persons that provide library services to whom this policy applies receive training as required by the Accessibility Standards for Customer Service. Training will be provided as part of orientation training for new employees and on a continuing basis as required. A record of training will be maintained in the Human Resources Department. The amount and format of training will be dependent on a person's interactions with Library users. The training will include a review of the purpose of the AODA and the requirements of the Accessibility Standards for Customer Service (Ontario Regulation 429/07), information about how to interact and communicate with customers with various types of disabilities and what to do if a person with a disability is having difficulty gaining access to Library Services. The training will help persons providing library services develop understanding of how to interact with persons with disabilities including those who use assistive devices or who require the assistance of a support person or service animal. The training will also provide orientation to this Policy, related procedures and guidelines and to the use of equipment and devices available on Library premises or through the website that may help with the provision of Library Services to persons with disabilities.

### **Consultation and Feedback**

The Hamilton Public Library will consult with members of the public and community stakeholders when considering or reviewing customer service practices, service delivery channels, types of services and new buildings or renovations to current buildings. Public meetings for the purpose of consultation will be advertised in advance, will be held in accessible locations and accessibility services will be provided when a request is received in advance of the meeting. Additionally, the Hamilton Public Library will have in place a procedure for receiving and responding to feedback about how it provides library services to persons with

disabilities. Such feedback from a member of the public may be given by telephone, in person, in writing, in electronic format or through other methods.

### **Annual Accessibility Report and Plan**

The Hamilton Public Library will annually describe its activities relating to barrier-free design of library services and buildings. It will report the measures the Library has taken to identify, remove and prevent physical and attitudinal obstacles and promote free movement of persons with disabilities in a manner that is consistent with regulations, standards or codes of practice. The Annual Report and Accessibility Plan will report the measures in place to ensure that the Library assesses its policies, programs, practices and services to determine their effect on accessibility for persons with disabilities and the measures that the Library intends to take in the coming year to identify, remove and prevent barriers to persons with disabilities. The Annual Report and Accessibility Plan will also provide a list of the by-laws, policies, programs, practices and services that the organization will review in the coming year in order to identify barriers to persons with disabilities.

### **Availability of Documents**

This Policy and related procedures and forms and the Library's Annual Accessibility Report and Plan will be available on the Library's website. Additionally, a copy of this Policy and related procedures and forms will be provided in an accessible format upon request. No fees will be charged for the provision of documents required by this Policy. Inquiries: Any inquiries related to this Policy or requests for documents related to this Policy may be directed to library staff at any public service point. Staff will respond as they are able and may refer the inquiry within the organization, including to the Chief Librarian.

### **Definitions**

**"Accessibility"** is a set of qualities of a library service or facility that enables people with disabilities to get to, find, reach and use the service or facility, with or without the help of special assistive devices. Accessible library services include collections, programs, meetings and facilities that are readily usable by a customer, regardless of his or her abilities. Accessible formats include large font, font/background colour combinations, Braille, audiotape, oral presentation, electronic format or other format that makes a document or collection accessible to a library customer.

**"Library Services"** means what the Library does for, or offers to, the public and includes reference, referral and readers' advisory services, collections, circulation services, technology, programming and outreach.

**"Persons who Provide Library Services"** means employees, volunteers, Board members, students on placement or other persons engaged in the provision of Library Services to our customers and includes third parties who may create library services or deal with customers on the Library's behalf.

**"Disability or Disabilities"** means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness, and without limiting the generality of the foregoing, includes diabetes mellitus, epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing

impediment, muteness or speech impediment, or physical reliance on a guide or service dog or on a wheelchair or other remedial appliance or device, an intellectual development disability, a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language, a mental disorder, or an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997. Disabilities can be visible, hidden, permanent or temporary. Interpretative decisions relating to this definition made under the Ontario Human Rights Code are accepted as included in this definition.

### 3.9 Privacy Policy for Library Customers

**Policy Level:** Library Board

**Approved:** December 2004 (Confidentiality of Records Policy - January 1997, November 2001)

**Purpose:** To ensure that the Hamilton Public Library Board is in compliance with the Municipal Freedom of Information and Protection of Privacy Act, 1989 and that the library adheres to the principles outlined in the Canadian Standards Association Model Code for the Protection of Personal Information.

#### **Policy Statement**

- **Accountability:** The library will clearly state who is to be contacted whenever a user questions the use of personal information. The library will ensure that its privacy policy is enforced by all library staff members as well as any third party organizations or agencies that may have legitimate access to such information in support of the library's business.
- **Identifying Purpose:** The library will clearly state the purpose for collecting any personal information before such information is collected. Consent must be obtained before the information can be used in any new way, except where such use is required by law.
- **Consent:** Any individual may choose not to allow the collection of such information, although such an action may affect a person's ability to use the affected library services.
- **Limiting Collection:** Information shall be collected using only legal and lawful means and use shall be limited to that which is necessary for the purposes identified by the library.
- **Use, Disclosure and Retention:** Personal information shall not be used or disclosed for purposes other than that for which it was collected, except with the consent of the individual or as required by law. Personal addresses and phone numbers that are collected by the Hamilton Public Library will not be given or sold to other organizations and will only be used for Library-only mailings that are approved by the Board. Information may be shared with agencies or companies working within the scope of their duties on behalf of the library. The library shall ensure that such agencies or companies abide by the library's policy. Personal information shall be retained only for the period of time required to fulfill the purposes for which it was collected.
- **Accuracy:** Under the terms of the legislation, we will commit to an annual review to ensure that the collection, storage and disposal of the information is carried out in a manner that conforms to the Municipal Freedom of Information and Protection of Privacy Act, 1989. Personal information shall be as accurate, complete and as up-to-date as is necessary to fulfill the purpose for which it is collected. Individuals may challenge the accuracy of their personal information.
- **Safeguards:** Personal information shall be protected by safeguards that are appropriate for the sensitivity of the information collected.
- **Openness:** The library shall answer any individual's questions about the uses of specific information and about specific practices, ensuring that practices abide by this policy.
- **Access:** The library shall allow users to see personal information about themselves. Library staff must provide loan information about a child less than 16 years of age to that child's parent or guardian. Library staff must also honour court orders issued by a judge that require the release of personal information. With approval of the Chief Librarian, library staff may also disclose personal information in compassionate circumstances, to facilitate contact

with the next of kin or a friend of an individual who is injured, ill or deceased. Any disclosures to law enforcement officials or to assist in compassionate circumstances must be reported to the Library Board, without identifying the individual concerned.

### **Challenging Compliance**

Any library users who feel their privacy has not been protected may challenge library practices through the Chief Librarian. A library user who, after such a challenge, is not satisfied with the result, may appeal to the Library Board, maintaining either that the current policy has been violated or that the current policy needs to be changed in order to address a perceived issue.

### **3.10 Social Media Policy**

**Policy Level:** Library Board

**Approved:** April 2012

#### **PURPOSE**

This policy governs staff and customer use of social media tools for official library purposes.

#### **STATEMENT OF COMMITMENT**

The Hamilton Public Library (HPL) is committed to using social media technology to provide a venue for shared information resources with our customers and partners and providing a means for meaningful communication between customers, partners and library staff. HPL staff will strive to create a social media presence that is consistent with our core values of promoting intellectual freedom, inclusiveness, innovation, respect and accountability. We will promote the free exchange of ideas while protecting personal information and rights.

#### **OBJECTIVES:**

Objectives of HPL's social media presence include:

- Extend the reach of HPL's online message, thereby improving relationships with library customers, potential customers and key influencers.
- Provide an interactive, real-time platform using an informal/human voice to engage in dialog.
- Provide simple method for customers to provide feedback and seek assistance
- Provide wide-ranging entry points to our services and collections
- Provide thought leadership and credibility, enhancing HPL's strong reputation online.
- Demonstrate our commitment to and understanding of emerging media/technology
- Provide opportunities to train staff in the use of social media

#### **CONTENT:**

Social media sites provide a forum for promoting the free exchange of ideas which Hamilton Public Library will encourage. However, content that contravenes our Statement of Commitment, Code of Conduct, or otherwise violates privacy or other legislation will be removed from the site. Violations may result in restrictions on future postings to HPL social media sites. HPL reserves the right to edit or modify submissions when reposting or providing comment. HPL is not responsible for the reliability of content provided via links that are posted to our social media sites. Being followed by HPL on any social media platform or having messages or content created by other parties shared on HPL social media does not imply endorsement.

HPL welcomes feedback and ideas from all our customers, and will endeavour to join the conversation where possible. We will read all messages and comments and ensure that emerging themes or helpful suggestions are passed to the relevant staff at HPL; however, HPL will not be able to reply individually to all messages received via social media.

Customers are reminded to protect their privacy when participating in online public forums.

**REPORTING CONCERNS:** If you have any concerns regarding application of this policy or HPL social media sites please contact the **Hamilton Public Library** and you will receive a response in two working days.

## 4. LIBRARY MANAGEMENT POLICIES

### 4.1 Collections Policy

**Author:** Director Collections

**Policy Level:** Library Board

**Approved:** March 2014

#### **Purpose**

To provide a statement of philosophy and identify key objectives respecting the selection, de-selection, and access to collections which will reflect the Mission Statement and Strategic Priorities of the Hamilton Public Library

To define responsibility for collections and identify the delegation of collections responsibility

To establish procedures to address suggestions for purchase, gifts, donations and objections lodged against items in our collection by community residents or organizations

#### **Policy Overview**

The ultimate responsibility for the library's collections lies with the Chief Librarian acting in accordance with the general policies established by the Library Board. In practice, this authority is delegated to the Director of Collections

The Hamilton Public Library endorses the Statement on Intellectual Freedom adopted by the Canadian Library Association in 1985 and the Statement on the Intellectual Rights of the Individual adopted by the Ontario Library Association in 1998. These statements are reproduced in the

#### **Library's Intellectual Freedom Policy**

The Library Board, in establishing a Collections Policy, was cognizant of the Constitution Act, 1982, Part 1, Canadian Charter of Rights and Freedoms, Section 2b, which guarantees "everyone the following fundamental freedoms... b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication."

#### **Selection**

##### **Items are selected:**

- to satisfy the recreational reading, listening, viewing and interactive needs for customers of differing tastes, interests and purposes
- to enrich human understanding by presenting subjects and issues informatively and objectively
- to educate by providing basic factual information in as broad a base as possible
- to collect and preserve materials which illustrate the growth and development of the City of Hamilton, celebrate its history and heritage or which pertain in whole or in part to activities within the geographic boundaries of the City of Hamilton

##### **Criteria for Selection:**

- suitability of physical and digital form for library use
- relation to existing collections and other items on a subject

- accessibility of items in other libraries, for free via the internet, or from other easily and freely accessible resources
- interests and composition of the community
- popular or anticipated demand and current trends
- attention of critics, reviewers, and the public
- quality, clarity, comprehensiveness and accuracy of the work
- reputation, skill, competence and purpose of the originator of the work
- special value as a contribution to social questions and problems of continuing or topical interest
- timeliness or permanence of the work
- availability of funds and space
- balance of viewpoints in the collection including those considered extreme or minority

An item need not meet all of the above criteria in order to be acceptable. Items that do not meet these criteria may be purchased to satisfy demand. The Local History and Archives department will only accept material on a permanent basis, except when borrowing material for short-term loans to reproduce or to include in displays or exhibits.

### **Requests for Removal of Items**

The Hamilton Public Library is a resource where many points of view and modes of expression can be examined without hindrance. No ideas and opinions have universal acceptance or condemnation in a pluralistic society. The use of language or visual depiction, either descriptive or expressive, can in itself stimulate controversy.

The Hamilton Public Library, therefore, recognizes the right of individuals to express opposition to author or artists' ideas or to their creative exercise in items selected for the library. However, the Hamilton Public Library will not engage to satisfy customers by removing items purchased in compliance with the principles of this policy. Selection of items cannot be influenced by any anticipated approval or disapproval of its intellectual content by sectors of the community. While people have the right to reject for themselves items of which they do not approve, they do not have the right to restrict the freedom of others.

The Hamilton Public Library complies with any law enacted at the federal, provincial or municipal level, and therefore does not collect or maintain items which have been judged obscene or pornographic, or has been banned by the courts. The relevant sections of the Criminal Code of Canada are: sedition, hate propaganda and obscenity.

The presence of an item in the collection does not indicate an endorsement of its contents by the Hamilton Public Library, but rather is an affirmation of the principle of intellectual freedom as embodied in the Canadian Library Association Statement on Intellectual Freedom.

The following will not cause an item to be automatically included or excluded from the collection:

- race, religion, nationality or political views of an author
- frankness or coarseness of language
- controversial content
- endorsement or disapproval of an individual or group
- language in which the work is written or spoken

If a customer feels that an item in our collection falls outside the criteria outlined in this policy, they are invited to complete either a Request for Reconsideration - Adult form or a Request for Reconsideration - Children's form.

## **De-selection and Collection Maintenance**

The library strives to maintain strong physical collections while growing or providing access to content that reflect the increasing demand for information, books, music and videos in digital formats and this approach is reflected on our de-selection policy and procedures.

## **Branch Collections**

The Library continually identifies items from its collections for discard based upon the following criteria:

- Item's subject is outdated
- Item is no longer of interest or in demand
- Overabundance of an item or subject as interest wanes
- Worn or damaged copies

Once an item has been identified for possible elimination based on the criteria above, the process of determining if an item still deserves a place in the library's collection begins.

Retention is based on the following criteria:

Is it of local, regional, or national significance, including works of local or Canadian authors, artists, recording artists or film makers and works pertaining to local history?

Is it a work by a famous author, artist, recording artist, film maker or universally accepted as a classic work?

Is it unique to the collection in that there is little or no information available on that topic elsewhere and the information is still relevant and useful?

Items withdrawn from the collection are placed on sale annually or shipped to a reseller.

## **Local History & Archives Collections**

Material added to the Local History & Archives collection shall be held until such time as it is deemed no longer relevant and is de-accessioned. All information pertaining to the de-accessioning and disposition of material will be retained in the Archives' records.

## **Access to Collections**

The Library will neither undertake to mark items to show approval or disapproval nor expurgate any items. Physical access to items will not be restricted except for the express purpose of protecting an item from damage or theft. Library customers of all ages shall have open access to all the Library's collections with the following exceptions:

Talking books are limited to any customer not able to read or use printed items.

Films rated "R" or "18A" by Ontario Film Review Board and Games rated "M" by the Entertainment Software Rating Board are limited to customers 18 years of age or older.

Access to collections housed in the Local History and Archives Department is limited to students in grade seven (7) or above unless authorized by the Department Manager.

Restriction of a child's use of the library's physical and digital resources is the responsibility of the parent. Children under the age of fourteen (14) require a parent or legal guardian's signature to allow them borrowing privileges for all library items, including print, media, and digital collections. If the parent or guardian wishes to restrict their child's use of the Library, they

should accompany the child to the Library, monitor the child's use of our resources and borrow items with their library card.

### **Suggestions for Purchase, Donations & Gifts**

**Suggestions:** We encourage customer participation in the shaping of our collections. Suggestions are referred to appropriate staff and are considered according to the Library's selection criteria.

**Donations:** Defined as items purchased commercially that are no longer needed by customers and organizations. Offers to donate items to the Hamilton Public Library are appreciated. However, we do not accept them, because they place a financial toll on the system that supersedes any monetary gain from sale or enhancement to our collection.

**Gift Copies from Local Authors:** In an effort to support local authors, recording artists and film makers, we accept gift copies of their work as long as they are submitted in a format we currently support. The library cannot accept imposed conditions relating to any item after its acceptance (e.g. consignment, return). Items that are not added to the collection are not returned, but rather discarded or sold. Items are considered for inclusion according to the Library's selection criteria.

**Gifts to Local History & Archives:** Gifts in this case are defined as original works or works of significant historical value being offered to the Library at no charge. We have a mandate to collect and preserve valuable items that pertain to Hamilton's past and its culture. The Archives will accept historical material of any medium, including: textual records; photographs and other visual records; maps, plans and architectural records; and sound recordings and oral history recordings. Valuable items on Hamilton's past are evaluated by staff in our Hamilton Local History & Archives Department before being accepted.

## **4.2 Local History & Archives Collection Policy – *Under Review***

**Author:** Director Collections

**Policy Level:** Library Board

**Approved:**

### **Policy Statement**

The Local History & Archives collection exists to:

- 1) Collect and preserve materials which illustrate the growth and development of Hamilton-Wentworth, both before and after incorporation, or which pertain in whole or in part to activities within the geographic boundaries of Hamilton-Wentworth;
- 2) Arrange and describe these materials according to archival principles and make them accessible to the general public on a regular basis, unless access is restricted by legal requirements or written agreement with the donor;
- 3) Provide adequate and appropriate conditions for the storage, protection and preservation of archival material;
- 4) Provide regular reference services to individuals, organizations, the municipal government, or other groups interested in the activities and holdings of the Archives;
- 5) Provide educational and outreach programming whenever possible to increase public awareness of Hamilton-Wentworth's history and development.

Material acquired by Local History & Archives shall become the permanent property of the Archives and, therefore, the Hamilton Public Library, until such time as the Archivist deems it not longer relevant to the Archives, in which case the material may be deaccessioned. Deaccessioning will not take place without the written approval of the department head responsible for the Archives. All information pertaining to the deaccessioning and disposition of material will be retained in the Archives' records.

The Archives retains the right to reproduce materials by mechanical, electronic, or photographic means for security, conservation, or research purposes.

The Archives will accept historical material of any medium, including: textual records; photographs and other visual records; maps, plans and architectural records; and sound recordings and oral history tapes. The Archives will only accept books, printed materials, artifacts and electronically stored data at the discretion of the Department Head or Archivist.

The Archives retains the right to charge for any reproduction or other research service. A schedule of fees will be made available to the general public on a regular basis.

The Archives will only accept material on a permanent basis, except when borrowing material for short-term loans to reproduce or to include in displays or exhibits.

Materials from the Archives may be loaned to other institutions or organizations only under the following circumstances:

- 1) Written authorization is obtained from the Manager, Local History & Archives (or designate)
- 2) The borrower ensures adequate care and handling of the material on loan. If at any time the Archives determines that the material on loan is not being cared for adequately, the Manager or Archivist may cancel the loan and request the immediate return of the material.

No person shall be prevented from using archival materials unless it is determined that the materials will be physically abused or used in a libelous or illegal manner.

### **4.3 Copyright Policy – Under Review**

**Policy Level:** Library Board

**Author:** Director of Collections

**Date Approved:** April 2001 Last Revised: April 20, 2010

#### **Staff Copying**

Library staff may copy material protected by copyright in two ways: under the provisions of the Copyright Act and under the library's licence with CANCEOPY. It is necessary to know the terms of both in order to know what copying is permitted.

Canadian copyright laws apply to all material housed in the library regardless of origin of publication.

#### **Relationship between Copyright Act and CANCEOPY Licence**

The Copyright Act permits "fair dealing." Fair dealing is defined as "the use of small parts of any work for purposes of private study, research, criticism, review or news reporting." It is not an infringement of copyright when an "insignificant" part of a work is copied.

The Copyright Act can override the CANCEOPY licence. For example, the library and its customers are prohibited by CANCEOPY from copying any part of an instruction manual or printed music. However, under the Copyright Act's "fair dealing" provisions, staff and the public may copy "insubstantial"[1] parts of any works, including instruction manuals and printed music. In such cases, staff must follow the procedures outlined under Copying under "Fair Dealing" below.

## **4.4 Partnership Policy**

**Policy Level:** Library Board

**Author:** Director, Public Service, Partnerships and Communications

**Date Approved:** April 2016

### **Introduction**

The Hamilton Public Library has a long history of developing partnerships to:

- Extend and enhance our services in a sustainable way
- Support City of Hamilton and other broad based community initiatives that advance Hamilton's economic, social or cultural richness
- Enhance coordination and reduce overlap in efforts between agencies serving Hamilton

### **Definition**

A Partnership is defined as a mutually beneficial collaboration between the Library and an external organization(s). Partner contributions provide and/or promote activities, services, events and programs to the public in ways that are mutually beneficial.

### **Principals Governing Partnerships**

The following principals will govern how HPL approaches partnerships and related activities. Not all principals will apply in every case; however, these principles will be used inform decision making. We will partner where, the organization or project:

- Aligns with our organizational values
- Shares common goals or objectives with HPL
- Is committed to ongoing evaluation of progress and continuous improvement
- Is committed to collaborative, long-term strategies not just short-term solutions
- Is committed to creating numerous opportunities to engage all segments of the community
- Is committed to and acknowledging partner's contributions through appropriate forms of recognition
- Provides opportunities for all partners to meet their shared social responsibilities

Small or local partnerships may be informal in nature; however, as partnerships grow formal memos of understanding (MOUs) or agreements will be developed.

Generally, partnerships should start modest and only grow after demonstrated success and alignment. Partners should be committed to identify clearly defined roles and responsibilities for all involved

Partnerships should be reviewed and affirmed based on an established cycle.

### **Roles and Responsibilities**

All Library departments have a responsibility for identifying new partnerships and nurturing existing ones that advance HPL's mission. All staff engaged in partnerships are responsible for supporting effective communication and coordination of partnership activities. Within those shared responsibilities, the following specialized roles exist:

- Branch/Departmental Managers are responsible for advancing local partnerships and ensuring local efforts align and support broader library partnerships
- The Manager of Partnerships and Communication plays a leadership role in developing and sharing best practices around developing and managing partnerships

- The Manager of Youth Services supports key partnerships with the School Boards and other partners advancing youth and teen learning experiences
- The Manager of Program Development support partnerships enhancing adult and senior learning opportunities
- The Library Administration Team is responsible for supporting partnership activities system-wide and playing a leadership role developing new strategic partnerships
- The Chief Librarian/CEO supported by the Administration Team is responsible for ensuring the Library Board is informed of and supports major partnership activities and initiatives. The CEO and Administration Team will work to seek out and advance potential partnership consistent with this policy, however; when long term or major commitments involving staff time, library space or financial obligations are involved, Library Board approval will be required before finalizing agreements

## **4.5 Program Policy**

**Policy Level:** Library Board

**Authors:** Directors Public Services & Director of Digital Technology & Youth Services

**Revision History:** Draft November 13, 2015 (NEW)

### **Policy Statement**

The Program Policy outlines the principles and criteria for programs at Hamilton Public Library and provides guidelines for staff developing and/or delivering programs. A program is defined as a coordinated activity or event with a specific purpose, such as highlighting collections, services or sharing knowledge and expertise.

Hamilton Public Library considers the offering of programs to be an integral part of its mission and strategic priorities and strives to offer programs that complement library services and collections offered to the community. Library programs provide an alternate way for people to learn and obtain information. Programs in public libraries encourages participation in civic life and serves to address the cultural and leisure interests of our community.

The Library may present programs that some individuals find controversial. Holding a program does not indicate an endorsement of its contents by the Hamilton Public Library, but rather is an affirmation of the principle of intellectual freedom as embodied in the Canadian Library Association Statement on Intellectual Freedom

### **Purpose of Library Programs**

Programs expand the Library's visibility in the community and offer staff opportunities to engage community members. The Hamilton Public Library provides programs that support the Library's mission, values, goals and strategic priorities. Library programs are designed to:

- Support lifelong learning including literacy, numeracy and problem solving in a technology rich environment (digital and interface literacy).
- Provide information, education and recreation opportunities to Library customers.
- Promote the use of library services and collections.
- Nurture community cohesion and reduce social isolation by bringing members of the community together.
- Celebrate our history, heritage and promote cultural awareness.
- Strengthen partnerships with a wide variety of organizations.
- Attract new and unique audiences to the Library.

### **Priority to Offer Free Programs**

The majority of programs offered by the Library are free to attend. Charging for programs creates a participation barrier that excludes some community members. In addition, we need to be mindful of the administrative costs associated with collecting a registration entry fee.

### **Charging for Programs**

In some cases there is a need to charge for a program. Charging for a program must receive approval from the Library's Administration Team. To offset obstacles created by charging, where appropriate, free tickets will be made available to customers or a similar type of program may be offered free of charge. Programs are designed to be informative learning opportunities, not a vehicle for commercial ventures.

## Scope

This policy applies to all Library organized, co-sponsored and partnership events offered to the public by the Hamilton Public Library. This policy does not apply to:

- Events that are developed for special purposes such as fundraising, donor recognition, media conferences or community festivals.
- Programs offered by other organizations on library premises where space is rented and governed by the terms and conditions of the Library's [Meeting Room Rentals](#) policy.

## Program Development

Programs are developed in accordance with the Hamilton Public Library's program strategy and framework.

- Library program development and planning is carried out on a scheduled basis.
- The Library may set age or other guidelines for participation in a program, such as a children's program, when the program is designed and best suited for a particular audience.
- Liability insurance is required for all programs taking place in Library premises and will be purchased through the library prior to the date of the activity/event. Alternatively, for those organizations that already have insurance, proof must be provided in advance with the Library and City of Hamilton named on the certificate.
- Programs reflect community needs and interests.

## Program Delivery

Programs will be offered by employees with program-related expertise or topic specific training, or by invited speakers and experts from the community including:

- Authors
- Performers
- Staff or members of community partner agencies
- Volunteer presenters with recognized program-related credentials

Library staff will be available to welcome customers to the branch and to promote upcoming programs. Programs are evaluated and designed with measurable outcomes.

The Library reserves the right to cancel programs as deemed necessary and will make every effort to notify the public in advance.

## Suggestions for Programs

Library customers are encouraged to suggest topics for future programs. These suggestions will be considered in light of the program criteria, strategic priorities and library resources. Not all suggestions will be utilized. The program suggestion form is available on the Library's website.

## **4.6 Displays and Exhibits Policy**

**Policy Level:** Library Board

**Approved:** May 1983, April 2001, July 2010, December 2012, April 2014

### **Purpose**

This policy governs the display of art and other exhibits at all locations of the Hamilton Public Library.

### **Policy**

The Library provides occasional exhibit space to individuals or groups wishing to display works of art, crafts and other relevant objects. This free exhibit space enables Library visitors to participate in the creative life of the community, and presents artists with a valued avenue for exhibiting their work.

The Hamilton Public Library Board reserves the right to refuse to display any items considered to be inappropriate and/or unsuitable for a library environment.

- All exhibitors must complete the Hamilton Public Library Displays and Exhibit Application process to be considered. The application must include digital images of the proposed exhibit.
- The Library does not pay exhibit fees. Exhibitors are responsible for obtaining their own damage insurance for the contents of their exhibit.
- Permission for an individual or group to exhibit is generally for a single occurrence and does not imply the right to repeat exhibits.
- Hamilton Public Library does not allow advertisements or solicitations for recruitment, business or fundraising, nor the sale of items. Prices may not be attached to individual works; however, the exhibitor may leave a price list at the information desk or supply a sign listing a contact person, website address and telephone number where visitors can inquire about purchasing information.

The Library strives to work collaboratively with exhibitors to maintain the integrity of exhibits; however, the Library reserves the right to alter, move, cancel and/or remove an exhibit that is in contravention of this or other library policies. Displays that contravene federal, provincial or municipal laws will not be accepted.

### **Selection Criteria**

There are a number of criteria that library staff consider when approving an exhibit. Exhibits should be:

1. Responsive to HPL's mission and values as well as the diverse interests of the community.
2. Suitable for showing in a public library (i.e. extremely erotic or gratuitously violent depictions are not acceptable)
3. From artists or groups who have not recently displayed at the Library. The Library may approve repeat exhibits by individual artists or groups but prefer giving opportunities to as many artists as possible.
4. From Hamilton and area artists and groups, preferably but not exclusively.

### **Exhibit Areas**

The main exhibit areas for displays at the Central Library are the 1st and 4th floors (Gallery4 and Gallery4 Annex).

## **Gallery4**

Gallery4 provides artists with display space. Exhibits are generally approved for one month and represent a variety of media, techniques, subjects and styles. Artists wanting to display in Gallery4 must apply through the annual call. In addition to the standard Selection Criteria, HPL reviews the following criteria when approving Gallery4 exhibits:

1. Artist shows commitment to art (e.g. by training, experience).
2. A polished application including resume and artist statement.

## **Gallery4 Annex**

Gallery4 Annex is exhibit space dedicated to community displays. Exhibits may range from photographs to clothing (Rev Wear) to art created by students. All exhibitors must complete the Hamilton Public Library Displays and Exhibit Application process to be considered. The application must include digital images of the proposed exhibit.

## **Central Library Meeting Rooms**

Individuals or groups wishing to use Central Library's meeting rooms to exhibit their artwork must book and pay for the space as per the Meeting Rooms Policy.

## **Branch Libraries**

Each branch library has different display space. Interested parties should contact the Branch Manager for information.

## **4.7 Naming Opportunities Policy**

**Policy Level:** Library Board

**Approved:** January 2002, November 2006, September 2011, February 2014

### **Purpose**

To provide opportunity for public recognition of individuals or organizations that have made a lasting contribution to the development of library services in the City of Hamilton or significant financial donors.

### **GUIDELINES**

The naming of a room or facility in recognition of a significant financial donor or individual is a decision that requires special consideration by the Library Board of the value and benefits of such recognition and the suitability of the room or facility for such recognition purposes.

Recommendations for the naming of a room or facility after an individual may be considered to honour the individual's contribution to the Hamilton Public Library; the naming of a room or facility may also be considered in recognition of a significant financial donation to the Hamilton Public Library.

Rooms or facilities named after the implementation date of this policy require a review by the Hamilton Public Library Board every five (5) years or earlier, at the request of the board, at which time Board approval will be required to renew the named room/facility.

#### **1. Naming a room or facility after an individual or organization**

Requests for naming a room after an individual must be directed to the Hamilton Public Library Board in writing.

The letter of request shall include a short biography of the honouree, lasting contributions with the Hamilton Public Library, community involvement, and (as appropriate), a description of exceptional achievements (e.g. philanthropy, leadership, professional excellence, distinguishing honours)

The letter will be reviewed by the Library Board, and, if required, an assessment of the request will be prepared by the Director of Public Service and Community Development, in consultation with Administration. Included in the assessment will be a report on the physical condition of the room or facility to ensure that it will project a positive image of the individual.'

If approved, the Library Board will make a recommendation for acceptance of the request and respond to the nominator in writing. To proceed with the naming opportunity, the Director of Public Service and Community Development will be authorized to initiate the following actions:

- a) Determine specific placement of a plaque/signage for the designated room/facility
- b) Prepare draft wording and a cost estimate to produce a plaque/signage
- c) When final copy and design is approved by the nominator, produce and install the plaque/signage
- d) Determine what type of ceremony/reception, if any, is to accompany installation of the signage/plaque in recognition of the naming (or, in some cases, re-naming)

## **2. Naming a room or facility in recognition of a significant financial donation**

The Library Board may initiate the naming of a room for fundraising purposes.

Recommendations for naming a room after an individual or organization in recognition of a significant financial donation will be presented to the Library Board after the Director of Public Service and Community Development prepares an evaluation of the naming opportunity. Requests to name a room or facility to recognize a donation or bequest are evaluated by the following criteria:

- The name should be appropriate for a public library.
- In the case of an individual, agreement to the naming proposal must be confirmed with the individual to be named, and if deceased, by the immediate family.
- The physical condition of the room or facility must be assessed to ensure that it projects a positive image of the donor.

The proposed naming opportunity should complement the purpose of the donation.

- When a naming opportunity is to be established as part of a capital campaign, the monetary value of the donation must be considered in relationship to the entire building/renovation cost and not just the portion that is raised by a fundraising campaign.

To proceed with the naming opportunity, the Director of Public Service and Community Development will be authorized to initiate the following actions:

- a) Determine specific placement of appropriate signage for the designated room or facility
- b) Prepare draft wording and a cost estimate to produce the signage
- c) When final copy and design is approved by the donor, produce and install the signage
- d) Determine what type of ceremony/reception, if any, is to accompany installation of signage and/or opening/renaming ceremonies of the room/facility.

## **4.8 Meeting Room Policy – Under Review**

**Policy Level:** Library Board

**Author:** Director Public Service

**Date Approved:** Date of Formal Board Approval: September 18, 2002; June 20, 2007

### **Purpose**

This policy outlines the rules for booking meeting rooms.

### **Policy Statement**

Meeting rooms are provided for library and library-related programs and meetings. After these needs are met, the meeting room facilities are available to groups and organizations in accordance with this policy as established by the Library Board.

Use of the meeting rooms by any group or organization does not constitute an endorsement by the Library Board of the group's policies or beliefs. The Library will not knowingly permit any individual or groups to use its facilities in contravention of the Criminal Code of Canada.

### **Exclusions**

- Private social events;
- Business activities such as sales promotions;
- Programs that are not suitable for the Library's physical facilities.

Groups using the facilities may not limit attendance on the basis of race, colour, religion, sex, age, sexual orientation, mental or physical disability as defined by the Constitution Act, Canadian Charter of Rights and Freedom, 1982. The Library reserves the right to attend any meeting held in its facilities.

The Library may deny applications for use based on the availability of space, frequency of use, or requests for space by other groups and organizations.

### **Fees**

Rooms are rented on a cost recovery basis. There is a basic rental rate per four-hour period for each room. Additional fees are applied for custom room set-ups, security guard service, and equipment rental. Discounts apply for multiple bookings. Payment must be made by credit card (MasterCard or VISA), Interac, cash, or cheque in advance.

Non-profit organizations will be given a 33% discount off the regular rate. Non-profit organizations charging admission, advertising "admission by donation" or "donation suggested," or fundraising in library facilities will be charged the full rate.

Councillors are permitted two free bookings per month at the branch library in their ward (where there is a public meeting room) on the understanding that the meetings booked by Councillors are public sessions or groups in which the councillor is a member and a regular attendee.

### **Cancellation Fees**

Cancellations must be reported at least seven (7) days in advance, freeing rooms for other bookings. Cancellations of less than seven (7) days' notice will result in a 100% charge. The

Library may charge an additional fee of \$25 for each room booking change, which requires an invoice to be reissued.

### **Damages**

The organization is responsible for any damages to library property incurred while renting a meeting room.

### **Loss of Rental Privileges**

Failure to follow this policy, the Hamilton Public Library Rules, or the terms described in the rental agreement, after one written warning, will result in the cancellation of future room booking privileges. The Library will not accept new bookings and will cancel existing room bookings for groups that have invoices outstanding 45 days or longer. Room bookings are accepted from individuals on behalf of organizations. The Library accepts no responsibility if the individual in question does not have authority to book a room; the invoice will be sent to the organization in all cases.

### **Liquor License**

Alcohol consumption is restricted to hours that the Library is closed and confined to the meeting rooms. The renting group is responsible for obtaining the liquor license and following its regulations. A liquor license is required whenever liquor is served; a copy of the license must be given to Security staff or Branch Library staff.

### **Publicity and Signage**

Publicity and signs, provided by the organization, must not give the impression that the Library sponsors the event. All signs must be professional, placed in the display stand provided, and removed immediately after the program.

### **Smoking**

Smoking is prohibited at all library locations.

### **Freedom of Information**

Personal information required on Library forms is for statistical or registration purposes only. Such information is collected under the authority of the Ontario Public Libraries Act, 1984, and will be used to facilitate the daily activities of the Library. Questions about the collection of this information should be directed to the Director, Public Service and Community Development, 55 York Blvd., Box 2700, Hamilton ON L8N 4E4.

### **Central Library Restrictions**

Only an outside caterer may serve food and beverages in the Board Room or the Auditorium (Hamilton-Wentworth Rooms). All food and equipment is to be removed within the booking period.

Rentals include only the meeting room and any equipment; the lobby may be neither booked nor used by a group as part of the meeting space. The projection room and loading dock are not available for public use.

## **4.9 Fundraising and Donations Policy – Under Review**

**Policy Level:** Library Board

**Approved:** September 2007

### **PURPOSE**

This policy applies to all donations, community-based fundraising activities including raffles and lotteries, applications for grants and foundations, and solicitations to service clubs, organizations or individuals. The purpose of this policy is to:

- Ensure that the purpose for which the funds are to be used is consistent with Hamilton Public Library objectives.
- Establish the rights and responsibilities for fundraising for all interested parties.
- Coordinate fundraising efforts and maximize fundraising results.
- Develop an organizational culture and support for fundraising efforts at Hamilton Public Library.
- Clarify responsibilities and channels of communication.
- Ensure that the same donors are not approached by different Library groups.
- Hamilton Public Library raises funds in order to:
  - Raise the profile of the Library in the community.
  - Generate revenue to support services and programs operated by the Library.
  - “Tell our story” to the community.

### **Authority**

The Library Board is responsible for the overall direction of fundraising for Hamilton Public Library; for establishing and directing fundraising campaigns; and for the allocation/disposition of funds contributed to existing trust and endowment funds.

The Board retains the right to approve or reject a fundraising initiative. Board fundraising initiatives take priority.

Fundraising to support the activities of a specific branch or department is not permitted unless it is a Board-approved initiative, such as a capital campaign. However, staff may solicit small in-kind donations (up to \$50) from businesses in their local community for program prizes.

Staff may fundraise only for authorized system-wide services and programs to enhance existing services and programs. All fundraising efforts, including the solicitation of donations for gifts and prizes, must be authorized prior to approaching a donor. Such requests for authorization shall be forwarded to the Manager of Communications and Community Development.

Fundraising for a program consistent with current practice will be approved. However, if the proposed program is an expansion of service, or represents a different direction for fundraising, the Administration team will be consulted. If the proposed fundraising initiative will result in a significantly different direction, or a departure from corporate strategy, it will be referred to the Board.

## **Specific Donation Policies**

### **Valuable Papers and Collections**

The Library accepts papers of historic/documentary value related to the history of the city of Hamilton as determined by the Special Collections Department Collection Policy.

This policy also applies to the donation of collections of significant value. Before accepting such materials, library staff should refer the donor to the Manager of Communications and Community Development.

All donations constitute a complete transfer without restrictions from the previous owner to the Library. The Library reserves the right to dispose of works as necessary.

### **Art**

The Library accepts artwork of historic/documentary value related to the history of the city of Hamilton as determined by the Special Collections Department Collection Policy.

The Library does not act as a repository of the works of local artists, portraits of local persons, etc. The Library does not actively collect, seek or accept unsolicited donations or purchase art for decorative, artistic or commemorative purposes unless it is a Commission of Art for a new building specifically commissioned by the Library Board.

The Library Board reserves the right to refuse to accept any artworks considered by it to be inappropriate and/or unsuitable to or for a library environment and/or the public served by the Library.

All donations constitute a complete transfer without restrictions from the previous owner to the Library. The Library reserves the right to dispose of works as necessary.

### **Honour with Books**

The Honour with Books program is a cash donation program that encourages memorial and honour tribute donations to enhance the materials budget. Donations may be designated for a broad subject area, branch, or department, but not a specific title. Information about the item in which the bookplate is placed is not available.

### **The Readers Circle**

The Readers Circle (established 1999) encourages donations related to the circulation of bestsellers and popular materials to enhance the materials budget.

The donor is able to "purchase" a title at the library's discounted rate and receive a tax receipt for the donation. The donor then has the opportunity to borrow the item in advance of other customers.

### **Library Legacy Fund**

This fund, managed by the Hamilton Community Fund, ensures that the capital and interest is preserved forever for the sole use of the Hamilton Public Library. The Foundation manages these funds and provides the Library Board with the annual income. The Library Board must approve all expenditures from these funds within the guidelines specified by donors.

### **Special Gifts Funds/Capital Endowment Fund**

These managed funds are designated for special building improvements, furnishings to support new or enhanced services, new technology, collections and service enhancements. Only 80% of the income from these accounts is spent on an annual basis, leaving capital funds intact. These funds, which are under the control of the Library Board, are managed by different financial agencies. The Board approves the expenditures of these funds. Donations to these funds are made directly to the Hamilton Public Library and should specify Special Gift Funds/Capital Endowment Fund.

### **Directed Donations**

These are gifts that have been donated to a specified service. The donation is spent in its entirety. Generally, solicitation for these donations is limited to pre-approved system-wide initiatives (e.g. the Summer Reading programs).

### **In Kind Donations**

Administration must approve all unsolicited in-kind donations. Staff should refer potential donors to the appropriate Service Coordinator.

### **Donor Recognition**

The Library will ensure that a progressive system of donor recognition is maintained, including recognition in library publications, on donor boards, and electronic recognition.

The donor has the right to remain anonymous and to decline public or private recognition at any time. Bequests are recognized when they are received, not at the time they are described in the will of a prospective donor.

The Library does not place plaques or signs on or near furniture as a method of donor recognition. The reason for this policy is that furniture and furnishings have a limited life-span and worn furnishings may reflect negatively on the donor with whom they are associated.

The naming of a room or facility in recognition of a donor is a decision that requires special consideration by the Library Board of the value and benefits of such recognition, the size of the donation vis-à-vis previous donations, and the suitability of the room for naming purposes. Each request is considered individually; however, past custom has been to limit this practice, and instead place a bronze plaque in the Central Library lobby.

In-kind donations are recognized in conjunction with the program and service for which the in-kind donation was made. They are not recognized on the Donor Boards, nor are they attributed a cash value for recognition purposes.

### **Charitable Receipts**

Receipts are issued for cash donations and appraised donations of art and valuable papers. Receipts cannot be issued for more than the fair market value as determined by an independent appraiser. Deadlines may be applied to ensure that donations are received in time to be receipted in the current tax year. Receipts cannot be backdated.

### **Use of Library Facilities**

Library facilities may be used for fundraising events of the Library and Friends of the Library only. Other community groups may not use library facilities for fundraising.

## **4.10 Procurement Policy**

Policy Level: Library Board

Approved: Last revised January 2014

Note: Unless an exception is created by the Library Board, staff follow-up the COH procurement policy. After changes were last approved by City Council in late 2013, the library Board re-adopted the policy.

### **Mission**

To ensure that the procurement function meets the current and future needs of the corporation, provides an economical and efficient service and is considered a value-added partner in the securing of Goods and/or Services for the corporation.

### **Vision**

A team of resourceful skilled professionals, working in partnership with their customers to procure the best Goods and/or Services in the most efficient manner.

### **PROCUREMENT GOALS & OBJECTIVES - SECTION 1**

Procure the necessary quality and quantity of Goods and/or Services in an efficient, timely and cost effective manner, while maintaining the controls necessary for a public agency, in accordance with the Procurement Policy as approved by Council.

Encourage an open and competitive bidding process for the acquisition and disposal of Goods and/or Services, and the objective and equitable treatment of all vendors.

Ensure the best value of an acquisition is obtained. This may include, but not be limited to, the determination of the total cost of performing the intended function over the lifetime of the task, acquisition cost, installation, disposal value, disposal cost, training cost, maintenance cost, quality of performance and environmental impact.

Procure Goods and/or Services with due regard to the preservation of the natural environment and to encourage the use of “environmentally friendly” products and services, as supported by Vision 2020 goals and strategies.

### **RESPONSIBILITIES & PROHIBITIONS OF PROCURING GOODS AND/OR SERVICES -SECTION 2**

#### **(1) General Responsibilities**

- (a) All City of Hamilton elected officials and staff delegated with the authority to procure shall comply with the Procurement Policy for the City of Hamilton. Without limiting the foregoing, such elected officials and staff shall follow the Statement of Ethics for Public Procurement attached as Schedule A to the Procurement Policy, the City's Code of Conduct for Employees Policy and Policy # 17 – Conflicts of Interest.
- (b) Procurement activities shall be subject to all applicable City of Hamilton policies and by-laws, any specific provisions of the Municipal Act, 2001 and all other relevant Federal and Provincial legislation, as may be in effect from time to time.

#### **(2) Procurement Section Responsibilities**

The City's General Manager of Finance and Corporate Services shall operate a Centralized Procurement unit on behalf of the City of Hamilton in accordance with the requirements of the Procurement Policy. In carrying out this responsibility the General Manager of Finance and Corporate Services may appoint certain City staff to act on behalf of the City in entering into Contracts with third parties. The General Manager of Finance and Corporate Services may limit the authority to procure of that City staff, as deemed appropriate. The Procurement Section will therefore have the following specific responsibilities:

- (a) Be responsible for the administration of the Procurement Policy and will continually review the procurement of Goods and/or Services to ensure the City is receiving the best value.
- (b) Ensure that procurement transactions are conducted ethically and professionally in accordance with Schedule A – Statement of Ethics for Public Procurement.

- (c) Advise on the practicability of Specifications to ensure a maximum number of competitive Bids.
- (d) Notify vendors who have expressed an interest in doing business with the City of the availability of the procurement documents.
- (e) Prepare necessary procurement documents and process Purchase Orders.
- (f) Advise and assist in the preparation of Contracts when requested.
- (g) Provide training and documentation on how to use the procurement module to users of the City's financial software application. Make available copies of the Procurement Policy and Procurement Procedures and Guidelines to all relevant City staff.
- (h) Maintain records of procurement transactions as required.

(3) General Manager Responsibilities

- (a) Ensure all purchases are performed in accordance with the Procurement Policy and make required reports to the Council or any other interested party explaining why purchases are not in compliance with the Procurement Policy. The Procurement Section will offer advice and assistance in assuring that the Procurement Policy is adhered to upon request.
- (b) Delegate Approval Authority to the appropriate levels and maintain the responsibility for such actions including answering questions raised by such delegation.
- (c) Ensure appropriate action is taken on internal Audit Services recommendations.

(4) Internal Audit Responsibilities

Internal Audit Services shall conduct selected audits to ascertain adherence to the Procurement Policy. The Procurement Section and Council shall receive a copy of the audit results.

(5) Prohibitions

The following activities are prohibited, unless specifically approved by Council:

- (a) Any attempt to evade or circumvent the requirements of the Procurement Policy including, but not limited to, the division of purchases to avoid the requirements of the Procurement Policy by any method, which includes purchases made using procurement cards.
- (b) Purchase by the City of any Goods and/or Services for personal use by or on behalf of any member of Council, employees of the City and their immediate families.
- (c) The acceptance of gifts, benefits, money, discounts, favours or other assistance by any member of Council, employees of the City, and their families contrary to the City of Hamilton Code of Conduct for Members of Council (Appendix H to the City's Procedural By-law No. 10-053, as amended, repealed or replaced from time to time), the City's Code of Conduct for Employees Policy or such other similar policy currently in force. The image and integrity of the employee and the City of Hamilton must be preserved at all times.
- (d) Purchase by the City from any member of Council or employee of the City, their family members or from any other source, that would result in a conflict of interest, unless that interest has been declared pursuant to the Municipal Conflict of Interest Act or pursuant to the City's Code of Conduct for Employees Policy or such other similar policy currently in force.

(6) Exemptions

Those items listed in Schedule B - Exemptions, are exempt from the requirements of the Procurement Policy, save and except for Policy # 2 - Approval Authority.

### **DEFINITIONS AND INTERPRETATION - SECTION 3**

Words and phrases used in the Procurement Policy for the City of Hamilton have the following meanings, unless expressly stated otherwise:

**“Acquisition Method”** means the process by which Goods or Services are procured.

**“Approval Authority”** means the authority to approve and award procurements, as well as any assignment or corporate change requests related to such procurements, up to the procurement values for the respective body or person(s) set out in Policy # 2 - Approval Authority.

**“Approved Products Listing”** means the listing of approved Goods for use with road, watermain, sewer, lighting and traffic signal work as maintained by the City’s Standard and Approved Products Committee.

**“Authorized Delegate”** means the person who has been delegated by Council an Approval Authority and includes any other person further sub-delegated such Approval Authority in accordance with the Procurement Policy.

**“Bid”** means an offer or submission from a vendor in response to a Request for Quotations, Request for Tenders, Request for Proposals, Request for Rostered Candidates or Request for Prequalifications issued by the City.

**“Centralized Procurement”** refers to the activities conducted by the Procurement Section of the City’s Corporate Services Department, which facilitates the purchase of all Goods and/or Services in accordance with the requirements of the Procurement Policy.

**“Child”** means any person under the age of 15, unless local minimum age law stipulates a higher age for work or mandatory schooling, or under the age of 14 if minimum age law is set at that age in accordance with exceptions set out for developing countries under International Labour Organization (“ILO”) Convention 138.

**“City”** means the City of Hamilton.

**“City Event”** means an event organized and hosted by the City. **“City Manager”** means the City Manager of the City of Hamilton.

**“Client Department”** means the City department initiating the acquisition of the Goods and/or Services.

**“Consulting and Professional Services”** means services rendered by members of a recognized profession or possessing a special skill. Such services are generally acquired to obtain information, advice, training or direct assistance.

**“Contract”** means a legal agreement between two or more parties, usually written, or a Purchase Order.

**“Cooperative Procurement”** means coordination of City purchases with purchases of other government bodies, public authorities, conservation authorities, municipalities, academia, schools and hospitals (MASH) sector.

**“Council”** means the Council of the City of Hamilton.

**“Designate”** means a person authorized to act on the behalf of an Authorized Delegate on a temporary basis.

**“Emergency”** means a situation, or the threat of an impending situation, which may affect the environment, life, safety, health and/or welfare of the general public, or the property of the residents of the City, or to prevent serious damage, disruption of work, or to restore or to maintain essential service to a minimum level.

**“Energy Commodities”** means electricity, Green Power, natural gas, methane and all other petroleum based fuel products such as: diesel, bio-diesel, unleaded, fuel oil, propane and any other

bulk commodity primarily used by the City for the purpose of heating and cooling of buildings and other structures, electricity generation, cogeneration and the fuelling of City fleets, as determined by the City's Manager of Energy Initiatives.

**“General Manager”** means the head of a City department or Designate, and includes the Medical Officer of Health and the City Manager.

**“Goods”** includes supplies, equipment, materials, products, structures and fixtures to be delivered, installed or constructed.

**“Green Power”** means electricity generated from renewable energy sources, such as certified water power, solar, biogas, biomass and wind. Other terms for Green Power include: Green Power certificates, tradable renewable certificates or "Green Tags". These attributes, embodied in a certificate, may be bought and sold either bundled or unbundled with commodity electricity.

**“Low Dollar Value Procurements”** means the process of procuring Goods and/or Services with an estimated annual procurement cost of up to but not including \$10,000.

**“Lowest Compliant Bid”** means a Bid with the lowest price meeting all requirements of a RFQ, RFP or RFT, subject to any rights or privileges reserved by the City contained in the respective procurement document, or unless otherwise approved by Council.

**“Mixed Revenue Contracts”** means a combination of various types of Revenue Generating Contracts.

**“Procurement Manager”** means the Procurement Manager for the City of Hamilton or a person authorized to act on behalf of the Procurement Manager on a temporary basis.

**“Procurement Policy”** means the procurement policies approved by Council, as amended from time to time.

**“Procurement Procedures and Guidelines”** means the procurement procedures and guidelines approved by the City's Director of Financial Services & Corporate Controller, as amended from time to time.

**“Profit Sharing Contracts”** means contracts whereby the City receives a portion of revenues, sales or profits earned by a third party under contract with the City.

**“Purchase Order”** means a written offer to procure Goods and/or Services or a written acceptance of an offer, in a form acceptable to the City Solicitor.

**“Purchase Requisition”** means an internal online request by a Client Department to the Procurement Section for procurement of Goods and/or Services.

**“Request for Information”** or **“RFI”** means a process where information is requested from vendors regarding their interest in, or the feasibility and availability of, specific Goods and/or Services in the marketplace and to determine if there are enough vendors to justify a Request for Proposals or Request for Tenders.

**“Request for Prequalifications”** means a process where information is requested from vendors to determine whether or not the vendor has the capability in all respects to perform the contract requirements. The Request for Prequalifications process is initiated before a RFP or RFT is issued and only prequalified vendors are eligible to submit a Bid on such procurements.

**“Request for Proposals” or “RFP”** means a formal request for prices and details on Goods and/or Services from vendors, where the Goods and/or Services may not be able to be fully defined or specified or when alternate methods are being sought to perform a certain function or service, at the time of the request.

**“Request for Quotations” or “RFQ”** means an informal request for prices on Goods and/or Services with an estimated procurement cost between \$10,000 and up to but not including \$100,000, and where comprehensive technical Specifications can be developed. Request for Quotations may be processed by the Client Department.

**“Request for Roster Candidates” or “RFRC”** means a procurement document issued by the City requesting pricing and details with respect to category specific consulting services from vendors, with the intent of creating an approved list of vendors known as rostered candidates, and whereby work assignments under a specific cost limit will be offered by the City to said rostered candidates on an as-needed basis over a two-year period.

**“Request for Tenders” or “RFT”** means a formal request for prices on Goods and/or Services from vendors, where the Goods and/or Services are able to be fully defined or specified at the time of the request.

**“Revenue Generating Contracts”** means a legal agreement between the City and a third party that yields a financial return for the City. Revenue Generating Contracts include, but are not limited to:

- (a) Service Revenue Contracts; and
- (b) Profit Sharing Contracts; and
- (c) Mixed Revenue Contracts; and
- (d) advertising Contracts.

**“Services”** means all professional, consulting, construction or maintenance services, as well as any other services described in a Contract or in a RFQ, RFT or RFP.

**“Service Revenue Contracts”** means the sale of Goods and Services by the City to a third party.

**“Specifications”** means the detailed description of, and written requirements and standards for, Goods and/or Services contained in a RFQ, RFP or RFT to the extent known or available to the Client Department, and also includes any drawings, designs and models.

**“Sponsorship”** means a financial contribution or in-kind contribution of goods or services provided to the City in return for recognition, and includes advertising sold in support of a City Event.

**“Standardization”** is a management decision-making process that examines a specific common need or requirement and then selects a Good and/or Service that best fills that need to become the standard.

**“Sweatshop”** means a facility where individuals manufacture, assemble or produce consumer goods in working conditions that constitute Sweatshop Conditions.

**“Sweatshop Conditions”** means working conditions that include any of the following:

- (a) employees are not provided with working conditions that: meet or exceed the International Labour Organization (“ILO”) Conventions' standards governing forced labour (ILO Convention 29 – Forced Labour Convention, 1930) and (ILO Convention 105 - Abolition of Forced Labour Convention, 1957), child labour (ILO Convention 138 – Convention concerning Minimum Age for Admission to Employment – the “Minimum Age Convention, 1973” and United Nations Convention On The Rights Of The Child – November 20, 1989, Article 32), payment of wages (ILO Convention 95 - Protection of Wages

Convention, 1949), hours of work, occupational health, occupational safety, and non-discrimination (ILO Convention 111 – Discrimination {Employment and Occupation, 1958}); and are in compliance with all applicable federal, state, provincial and local laws of the locality of manufacture; and

- (b) employees are compensated by their employer at an hourly rate below the poverty threshold; and
- (c) employees are subject to forced labour practices, whether in the form of involuntary prison labour, indentured labour, bonded labour or otherwise; and
- (d) employees are under the age of 18 are exposed to situations, in or outside the workplace, that are hazardous, unsafe or unhealthy; and
- (e) employees are not provided with a minimum of one day off for every seven-day period; and
- (f) employees are subject to physical, sexual, psychological abuse or harassment, verbal abuse, or any other form of abuse, including corporal punishment; and
- (g) employees are not provided with a safe and hygienic workplace, including access to clean toilet facilities and safe drinking water.

**"Time-Sensitive"** means a situation for which the timing to complete the procurement is paramount, but the time available to follow normal procedures is insufficient.

**POLICY # 1 - Vendor Eligibility - SECTION 4.1**

- (1) The City will make reasonable efforts to maintain an electronic vendor database of those vendors who have expressed an interest in doing business with the City and who have completed an online registration form.
- (2) Without limiting or restricting any other right or privilege of the City and regardless of whether or not a Bid otherwise satisfies the requirements of a Request for Prequalifications, RFP or RFT, the City may reject any Bid from a vendor where,
  - (a) in the opinion of the City, the commercial relationship between the City and the vendor has been impaired by the act(s) or omission(s) of such vendor including but not limited to any one or more of the following having occurred within the five year period immediately preceding either the date on which the RFP or RFT is awarded or the date on which the vendor has been shortlisted pursuant to a Request for Prequalifications:
    - (i) the vendor being involved in litigation with the City;
    - (ii) act(s) or omission(s) resulting in a claim by the City under any security submitted by the vendor on a RFP or RFT, including but not limited to a bid bond, a performance bond, or warranty bond;
    - (iii) the failure of the vendor to pay, in full, all outstanding payments (and, where applicable, interest and costs) owing to the City by such vendor, after the City has made demand for payment of same;
    - (iv) the vendor's refusal to follow reasonable directions of the City or to cure a default under any Contract with the City as and when required by the City;
    - (v) the vendor's refusal to enter into a Contract with the City after the vendor's Bid has been accepted by the City;
    - (vi) documented poor performance of a vendor as per Policy # 8 – Vendor Performance Evaluation, including the vendor's refusal to perform or to complete performance of a Contract with the City;
    - (vii) the vendor having unlawfully or unreasonably threatened, intimidated, harassed, or otherwise interfered with an attempt by any other prospective vendor to bid for a City Contract or to perform any Contract awarded by the City to that vendor;
    - (viii) the vendor having discussed or communicated, directly or indirectly, with any other vendor or their agent or representative about the preparation of the vendor's Bid including, but not limited to, any connection, comparison of figures or

- arrangements with, or knowledge of any other vendor making a Bid for the same work;
- (ix) the vendor having unlawfully or unreasonably threatened, intimidated, harassed, assaulted or committed battery against, or otherwise interfered with an official, employee, representative, agent or independent consultant or contractor of the City in the performance of his or her duties or in any way attempted to influence such persons;
  - (x) the vendor has on one or more occasions, in the performance of a Contract with the City, deliberately, with wilful blindness or negligently, save and except an inadvertent error corrected to the satisfaction of the City within a reasonable time, as determined by the City,
    - 1. over-billed, double-billed and/or retained a known over-payment, or has failed to notify the City of an over-payment or duplicate payment;
    - 2. billed for items not supplied;
    - 3. billed for items of one grade, while supplying items of an inferior grade;
    - 4. made a misrepresentation as to the quality or origin of Goods, their functionality or suitability for a purpose, or their performance characteristics;
    - 5. submitted false or misleading information to the City;
    - 6. acted in conflict with the City's interests;
    - 7. misappropriated any property or right of the City, in any form; or
    - 8. committed any other form of sharp or deceptive practice;
  - (xi) any other act or omission by the vendor that the City deems to impair the commercial relationship between the City and the vendor.
- (b) in the opinion of City there are reasonable grounds to believe that it would not be in the best interests of the City to enter into a Contract with the vendor, including but not limited to:
- (i) the conviction of that vendor or any person with whom that vendor is not at arm's length within the meaning of the *Income Tax Act* (Canada) of an offence under any taxation statute in Canada;
  - (ii) the conviction or finding of liability of that vendor under the *Criminal Code* or other legislation or law, whether in Canada or elsewhere and whether of a civil, quasi-criminal or criminal nature, of moral turpitude including but not limited to fraud, theft, extortion, threatening, influence peddling and fraudulent misrepresentation;
  - (iii) conviction or finding of liability of that vendor under any environmental legislation, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for the environmental well-being of the communities in which it carries on business;
  - (iv) the conviction or finding of liability of that vendor relating to product liability or occupational health or safety, whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for the health and safety of its workers or customers;
  - (v) the conviction or finding of liability of that vendor under the financial securities legislation whether of Canada or elsewhere, where the circumstances of that conviction evidence a gross disregard on the part of that vendor for its stakeholders.
- (3) For the purposes of subsections (2), (4), (5), (6)(d), (7) and (8) of this Policy # 1, a reference to a vendor shall also include: an officer, a director, a majority or controlling shareholder, or a member of the vendor, if a corporation; a partner of the vendor, if a partnership; any corporation to which the vendor is an affiliate of or successor to, or an officer, a director or a majority or controlling shareholder of such corporation; and any person with whom that the vendor is not at arm's length within the meaning of the *Income Tax Act* (Canada).

- (4) In the circumstances described in subsections (2) and (8), the City may, in addition or in the alternative to rejecting a Bid from a vendor, ban a vendor from competing for or being awarded any City Contract for a period of up to ten years
- (5) Without limiting or restricting any other right or privilege of the City, the City may refuse to enter into a Contract with a vendor where any of the circumstances described in (2)(a), (2)(b) or (8) of this Policy # 1 have occurred within the five year period preceding the date on which the refusal to enter into the Contract is approved by Council. In addition or in the alternative to refusing to enter into the Contract, the City may ban a vendor from competing for or being awarded any City Contract for a period of up to ten years.
- (6) Where the Contract is awarded to a vendor who has made an unauthorized amendment to the City's pre-printed forms (e.g. *Form of Proposal* or *Form of Tender*) or other documents submitted as part of the vendor's Bid, then within a reasonable time of the City discovering that unauthorized amendment, the City may,
  - (a) permit the vendor to withdraw an unauthorized amendment to the City's *Form of Proposal* or *Form of Tender*, at no cost to the City; or
  - (b) cancel or terminate the Contract without any compensation whatsoever to the vendor by giving written notice to that effect to the vendor; or
  - (c) recover from such vendor any amounts the City paid to the vendor and all costs, expenses, damages and losses incurred or accrued by the City as a result of the unauthorized amendment; or
  - (d) ban such vendor from competing for or being awarded any City Contract for a period of up to ten years where, in the opinion of Council, the change was made by the vendor as part of a deliberate attempt to deceive and such deception has resulted in an impairment of the commercial relationship between the City and such vendor, or any combination of the foregoing.
- (7) Where a vendor has the Lowest Compliant Bid to a RFT or RFP or has the successful Bid in accordance with the evaluation methodology set out in a RFP, which Bid has been rejected due to the vendor's failure to initial a legible change such as an erasure, strike out, white out, cross out or overwriting, within one business day of the City's request, the vendor shall also be banned from competing for or being awarded any City Contract for a period of one year. Only the ban, and not the rejection of the Bid, may be challenged by the vendor in accordance with Policy # 18 – Vendor Complaint Resolution.
- (8) No Lobbying and Single Point of Contact
  - (a) A vendor and its representatives shall not,
    - (i) make any public comment, respond to questions in a public forum, or carry out any activities to publicly promote or advertise their qualifications, their service or product, or their interest in a RFQ/RFP/RFT/RFRC/Request for Prequalifications.
    - (ii) communicate with the City regarding a RFQ/RFP/RFT/RFRC/Request for Prequalifications except through the Procurement Manager or designate identified in the RFQ/RFP/RFT/RFRC/Request for Prequalifications, who shall be the single point of contact for that procurement document.

Having a single point of contact for the RFQ/RFP/RFT/RFRC/Request for Prequalifications is intended to allow all other persons involved with the RFQ/RFP/RFT/RFRC/Request for Prequalifications on behalf of the City to avoid any perception of a conflict of interest and to conduct the procurement set out in the RFQ/RFP/RFT/RFRC/Request for Prequalifications in as fair and objective a manner as possible.
    - (iii) make any attempt to contact, directly or indirectly, any of the following persons, with

respect to a RFQ/RFP/RFT/RFRC/Request for Prequalifications,

1. any member of an evaluation team;
  2. any member of a costing team;
  3. any expert, independent consultant or other advisor assisting the City;
  4. any elected City official;
  5. any staff of the City of Hamilton or its advisors; or
  6. any other persons connected in any way with the procurement document.
- (b) The only exception to the above for a vendor or its representatives as set out at Policy # 18 – Vendor Complaint Resolution if the vendor has a complaint related to the evaluation of its Bid and/or recommendation of award with respect the procurement document.
- (c) A vendor who has been awarded a Contract shall not engage in any contact or activities in an attempt to influence any elected City official or City staff with respect to the purchase of additional enhancements, requirements, options, or modules. A vendor may communicate with the City and City staff for the purposes of administration of the Contract during the term of the Contract.
- The determination of what constitutes an attempt to influence shall be at the sole discretion of the City, acting reasonably, and is not subject to challenge under Policy # 18 - Vendor Complaint Resolution.

#### **POLICY # 2 - Approval Authority - SECTION 4.2**

- (1) Any person delegated Approval Authority pursuant to this Policy # 2 shall ensure that an approved budget exists for the proposed procurement and that such procurement does not violate any City policies or any applicable law. Any such procurement shall also satisfy any applicable audit requirements of the City.
- (2) The following body and persons shall have the respective Approval Authority as set out below:
- (a) **Council** must approve budgetary funding for any procurement of a value of \$250,000 or greater.
  - (b) **City Manager** must approve any procurement of a value of \$100,000 up to but not including \$250,000. The City Manager may sub-delegate such Approval Authority to his/her staff, who are referred to as an Authorized Delegate in the table below, at the procurement values he/she deems appropriate. Staff who have been further delegated Approval Authority from the City Manager to approve procurements **shall have no authority to** delegate this Approval Authority to any other person. The City Manager may also exercise the Approval Authority of a General Manager.
  - (c) **General Managers** are authorized to approve procurements of a value up to but not including \$100,000, save and except in an Emergency wherein Policy # 10 shall apply. **Only** General Managers may sub-delegate such Approval Authority to their staff, who are referred to as an Authorized Delegate in the table below, at the procurement values they deem appropriate. Staff who have been further delegated Approval Authority from their General Manager to approve procurements **shall have no authority to** delegate this Approval Authority to any other person.
  - (d) Approval Authorities for various Procurement Policies.

ESTIMATED PROCUREMENT VALUE  (\$, Canadian Funds, exclusive of applicable taxes)	APPROVAL AUTHORITY POLICY # 2	PROCUREMENT POLICY
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<b>ESTIMATED PROCUREMENT VALUE</b>  (\$, Canadian Funds, exclusive of applicable taxes)	<b>APPROVAL AUTHORITY POLICY # 2</b>	<b>PROCUREMENT POLICY</b>
<b>Up to but not including \$10,000</b>	General Manager or Authorized Delegate	Policy # 5.1 – Low Dollar Value Procurements
<b>\$10,000 or greater</b>	General Manager	Policy # 10 –  Emergency Procurements  Policy # 7 – Construction Contracts  Policy # 11 – Non-competitive  Procurements (not including single source procurements of \$250,000 or greater)
<b>\$10,000 – \$99,999</b>	General Manager or Authorized Delegate	Policy # 5.2 –  Request for Quotations
<b>\$10,000 – \$99,999</b>	General Manager or Authorized Delegate unless any of the conditions in subsection (3) of this Policy #2 apply, then Council approval is required.	Policy # 5.4 –  Request for Proposals
<b>\$100,000 – \$249,999</b>	City Manager or Authorized Delegate unless any of the conditions in subsection (3) of this Policy # 2 apply, then Council approval is required.  For linear construction Contracts issued in conjunction with the Public Works Department, the General Manager of Public Works or Authorized Delegate unless any of the conditions in subsection (3) of this Policy # 2 apply, then Council approval is	Policy # 5.3 – Request for Tenders  Policy # 5.4 –  Request for Proposals

ESTIMATED PROCUREMENT VALUE  (\$, Canadian Funds, exclusive of applicable taxes)	APPROVAL AUTHORITY POLICY # 2	PROCUREMENT POLICY
<b>\$250,00 or greater</b>	<p>Council – previously approved budget for the procurement.</p> <p>For linear construction Contracts issued in conjunction with the Public Works Department, the General Manager of Public Works or Authorized Delegate unless any of the conditions in subsection (3) of this Policy # 2 apply, then Council approval is required. For all other Contracts, the City Manager or Authorized Delegates unless any of the conditions in subsections (3) and (4) of this Policy # 2 apply, then Council approval is required.</p>	<p>Policy # 5.3 – Request for Tenders</p> <p>Policy # 5.4 – Request for Proposals</p>
<b>\$250,000 or greater</b>	Council	Policy # 11 – Non-competitive Procurements (single source)

- (3) The Client Department in conjunction with the Procurement Section shall submit a report to Council and the appropriate standing committee recommending award of a RFT or RFP if **ANY** of the following conditions apply:
- (a) the value of the Bid being recommended for award and any contingency allowance are in excess of the Council approved budget including any contingency allowance, or
  - (b) for capital projects, when the final cost of the proposed project exceeds the amount provided in the Council approved capital budget for that project by more than 10 percent or \$250,000, whichever is less, or
  - (c) for RFTs, the award is not being made for the Lowest Compliant Bid, or
  - (d) for RFPs, the award is not being made in accordance with evaluation methodology set out in the RFP, or
  - (e) where in the opinion of the City Manager, the Client Department's award recommendation is not in the best interest of the City, or
  - (f) there are Provincial or Federal government requirements for Council approval.
- (4) The Client Department shall submit a report to Council and the appropriate standing committee recommending a single source procurement of \$250,000 or greater in accordance with Policy #11 – Non-competitive Procurements.
- (5) Council may delegate further Approval Authority as it considers necessary from time to time, including but not limited to, any extended time periods during which Council does not meet.

- (6) The City's Director of Financial Services & Corporate Controller shall prepare a quarterly status report to Council on Request for Tenders and Request for Proposals which shall identify those procurements:
  - (a) which have been issued, but not yet closed,
  - (b) which have closed and are under review, and
  - (c) which have been awarded or cancelled, since the previous status report.
- (7) The issuance and approval of award of a Revenue Generating Contract of any value requires the approval of the General Manager of the Client Department. It will be at the discretion of the General Manager of the Client Department whether to also seek Council approval on the issuance and/or approval of award of a Revenue Generating Contract.
- (8) Acceptance of a Sponsorship of any value requires the approval of the General Manager of the Client Department. It will be at the discretion of the General Manager of the Client Department whether to also seek Council approval on the City's acceptance of a Sponsorship.

**POLICY # 3 – Specifications - SECTION 4.3**

- (1) The following requirements shall be followed in the preparation of the Specifications:
  - (a) Specifications are to be detailed but not brand specific, unless standardized in accordance with Policy # 14 – Standardization to maintain a competitive procurement process.
  - (b) Where the Specification requirements of the Client Department will result in a single source purchase, the Client Department shall follow Policy # 11 – Non-competitive Procurements.
  - (c) Where the Specifications relate to matters that are addressed under the Corporate Energy Policy, they shall be approved by the City's Manager of Energy Initiatives to ensure that they meet the requirements of said policy.
  - (d) Client Departments shall advise the Information Technology Division of procurements that relate to new software purchases and shall comply with the Corporate Computer and Technology Acceptable Use Policy and Security Policies. Specifications shall be approved by Director of Information Technology or Authorized Delegate to ensure that they meet the requirements of said policies.
  - (e) Vendors or potential vendors shall not be requested to expend time, money or effort on design or in developing Specifications or otherwise to help define a requirement beyond the normal level of service expected from vendors. Where such services are required,
    - (i) the Procurement Manager must be advised;
    - (ii) the contracted vendor will be considered a consultant and will not be allowed to make an offer of the supply of the Goods and/or Services;
    - (iii) a fee shall be paid, the amount of which shall be determined and agreed upon by the vendor before the services commence; and
    - (iv) the detailed Specifications shall become the property of the City, and can be used in obtaining Bids.
  - (f) Notwithstanding any assistance in the preparation of the Specifications by a consultant, the Specifications shall be and remain the property of the City.
  - (g) Where it is not possible to prepare precise Specifications to issue a Request for Tenders, a Request for Proposals shall be issued. The Client Department, in cooperation with the Procurement Section, shall prepare evaluation criteria and weightings for the criteria. The RFP shall clearly distinguish those requirements that are deemed mandatory and non-mandatory and shall clearly outline how these items will be evaluated.
  - (h) When preparing the Specifications, the Client Department shall be knowledgeable of the Ontarians with Disabilities Act, 2001, the Accessibility for Ontarians with Disabilities Act, 2005 and their regulations thereunder, as amended, re-enacted or replaced from time to time, and

the City's Barrier Free Design Guidelines 2006 or the most recent version and apply those requirements with respect to procuring Goods and/or Services and in the development of the Specifications.

- (i) When preparing the Specifications, the Client Department shall consider the amount of packaging that would be associated with the procurement of a Good. If the required level of packaging is felt to be too excessive, then the Specifications for those Goods will require the vendor to be responsible for and bear the cost for the removal and disposal of the packaging materials.
- (2) The preparation of the Specifications for Request for Quotations, Request for Proposals or Request for Tenders shall be the responsibility of the Client Department. Specifications shall be approved by the Client Department Authorized Delegate and shall be forwarded directly to the Procurement Section with approval attached.
- (3) The Procurement Section shall have the authority to review and recommend improvements to the Specifications when deemed necessary. The Client Department shall cooperate with the Procurement Section in the finalization of the Specifications. Should the Procurement Section and the Client Department not be able to reach agreement on Specifications within the allotted timeline, the General Managers of the Client Department and of Finance and Corporate Services Department will attempt to resolve the matter.
- (4) The City may issue a Request for Information or RFI through Centralized Procurement. A RFI can be used to determine if there is sufficient vendor interest to justify proceeding with a competitive procurement process and/or to gain additional information on the Good and/or Service from the vendor community. Any resulting competitive procurement process will be issued in accordance with Policy # 5 – Determining the Procurement Process.

#### **POLICY # 4 - Prequalification of Vendors - SECTION 4.4**

- (1) The purpose for prequalification of vendors is to ensure that each vendor intending to perform work on a City Contract can demonstrate its ability to provide the necessary expertise and resources to satisfactorily complete the work required.
- (2) Prequalification of vendors shall be issued through Centralized Procurement and will only be considered in the following circumstances:
  - (a) the work will require substantial project management by the City if the vendor is not appropriately experienced and could result in a substantial cost to the City;
  - (b) the Goods and/or Services to be purchased must meet national safety standards;
  - (c) the work involves complex, multi-disciplinary activities, specialized expertise, equipment, materials, or financial requirements;
  - (d) there could be a substantial impact on City operations if the work is not satisfactorily performed the first time;
  - (e) where time requirements necessitate efficient use of time and expertise;
  - (f) any other circumstances deemed appropriate by the Procurement Manager.
- (3) Prequalification requires vendors to provide such information as requested by the City to determine that the vendor has the capability in all respects to perform the contract requirements. This information may include such things as:
  - (a) previous experience on similar work (firm and staff assigned);
  - (b) capacity to fulfill the contract requirements; and
  - (c) the facilities and/or equipment to perform the work.
- (4) Vendor submissions will be evaluated, ranked, and a list of prequalified vendors will be established.

**POLICY # 5 - Determining the Procurement Process - SECTION 4.5**

- (1) Sales taxes, excise taxes, value added taxes, duties and shipping shall be excluded in determining the procurement limit of Authorized Delegates and the type of procurement process to be followed.
- (2) The dollar values identified in this Procurement Policy represent the annual estimated procurement value for a Good and/or Service to be procured. The annual estimated procurement value is the cumulative value of a particular Good and/or Service in one calendar year. For multi-year Contracts, the estimated total procurement value over the term of the Contract shall be used as the basis for determining which procurement process applies.
- (3) It should be the intent of the Client Department to procure Goods and/or Services of like nature as a combined effort.
- (4) Where Provincial and/or Federal Governments impose unique requirements in order to qualify for funding, the City's procurement documents will be amended to include those provisions.
- (5) Where there is an incumbent vendor on a corporate City Contract which is of a highly sensitive nature due to the risk associated with financial loss, confidentiality or the handling of sensitive information, a report shall be forwarded to the applicable standing committee of Council and Council to seek direction on the type of procurement process to be followed for the acquisition of the Good and/or Service.
- (6) Where the estimated gross revenue for a Revenue Generating Contract is \$10,000 or greater, the Revenue Generating Contract shall follow the RFP or RFT process through Centralized Procurement.

Service Revenue Contracts of any value shall be exempt from the public procurement processes outlined in the Procurement Policy, save and except Policy # 2 – Approval Authority and Policy # 13 – Authority to Execute Contracts. Mixed Revenue Contracts are not exempt.

In the event that a Revenue Generating Contract falls under more than one City Policy, both Policies must be adhered to unless that Contract and/or the other City Policy is specifically exempted from the Procurement Policy.

**POLICY # 5.1 - Low Dollar Value Procurements (up to but not including \$10,000) - SECTION 4.5.1**

- (1) All Low Dollar Value Procurements shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) The General Managers may delegate Approval Authority to their staff for Low Dollar Value Procurements. This procurement function has been de-centralized and therefore, it is the responsibility of the respective General Manager to ensure that the Procurement Policy is adhered to.
- (3) Neither a RFQ, RFP nor RFT is required for Low Dollar Value Procurements.

**POLICY # 5.2 - Request for Quotations (\$10,000 – up to but not including \$100,000)**

**- SECTION 4.5.2**

- (1) All Request for Quotations shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) For procurements where there are no applicable City Contracts, a Request for Quotations process is used by the Client Department in the following manner:
  - (a) a minimum of three compliant Bids shall be obtained by any method of written communication unless otherwise approved by the Procurement Section;
  - (b) in seeking the vendors for Request for Quotations, staff shall also use the electronic vendor database;
  - (c) Bids must be received from a minimum of three separate vendors;
  - (d) a “No Bid” response shall not be considered a valid Bid;

- (e) all vendors shall receive the same Request for Quotations written information;
- (f) the Request for Quotations shall be awarded to the Lowest Compliant Bid; and
- (g) all written Bids shall be retained in the Client Department files in accordance with City By-law No. 11-040 (To Establish Retention Periods for Records of the City of Hamilton), as amended, re-enacted or replaced from time to time.

The Procurement Manager may waive the requirement for three Bids, but will only do so where the Client Department has demonstrated to the satisfaction of the Procurement Manager that a minimum of three Bids cannot be obtained.

- (3) Staff are encouraged to seek more than the minimum three written Bids to ensure a more competitive process and to utilize any Request for Quotations template provided by the Procurement Section.
- (4) In the event that two or more identical Bids are received and are the Lowest Compliant Bids, best and final offers will be solicited from each of these vendors in order to break the tie. If this effort is unsuccessful, then a draw will be held to determine the successful vendor.
- (5) The Procurement Section shall assist when requested by the Client Department, or when deemed necessary, with the Request for Quotations process.
- (6) An authorized online Purchase Requisition shall be utilized to initiate a Purchase Order and/or formal Contract process.
- (7) When a Client Department would like to issue a RFP in lieu of a Request for Quotations, the RFP shall be issued by Centralized Procurement in the same manner as for Requests for Proposals in Policy # 5.4 of the Procurement Policy.

**POLICY # 5.3 - Request for Tenders (\$100,000 and greater) - SECTION 4.5.3**

- (1) Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) for Tenders shall be awarded based on the Lowest Compliant Bid. In the event that two or more identical Bids are received and are the Lowest Compliant Bids, best and final offers will be solicited from each of these vendors in order to break the tie. If this For procurements where there are no applicable City Contracts,
  - (a) the Request for Tenders process is to be used for Goods and/or Services with an estimated procurement value of \$100,000 or greater and where comprehensive technical Specifications can be developed;
  - (b) the Request for Tenders process shall be carried out by Centralized Procurement;
  - (c) all Requests for Tenders shall be issued and awarded in accordance with the tendering procedures as determined by the City's Director of Financial Services & Corporate Controller;
  - (d) the Request effort is unsuccessful, then a draw will be held to determine the successful vendor.
- (3) When no compliant Bids are received in response to a Request for Tenders, and
  - (a) where time permits in the opinion of the General Manager of the Client Department, the Request for Tenders shall be re-issued with the appropriate revisions; or
  - (b) where only one Bid has been received, the Procurement Manager in conjunction with the Client Department may proceed to negotiate the changes required to achieve an acceptable Bid, provided that such changes will not alter the general nature of the procurement described in the Request for Tenders; or
  - (c) where time does not permit the re-issuance of the Request for Tenders in the opinion of the General Manager of the Client Department, and the Request for Tenders is not otherwise being revised, all vendors who submitted a Bid or secured the original Request for Tenders shall be given the opportunity to submit a new Bid. The Procurement Section will communicate to each vendor who previously submitted a Bid, any deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum; or
  - (d) where time does not permit the re-issuance of the Request for Tenders, and the Request for Tenders is being revised, all vendors who submitted a Bid or secured the Request for Tenders,

shall be given the opportunity to submit a new Bid. The Procurement Section will communicate to each vendor who previously submitted a Bid, any deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum. The General Manager of the Client Department shall approve this process prior to implementation.

- (4) Where one or more Bids have been received and are in excess of budgeted funds, the General Manager of the Client Department in consultation with the Procurement Manager may enter into negotiations with the vendor submitting the Lowest Compliant Bid, where it is agreed that the changes required to achieve an acceptable Bid will not change the general nature of the requirement described in the RFT.
- (5) The Goods and/or Services shall be procured through a Purchase Order, Contract process and/or any other process as approved by the Director of Financial Services & Corporate Controller. Where a formal Contract is necessary, such Contract shall be in a form satisfactory to the City Solicitor.
- (6) Where a Time-Sensitive situation occurs, the Procurement Manager may authorize the Client Department to utilize the Policy # 5.2 - Request for Quotations in lieu of the Request for Tenders process.

**POLICY # 5.4 - Request for Proposals (\$10,000 and greater) - SECTION 4.5.4**

- (1) The Client Departments shall utilize all applicable City Contracts and shall otherwise be in accordance with the Procurement Policy.
- (2) For procurements where there are no applicable City Contracts,
  - (a) the Request for Proposals process is to be used for Goods and/or Services with an estimated procurement value of \$10,000 or greater and where comprehensive technical Specifications cannot be fully defined or specified, or when alternate methods are being sought to perform a certain function or service, at the time of the request;
  - (b) the Request for Proposals process must be implemented through Centralized Procurement;
  - (c) the Request for Proposals shall be issued and awarded in accordance with the RFP procedures as determined by the City's Director of Financial Services & Corporate Controller;
  - (d) the Request for Proposals shall clearly set out the evaluation criteria and weightings upon which an award of the Request for Proposals may be made. The evaluation methodologies that may be employed, unless specific Council approval is obtained for a particular procurement, are:
    - (i) **FIXED PRICE.** The City establishes a fixed dollar value for the award, and the Bids consist of only a technical Bid for that fixed dollar value. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. The award shall be made to the highest scoring vendor; or
    - (ii) **PRICE PER POINT.** The evaluation of the RFP will utilize a two step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in RFP, the City will open the price Bid received. The City will then calculate the price per point for each Bid meeting the technical benchmark score and the award will be made to the vendor with the lowest price per point; or
    - (iii) **COMBINATION OF TECHNICAL AND PRICE SCORES.** The RFP will utilize a two step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in RFP, the City will open the price Bid received and score the price based on a predetermined calculation set out in the RFP. The price weighting must be a minimum of 25 percent of the technical weighting. Only the General Manager of the Client Department may approve

- a price weighting of less than 25 percent of the technical weighting. A total evaluation score will be determined by adding the technical score and the price score. The award shall be made to the highest scoring vendor; or
- (iv) **LOWEST PRICED BID MEETING TECHNICAL BENCHMARK SCORE.** The RFP will utilize a two step evaluation process. The City evaluates the technical Bids received against the evaluation criteria and weightings set out in the RFP. For those technical Bids that successfully meet the benchmark score stipulated in the RFP, the City will open the price Bid received. The award shall be made to the vendor who has successfully met the technical benchmark score and has the lowest priced Bid.
- (3) the Procurement Section will facilitate the RFP evaluation process. An evaluation committee will be formed with a minimum of three evaluators and be comprised of at least one representative from the Client Department. The evaluators shall review all compliant Bids against the established criteria, reach consensus on the final rating results, and ensure that the final rating results with supporting documents are kept in the procurement file. The Procurement Section representative shall not participate in the scoring of the Bid;
- (4) all Bids that meet the required terms, conditions and Specifications outlined in the Request for Proposals document shall be evaluated based on the evaluation criteria and weightings, subject to any rights or privileges reserved by the City;
- (5) any award shall be made in accordance with the evaluation criteria and weightings contained in the Request for Proposals document, subject to any rights or privileges reserved by the City or as otherwise approved by Council; and
- (6) When no compliant Bids are received in response to a Request for Proposals, and
- (a) where time permits in the opinion of the General Manager of the Client Department, the Request for Proposals shall be re-issued with the appropriate revisions; or
- (b) only one Bid has been received or has successfully passed the technical proposal requirements, the Procurement Manager in conjunction with the Client Department may proceed to negotiate the changes required to achieve an acceptable Bid, provided that such changes will not alter the general nature of the requirement described in the Request for Proposals; or
- (c) where time does not permit the re-issuance of the Request for Proposals in the opinion of the General Manager of the Client Department, the Request for Proposals is not otherwise being revised, and the non-compliance is associated with the pricing portion of the two step evaluation process, all vendors who have successfully passed the technical proposal requirements of the Request for Proposals shall be given the opportunity to submit a new price Bid only. The Procurement Section will communicate to each of these vendors, any Bid deficiencies that resulted in its Bid being deemed non-compliant. This process may utilize a post-closing addendum.
- (7) Where one or more Bids have been received and are in excess of budgeted funds, the General Manager of the Client Department in consultation with the Procurement Manager may enter into negotiations with the vendor submitting being recommended for award, where it is agreed that the changes required to achieve an acceptable Bid will not change the general nature of the requirement described in the RFP.
- (8) Except where another process is approved by the Director of Financial Services & Corporate Controller, the Goods and/or Services shall be procured through a Purchase Order and/or Contract process. Where a formal Contract is necessary, such Contract shall be in a form satisfactory to the City Solicitor.

**POLICY # 6 - Unsolicited Proposals - SECTION 4.6**

- (1) If it is determined that there is a legitimate need for the Goods and/or Services offered by way of an unsolicited proposal, then an acquisition process shall be conducted in accordance with the Procurement Policy.

**POLICY # 7 - Construction Contracts – SECTION 4.7**

- (1) Where the procurement of Goods and/or Services involves construction, such construction Contracts must also meet the requirements of the Procurement Policy. However, construction Contracts of \$100,000 or greater also require both a Purchase Order and a written legal agreement, in a form satisfactory to the City Solicitor.
- (2) Construction Contracts are subject to the City's Fair Wage Policy and Fair Wage Schedule. The Fair Wage Policy and Fair Wage Schedule can be accessed on the City of Hamilton website under the Procurement Section.
- (3) For an approved construction Contract in which an unexpected circumstance arises during construction resulting in additional work, the General Manager of the Client Department shall authorize the payment for such work and approve any required purchase acquisition documents, including a completed *Construction Contracts Form*. The *Construction Contracts Form* shall detail what additional work was required to address the unexpected circumstance. Such additional work shall not expand the scope of the work but shall be necessary in order to deliver the original approved work.

**POLICY # 8 - Vendor Performance Evaluation – SECTION 4.8**

- (1) At the completion of every Contract for Goods and/or Services of \$100,000 or greater, the Client Department shall complete a *Vendor Performance Evaluation Form*. The General Manager of the Client Department shall ensure this performance evaluation is completed for these Contracts. Such evaluation shall be completed and a copy will be forwarded to the Procurement Section.
- (2) In the event of poor performance or non-performance of a vendor at any time during the term of any City Contract, the General Manager of the Client Department shall complete and forward a copy of the *Vendor Performance – Incident Reporting Form* as soon as reasonably possible after the occurrence.
- (3) Documented poor performance or non-performance on any City Contract will be used to determine the eligibility of a vendor to continue to provide Goods and/or Services to the City on a current Contract and to determine their ability to participate on future City Contracts. Any vendor may be excluded from a bidding process due to documented poor or non-performance, where in the opinion of the City, the commercial relationship between the City and such vendor has been detrimentally affected.
- (4) The City's Public Works Department shall be responsible for the vendor performance evaluation process with respect to linear construction Contracts issued by that department under Policy # 7 – Construction Contracts in a format which includes feedback from area residents and elected officials.
- (5) In the event of a vendor's breach of a multi-year City Contract, the Procurement Manager in consultation with the Client Department shall have the discretion to either:
  - (a) re-issue the RFQ, RFT or RFP; or
  - (b) negotiate and enter into a new Contract for the remaining years of the Contract with the second lowest bidder of the original RFT or RFP, DSwhichever is in the best interests of the City.

**POLICY # 9 - Consulting and Professional Services – SECTION 4.9**

- (1) Unless otherwise provided, Consulting and Professional Services shall be acquired in accordance with the Procurement Policy.
- (2) A Consulting and Professional Services roster will be established every two years through a formal Request for Rostered Candidates process. Work assignments presented to vendors on an approved list (rostered candidates) will be distributed on a rotational basis as well as a "best fit" basis and having an estimated procurement cost of less than \$100,000. The General Manager of the Client Department shall award such works by direct appointment through the applicable roster captain. The applicable roster captain shall ensure that there is a reasonably equitable distribution of the works, based on the total dollar value of the work. This method allows the City to employ a number of different consultants while matching the particular

talents of a consultant to the project needs.

- (a) The General Manager of the Client Departments and the Procurement Manager, shall approve the appointment of rostered candidates and any acceptable subsequent change in any rostered candidate for their respective roster categories in accordance with the Request for Rostered Candidate document.
- (b) The General Managers of the Client Departments shall be responsible to prepare a joint annual information report to Council on all assignments awarded including consultants used and a breakdown of the total cost utilized by each roster category.

#### **POLICY # 10 – Emergency Procurements – SECTION 4.10**

- (1) Where in the opinion of the General Manager of the Client Department, an Emergency exists, Goods and/or Services shall be acquired by the most expedient and economical means. The Procurement Section will provide cooperative assistance when requested to expedite any procurement documents necessary to deal with the Emergency. The General Manager of the Client Department shall provide the reasons for his or her opinion that an Emergency exists and shall approve any purchase acquisition document issued under such conditions. For amounts exceeding \$250,000, the General Manager shall issue an information update to the City Manager and to Council.
- (2) Subsequent to the resolution of the Emergency, all transactions require a Purchase Requisition to be entered to complete the procurement process. The Client Department shall complete the *Emergency Procurement Form* and forward it to the Procurement Manager for informational purposes.

#### **SECTION # 11- Non-competitive Procurements – SECTION 4.11**

- (1) Subject to Policy # 2 - Approval Authority, the General Manager of the Client Department will approve the *Non-competitive Procurement Form*, justifying the need to use this Policy # 11 prior to City staff entering into any discussions with any vendor regarding the purchase of the Goods and/or Services. This process may be adopted when any of the following conditions apply:
  - (a) when Goods and/or Services are judged to be in short supply due to market conditions (short supply);
  - (b) when a single source for the supply of a particular Good and/or Service is being recommended because it is more cost effective or beneficial for the City (single source);
  - (c) where a City Contract has expired or will very shortly expire and unforeseeable circumstances have caused a delay in issuing a new RFP or RFT so that a Contract extension is required (contract extension).
- (2) Council must approve any requests for negotiations with a single source as set out in subsection (1)(b) of this Policy # 11, where the value of the proposed procurement is \$250,000 or greater.
- (3) All approved forms shall be forwarded to the Procurement Manager. The Procurement Manager will be responsible for reporting the use to Council on a quarterly basis.

ESTIMATED PROCUREMENT VALUE (\$, Canadian)	APPROVAL TO INITIATE POLICY # 11 PROCESS	APPROVAL TO ENTER INTO CONTRACT
\$10,000 or greater	General Manager	Policy # 2 – Approval Authority

\$250,000 or greater for single source type purchases	Council	Council as per Policy # 2 – Approval Authority
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**POLICY # 12 - Cooperative Procurements - SECTION 4.12**

- (1) The City may participate with other government bodies, public authorities, conservation authorities, municipalities, academia, schools and hospitals (MASH sector) in cooperative acquisition ventures for Goods and/or Services when it is in the best interests of the City to do so. Such cooperative procurements shall require the prior written approval of the Procurement Manager.
- (2) The procurement procedures and policies of the entity initiating the procurement process will be followed.
- (3) The City will issue its own purchase order or contract for their respective Goods and/or Services to the successful vendor for all of cooperative procurements.
- (4) In the absence of an applicable City Contract and with the approval of the Procurement Manager, the Client Department may purchase Goods and/or Services using established contracts issued by other government bodies, public authorities, conservation authorities, municipalities, academia, schools and hospitals (MASH sector) . For these contracts, the selection of the vendor must have been made through a competitive procurement process and the resulting contract must permit the City to purchase from that vendor under the same terms and conditions.
- (5) Where the Province of Ontario requires the City to meet a provincial standard for any Goods and/or Services, and has established a prequalified vendor of record list for such Goods and/or Services, the City may invite only those prequalified vendors to participate in the RFQ, RFT or RFP.

**POLICY # 13 - Authority to Execute Contracts - SECTION 4.13**

- (1) The General Manager of the Client Department and the City Manager, or their respective Designates, shall execute acquisition Contracts and all necessary associated documents on behalf of the City for all RFT and RFP awards approved in accordance with Policy # 2 – Approval Authority. The applicable General Manager shall be the General Manager of Finance & Corporate Services in the case of a corporate-wide Contract.
- (2) Where a Contract is required for a procurement which was not initiated by a RFT or RFP, but was otherwise authorized and approved in accordance with Policy # 2 – Approval Authority, the person having the applicable Approval Authority for the procurement, or Designate shall also have the authority to execute the Contract and all necessary associated documents on behalf of the City.
- (3) For all other Contracts that received Council approval, the City officials named in the Council resolution shall execute such Contracts on behalf of the City. Where City officials have not been named in the Council resolution, the Mayor and Clerk shall execute such Contract.
- (4) The person(s) who have executed a Contract on behalf of the City in accordance this Policy # 13 shall also have the authority to execute any documents for an assignment or corporate change request related to such Contract.
- (5) All Contracts shall be in a form satisfactory to the City Solicitor and shall contain content which is acceptable to the Client Department.
- (6) All Authorized Delegates will complete the *Notification of Signing Authority Form*, which shall not be effective until approved and executed by the General Manager or City Manager, as the case may be, and forwarded to the City's Finance & Administration and Special Projects Division for reference.

**POLICY # 14 – Standardization - SECTION 4.14**

- (1) The Procurement Manager shall have the authority to negotiate with the original equipment manufacturers and licensed distributors of approved standardized products.
- (2) The Standards and Approved Products Committee shall be responsible to prepare an annual information report to Council outlining the rationale for any Standardization of Goods added to the City's Approved Products Listing, the number of Goods standardized and any standardized Good resulting in a single source purchase.

## (3) Standardization Approval Summary Table

<b>Standardization Type</b>	<b>Value (\$)</b>	<b>Duration of the Standard</b>	<b>Approval Required</b>	<b>Expiry</b>
Standardization does not result in a single source purchase.	Less than \$100,000	Up to one year	Procurement Manager or The Standards and Approved Products Committee*	December 31 of the applicable calendar year.
Standardization does not result in a single source purchase.	Less than \$100,000	Multi-year	Procurement Manager or The Standards and Approved Products Committee*	At the conclusion of the contract term.
Standardization does not result in a single source purchase.	\$100,000 or greater	Any	Council or The Standards and Approved Products Committee*	As approved by Council or The Standards and Approved Products Committee.
Standard results in a single source purchase.	\$10,000 or greater	Any	Council or The Standards and Approved Products Committee*	As approved by Council or The Standards and Approved Products Committee.

\*Approvals made by The Standards and Approved Products Committee shall only be within the committee's mandate as approved by Council.

**POLICY # 15 - Participation of Elected City Officials in the Procurement Process - SECTION 4.15**

- (1) Elected City officials may participate in the procurement process in the narrowly defined circumstances described in this Policy # 23 for those specific procurement projects identified by Council.
- (2) Elected City officials may participate as members of a steering committee for significant procurement projects identified by Council.

When Council identifies a significant procurement project for which elected City officials are to participate as members of a steering committee, Council will also address the following issues:

- (a) the extent of the elected City officials' involvement in the procurement process to ensure that they are able to provide input prior to the issuance of the procurement documents and to oversee the procurement process, but not function in a decision-making capacity;
  - (b) the selection of elected City officials who are able to comply with Policy # 17 - Conflicts of Interest and who do not otherwise have a perceived or actual conflict of interest that would impair their ability to be impartial; and
  - (c) the number of elected City officials to participate.
- (3) Elected City officials may not participate in the procurement process where they are required to be in an evaluation capacity. Their involvement in the approval capacity of the

procurement process is limited to what is stipulated in Policy # 2 - Approval Authority.

**POLICY # 16 - Disposal of Surplus Goods - SECTION 4.16**

- (1) A Director of the Client Department shall:
  - (a) declare a good as surplus to the needs of the City before the good may be disposed of in accordance with this Policy # 16; and
  - (b) approve the appropriate disposal methods, which are cost effective and in the best interest of the City, for the declared surplus good.
- (2) The Procurement Manager, in conjunction with the City's Director of Financial Services & Corporate Controller, shall have the authority to sell, exchange, or otherwise dispose of goods declared as surplus to the needs of the City by any of the following disposal methods:
  - (a) by sale to other City departments,
  - (b) by sale to public or private sector entities; or
  - (c) by external advertisement, formal request, auction or public sale (where it is deemed appropriate, a reserve price may be established); or
  - (d) by donation to a non-profit agency; or
  - (e) by recycling; or
  - (f) in the event that all efforts to dispose of the goods by sale are unsuccessful, by scrapping or destroying if recycling is unavailable.
- (3) No disposition of such good(s) shall be made to employees of the City, members of Council, or their family members unless such good(s) are sold through external advertisement, formal request, auction or public sale and no conflict of interest exists. Prior to any such disposition, the employee shall declare their interest in writing to their General Manager, who will confirm whether any conflict of interest exists. In the case of an elected official, the elected official shall declare their interest in writing to the City Manager. Family members include those defined by the City's Code of Conduct for Employees Policy, Code of Conduct for Members of Council or such other similar policy currently in force.
- (4) The Procurement Manager shall submit an annual report to the General Manager of Finance and Corporate Services summarizing the disposal of all surplus goods pursuant to this Policy # 16.
- (5) The value of any declared surplus good cannot be used to offset the value of a procurement when determining the procurement process. For example, any trade-in value or salvage value recoverable from a project cannot be used to offset, reduce or change the value of the procurement for purposes of determining the appropriate procurement process to be followed under the Procurement Policy.
- (6) The disposal of artifacts is exempt from the requirements of the Procurement Policy.

**POLICY # 17 - Conflicts of Interest - SECTION 4.17**

- (1) Employees of the City shall not have a pecuniary interest, either directly or indirectly, in any City Contract or with any person acting for the City in any Contract for the supply of Goods and/or Services for which the City pays or is liable, directly or indirectly to pay unless such interest has been declared pursuant to the Code of Conduct for Employees Policy, as amended or replaced from time to time, and the employee otherwise complies with such policy.
- (2) In addition to complying with the Code of Conduct for Employees Policy as set out under subsection 4.17(1), employees of the City are required to declare any pecuniary interest, either direct or indirect, in writing to their General Manager with a copy to the Procurement Manager indicating the specific nature of the conflict.
- (3) Members of Council are required to declare any pecuniary interest direct or indirect, and its general nature, which may result in a conflict of interest pursuant to the Municipal Conflict of Interest Act and the member of Council shall otherwise comply with that Act.
- (4) Any Contract with the City may be voided in which a member of Council or any employee of the

City has an undeclared direct or indirect pecuniary interest.

- (5) All City employees and others participating in the development of the Specifications and/or evaluation for any Request for Tenders, Request for Prequalifications and Request for Proposals will be required to complete and sign a *Conflict of Interest Form*.

**POLICY # 18 - Vendor Complaint Resolution - SECTION 4.18**

- (1) The City of Hamilton encourages the most open, competitive procurement processes and the objective and equitable treatment of all vendors.
- (2) The City, however, recognizes that mistakes and misunderstandings may occur; vendors may feel aggrieved and may seek to dispute the recommendation of an award of a Contract. To maintain the integrity of the process, vendors who believe they have been treated unfairly may take the following steps, prior to the award of the Contract:
  - (a) Request a meeting with the Procurement Manager within five business days after the earlier of the following dates set out below has occurred:
    - (i) the date the vendor is notified that its Bid is non-compliant; and
    - (ii) the date the vendor is notified of the status of all Bids received.

The vendor's request shall be in writing and shall provide a detailed statement of the grounds of the complaint, including copies of relevant documents, and identify the form of relief requested; and

- (b) If no resolution satisfactory to both parties has been achieved, the vendor will have three business days from the date of the meeting with the Procurement Manager to make a formal written request to meet with the General Managers of the Client Department and of Finance and Corporate Services regarding the vendor's complaint. The General Managers will make the final decision regarding the vendor's complaint, which decision may be made orally or in writing. If the General Managers' decision means that the City can proceed with the award of the Contract, then the award may occur at any time after such decision is made.
- (3) Where a vendor has been banned from competing for or being awarded any City Contract for a period of one year in accordance with subsection 4.1(7) of Policy # 1 - Policy for Vendor Eligibility:
  - (a) the vendor may challenge the one year ban to the appropriate standing committee of Council where there are extenuating circumstances respecting why the initialing was not done within one business day of the City's request; and
  - (b) the appropriate standing committee will provide to Council a recommendation with respect to the vendor's complaint.

**POLICY # 19 – Non-compliance with the Procurement Policy - SECTION 4.19**

- (1) Subject to Policy # 2 - Approval Authority, the General Manager of the Client Department in consultation with the Procurement Manager will authorize the use of a *Non-Compliance with the Procurement Policy Form* which outlines the circumstances behind the non-compliance issue. This process is to be used when there is a violation of the Procurement Policy consisting of one or more of the following:
  - a) the contracting of a vendor to provide Goods and/or Services, not in accordance with the requirements of the Procurement Policy;
  - b) the receipt of an invoice by the City from a vendor, for Goods and/or Services previously acquired outside the procurement process required under the Procurement Policy;
  - c) where it can be proven that the actions of an employee, or employee group results in the requirement to initiate a procurement process pursuant to Policy # 10 – Emergency Procurements or Policy # 11 – Non-competitive Procurements;
  - d) splitting of purchases contrary to the Procurement Policy requirements;

- e) any and all other violations of the Procurement Policy.
- (2) Notwithstanding subsection (1) of this Policy # 19, an employee who fails to act in accordance with the provisions of the Procurement Policy, will be subject to appropriate disciplinary action up to and including termination of employment.  
The General Manager of the Client Department will review such violations (through the *Non-Compliance with the Procurement Policy Form*) and shall consult with the Director of Employee & Labour Relations for consideration of any disciplinary action to be taken as appropriate.
- (3) The Director of Financial Services & Corporate Controller will be responsible for reporting the use of all *Procurement Policy Non-Compliance Forms* to Council on a quarterly basis.

**POLICY # 20 – Review of the Procurement Policy - SECTION 4.20**

- (1) The Procurement Manager shall submit to the appropriate standing committee of Council a biennial report recommending any changes to the Procurement Policy to meet the needs and requirements of the City to operate in an efficient and cost effective manner and in accordance with all applicable laws.
- (2) All changes to the Procurement Policy require the approval of Council.
- (3) Changes to Procurement Procedures and Guidelines require the approval of the City's Director of Financial Services & Corporate Controller.
- (4) On a periodic basis the City's Internal Auditor will review the Procurement Policy to assess its effectiveness.

**POLICY # 21 – Anti-Sweatshop Procurement - SECTION 4.21**

- (1) The City of Hamilton does not encourage the use of consumer goods or products manufactured, assembled or produced in factories where persons and, in particular, children are used as slave or forced labour or in other exploitive manners which restricts the person's freedom or impedes the child's development. The City will consider the supply of consumer goods or products manufactured under such exploitive manners as a negative practice of the vendor.
- (2) The City will not knowingly accept consumer goods or products manufactured, assembled or produced in a Sweatshop or under Sweatshop Conditions.
- (3) The determination of compliance with this Policy # 21 shall be in the absolute discretion of the Procurement Manager. The Procurement Manager may, but is not obligated to, request further information and documentation from the vendor to confirm compliance; and may base his or her determination on information provided by Canadian or international certification or compliance agencies or groups, workers or labour unions or organizations, manufacturers, consumer groups, international organizations, ILO or United Nations sources and other parties.
- (4) If any consumer goods or products supplied under a RFQ/RFP/RFT are determined by the Procurement Manager to be manufactured, assembled or produced in contravention to this Policy # 21 and/or the certificate required hereunder, the City reserves the right, at its absolute discretion, to:
  - (a) return all the goods to the vendor and require the vendor to replace, within 30 days from the date of notification by the City, the non-compliant goods or products with goods or products, of at least equal value, complying with this Policy # 21 and all other requirements and specifications of the RFQ/RFP/RFT, all at no cost to the City;  
or
  - (b) require the vendor, within 30 days from the date of notification by the City, to provide the City with conclusive evidence that the consumer goods or products have not been manufactured, assembled or produced in contravention of this Policy # 21, failing which the City may terminate the Contract without any compensation and without notice to the vendor.
- (5) If the City terminates a Contract with a vendor as a result of a breach of this Policy # 21, the City shall cease to be liable to the vendor or to any other person for any unpaid amounts that would otherwise have been payable under the terms of the Contract and shall not be under any

obligation to return to the vendor any product supplied by the vendor under the Contract.

(6) Child Labour Produced Goods Unacceptable

The City fully subscribes to the United Nations Convention on the Rights of the Child and, in particular, Article 32 of the Convention that requires that a Child shall be protected from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the Child's health or physical, mental, spiritual, moral or social development. The City reserves the right to terminate any Contract unconditionally and without liability or compensation whatsoever to the City in the event that consumer goods

received from a vendor are discovered to have been manufactured, produced or assembled in a Sweatshop or in non-compliance with the national labour laws and regulations with respect to child employment and/or non-compliance with the United Nations Convention on the Rights of the Child.

(7) A vendor shall certify the following on the Form of Quotation/Form of Proposal/Form of Tender to be included in an RFQ/RFP/RFT, as the case may be:

"We hereby represent and certify the foregoing:

- (a) all goods or products supplied under this RFQ/RFT/RFP have not been manufactured, assembled or produced, either wholly or in part, in a Sweatshop, as defined in the City of Hamilton's Procurement Policy or by child labour;
- (b) that any goods or products found to be supplied in contravention of the City's Anti-Sweatshop Policy will be returned to us, at our cost and at no cost whatsoever to the City, and that the City has the option to have the goods or products replaced by us with product of at least equal value, meeting specifications of the RFQ/RFT/RFP, or the City may terminate the Contract without any compensation whatsoever to us.

We hereby acknowledge that the City has been induced to consider this RFQ/RFT/RFP on the basis of this representation and certification.

We further acknowledge that the City shall have the right to reject our Quotation, Bid, or Proposal, terminate any Contract made, and collect any of its losses or damages arising out of our breach of the City of Hamilton's Procurement Policy."

**POLICY # 22 – In-House Bid Submissions - SECTION 4.22**

- (1) In-house Bid submissions will be considered when contemplating a transfer of services from internal services to external services or vice versa.
- (2) The General Manager of the Client Department submitting an in-house Bid shall obtain Council approval prior to submitting such a Bid. The Client Department's report to Council seeking such approval shall include as a minimum:
  - (a) the members of the in-house Bid submission team;
  - (b) which costs will be included in the Bid and how costs will be determined; and
  - (c) the rationale for submitting an in-house Bid.
- (3) The RFP or RFT documents to be utilized, as applicable, shall clearly indicate:
  - (a) an in-house Bid is being considered for the RFP/RFT; and
  - (b) any advantages that the in-house Bid will have over other bidders by virtue of it being an in-house Bid.
- (4) The integrity of the evaluation process will be maintained when evaluating an in-house Bid as follows:
  - (a) no member of the in-house Bid submission team nor any employee whose employment is affected by the transfer of services shall have any communications with a member of the evaluation team or an elected official concerning the subject RFP or RFT, as the case may be, except in accordance with the communication and any interview provisions contained in the applicable RFP/RFT;
  - (b) no member of the evaluation team or an elected official shall have any communications with a member of the in-house Bid submission team nor any employee whose employment is affected by the transfer of services, except in accordance with the communication and any

- interview provisions contained in the applicable RFP/RFT;
- (c) no member of the in-house Bid submission team nor any employee whose employment is affected by the transfer of services shall participate in the development of the subject RFP/RFT nor shall such persons have any communications with any person participating in the development of the subject RFP/RFT;
- (d) the same rules shall govern the submission of the in-house Bid as will apply to any other bidder, unless expressly provided otherwise in the RFP/RFT document; and
- (e) the evaluation of Bids shall be objective and the process shall avoid any unfair bias towards either the in-house or external Bids.

#### **SCHEDULE A – Statement of Ethics for Public Procurement**

The following ethical principles should govern the conduct of every City employee delegated with the authority to procure.

- Believes in the dignity and worth of the service rendered by the organization, and the societal responsibilities assumed as a trusted public servant.
- Is governed by the highest ideals on 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.
- Believes that personal aggrandizement or personal profit obtained through misuse of public or personal relationships is dishonest and not tolerable.
- Keeps the governmental organization informed, through appropriate channels, on problems and progress of applicable operations by emphasizing the importance of the facts.

#### **Responsibility to the City:**

- Follow the lawful instructions or laws of the employer.
- Understand the authority granted by the employer.
- Avoid activities which would compromise or give the perception of compromising the best interest of the employer.
- Reduce the potential for any chances of preferential treatment by actively promoting the concept of competition.
- Obtain the maximum benefit for funds spent as agents for the City.

#### **Relationship with vendors:**

- Maintain and practice, to the highest degree possible, business ethics, professional courtesy and competence in all transactions.
- Purchase without prejudice, striving to obtain the maximum value for each dollar of expenditure.
- Preclude from showing favouritism or be influenced by vendors through the acceptance of gifts, gratuities, loans or favours.
- Adhere to and protect the suppliers business and legal rights to confidentiality for trade secrets, and other proprietary information.

#### **Relationship with the City:**

- Remain free of any and all interests and activities, which are or could be detrimental or in conflict with the best interests of the employer.
- Refrain from engaging in activities where a City employee has a significant personal or indirect financial interest.
- Exercise discretionary authority on behalf of the employer.
- Avoid acquiring interest or incurring obligations that could conflict with the interests of the City.

#### **SCHEDULE B – Exemptions**

Items listed below are exempt from the requirements of the Procurement Policy, save and except for Policy # 2 - Approval Authority.

**1. Employer's General Expenses**

- (a) Insurance premiums.
- (b) Debt payments.
- (c) Purchase of investments. This exemption does not include any ancillary services.
- (d) Grants, loans and levies.
- (e) Licenses (for example, vehicle, elevators, radios).
- (f) Real property payments including land, buildings, leasehold interests, easements, encroachments and licenses, or the like.
- (g) Insurance claims, legal settlements and grievance settlements. This exemption does not apply to the procurement for Goods to be replaced.
- (h) Adjusting services for the investigation of liability and property claims.
- (i) Binding orders, judgments or decisions of an arbitrator, tribunal or court. Given that these payments are mandatory, approval from the General Manager of the Client Department which is funding the payment is required instead of the approvals set out in Policy # 2 –Approval Authority.
- (j) Refundable travel expenses.
- (k) Temporary staffing agencies and services.
- (l) Assessments and tools where positions and/or individuals are assessed for recruitment and selection purposes, including tools and assessments which would assist in the accommodation of individuals.
- (m) Payments required by Council approved compassionate programs.
- (n) Other City and employee related expenses, such as: memberships in professional organizations (professional dues), staff attendance at seminars, testing or examination fees, workshops, courses, training, trade shows or conferences. This shall not include any training specifically designed for the City.

**Professional Services**

- (o) Medical Professional Services.
- (p) Experts retained for the purposes of, or in contemplation of, litigation.
- (q) Confidential Items (for example Forensic Audits).
- (r) Outside Legal Counsel where retained by the City Solicitor or the Director of Employee & Labour Relations.  
An annual report shall be issued to Council by the City Solicitor and by the Director of Employee & Labour Relations detailing outside legal counsel pursuant to (2)(d).
- (s) Mediators and Arbitrators.

**Special Services**

- (t) Providers of community services (including counselling, individual assessments, training, community support services, licensed child care centres, early years centres, transportation of children identified with special needs or having a therapeutic need to attend a licensed child care centre, Domiciliary Hostels Program, Long Term Care Facilities nursing, homemakers, funeral services, planned parenthood and prenatal care and education, as part of City-approved programs and projects).
- (u) Accommodations provided as part of City-approved programs and projects for the homeless and others living in poverty.
- (v) Vouchers provided by Community Services and Public Health Services as part of City-approved programs and projects.
- (w) Financial reviews conducted on a contingency basis for the purposes of recovering amounts paid and/or owed, such as tax recovery services.

- (x) Public/guest speakers, individuals or ensembles that offer creative content for presentation to others.

**2. Utility Billing**

- (a) Electricity.
- (b) Postal services, postage
- (c) Water and Wastewater.
- (d) Natural gas.
- (e) Communications, for example: voice and data network communications.
- (f) The removal, relocation, identification or engineering related to utility infrastructure that exists on road allowances, right of ways and other City properties. This includes sub- surface and above-surface infrastructure.
- (g) Railway companies related to removal, relocation, construction supervision (flagging) and maintenance.
- (h) The purchase, sale, delivery and storage of Energy Commodities and the consideration of price hedging for Energy Commodities shall be in accordance with the City's Energy Commodity Policy as amended, repealed or replaced from time to time.

**3. Government Agencies, regulatory bodies, licensing agencies and other public authorities to which the City is required to remit to or pay a fee.**

**4. Other**

- (a) Antiques and artifacts (shops, sales, repairs, but not including restoration).
  - (b) Acquisition of art.
  - (c) Publications (including newspapers, periodicals, magazines or books), CDs, DVDs and all copyrighted material.
  - (d) Maintenance fees for software and computer hardware for information systems previously acquired. This exemption does not apply to new modules nor to new or additional licenses.
  - (e) Goods for the purpose of retail sales (re-sale) by the City (not including items that bear the City of Hamilton logo or insignia). This exemption does not include food and beverage items.
  - (f) Media advertising, including trade shows.
  - (g) Commodity purchases using a commodity price hedging agreement in accordance with the City's Commodity Price Hedging Policy.
  - (h) Venues (including food and beverage where off site catering is not permitted) for banquets, meetings, events, receptions and training.
  - (i) Hosting, sponsorship and/or rights fees for conventions or sports events incurred by Tourism Hamilton Inc.
  - (j) Admission to tourism attractions and destinations for recreational day camps for children and youth.
  - (k) Real estate sale transactions.
  - (l) Alcoholic beverage purchases by the golf courses.
- (2) Sponsorships solicited by the City shall be in accordance with the City's Policy for Commercial Advertising and Sponsorship as amended, repealed or replaced from time to time.

## **4.11 Disposal of Surplus Goods Policy**

**Policy Level:** Library Board

**Approved:** May 2014

### **Policy Purpose:**

The purpose of this policy is to outline rules for the appropriate disposal of surplus goods. The goal of the policy is to ensure surplus items are disposed of in an ethical manner, cost effectively and in the best interests of the Hamilton Public Library and the City of Hamilton.

### **Restrictions:**

Disposal of surplus goods will be done consistent with the Hamilton Public Library's Conflict of Interest Policy. There will be no disposition of goods to employees of the Hamilton Public Library or the City of Hamilton, members of the Library Board or Council, or their family members unless such good(s) are sold through external advertisement, formal request, auction or public sale and no conflict of interest exists.

### **Process and Authorized Disposal Methods:**

Goods that are no longer needed in one Hamilton Public Library location will be distributed to other library locations if appropriate prior to being declared surplus. The Chief Librarian or designate are authorized to declare a good as surplus. When a good is declared surplus the following are authorized disposal methods:

- Offered to the City of Hamilton for use
- Donated to a non-profit agency or charity
- Library specific goods (i.e. Library shelving) may be donated to other libraries or similar entity such as a school
- By recycling
- By taking to a municipal landfill or destroying if recycling is unavailable
- By sale to public or private sector entities; by external advertisement, formal request, auction or public sale (where it is deemed appropriate, a reserve a reserve price may be established)

Generally, disposing of goods by sale will only be undertaken when the estimated value of the items exceeds the total cost of selling the items (including costs of staff time). When donating items to external agencies, the receiving agencies will generally be responsible for the costs of pick-up.

When disposing of goods staff will complete the Hamilton Public Library Policy 16 Form and file with the Business Office who will then file with the City Procurement Department. Policy 16 Forms are not required for: library collections, Local History and Archive items, obsolete supplies or severely damaged items. Criteria for the deselection of library materials and Local History and Archive items are covered by the Library's Collections Policy.

The value of any declared surplus good cannot be used to offset the value of procurement when determining the procurement process to follow.

## **4.12 Records Management Policy**

**Policy Level:** Library Board

**Approved:** April 2010

### **Purpose**

To ensure the management of the records of the Hamilton Public Library through their full life cycle. These records include:

- records created by the Board and by employees of the Library, including volunteers;
- records from external sources such as other governmental bodies, businesses and the public when such records are maintained by the Library as a part of its administration function. This does not include records maintained as a part of the Library's public collections mandate; and
- records that document the evolution of policy and program decisions when such records have archival or evidential importance to the organization.

### **Policy Statement**

All records created by the Board and by employees of the organization or in the organization's custody are the property of the organization and are managed as a corporate resource, regardless of medium or format. They are maintained in order to support effective decision-making, to meet operational requirements and to protect the legal, financial and other interests of the organization. Records are organized to facilitate access by those who require such access, subject to legal and policy constraints.

### **Guidelines**

#### **Scope**

This policy applies to the creation, maintenance, retention and disposition of all records created and/or used by the Library Board and employees to conduct the Library's business.

This policy does not pertain to items in the Library's materials collections acquired solely for use by the public.

### **Specific Directives**

The Library will:

- develop and implement effective corporate records practices, policy, and standards for the creation, organization, use, retention, preservation and final disposal of records;
- develop, implement and maintain a Records Retention Schedule governing the retention and timely transfer or disposition of all records;
- establish vital records and disaster records recovery programs; and
- develop and provide training and assistance to Library employees regarding their responsibilities for records management.

### **Accountability – Roles and Responsibilities**

1. The Chief Librarian is responsible for ensuring that records management priorities and requirements are met and that they fully reflect Library policies and priorities.
2. The Director, Information Technology and Bibliographic Services is accountable to the Chief Librarian for the general administration of the records management function.

3. The Director, Finance and Facilities is accountable for the administration of the records management function for financial records.
4. The Director, Human Resources is accountable for the administration of the records management function for human resources records.
5. The relevant directors are accountable for ensuring compliance with the records management policy and procedures in their respective areas.

### **Enquiries**

All enquiries about this policy should be directed to the Chief Librarian, Hamilton Public Library, 55 York Blvd, Box 2700, Hamilton, Ontario, L8N 4E4

## **4.13 Security Camera Policy**

**Policy Level:** Library Board

**Approved:** December 2004, April 2010, March 2013.

### **Purpose**

The Hamilton Public Library Board strives to maintain a safe and secure environment for customers and staff while protecting the individual's right to privacy.

The Library recognizes the use of security cameras at Library facilities as part of the Library's overall strategy to ensure the safety of persons and property. This policy and accompanying procedures will adhere to privacy requirements set out in the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA). In addition this policy has been developed to follow the guidelines set out by the Information and Privacy Commission of Ontario.

### **Scope**

This Policy applies to all types of camera surveillance systems, surveillance monitors and camera recording devices that are used for security purposes at Library managed facilities. This policy does not address instances where library staff record a specific event (such as a programme, or presentation).

The Chief Librarian will issue administrative procedures in support of this policy.

### **Policy Statement**

Security camera systems are a resource used by the Hamilton Public Library Board within the Board's jurisdiction to promote the safety of customers, staff and community members. Where deployed for that purpose, these systems also help to protect library property against theft or vandalism and can assist in the identification of intruders and of persons breaking the law.

In the event of a reported or observed incident, the review of recorded information may be used to assist in the investigation of the incident. The Library will maintain control of and responsibility for the security camera system at all times. Employees and service providers are expected to review and comply with this Policy, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), and other relevant statutes in performing any duties and functions that are related to the operation of the security camera program.

### **Collection of Personal Information Using a Security camera coverage System**

Any recorded data of an identifiable individual qualifies as "personal information" under MFIPPA. Security cameras can be used to collect personal information about identifiable individuals. The Library has determined that it has the authority to collect this personal information in accordance with the MFIPPA. Pursuant to section 28(2) of the Ontario MFIPPA, no person shall collect personal information on behalf of the Library unless the collection is expressly authorized, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity.

### **Planning Considerations for Security Cameras**

Before deciding if a facility warrants security cameras, the Library will:

1. Conduct consultations with relevant stakeholders as to the necessity of the proposed security camera program at the facility.
2. Endeavour to ensure that the proposed design and operation of the video security surveillance system reasonably minimizes privacy intrusion.

### **Design, Installation and Operation of Security Cameras**

When designing a security camera system and installing equipment, the following must be considered:

1. Given the open and public nature of the Library's facilities and the need to provide for the safety and security of employees and visitors who may be present at all hours of the day, the Library's security camera coverage systems may operate at any time in a 24-hour period.
2. The ability of authorized personnel to adjust cameras shall be restricted so that authorized personnel cannot adjust or manipulate cameras to overlook spaces that are not intended to be covered by the security camera coverage program.
3. Equipment shall never monitor the inside of areas where the public and employees have a higher expectation of privacy (e.g. change rooms and washrooms).
4. Reception/recording equipment must be located in a strictly controlled access area. Only authorized personnel shall have access to the controlled access area and the reception/recording equipment.
5. The annual maintenance program for reception and recording equipment will ensure that the equipment is operating properly. Library staff will endeavour to promptly follow-up issues or concerns regarding the performance of equipment

### **Notice of Use of Video Systems**

In order to provide notice to individuals that video is in use:

1. The Library shall post signs, visible to members of the public, at all entrances and/or prominently displayed on the perimeter of the grounds under security camera coverage. On at least one sign at each location with security camera coverage the following information will included:
  - the legal authority for the collection of personal information;
  - the principle purpose(s) for which the personal information is intended to be used;
  - and the title, business address, and telephone number of someone who can answer questions about the collection.
2. Additional signs will be used to support awareness of the security camera program.
3. Information about the security camera program will be included on the Library's website.

### **Security Camera Monitors and Records**

1. Staff at each location may be authorized to monitor real-time camera feeds as is reasonably necessary to implement this Policy. Every reasonable attempt will be made to ensure security camera monitors are not in a position that enables the public and/or unauthorized staff to view them.
2. Only the Chief Librarian, Director Finance and Facilities or other authorized delegates may review recorded information from the system.
3. Security camera footage will not be used to monitor customers' use of Library spaces or employee performance. Circumstances, which warrant review, will be limited to security incidents that have been reported or in the investigation of a potential crime or identifying individuals associated or potentially involved with a crime.

4. All storage devices will be located in a controlled-access area. Access to the storage devices will be limited to authorized personnel. Logs will be kept of all instances of access to, and use of, recorded material to enable a proper audit trail.
5. The Library will take all reasonable efforts to ensure the security of records in its control/custody and ensure their safe and secure disposal.
6. Security camera systems will be set-up to ensure regular recordings are cleared or overwritten on a regular basis. Normally, systems will be set-up to maintain records for up-to 30 days. In some cases system capacity may limit the time records are maintained. In the event that authorized staff need to remove information from the system (still images, video footage) for authorized reasons, the resulting record(s) will be maintained for at least one (1) year.
7. When records are released to law enforcement officials, where possible, authorized staff will limit the release of information about individuals deemed not to be involved in the investigation. This includes, but is not limited to, zooming images in on suspects in question, obscuring identifiable features of other individuals and limiting the time frame of video coverage provided.

## Logs

Each location must maintain a log on the Library's Intranet that records all activities related to security cameras and records. Activities include all information regarding the use, maintenance, and storage of records and all instances of access to, and use of, recorded material, including the name of the person accessing the system. All logbook entries will detail staff name, date, time and activity.

## Access Requests Process

All requests to view security camera coverage will be recorded in the Log and will be directed to the Chief Librarian or designate. Requests will be reviewed based on Library policy and relevant legislation including MFIPPA.

**Law Enforcement Access Request** - If access to a security camera coverage record is required for the purpose of a law enforcement investigation, the requesting Officer must complete the *Disclosure of Personal Information Form* and forward it to the Chief Librarian, or designate. The Chief Librarian or designate will provide the recording for the specified date and time of the incident requested by the Law Enforcement Officer, subject to MFIPPA exemptions.

The Chief Librarian, or designate, will record the following information in the facility's log:

1. The name of the Officer and badge number
2. Investigation number and reason for the request
3. The date and time of the original, recorded incident including the designated name/number of the applicable camera and DVR
4. The name of the authorized personnel at the time of the incident
5. The time and date the copy of the original record was sealed
6. The time and date the sealed record was provided to the requesting Officer
7. Whether the record will be returned or destroyed after use by the Law Enforcement Agency.

**Viewing Images** - When recorded images from the cameras must be viewed for law enforcement for investigative reasons, this must only be undertaken by an authorized personnel, in a private, controlled area that is not accessible to other staff and/or visitors.

## **Inquiries from the Public Related to the Security camera coverage Policy**

A staff member receiving an inquiry from the public regarding the Security camera coverage Policy shall direct the inquiry to the Chief Librarian's Office.

## **Accountability - Roles & Responsibilities**

**Chief Librarian** - The Chief Librarian is responsible for the overall Library video security surveillance program and is responsible for the Library's privacy obligations under the Ontario Municipal Freedom of Information and Protection of Privacy Act and the Policy. Will prepare annual reports to the Board on the security camera program. Only the Chief Librarian and specifically designated staff will have the authority to review recorded camera coverage and authorize the release of images from the system for investigations or other purposes

**Director, Finance and Facilities** - The Director, Finance and Facilities or designate is responsible for coordinating security threat assessments and advising on installations. Ensures installations and operations are done in accordance with this Policy. Works with the Director of Digital Technology to ensure camera systems have appropriate security measures in place and the technical aspects of the system are periodically audited. Ensures that authorized Facilities and Security staff are familiar with this Policy and that training is provided to all authorized personnel. Oversees the day-to-day operations of security camera systems at the Central Library.

**Branch Manager** - The Branch Manager of a facility having security cameras is responsible for the day-to-day operation of the system in accordance with the Policy. Responsibilities include ensuring proper signage is in place, logs are maintained, monitors are only positioned in appropriate locations and that only authorized staff have access to system. Ensures that authorized staff are familiar with this Policy and have adequate training. Ensures problems with the system or policy violations are promptly reported. Refers all requests to view recorded camera coverage to the Chief Librarian or designate.

## **Personnel Authorized to Operate Video Equipment**

Only authorized personnel shall be permitted to operate security camera coverage systems.

## **Unauthorized Access and/or Disclosure (Privacy Breach)**

Any Library employee who becomes aware of an unauthorized disclosure of a video record in contravention of this Policy, and/or a potential privacy breach has a responsibility to ensure that the Chief Librarian is immediately informed of the breach.

The following actions will be taken immediately in accordance with HPL's procedures for managing a privacy breach:

- Upon confirmation of the existence of a privacy breach, the Chief Librarian or designate will notify the Information and Privacy Commission of Ontario (IPC).
- HPL staff shall work constructively with the IPC staff to mitigate the extent of the privacy breach, and to review the adequacy of privacy protection with the existing Policy.
- The Chief Librarian, or designate in consultation with the Director of the department in which the breach of Policy occurred, shall investigate the cause of the disclosure with the goal of eliminating potential future occurrences.

- The departmental Director shall inform the Chief Librarian, or designate, of events that have led up to the privacy breach.
- The staff member shall work with the departmental Director and the Chief Librarian, or designate to take all reasonable actions to recover the record and limit the record's disclosure.
- The Chief Librarian, where required, shall notify affected parties whose personal information was inappropriately disclosed.
- A breach of this Policy may result in disciplinary action up to and including dismissal. A breach of this Policy by service providers (contractors) to the Library, may result in termination of their contract.

#### **4.14 Cash Handling Policy – Under Review**

**Policy Level:** Library Board

**Author:** Director, Finance and Facilities

**Date Approved:** Last Revised: July 7, 2010: Draft Pending Approval

#### **Key Points Summary**

- Promote proper and consistent cash handling practices across the organization;
- Establish a system of internal controls for cash handling to prevent mishandling of such funds;
- Assist in strengthening the security over cash receipts;
- Ensure appropriate segregation of duties exists;
- Ensure appropriate safeguarding of cash

#### **Policy Purpose**

The purpose of the Cash Handling Policy is to define the acceptable level of control for Cash Handling operations for all Library locations to ensure clear and consistent practices within the Library for the handling of cash. This policy is designed to avoid fraudulent activity in the handling of cash and to prevent and minimize the risk to employees when handling cash.

#### **Definitions**

**Cash** - defined as coin, currency, cheques, money orders and credit/debit card transactions.

**Cashier** - defined as any employee who performs the function of receiving, transmitting, safeguarding and/or depositing Library cash.

**Point of Sale System** – A computer used in place of a cash register to record transactions, handle credit and/or debit payments and print receipts and reports.

**Refund** – Reimbursement to a customer for returned, cancelled or unsatisfactory goods or services after the original purchase transaction is completed.

**Segregation of Duties** – Internal control concept in which the same employee does not have responsibility for incompatible activities such as handling cash and recording and reconciling transactions.

**Transaction Log** – Manual record used to record transactions.

## **Policy Details**

This policy applies to all Library staff, volunteers, students, and business partners who accept cash funds on behalf of the Library and whose financial transactions are captured within the Library's financial systems.

This policy does not include controls pertaining to cheque payments, debit or credit card payments or the use of petty cash funds.

Failure of staff to comply with this Cash Handling Policy could result in disciplinary action.

### **Segregation of Duties**

No single person shall handle a transaction from beginning to end. If one person does perform two or more of these functions, there is no independent check for mistakes, and errors and/or irregularities are very likely to go undiscovered for long periods. If possible, different people within a cash handling operation should perform the following four basic functional categories:

- Authorization or approval of transactions
- Recording of transactions
- Custody of funds
- Monitoring to ensure compliance with control procedures

Where segregation of duties is not practical, additional compensating controls and mitigation practices such as managerial oversight are required to reduce the risk of loss. Cashiers should not carry out cash handling duties for at least one consecutive week per year. This may be accomplished through mandatory vacation, job rotation or other means. Such a routine may help to identify unusual or questionable practices of the regular cashiers.

### **Receiving and Recording Cash Payments**

An incomplete record of cash transactions and adjustments provides an opportunity to misappropriate cash and omit the shortage from the accounting records. All cash payments should be entered into the cash register or point of sale system immediately upon receipt from the customer. Where it is not practical to use a cash register or point of sale system, the cash payment should be recorded using pen in a transaction log which documents at a minimum the date, amount, type and purpose of the payment received.

A receipt should be printed from the cash register or point of sale system and provided to the customer for all payments received. A manual receipt should be prepared where it is not practical to use a cash register or point of sale system.

### **Refunds and Voided Transactions**

Lack of documentation and management oversight provides an opportunity to process an unfounded refund or void transaction for cash and misappropriate the funds. All refunds and voided transactions should have the following supporting documentation:

- Transaction date;
- Customer name, address, phone number and signature;
- Original customer receipt (where available);

- Reason for the refund or voided transaction;
- Amount and form of payment;
- Signature of the cashier issuing the refund or void; and
- Signature of the supervisor approving the transaction.

Total refunds and voided transactions appearing on the cash register summary tape, point of sale system report or manual transaction log at the end of the cashier's shift should be reconciled to the supporting documentation outlined above.

Management should investigate refunds and voided transactions for which no supporting documentation exists. Refunds should be returned using the same payment method as the original payment. For example, if the original payment was made using a VISA credit card, the refund must be returned to the same VISA credit card.

### **Receipts Reconciliation**

Lack of management oversight and a proper receipts reconciliation process creates an opportunity to misappropriate cash and conceal the shortage. Cash, cheque, debit and credit card receipts on hand should be counted and reconciled to amounts recorded in the cash register, point of sale system or transaction log at the end of the cashier's shift.

Cash appearing on the cash register summary tape, point of sale system report or manual transaction log covering the shift period should be compared to the actual amount of cash on hand once the float balance when utilized, is removed. Cash shortages or overages should be identified and explained. The receipts reconciliation should be documented, re-performed and reviewed by management and signed by both the cashier and management as evidence that the reconciliation is complete and accurate. Where it is not practical for management to review the receipts reconciliation, a second employee who did not participate in the particular cash handling activities may act on management's behalf.

Management should summarize cash shortages and overages by employee, date and amount. Management should review this summary at least on a monthly basis in order to identify trends or significant cumulative discrepancies. Significant shortages and overages should be brought to management's attention, investigated, documented and resolved. At a minimum, documentation should contain a description of steps taken to investigate the shortage or overage and what action (if any) was taken by management.

The float and cash awaiting deposit should be stored in a secure location with limited access. The cashier should not have access to cash awaiting deposit after the receipts reconciliation is complete.

### **Deposits**

Large amounts of cash stored on-site for an extended period of time provides an opportunity to misappropriate, skim or lap funds. All funds should be deposited intact. No cash receipts should be retained or expended to pay invoices or miscellaneous expenses, replenish petty cash or make loans or advances. Cash back for debit or credit card purchases must not be allowed. Cash awaiting deposit should be stored in a secure location with limited access.

Cash appearing on the cash register summary tape, point of sale system report or manual transaction log covering the deposit period should be compared to the actual amount of cash on hand. Differences that were not previously identified as part of the receipts reconciliation process should be brought to management's attention, investigated, documented and resolved. The deposit reconciliation should be reviewed by management and signed by both the employee and management as evidence that it is complete and accurate.

A bank deposit slip should be prepared for the actual amount of cash on hand. The deposit amount should match the amount of cash appearing on the receipts reconciliation or deposit reconciliation. The deposit should be re-counted and bank deposit slip reviewed by management. The bank deposit slip should be signed by management as evidence that the reconciliation is complete and accurate. At a minimum the bank deposit slip should be produced in triplicate – two copies are remitted to the bank with the deposit and one copy is retained by the department. The deposit and two copies of the bank deposit slip should be sealed in a bank deposit bag. The deposit should occur the same day on which it is prepared.

### **Safeguarding Cash**

Inadequate physical security provides an opportunity to misappropriate cash from the float, daily cash receipts and/or bank deposit. It may be difficult to identify when and why cash shortages occur or the person responsible if access to cash is not limited. Cash should be kept secure at all times. This includes but is not limited to:

- Keeping all cash in a locked cash register, cash drawer or cash box;
- Locking the cash register, cash drawer or cash box when cash is left unattended; and
- Affixing cash registers and boxes to a fixed surface to prevent removal.

Cash should be counted in a non-public, secure area, out of sight.

### **Cash Float**

Continuous access to the cash float for an extended period of time without management oversight provides an opportunity to misappropriate, skim or lap funds. A cash float is issued for the purpose of making change for a cash transaction. Money from the float should not be retained or expended to pay invoices or miscellaneous expenses, replenish petty cash or make loans or advances.

The cash float should be stored in a secure location with limited access at all times. Access to the cash float should be limited to the cashier and their direct supervisor during a given shift.

The cashier should count the cash float at the start and end of their shift. At a minimum, the float should be re-counted by management or their designate at the end of the cashier's shift as part of the receipts reconciliation process. Shortfalls in the float balance should be brought to management's attention, investigated, documented and resolved.

## **4.15 Health and Safety Policy**

**Policy Level:** Library Board

**Author:** Director Human Resources

**Date Approved:** January 2002 **Revision Dates:** March 2004, August 5, 2010, March 2014

### **Policy Statement**

The Hamilton Public Library Board will provide and maintain safe and healthy working conditions for all employees in keeping with the requirements of the Occupational Health and Safety Act and other relevant legislation. To fulfill this commitment the Library will:

- 1) Meet or exceed health, safety and ergonomics standards, applying the precautionary principle as needed;
- 2) Recognize the importance of consulting and cooperating with joint health and safety committees and representatives when developing and implementing programs and procedures; and
- 3) Provide the training and education specific to job requirement.

### **Application**

This policy applies to all staff of the Hamilton Public Library Board.

### **Conditions**

The following conditions will guide the development and implementation of all health and safety programs and procedures:

- 1) Protecting the health and safety of all employees is a commitment of the highest priority.
- 2) Management will take a leadership role in promoting a safe and healthy work environment.
- 3) Management, employees and the union share the responsibility for reducing injuries and illness by ensuring that jobs are performed in a safe and healthy manner.
- 4) Good management systems and practices will be developed with employee involvement and cooperation to minimize injuries and illness.
- 5) Health and safety procedures will focus on the prevention of injuries and illnesses and be based on scientific principles and acceptable standards.
- 6) Information about health and safety programs will be made accessible to all employees.
- 7) Employees will be informed of any known safety, health and ergonomic hazards in their work.
- 8) Programs and practices will be reviewed on an as needed basis and at least annually to ensure they are in keeping with legislative and corporate standards.

### **Implementation**

This policy statement is intended to provide direction for the development of all health and safety programs and procedures.

## 5. POLICIES RELATING TO STAFF

### 5.1 Code of Conduct & Conflict of Interest Policy

Policy Level: Library Board

Author: CEO/Chief Librarian- Director Human Resources

Revision History: December 2002, November 2015

#### Scope

This Code of Conduct and Conflict of Interest Policy applies to all HPL employees, including but not limited to regular, temporary and contract employees, volunteers, students and interns (collectively referred to as “Employees”).

#### Core Principles

Core values of the Hamilton Public Library are: ***Intellectual Freedom, Inclusiveness, Innovation, Respect and Accountability***. Each employee occupies a position of trust in dealing with others inside and outside the Library. Whatever the area of activity or degree of responsibility, the Library Board expects each employee to act in a manner which will enhance the Library’s reputation for ethical performance and professionalism in all its dealings.

The Hamilton Public Library is an organization funded primarily by the City of Hamilton and is charged with the management of public funds and programs, and therefore, employees must avoid not only actual conflicts of interest and breaches of trust, but also the appearance of conflicts of interest or breaches of trust.

Library employees often work in spaces where their actions are visible to members of the public. Staff need to ensure that both their actions and the appearance of their actions reflect well on the Hamilton Public Library. Focusing on meeting the needs of customers, including making them feel welcome in our spaces is essential to building trust and confidence in HPL.

Employees of the Hamilton Public Library are guided by the following principles:

- 1) We understand that we all have a role to play in ensuring the community has confidence and trust in HPL. We will behave with high ethical and customer service standards and be accountable for our actions.
- 2) We will be respectful of each other and towards members of the community we serve. We will treat all with dignity, respect and without discrimination.
- 3) We will adopt the perspective of advocate for our customers, ensuring we understand their needs and assist them to the best of our ability. If we are in doubt that we have not given a full answer or solution we will get appropriate assistance from other staff.
- 4) We will promote and foster a safe, secure and healthy work environment and public space for all.
- 5) As public servants we will not engage in any conduct or business practice which might bring the reputation of HPL into ill-repute or damage or diminish the reputation of the Library in the eyes of members of the community.
- 6) We will avoid actual and potential conflicts of interest or breaches of trust. We will be proactive in disclosing actual or potential conflicts with the appropriate individuals and seek proper advice if we are unsure.

- 7) We will abide by the law and adhere to all Hamilton Public Library policies and procedures. In following policy and procedures we will use good judgement and consider the individual needs of customers.

## Customer and Service Commitment

At HPL our goal is to deliver an exceptional library experience. Library staff commit to:

- Provide professional, knowledgeable and best in class customer service.
- Be engaged with our customers and our community. We welcome feedback to continually improve our service delivery.
- Strive to meet your expectations for timely delivery of materials and provision of relevant services and programs. We are life-long learners and ready to help you with questions or concerns.
- Provide welcoming and inclusive spaces and be sensitive to your individual needs. We will maintain your confidentiality and privacy.

## Conflicts of Interest & Breaches of Trust

Conflicts of interest and breaches of trust may take many forms. It is impossible to list them all. Remember, if you are unsure ask your manager/supervisor. In most cases, prompt and early disclosure of potential conflicts of interests will permit the problem to be resolved.

- **Definition of Family:** For the purposes of this policy family is defined as: spouse (including common law and same sex), or relative (including child, dependant, parent, foster or adopted parent, grandparent, grandchild, brother or sister, son-in-law, daughter-in-law, brother-in-law, sister-in-law).
- **Personal Benefit:** Employees shall not engage in any behaviour or conduct which may be seen to be an attempt to gain, through their positions as Library employees, or through their knowledge or contact gained as a Library employee, any personal advantage, advancement, favour, influence, benefit, discount or other interest, for themselves, their family or friends.
- **HPL's Reputation:** Employees shall not engage in any activities or business practices which might bring the reputation of the Library into ill-repute or damage or diminish the reputation of the Library in the eyes of members of the community.
- **Protecting Confidentiality:** Protecting the confidentiality of customers, employees and business partners is a responsibility that all staff need to take very seriously.
  - Employees will not access personal customer information (i.e. borrowing records, computer logs...) unless it is required to conduct legitimate library related business.
  - Employees will not disclose personal customer information unless it is required to conduct legitimate library related business and/or is permitted under the Municipal Freedom of Information and Protection of Privacy Act.
  - Employees shall not release a customer's personal record or any other "personal information" about a customer without permission from the individual involved. This includes the right to privacy of a specific family member from inquiries made by other family members. Employees need to be knowledgeable of Library policies and procedures around parent's access to children's account information, picking up holds of family members and other related circulation functions that provide limited and defined exceptions where disclosure is appropriate.

- Library staff need to be knowledgeable of Library policies and procedures related to assisting Police in cases of emergency or a criminal investigation.
- **Waiving Fines and Fees:** In following policy and procedures employees will use good judgement and consider the individual needs of customers. Library procedures include circumstances when staff can adjust fines or fees based on the circumstances of the customer.
  - Procedures for waiving or reducing monies owed to the Library must be adhered to so an appropriate record of the transaction is maintained for audit purposes.
  - Employees will not exceed the staff limit to waive fines by creating multiple transactions below the threshold set out in policy. Where a larger waive seems justified staff should refer to the Manager or designate. Staff should use good judgement and may allow a checkout to continue by overriding the limit in cases where the matter has been referred to a Manager.
  - Employees will not waive fines or otherwise adjust their own records or those of family members.
- **Respecting Library Property including Library Collections:** Library collections, computers, furniture, supplies and equipment are held in trust by HPL for the purpose of fulfilling our mission to the people of Hamilton.
  - Employees will not use library supplies or equipment for personal use, except where permitted by library policy. For example, the Staff Technology Use Policy allows for limited personal use of library computers in certain circumstances.
  - Employees will access library collections for personal use by ensuring they are properly checked out on the integrated library system (ILS).
  - Employees will not use access to the ILS or other systems to extend loan periods, adjust hold queues or fines for themselves or other employees. This restriction does not include staff that are accessing the system for legitimate business purposes, such as, setting up a display or resolving customer complaint or system problem.
  - Upon termination of employment, an employee shall promptly deliver to HPL any and all property, technology, data, manuals, notes, records, plans, or other documents, including any such documents stored on any video or software related medium, held by the employee concerning HPL's services and programs, know-how, developments, and equipment. This includes property made or prepared by the employee and relating in any way to the affairs of HPL. With permission, employees may retain samples of their work if such work is in the public domain. However, this paragraph shall not apply to any original research or to any articles or papers for which the employee is an author or co-author, for which the employee shall retain all intellectual property rights.
- **Doing Business with HPL and Contract Approval:** Employees shall not, personally or through companies in which they or their family are involved:
  - Bid on Library contracts for the supply of goods or services
  - Work on Library contracts, for the supply of goods or services, other than in their capacities as Library employees.
  - Approve any contract, agreement or other document on behalf of the Library for any business in which they or their family is personally involved.
- **Hiring and Supervision of Employees:** Employees shall not be involved in any decision to hire or engage their family members for any employment with the Library whether temporary, full-time, part-time, casual or seasonal.

- Employees shall not influence or attempt to influence any decision relating to the hiring of family members.
  - Employees shall not permit themselves to be placed in supervision over another Library employee who is a family member without disclosing the nature of the relationship to the appropriate supervisor.
- **Gifts and Benefits:** Employees shall not accept any gift, benefit, money, discount, favour or other assistance from any business which has a contract with the Library Board to supply goods or services, unless the gift, benefit, money, discount, favour, or assistance is one which, due to the nature of the business, is available to the general public.
  - No employees shall accept any gifts, hospitality, and invitations to special events which exceed \$100 in value.
  - Nominal gifts or hospitality below \$25 may be accepted under appropriate conditions.
  - Gifts or hospitality ranging from \$25 to \$100 may be accepted under appropriate conditions as long as they are documented and disclosed. Employees will disclose the receipt of such gifts to the Chief Librarian and Director of Finance and Facilities. The Chief Librarian will disclose to the Library Board Chair.
  - Appropriate conditions for this policy is defined as: it is in the context of a business meeting or interaction, or in the context of a recognized charitable event; and it is an infrequent occurrence; and it legitimately serves a business purpose; and it is appropriate to the business responsibilities of the individual employee; and the gift or hospitality is not an attempt to seek special favours or advantages from the employee or HPL.
- **Speaking Fees and Publications:** No employee shall charge or knowingly accept a fee for taking part in a public speaking engagement such as a public radio/television broadcast, web site broadcast or conference to which he or she was invited as a direct result of his or her position as an employee. No employee shall charge or knowingly accept a fee for writing or publishing articles or books in any print or online publications, if such articles or books directly relates to the employee's position at HPL or uses insider information about HPL. The same restrictions apply for the creation of audio, video and other media types. The rules specified in the Gifts and Benefits section apply to Speaking Fees and Publications, however, some additional exceptions apply:
  - Accepting free admission from the seminar or conference organizers for the balance of the seminar or conference is not a violation of this Policy.
  - Any fee that is received for work done during normal working hours, or at any time where the employee is representing the Library, shall be turned over to the Library, unless the value of the fee does not exceed expenses (incurred for attending the event) which are not reimbursed by the Library.
  - Employees may charge or accept a fee for speaking engagements during time off work (e.g. vacation time) providing such employees are not representing or purporting to represent the Library.
- **Outside Employment:** Employees shall not take outside employment, including self-employment, if such employment: causes a real or apparent conflict of interest; or is performed in such a way as to appear to be an official act of or to represent HPL; or interferes with regular duties in any way, or involves the use of Library premises, resources or equipment including but not limited to Library e-mail, telephones, cell phones, or supplies.
  - Where it appears that a conflict of interest might arise in accepting outside employment, employees must notify their supervisor in writing of the nature of such outside employment prior and receive written permission prior to the acceptance of

such employment.

- **Community Board Activity:** Employees are encouraged to volunteer in the community on their personal time and this may include serving on local boards or agencies; however, no employee shall accept an appointment to the Board of a community agency or association that deals with matters related to the activities of HPL, without the written permission of the Chief Librarian or designate. Written permission of the Chief Librarian or designate is not required if the employee is appointed to the Board of the agency or association by HPL to represent HPL's interests.
  - Any Library employee serving on a community board shall take all reasonable actions to avoid any real conflict or apparent conflict between Board activity and HPL's interests. Where a real or apparent conflict exists, the employee shall declare the conflict and shall not take part in, or be present for, any Board discussion or decision about the issue raising the conflict of interest. If the conflict of interest is significant, the employee shall resign from the board.
- **Compliance with Laws and Regulations:** Employees shall not, during the course of the conduct of their employment duties, knowingly violate, or permit the violation of, or fail to report the violation of, any federal or provincial statute or regulation. Staff will adhere to all policies of the Hamilton Public Library. Library procedures exist to provide guidance to staff in circumstances where potential crimes need to be reported to the Police.
- **Software Piracy:** HPL forbids software piracy, defined as using any unlicensed copy of a software package that has not been purchased for Library purposes. It includes taking a copy of a licensed software package for one's own use or passing a copy on to another person for their use (See the Staff Technology Use Policy.)
- **Public Duty:** Some positions in the organization are more subject than others to conflicts of interest. Managers, Directors and employees who give professional advice or assistance, or participate in enforcement and/or inspection activities, shall take every reasonable action not to place themselves in conflict of interest situations, or exhibit behaviour or commit acts which could bring disrepute to HPL or undermine HPL's reputation.
  - Since public criticism can also undermine HPL's reputation, employees are expected to refrain from public criticism of HPL or of other Library employees through all venues including social networking. This does not remove employees' rights as citizens to comment generally on matters of public interest, but in exercising this right, Library employees must not identify themselves as such or purport to be speaking on behalf of the HPL.

## Compliance

Employees are reminded of the importance of disclosure. In most cases, prompt and early disclosure of potential conflicts of interests will permit the problem to be resolved.

By signing the Employee Code of Conduct & Conflict of Interest Policy, employees acknowledge and accept responsibility to act and behave in a manner that is consistent with the expectations prescribed in this Policy. Employees collectively benefit from an overall atmosphere of high ethical conduct that flows from this commitment. Employees who are found to be in a conflict of interest or breach of trust, or who fail to disclose circumstances with the potential for a conflict of interest or breach of trust will be dealt with seriously and disciplinary action up to and including termination will be taken.

## References & Related Links

- City of Hamilton:
  - [Code of Conduct for Employees Policy](#)
  - [Schedule A: Conflict of Interest](#)
  - [Schedule B: Fees, Gifts and Hospitality](#)
  - [Disclosure of Gifts and Hospitality Form](#)
  - [Schedule C: Financial and Business Integrity](#)
  - [Schedule D: Outside Employment and Integrity](#)
- [Municipal Freedom of Information and Protection of Privacy Act](#)
- [Ontario Human Rights Code](#)
- [Accessibility for Customers with a Disability](#)
- [Advocacy and Political Participation Policy](#)
- [Diversity and Inclusion Policy](#)
- [Privacy Policy](#)
- [The Rights of Children and Teens in the Public Library Policy](#)
- [Security Camera Policy](#)

## **5.2 Hiring Policy**

**Policy Level:** Library Board

**Approved:** June 2013, June 2014

### **Policy Statement**

The Hamilton Public Library is committed to transparent and merit based selection in all of its hiring decisions. All applicants are given an equal opportunity for employment in compliance with the provisions in the Ontario Human Rights Codes, the Accessibility of Ontarians with Disabilities Act and any other applicable legislation.

### **Purpose**

The purpose of this Policy is to set a consistent and equitable standard for the recruitment and selection of employees at the Hamilton Public Library. This will help to create a diverse and qualified talent pool to support the Library's current and future business needs. Effective recruitment, selection and promotion practices optimize the efficiency of human resources, and maximize the number of promotion and career development opportunities for existing employees.

The Hamilton Public Library recognizes that its effectiveness as a publicly funded organization is determined largely by the quality of its workforce. To this end, an impartial and objective recruitment and selection process best ensures the employment of the most qualified and experienced personnel available. The Hamilton Public Library Board is committed to ensuring that the best qualified candidates are selected for positions within the Library system.

It is the policy of the Library to hire employees on the basis of merit and the following criteria will govern during the selection process: seniority, knowledge, education, experience, qualifications, ability and skill to fill the vacancy immediately shall be selected. A relative of an existing employee, who is identified as being the best candidate, may be hired if there is no direct on-the-job supervisory link between the parties.

The Hamilton Public Library will not tolerate acts of favouritism, discrimination or influence in the selection process. Elected officials, appointed officers or employees of the Library shall not attempt to influence the hiring of any applicant.

All selected candidates for positions that require employees to work closely with and without supervision of children and vulnerable adults will require a vulnerable sector screening, as per our policy, as a bona fide occupational requirement.

To facilitate effective recruitment and selection, all permanent hirings and hiring processes are to be coordinated through the Human Resources Department. For permanent positions, the Human Resources Department is responsible for assembling the most qualified and experienced candidates available, and for providing professional assistance and counsel to the hiring Department or selection panel. Unless otherwise specified and subject to the approval of the Chief Librarian who is responsible for the final hiring decision.

### **5.3 Rehiring Retirees Policy**

**Policy Level:** Library Board

**Approved:** May 2014

#### **Policy Statement**

The purpose of the Hamilton Public Library's (HPL) rehiring of retirees policy is to identify circumstances where-by a former employee who has retired from the Library can subsequently return to work for the Library.

#### **Scope**

This recruitment policy applies to all regular full-time, part-time, contract positions and casual staff who following official retirement elect to seek re-employment with the Library. Official retirement refers to the former employee advising the Library in writing that they are retiring from the organization.

#### **Principles**

The policy is based on the need to maintain a consistent and transparent process for hiring departments to follow when contemplating resources options which include the re-hiring of retirees.

#### **Responsibilities**

*Human Resources* – The Director of Human Resources is authorized to ensure that the information within this policy is applied and that all actions comply with the Employment Standards Act, Ontario Human Rights Code as well as any additional provincial legislation and Collective Agreements.

*Managers* – To ensure that this policy is followed when conducting any recruitment searches. Managers are required to work with Human Resources prior to any offers of employment.

#### **Rehiring Retirees Protocol**

As an equal opportunity employer, the Library values diversity and is committed to principles found in the Ontario Human Rights Code.

The Library is committed to effective succession planning and does not intend to use the Library retiree re-employment as a substitute for developing well-qualified staff. The Library will not re-hire its retirees for the sole purpose of convenience.

Re-employment must be in response to a Library need, for example: the retired employee possess skills and institutional knowledge that the hiring department cannot otherwise readily obtain in the community or the hiring department anticipates that the retired employee will assist with the replaced in knowledge transfer not otherwise available, in acquiring necessary skill and knowledge.

Retention of retiree must not exceed a total of six (6) months. Any period beyond six (6) months requires approval of the respective Director.

Employees terminated will not be considered for re-employment with the Library.

## **5.4 Staff Development and Training – Under Review**

**Policy Level:** Library Board

**Author:** Director Human Resources

**Date Approved:** Draft Pending Approval October 2016

### **Purpose**

To be successful at an individual, team or corporate level, employees need the right knowledge, skills, attitudes and competencies to support Hamilton Public Library's (HPL's) Mission, Values, and Strategic priorities. This policy provides a framework for staff development and training activities. Learning, personal and career development activities and knowledge sharing are responsibilities of all employees and have a broader focus than training alone. Training is just one component of a complete learning and development strategy. Employee's learning, personal and career development activities are tied to the Goal Setting and Performance Review process that is described in HPL's Performance Management Policy.

### **Policy**

The Hamilton Public Library recognizes the benefits of investing in staff development and training in order to

- Build a competent, diverse, and professional workforce;
- Increase employee engagement and job satisfaction;
- Maintain public confidence in the quality of HPL's service delivery;
- Position HPL as an attractive employer in the job market;
- Create a skilled and versatile workforce that can adapt to changing needs;
- Reduce risk and exposure to liability due to non-compliance with legislated requirements;
- Foster employee career growth, high performance, and innovation, and
- Act as an important input to workforce planning including succession planning.

Employees interested in a career with the Hamilton Public Library should be prepared to develop a *Learning and Development Plan* for their own learning and professional development and to seek feedback about that plan from their manager or supervisor and the Human Resources Department. While it is acknowledged that not all employees may have a desire to move into a higher level role or managerial or supervisory role, continuous learning and development is important to stay current with changing trends and technology in an employee's existing role. *Learning and Development Plans* will reflect the employee's individual needs and the operational needs of the Library. Employee *Learning and Development Plans* will outline what competencies require improvement or further development, what actions need to be taken by the employee and the employer, and the target completion date. A *Learning and Development Plan* may also include what future roles the employee would like to move toward at the Library, and those career goals will guide parts of the *Plan*.

Learning and Development Plans are a key component of HPL's Performance Management program. Goal setting and performance review meetings are held to ensure that employees understand what is expected of them and what supports are available to them. Learning and development planning is a process that involves both employee and manager input. The Library provides resources for the training and developmental support of employees.

### **Statement of Principles**

Hamilton Public Library is committed to

- Fostering a learning culture where learning and development opportunities are provided to help employees develop and apply new competencies and work flexibly to meet the constant changes of day-to-day operations;
- Ensuring learning activities align with strategic priorities and current operations and projects as adult learning is most effective when learning directly relates to job responsibilities and is immediately relevant;
- Encouraging and assisting staff to develop their skills and knowledge to improve individual performance and to promote job satisfaction;
- Ensuring fair and equitable access to development opportunities for employees at all job levels and in all job functions, so that they may develop in their existing role, and/or grow into their next position;
- Ensuring that sound educational and instructional design principles are applied in all approved education and staff development programs;
- Making use of existing staff expertise where appropriate to staff development goals, and promoting knowledge sharing as common practice among employees;
  - Recognizing that learning and development is a joint responsibility shared by the Library and the employee;
  - Providing necessary resources including time for learning, funding, qualified leadership, physical spaces suitable for learning functions, and appropriate technology, and
  - Assessing training options to ensure value for money spent, negotiating with vendors to encourage learning content alignment with the Library's operational needs and goals, and evaluating transfer of training by the employee on the job.

## Responsibility

Responsibility for staff development and training at Hamilton Public Library is multilayered and is shared among the following parties:

- The effectiveness of any staff development activity depends on the active and purposeful participation of the individuals involved. Employees have a clear responsibility to develop their skills to enhance performance in their current position and to be ready to assume further responsibilities.
- Senior Administration and Management have overall responsibility for the development of Library staff.
- The Coordinator, Staff Development and Training and the Director, Human Resources support the programs that are part of the [Learning Institute @ HPL](#) and have overall accountability for the extent, quality, effectiveness and equitable nature of staff development, for planning and overseeing the development, scheduling and funding of internal staff development and training initiatives, for review of external opportunities relevant to Hamilton Public Library goals and for assessing options and negotiating with vendors such as trainers or coaches or consultants.

## Definitions

**Staff development** refers to the provision of resources and the scheduling of activities to advance employees' knowledge, understanding and skills through the Learning Institute @ HPL and to meet succession planning needs.

The **Learning Institute @ HPL** offers opportunities designed to support a comprehensive and continuous process of professional growth, including opportunities for exposure to varied ideas and diversity of experience. Learning Institute programs foster staff development through means such as onboarding, training, mentoring, coaching, and optional and required internal

and external learning programs including lunch and learn sessions, conferences, workshops, coursework, leadership development programs, e-learning programs, webinars, participation on system committees and special projects, professional summits and knowledge sharing opportunities.

**Education** in this policy refers to formal education qualifications referred to in job descriptions and obtained through study at academic institutions.

## **5.5 Employee Assistance Program – Under Review**

**Policy Level:** Library Board

**Author:** Director Human Resource

**Date Approved:** Last Revised 2010-08-05, Revision pending September 2016

### **Policy Statement**

The Hamilton Public Library recognizes that problems, personal or work-related, can be a natural part of employees' lives and that providing employees with an opportunity to resolve problems will result in a healthier and more positive approach to everyday living.

The Employee & Family Assistance Program was developed to provide assistance to permanent Full-time and Part-time employees and their dependents in areas of marital, family, medical, alcohol, substance, vocational, psychological or any other personal problems.

### **Eligibility**

All permanent employees of the Hamilton Public Library and their dependents as defined by the employee's specific benefit plan. Casual Library Pages, Students, Contract employees are not eligible under the current plan.

### **Pensioned employees and their spouses**

Terminated or resigned employees will have access maintained for one (1) month following date of termination or resignation and the Employee & Family Assistance Program will provide limited short-term service to the individual.

### **Scope of Program**

The core Employee & Family Assistance Program consists of:

#### **Counseling Services:**

Counseling is short-term and focused on problem-solving and finding solutions that are practical and improve your physical and mental well-being. It's available face to face, over the telephone, or online. Counseling can help with any challenge such as: family or marital relationships, addictions, anxiety, depression, life transition or change, grief or bereavement, stress, and other personal issues.

## Plan Smart - Lifestyle and Specialty Counseling

These work life services help you tackle small issues before they become big concerns. Each service helps you to take a proactive approach to managing everyday challenges and life transitions.

With Plan Smart, you can receive information and coaching related to:

- **Health** - nutrition, lifestyle changes, weight management, smoking cessation, "12 weeks to wellness" programs for people with specific health and/or weight management goals.
- **Life Balance** - childcare and parenting, elder and family care, relationships, financial issues, legal issues.
- **Career planning**, workplace issues, pre-retirement, shift work.

## Online Resources ([homewoodhealth.ca](https://homewoodhealth.ca))

You can access the Homewood Health website <https://homeweb.ca/> anytime for e-learning, interactive tools, health and wellness assessments, and a library of health, life balance and workplace articles. Visit homeweb Health's website at [www.homeweb.ca](https://www.homeweb.ca) and register for Member Services to access online services, including:

- **E-Learning courses** - self-directed, confidential and interactive courses on 20 topics designed to help you take charge of your health and well-being.
- **Health Risk Assessment** - an online health risk assessment tool that assesses your physical and emotional health as well as your overall readiness to change.
- **Busy Family** - an online tool to help you find child and elder care services.

Referrals required outside the core Employee & Family Assistance Program, whose costs are not covered by the employee's benefits, are not paid by the City.

## Accessibility

Employees and/or their dependents may access the Employee & Family Assistance Program voluntarily. The program may be suggested by an individual's co-worker, peer, or supervisor but it is up to the employee to initiate access to the program.

## Confidentiality

The Employee & Family Assistance Program shall respect the confidentiality of information obtained about the client and shall release the information only with the approval and consent of the client as governed by standard professional and legal guidelines.

The Employer and/or anyone acting for it or on its behalf shall not request or receive any information concerning the client without the written consent of the individual.

## Anonymity

The Employee & Family Assistance Program service will be located in an off-site location and will provide an anonymous service. No one will know that an individual has used the service unless the individual himself/herself chooses to inform others about his/her use of the program. Employee & Family Assistance Program office procedures are designed such that anonymity is protected.

### **Coordination and Administration**

Upon request utilization reports, regularly completed by the Employee & Family Assistance provider, will be made available and discussed with representatives of Local 932 Canadian Union of Public Employees at the regularly scheduled Joint Union-Management Committee. Utilization reports provided to this Committee by the Employee & Family Assistance Program service will be of a statistical nature only. Please note that statistical information will only be released to this Committee when use of the program has resulted in reporting figures large enough to protect anonymity of individuals.

### **Advancement/Opportunity**

Use of the Employee & Family Assistance Program will not affect an employee's job security nor adversely affect advancement opportunities. Neither will use of the program affect normal disciplinary and grievance procedures

## 5.6 Administration Level Policies – Under Review by Admin Team

To comply with legislation and regulations the Library Administration Team is responsible for ensuring up-to-date policies and procedures are in place. On the staff Intranet a Policy and Procedures manual is maintained that includes Admin level policies/procedures and Board level policies. Administration level policies are developed to be consistent with Library Board policies and position statements.

### List of Admin Level Policies\*

*\*The process of revising and merging existing Admin Level policies is currently well underway. In advance of the launch of the new staff Intranet, the Admin Team has been working on ensuring an improved version of the policies and procedures gets migrated.*

Category	Policy Title ( <i>Existing Policies being combined</i> )
<b>Policies Regarding Customers</b>	<ul style="list-style-type: none"> <li>• Banning of Customers</li> <li>• Comments on Service</li> <li>• Inclement Weather</li> <li>• Information Services</li> <li>• Personal Photography</li> <li>• Professional Filmography</li> <li>• Visiting Library Service (VLS)</li> </ul>
<b>Library Management Policies</b>	<ul style="list-style-type: none"> <li>• Pest Prevention and Containment (<i>Bed Bug or Insect Returned Materials; Bed Bug Prevention and Containment</i>)</li> <li>• Biohazardous Materials Recovery &amp; Handling</li> <li>• Bomb Threat and Suspicious Packages</li> <li>• Collection Agency</li> <li>• Committees and Teams</li> <li>• Disruption of Service</li> <li>• Flag Etiquette</li> <li>• HPLnet Staff Intranet</li> <li>• Inspection from Ministry of Labour</li> <li>• Insurance Coverage for Staff and Visitors While on Library Property</li> <li>• Lost and Non-HPL Material (<i>Lost Material, Non-HPL Material Returns</i>)</li> <li>• Media Releases and Public Service Announcements</li> <li>• Panic Alarms</li> <li>• Power Failures</li> <li>• Program Guide</li> <li>• Publicity and Poster Standards</li> <li>• Refunds</li> <li>• Reporting Child Abuse or Neglect</li> <li>• Secondary School Volunteer Commitment</li> <li>• Security</li> <li>• Smoke-Free</li> </ul>
<b>Policies Relating to Staff</b>	<ul style="list-style-type: none"> <li>• Absences due to Inclement Weather</li> <li>• Access to leadership Development Programs</li> <li>• Attendance Policy</li> <li>• Business, Conference Attendance and Travel (<i>Business Travel, Conference Attendance, Parking, Personal Vehicle use for Library</i>)</li> </ul>

<p><b>Policies Relating to Staff Continued</b></p>	<p><i>Business, Workshop and Seminar Attendance</i></p> <ul style="list-style-type: none"> <li>• <i>Casual Staff Policy (Hours of Work and Scheduling Casual Staff, Job Duties and Performance of Casual Staff, Orientation and Training for Casual Staff, Record Keeping for Casual Staff, Recruitment and Hiring of Casual Staff, Termination of Casual Staff, Vacation and Leaves for Casual Staff)</i></li> <li>• Dress Code</li> <li>• Educational Policy</li> <li>• Educational and Other Work Placements</li> <li>• Employee Files</li> <li>• Employee Identification</li> <li>• Employee Recognition</li> <li>• Employment Equity</li> <li>• Employment of Relatives</li> <li>• First Aid</li> <li>• Fragrance Sensitivity Guidelines</li> <li>• Job Sharing</li> <li>• Ladder Safety</li> <li>• Long Distance Telephone</li> <li>• Meal Allowance</li> <li>• Memberships and Professional Fees</li> <li>• Performance Management</li> <li>• Personal Protective Equipment (PPE) (PPE, Prescription Safety Glasses, Safety Shoes)</li> <li>• Reference Checks for Former Employees</li> <li>• Scheduling Guidelines</li> <li>• Sign-in - Central and Branches</li> <li>• Staff Borrowing Privileges</li> <li>• Staff Technology Use</li> <li>• Staff/Union Notification</li> <li>• Staffing Shortages</li> <li>• Sunday Schedules</li> <li>• Tuition Assistance</li> <li>• Union Business on Library Time</li> <li>• Vacation Scheduling Guidelines</li> <li>• Vulnerable Sector Screening</li> <li>• Work Refusals (OHSA)</li> <li>• Workplace Accidents</li> <li>• Workplace Harassment</li> <li>• Workplace Hazardous Materials Information System (WHMIS)</li> <li>• Workplace Protocol</li> <li>• Workplace Violence Prevention</li> </ul>
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### **Annual Staff Policy Sign-off**

In addition to orientation, training and reviews of policies at staff meetings. On the Intranet a list is maintained that requires all staff to annually review and sign-off on these selected policies:

Accessibility for Customers with a Disability	Staff Technology Use Policy
Code of Conduct and Conflict of Interest	Vulnerable Sector Screening Policy
Employee Identification Policy	Workplace Violence Prevention Policy & Program
Health and Safety Responsibilities	Workplace Harassment Policy
Privacy Policy for Library Customers	

**Date:** September 1, 2016  
**To:** Ad hoc Policy Review Committee  
**From:** Paul Takala, Chief Librarian  
**Subject:** **Briefing on Rules for going In Camera**

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## INTRODUCTION

Both the Library Board and the Ad hoc Policy Review Committee have had discussions about the rules for going in camera. This document has been prepared to provide a background briefing for the Library Board. The intention is to have a discussion at an upcoming Board meeting to ensure there is clarity on the issue moving forward.

This document contains several appendices that provide relevant background information about HPL's history, policies, legislation and rulings from the Information and Privacy Commissioner (IPC) of Ontario.

## SUMMARY

The Hamilton Public Library Board is governed under provincial legislation, namely the Public Libraries Act. The legislation outlines specific reasons the Library Board may go in camera. The Board has followed the practice of using the right to go in camera as sparingly as possible. As a Public Library, with intellectual freedom and accountability as core organizational values, ensuring only legitimately allowed in camera discussions is important. The Board also has fiduciary responsibilities and there are legitimate reasons the Board may go in camera to protect the Library's interests and legal responsibilities.

The Public Library Act identifies specific reasons why the Library Board may go in camera. The Public Library Act also allows the Board or a committee of the Board to "hold a closed meeting under another Act". Reasons for going in camera in the Public Library Act are:

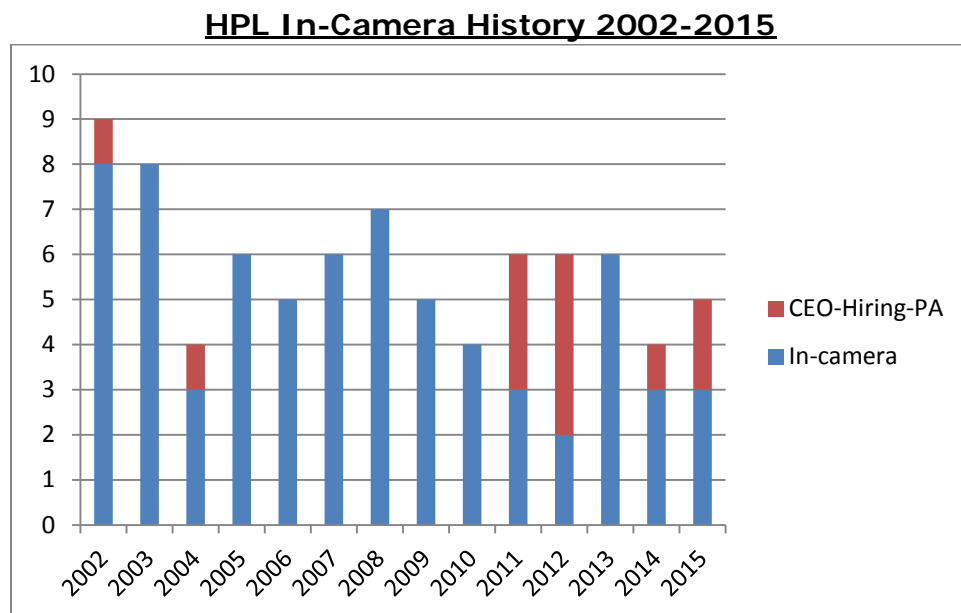
- *the security of the property of the board;*
  - *personal matters about an identifiable individual;*
  - *a proposed or pending acquisition or disposition of land by the board;*
  - *labour relations or employee negotiations;*
  - *litigation or potential litigation, including matters before administrative tribunals, affecting the board;*
  - *advice that is subject to solicitor-client privilege, including communications necessary for that purpose;*
  - *if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act*
- Before holding a meeting or part of a meeting that is to be closed to the public, a board or committee of the board shall state by resolution,
  - *the fact of the holding of the closed meeting; and the general nature of the matter to be considered at the closed meeting.*
- A meeting shall not be closed to the public during the taking of a vote, except if one of the conditions stated applies and the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the board or committee of the board or persons retained by or under contract with the board

The City Clerk was consulted in the preparation of this briefing. The City Clerk indicated that the City of Hamilton's Procedural By-Law has been developed consistent with the

Municipal Act and other relevant legislation (see Appendix IV). Council tries to limit the number of times it goes in camera; however, there are legal reasons mainly covered in the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) that at times compel in camera discussions. The City minutes the general nature of the reason for going in camera. Wherever possible, they provide some specificity in the reason for going in camera in the agenda without revealing confidential information.

### HPL BOARD HISTORY OF GOING IN CAMERA 2002-2015

The table below shows the number of times the Library Board has gone in camera between 2002-2015. *Appendix I: Board History of in camera Motions* shows the actual motions that were approved by the Library Board and how the items appeared on the agenda. During this period the range of in camera motions has been from a low of 4 (occurred in 3 different years) to a high of 9 (occurred in 2002). CEO recruitment and performance assessment have been highlighted as they show why in 2011 and 2012 there was an increase of in camera discussions. Historically, the most common reason listed for going in-camera was Labour Issues or Labour Relations. In general, the Library Board has provided the general reason for going in-camera although there are several examples where the reasons listed are more specific.



### DEVELOPING A RECOMMENDATION FOR MOVING FORWARD

Consistent with our organizational values, the Library Board has a long history of using in camera sparingly. Moving to provide more specificity in the reason for going in camera is a sound approach that would be consistent with the City of Hamilton's direction and with the broader societal trend towards more transparency.

Given that the Library Board is currently considering recording and broadcasting the meetings, it would be a good time now to ensure there is clarity regarding what can appropriately be discussed in camera. While we have a consistent history of going in

camera to discuss issues like labour relations, the current wording in the Board By-Laws states:

*An in camera session of the Board shall be held when it is expedient to consider all or part of an agenda in camera because "intimate financial or personal matters" may be disclosed in debate and the desirability of protecting against the consequences of such disclosure outweighs the desirability of holding the meeting in public.*

The Library's management team works hard to have open and honest dialogue with the union and to ensure we avoid major changes coming as a surprise. In public reports and open meetings, staff frequently raise issues that could impact labour relations. While that is the case, the Library Board also has a history of discussing some labour relations' issues in camera. The in camera discussions have also included personnel issues affecting individuals, although those have happened less frequently. Labour relations' in camera discussions are allowed under the Public Library Act and other legislation. A departure from this practice would limit the ability of staff to seek advice from the Board in some circumstances. Clarifying this issue is important and may require the Board to amend the wording of the By-Laws to ensure that what is allowed under legislation and has traditionally been discussed in camera is not prohibited by the By-Laws when there is a compelling reason to do so.

The Library Board should be aware that the CEO may be informed about 3rd party confidential information. If such information has a potential serious financial, labour relations or legal impact it is the CEO's responsibility to disclose this to the Library Board, as soon as is reasonable, so that the Board can be informed in order to provide direction and advice. If the Board directs that the confidential matters brought forward by the staff cannot be discussed in camera, then such information may have to be disclosed to the Board at a later time when it is made public by the 3<sup>rd</sup> party.

In conclusion, we have a long history of using in camera discussions only when necessary to protect the organization as allowed for in the legislation. The Board's history shows that our tradition and approach have remained consistent.

## **APPENDIX I: HPL BOARD BY-LAW SECTION ON IN CAMERA**

An in camera session of the Board shall be held when it is expedient to consider all or part of an agenda in camera because “intimate financial or personal matters” may be disclosed in debate and the desirability of protecting against the consequences of such disclosure outweighs the desirability of holding the meeting in public.

The decision must be confirmed by the Board or Board Committee in the form of a motion “THAT item(s) #\_\_\_\_ be considered during an in camera session”. Such a motion shall be non-debatable and, if it is carried, the Chair shall designate a time for the session to be held. An in camera session shall be ended by a motion that the regular session be resumed.

Any actions determined during an in camera session must be authorized by Board motion passed during regular open session and recorded in public minutes. However, the Board’s Secretary may designate the minutes of in camera sessions as confidential if Section 28(2) of the Public Libraries Act applies.

## **APPENDIX II: BOARD HISTORY OF IN CAMERA MOTIONS**

### ***Annual Number of In camera Discussions***

Year	In camera Other	CEO Hiring & Assessment	Total
2002	8	1	9
2003	8	0	8
2004	3	1	4
2005	6	0	6
2006	5	0	5
2007	6	0	6
2008	7	0	7
2009	5	0	5
2010	4	0	4
2011	3	3	6
2012	2	4	6
2013	6	0	6
2014	3	1	4
2015	3	2	5

### ***Text of In camera Motions***

The agendas and minutes of past Board meetings have been reviewed to show the actual motions that were passed and how the items appeared on the agenda.

- January 2002 - 8.1 Job Evaluation  
THAT THE HAMILTON PUBLIC LIBRARY NON-UNION SALARY STRUCTURE, ESTABLISHED IN ACCORDANCE WITH THE CITY OF HAMILTON NON-UNION JOB EVALUATION PLAN ATTACHED AS APPENDIX A, BE APPROVED EFFECTIVE JANUARY 1, 2001 AT A COST OF \$126,681.72.

- February 2002 - 7.1 Chief Librarian Contract  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS THE CHIEF LIBRARIAN'S CONTRACT.
- THAT THE HAMILTON PUBLIC LIBRARY AMEND THE CHIEF LIBRARIAN'S CONTRACT AS RECOMMENDED BY THE AD HOC CONTRACT COMMITTEE.
- March 2002 - 9.1 Labour Issues (Oral presentation from Library's Legal Counsel)  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES WITH LIBRARY COUNSEL
- May 2002 - 9.1 Management Positions  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS MEMBERS OF STAFF THAT WILL BE IDENTIFIED.
- June 2002 - 9.1 Union Contract (Legal Representation will be present) ; 9.2 Chief Librarian's Annual Plan  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS THE UNION CONTRACT NEGOTIATIONS.  
THAT THE PERFORMANCE REVIEW TEAM'S RECOMMENDATION REGARDING THE CHIEF LIBRARIAN'S CONTRACT BE APPROVED
- September 2002 - 9.1 Labour Issues  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS THE LABOUR ISSUES
- November 2002 - 9.1 Job Evaluation  
Nothing recorded in minutes
- December 2002 - 9.1 Negotiations Update  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR RELATIONS
- January 2003 - 11.1 Labour Issues (deferred from December 18/02 meeting)  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES
- February 2003 - 8.1 Dundas Pay Equity  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS DUNDAS PAY EQUITY AND GRIEVANCES
- March 2003 - 9.1 Labour Issues Report; 9.2 Pay Equity  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS PAY EQUITY AND LABOUR ISSUES
- May 2003 - 9.1 Pay Equity Issues; 9.2 Personnel Issue  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES AND PERSONNEL ISSUES.
- June 2003 - 9.1 Labour Issues  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES.
- September 2003 – 9.1 Labour Issues  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES
- October 2003 - 9.1 Labour Relations update  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES
- November 2003 - 9.1 Labour Relations  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES

- December 2003 - 9.1 Labour Relations Update  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES
- February 2004 - 9.1 Labour Issue  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES
- March 2004 - 9.1 Chief Librarian Performance Appraisal  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS THE CHIEF LIBRARIAN EVALUATION
- May 2004 - 9.1 Labour Issues  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES
- September 2004 - 9.1 Labour Relations  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR RELATIONS
- January 2005 - 12.1 Labour Issue  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES  
THAT THE HAMILTON PUBLIC LIBRARY BOARD CONTINUE TO UTILIZE THE LEGAL FIRM HICKS MORLEY HAMILTON STORIE TO REPRESENT THE LIBRARY'S INTERESTS IN LABOUR RELATIONS MATTERS, INCLUDING THE UPCOMING 2005 NEGOTIATIONS
- April 2005 - 10.1 Labour Relations  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR RELATIONS  
THAT THE NON-UNION COMPENSATION ISSUES AND PAY EQUITY REPORT BE RECEIVED AND THE DIRECTION APPROVED AS AMENDED
- May 2005 - 10.1 Contract Negotiations  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS CONTRACT NEGOTIATIONS.
- June 2005 - 10.1 Staff Issues  
THAT THE RATING FOR THE MANAGER, COMMUNICATIONS AND COMMUNITY DEVELOPMENT BE CHANGED FROM CLASSIFICATION 5 TO CLASSIFICATION 6 RETROACTIVE TO APRIL 1, 2004 BE APPROVED
- October 2005 - 10.1 Labour Relations Update  
THAT THE HAMILTON PUBLIC LIBRARY MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES
- November 2005 - 10.1 Labour Negotiations  
THAT THE HAMILTON PUBLIC LIBRARY MOVE IN-CAMERA TO DISCUSS LABOUR NEGOTIATIONS
- March 2006 - 10.1 Labour Relations  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES.  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS BRANCH LEASES.
- June 2006 – Tentative Agreement  
THAT THE HAMILTON PUBLIC LIBRARY MOVE IN-CAMERA TO DISCUSS THE TENTATIVE AGREEMENT  
THAT THE NEGOTIATED TENTATIVE AGREEMENT BETWEEN THE HAMILTON PUBLIC LIBRARY BOARD AND THE CANADIAN UNION OF PUBLIC EMPLOYEES LOCAL 932 (CUPE 932) FOR THE PERIOD OF APRIL 1, 2005 TO MARCH 31, 2009 BE APPROVED

- October 2006 - 10.1 Leases  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS BRANCH LEASES THAT THE CITY REAL ESTATE DEPARTMENT BE REQUESTED TO NEGOTIATE A RENEWAL OF THE LEASE ON THE CURRENT GREENVILLE BRANCH LIBRARY FACILITY WHICH EXPIRES ON DECEMBER 31, 2006 FOR AN ADDITIONAL TERM OF FIVE YEARS, AND THAT THE CITY REAL ESTATE DEPARTMENT BE REQUESTED TO NEGOTIATE A RENEWAL OF THE LEASE ON THE CURRENT LYNDEN BRANCH LIBRARY FACILITY WHICH EXPIRES ON DECEMBER 31, 2006 FOR ADDITIONAL TERM OF ONE YEAR WITH AN OPTION TO RENEW FOR ONE OR TWO ADDITIONAL TERMS OF ONE YEAR.
- November 2006 - 10.1 Labour Relations  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR RELATIONS
- February 2007 - 10.1 Pay Equity/Internal Equity  
THAT THE HAMILTON PUBLIC LIBRARY BOARD GO IN-CAMERA TO DISCUSS PAY EQUITY ISSUES
- May 2007 - 10.1 Internal Equity – LF; 10.2 Labour Relations Matter  
THAT THE LIBRARY BOARD GO IN-CAMERA TO DISCUSS INTERNAL EQUITY AND LABOUR ISSUES
- September 2007 - 10.1 Labour Relations  
THAT THE LIBRARY BOARD GO IN-CAMERA TO DISCUSS LABOUR RELATIONS
- November 2007 - 10.1 Personnel Matters  
THAT THE HAMILTON PUBLIC LIBRARY MOVE IN-CAMERA TO DISCUSS PROPERTY ACQUISITION THAT THE INFORMATION DISCUSSED WITH REGARD TO PROPERTY AND CONTENT REMAIN IN-CAMERA  
THAT ADMINISTRATION BE AUTHORIZED TO SUBMIT AN OPTION FOR THE PURCHASE OF THE PROPERTY LOCATED AT 110 LYNDEN ROAD, LYNDEN AND THAT THE LIBRARY'S ADMINISTRATION PREPARE, FOR THE DECEMBER BOARD MEETING, THE POTENTIAL PURCHASE AND CONSTRUCTION OF A LIBRARY BRANCH TO REPLACE THE CURRENT LYNDEN AND ROCKTON LOCATION (this motion remained in-camera with separate in-camera minutes)
- January 2008 - 12.1 Purchase of Property  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS THE PURCHASE OF PROPERTY  
THAT THE DIRECTION GIVEN TO STAFF IN-CAMERA FOR THE ACQUISITION OF PROPERTY BE APPROVED AND THAT THE REPORT BE MADE PUBLIC ONCE ALL CONDITIONS OF THE OFFER TO PURCHASE HAVE BEEN REMOVED
- April 2008 - 10.1 Personnel Issues – KR  
THAT THE HAMILTON PUBLIC LIBRARY MOVE IN-CAMERA TO DISUCSS PERSONNEL ISSUES
- September 2008 - 10.1 Labour Issues  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES
- October 2008 - 10.1 Pay Equity – LD; 10.2 Staffing Issues – KR/WG  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS PAY EQUITY AND STAFFING ISSUES
- November 2008 - 10.1 2009 Draft Operating Budget  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS STAFFING ISSUES RELATED TO THE 2009 OPERATING BUDGET
- December 2008 - 10.1 HR Update  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS HR ISSUES

- February 2009 - 10.1 Collective Agreement Update  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS THE COLLECTIVE AGREEMENT
- March 2009 - 10.1 Labour Issues – LD  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS THE LABOUR ISSUES
- September 2009 - 10.1 Labour Issues  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES
- November 2009 - 10.1 Labour Issues  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES
- December 2009 - 10.1 Labour Issues  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES.
- February 2010 - 10.1 CUPE 932 Collective Agreement Ratification  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS THE CUPE 932 COLLECTIVE AGREEMENT RATIFICATION.
- May 2010 - 10.1 Personnel Issues  
THAT THE HAMILTON PUBLIC LIBRARY MOVE IN-CAMERA TO DISCUSS PERSONNEL ISSUES.
- September 2010 - 10.1 Employee Related Matters  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS EMPLOYEE RELATED MATTERS.
- November 2010 - Nothing listed on Agenda  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS STAFFING ISSUES.
- January 2011 - 10.1 Personnel Issues  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS STAFFING ISSUES.
- March 2011 - 10.1 Staffing Review  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS STAFFING REVIEW AND CENTRAL LIBRARY RENOVATIONS.
- April 2011 - Nothing listed on agenda  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS AN IDENTIFIABLE EMPLOYEE.
- June 2011 - 12.1 Succession Planning  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS SUCCESSION PLANNING AND STAFFING ISSUES.
- September 2011 - Nothing listed on agenda  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS SUCCESSION PLANNING.
- October 2011 - 10.1 Succession Planning  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS SUCCESSION PLANNING.
- January 2012: 12.1 Personnel Issue; 12.2 Succession Planning (entire board)  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS PERSONNEL ISSUES AND SUCCESSION PLANNING.
- February 2012 - 10.1 Succession Planning  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS SUCCESSION PLANNING.

- April 2012 - 10.1 Succession Planning  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS SUCCESSION PLANNING AND LABOUR RELATIONS.
- June 2012 - 10.1 Employee Relations  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS EMPLOYEE RELATIONS.
- November 2012 - 10.1 Report from the Performance Review Committee  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS THE REPORT FROM THE PERFORMANCE MANAGEMENT COMMITTEE.
- February 2013 - 10.1 Labour Relations; 10.2 Customer Issues  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR RELATIONS AND A CUSTOMER ISSUE.
- May 2013 - 10.1 Labour Relations Update  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR RELATIONS.
- September 2013 - 10.1 Labour Relations  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR RELATIONS.
- November 2013 - 10.1 Labour Issues  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS LABOUR ISSUES
- December 2013 - 10.1 Employee Issue  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS EMPLOYEE ISSUES.
- January 2014 - 12.1 Employee Issue  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS AN EMPLOYEE ISSUE.
- April 2014 - Nothing listed on agenda  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS PROPERTY OPPORTUNITY.
- September 2014 - Nothing listed on agenda  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS A RFP PROPOSAL.
- December 2014 - Nothing listed on agenda  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE.
- January 2015 - 10.1 Performance Appraisal  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS THE CHIEF EXECUTIVE OFFICER'S PERFORMANCE.
- May 2015 - Nothing listed on Agenda  
THAT THE LIBRARY BOARD MOVE IN CAMERA TO DISCUSS THIRD PARTY INFORMATION.
- September 2015 - 10.1 Human Resources Update  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS A HUMAN RESOURCES UPDATE.
- October 2015 - 10.1 Human Resources Update  
THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS A HUMAN RESOURCES UPDATE.

- January 2016 - 12.1 Real Estate; 12.2 HR Report  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS REAL ESTATE AND HR ITEMS.
- February 2016 - 10.1 HR Issue  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS HR ITEMS.
- March 2016 - 10.1 HR Matter  
THAT THE HAMILTON PUBLIC LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS HR ITEMS.

### **APPENDIX III - PUBLIC LIBRARIES ACT SECTION 16<sup>i</sup>**

**16.** (1) A board shall hold regular meetings once a month for at least 10 months each year and at such other times as it considers necessary. 2009, c. 33, Sched. 11, s. 7 (2).

#### **Special meetings**

(2) The chair or any two members of a board may summon a special meeting of the board by giving each member reasonable notice in writing, specifying the purpose for which the meeting is called. R.S.O. 1990, c. P.44, s. 16 (2).

(3), (4) REPEALED: 2002, c. 17, Sched. C, s. 24 (4).

#### **Quorum**

(5) The presence of a majority of the board is necessary for the transaction of business at a meeting. R.S.O. 1990, c. P.44, s. 16 (5).

#### **Voting**

(6) The chair or acting chair of a board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative. R.S.O. 1990, c. P.44, s. 16 (6).

#### **Open and closed meetings**

**16.1** (1) In this section,  
“committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of the board; (“comité”)  
“meeting” means any regular, special, committee or other meeting of the board. (“réunion”) 2002, c. 17, Sched. C, s. 24 (5).

#### **Open meetings**

(2) Except as provided in this section, all meetings shall be open to the public. 2002, c. 17, Sched. C, s. 24 (5).

#### **Improper conduct**

(3) The board chair may expel any person for improper conduct at a meeting. 2002, c. 17, Sched. C, s. 24 (5).

#### **Closed meetings**

- (4) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
- (a) the security of the property of the board;
  - (b) personal matters about an identifiable individual;
  - (c) a proposed or pending acquisition or disposition of land by the board;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the board;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which a board or committee of a board may hold a closed meeting under another Act. 2002, c. 17, Sched. C, s. 24 (5).

### **Other criteria**

(5) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the board or committee of the board is the head of an institution for the purposes of that Act. 2002, c. 17, Sched. C, s. 24 (5).

### **Resolution**

(6) Before holding a meeting or part of a meeting that is to be closed to the public, a board or committee of the board shall state by resolution,

- (a) the fact of the holding of the closed meeting; and
- (b) the general nature of the matter to be considered at the closed meeting. 2002, c. 17, Sched. C, s. 24 (5).

### **Open meeting**

(7) Subject to subsection (8), a meeting shall not be closed to the public during the taking of a vote. 2002, c. 17, Sched. C, s. 24 (5).

### **Exception**

- (8) A meeting may be closed to the public during a vote if,
  - (a) subsection (4) or (5) permits or requires the meeting to be closed to the public; and
  - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the board or committee of the board or persons retained by or under contract with the board. 2002, c. 17, Sched. C, s. 24 (5).

## **APPENDIX IV: CITY OF HAMILTON PROCEDURAL BYLAW (SECTIONS ON CONFIDENTIALITY)<sup>ii</sup>**

CITY OF HAMILTON - BY-LAW NO. 10-053

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF COUNCIL

**WHEREAS** section 238 of the Municipal Act, 2001 requires that Council of the City of Hamilton adopt, by By-law, procedures governing the calling, place, and proceedings of meetings;

**NOW THEREFORE**, the Council of the City of Hamilton enacts as follows:

### **SECTION 1 - DEFINITIONS**

**1.1** In this By-law,

“**Act**” means the Municipal Act, 2001;

“**Closed Meeting**” means a meeting, or part of a meeting, of Council or a Committee, which is closed to the public as permitted by the Act, also referred to as an “in-camera meeting”;

## **Appendix H - CODE OF CONDUCT FOR MEMBERS OF COUNCIL**

### **PREAMBLE**

#### **Purpose:**

A written Code of Conduct helps to ensure that the members of Council share a common basis for acceptable conduct. The Code of Conduct is not intended to replace personal ethics. The Code of Conduct:

#### **Statutory Provisions Regulating Conduct:**

In addition, the Code of Conduct operates along with and as a supplement to the existing five statutes that govern the conduct of members of Council:

- the *Municipal Act, 2001*
- the *Municipal Conflict of Interest Act*
- the *Municipal Elections Act, 1996*
- the *Municipal Freedom of Information and Protection of Privacy Act*

- the *Criminal Code* (Canada)

## **SECTION 1 - DEFINITIONS**

1.1 In this Code of Conduct:

- (a) “confidential information” includes but is not limited to information:
  - i) in the possession of the City that the City is either prohibited from disclosing, is required to refuse to disclose or exercises its discretion to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act<sup>1</sup> or other legislation; and
  - ii) concerning matters that are considered in an in-camera meeting under section 239 of the Municipal Act, 2001<sup>1</sup>;

<sup>1</sup> Generally, the *Municipal Freedom of Information and Protection of Privacy Act* restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature and information that is personal, and permits the restriction or prohibition of disclosure of information that is subject to solicitor-client privilege.

Section 239 of the *Municipal Act, 2001* permits information concerning the following matters to be considered in an in-camera meeting: the security of the property of the City; personal matters about an identifiable individual, including City employees; a proposed or pending acquisition or disposition of land by the City; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the City; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a matter in respect of which Council may hold a closed meeting under another Act; a matter relating to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act*; or the education or training of the members of Council

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(i) “in camera” means the conduct of a meeting or part of a meeting, of Council or a Committee of Council, which is closed to the public as permitted under section 239 of the Municipal Act, 2001; and

## **SECTION 5 - CONFIDENTIALITY**

No member of Council shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

5.2 No member of Council shall use confidential information for financial or other gain, or for the financial or other gain of a family member or any person or corporation. For example, no member of Council should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.

5.3 No member of Council shall disclose the content of a matter that has been discussed at or the substance of deliberations of an in-camera meeting, except for content that has been authorized by Council or a Committee of Council to be released to the public.

5.4 Examples of the types of content that a member of Council must keep confidential under this section include but are not limited to:

- (a) items under litigation, negotiation, or personnel matters;
- (b) information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- (c) price schedules in contract tender or Request For Proposal submissions if so specified;
- (d) information deemed to be personal information under the Municipal Freedom of Information and Protection of Privacy Act;
- (e) statistical data required by law not to be released (e.g. certain census or assessment data).

5.5 Members of Council shall not access or attempt to gain access to confidential information in the possession of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.

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## **APPENDIX V – MUNICIPAL ACT SECTION 239<sup>iii</sup>**

### **Meetings open to public**

**239.** (1) Except as provided in this section, all meetings shall be open to the public. 2001, c. 25, s. 239 (1).

### **Exceptions**

- (2) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
- (a) the security of the property of the municipality or local board;
  - (b) personal matters about an identifiable individual, including municipal or local board employees;
  - (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act. 2001, c. 25, s. 239 (2).

### **Other criteria**

(3) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the council, board, commission or other body is the head of an institution for the purposes of that Act. 2001, c. 25, s. 239 (3).

Note: On January 1, 2016, the day named by proclamation of the Lieutenant Governor, subsection (3) is repealed and the following substituted: (See: 2014, c. 13, Sched. 9, ss. 22, 24 (1))

### **Other criteria**

- (3) A meeting or part of a meeting shall be closed to the public if the subject matter being considered is,
- (a) a request under the *Municipal Freedom of Information and Protection of Privacy Act*, if the council, board, commission or other body is the head of an institution for the purposes of that Act; or
  - (b) an ongoing investigation respecting the municipality, a local board or a municipally-controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman referred to in subsection 223.13 (1) of this Act, or the investigator referred to in subsection 239.2 (1). 2014, c. 13, Sched. 9, s. 22.

### **Educational or training sessions**

(3.1) A meeting of a council or local board or of a committee of either of them may be closed to the public if the following conditions are both satisfied:

1. The meeting is held for the purpose of educating or training the members.
2. At the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee. 2006, c. 32, Sched. A, s. 103 (1).

### **Resolution**

(4) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution,

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; or
- (b) in the case of a meeting under subsection (3.1), the fact of the holding of the closed meeting, the general nature of its subject-matter and that it is to be closed under that subsection. 2001, c. 25, s. 239 (4); 2006, c. 32, Sched. A, s. 103 (2).

### **Open meeting**

(5) Subject to subsection (6), a meeting shall not be closed to the public during the taking of a vote. 2001, c. 25, s. 239 (5).

### **Exception**

- (6) Despite section 244, a meeting may be closed to the public during a vote if,
- (a) subsection (2) or (3) permits or requires the meeting to be closed to the public; and
  - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality or local board. 2001, c. 25, s. 239 (6).

### Record of meeting

(7) A municipality or local board or a committee of either of them shall record without note or comment all resolutions, decisions and other proceedings at a meeting of the body, whether it is closed to the public or not. 2006, c. 32, Sched. A, s. 103 (3).

### Same

(8) The record required by subsection (7) shall be made by,

- (a) the clerk, in the case of a meeting of council; or
- (b) the appropriate officer, in the case of a meeting of a local board or committee. 2006, c. 32, Sched. A, s. 103 (3).

### Record may be disclosed

(9) Clause 6 (1) (b) of the *Municipal Freedom of Information and Protection of Privacy Act* does not apply to a record of a meeting closed under subsection (3.1). 2006, c. 32, Sched. A, s. 103 (3)

## APPENDIX VI : DECISIONS OF THE IPC OF ONTARIO ON CLOSED MEETINGS

The Information and Privacy Commissioner of Ontario (IPC) publishes their rulings on their website. There are 8 decisions that are classified under the heading "Closed Meeting"<sup>iv</sup>. Below are the links to the rulings, as well as, the summary that appears on the website. Of the 8 rulings made by the IPC, 6 upheld the decision to go in-camera. The 2 rulings where the decision to discuss in a closed meeting was over-ruled are listed first.

### Order 2519 - Township of Madawaska Valley

<https://www.ipc.on.ca/images/Findings/MO-2519.pdf>

Summary:

- *Minutes of an in-camera meeting of the Township's Economic Development Committee.*
- *Section 2(1) (definition of personal information) - record contains the personal information of the appellant.*
- *Section 38(a)/6(1)(b) (**closed meeting**) not upheld. Although the record fit within the three-part test in section 6(1)(b), the record was ordered to be disclosed, as it related to the appellant and denying access would be an absurd result.*
- *Township ordered to release the record to the appellant.*

### Order 2512 – City of Waterloo

<https://www.ipc.on.ca/images/Findings/MO-2512.pdf>

Summary:

- *Record prepared for City Council related to appellant's efforts to purchase certain City lands.*
- *Section 6(1)(b) (**closed meeting**) – not upheld.*
- *City ordered to disclose record to appellant.*

### Order 2621 – City of Ottawa

<https://www.ipc.on.ca/images/Findings/MO-2621.pdf>

Summary:

- *Report related to reimbursement for pension transfer shortfall of senior City staff member.*
- *Section 6(1)(b) (**closed meeting**) – upheld*
- *Exercise of discretion – upheld*
- *City's decision to deny access to record upheld.*

### Order 2536I - Municipality of Meaford

<https://www.ipc.on.ca/images/Findings/MO-2536-1.pdf>

Summary:

- Records pertaining to the minutes of settlement between the municipality and a former senior administrator.
- Section 14(1) – partly upheld.
- Section 6(1)(b) (**closed meeting**) - **upheld**.
- Exercise of discretion - not upheld.
- Municipality ordered to re-exercise its discretion.

#### Order 2511I - City of Toronto

<https://www.ipc.on.ca/images/Findings/MO-2511-1.pdf>

Summary:

- Records relating to property with tax arrears of more than \$500,000 owned by named individual "in trust."
- Section 2(1) (definition of "personal information") – Records contains "personal information" of named individual.
- Section 4(2) (severability of a record) – Records can reasonably be severed.
- Section 14(1) (personal privacy) – partly upheld.
- **Section 6(1)(b) (closed meeting) – upheld.**
- Section 16 (public interest override) – does not apply.
- City ordered to re-exercise its discretion with respect to section 6(1)(b).

#### Order 2499I – Toronto Catholic District School Board

<https://www.ipc.on.ca/images/Findings/MO-2499-1.pdf>

Summary:

- Records pertaining to the termination of a School Board member.
- Responsiveness of records - portions of the records are responsive.
- **Section 6(1)(b) (closed meeting) - upheld.**
- Exercise of discretion - not upheld.
- Section 16 (public interest override) - does not apply.
- Board ordered to re-exercise its discretion.

#### Order 2224 – Toronto Transit Commission

[https://www.ipc.on.ca/images/Findings/up-mo\\_2224.pdf](https://www.ipc.on.ca/images/Findings/up-mo_2224.pdf)

Summary:

- Memorandum from the General Manager of the TTC to Committee of the Whole.
- **Section 6(1)(b) (closed meeting) upheld.**
- TTC's decision to deny access upheld.

#### Order 2087 - Halton Regional Police Services Board

[https://www.ipc.on.ca/images/Findings/up-mo\\_2087.pdf](https://www.ipc.on.ca/images/Findings/up-mo_2087.pdf)

Summary:

- Report to Deputy Police Chief regarding rotational towing services
- **Section 6(1)(b) (closed meeting) upheld**
- Section 6(2)(b) exception (discussed at public meeting) not established
- Decision to withhold record under section 6(1)(b) upheld

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<sup>i</sup> <https://www.ontario.ca/laws/statute/90p44>

<sup>ii</sup> <http://www2.hamilton.ca/NR/rdonlyres/C8E8F719-F973-4E84-ABA2-1CF4CBBF6030/0/ProceduralBylaw10053OfficeConsolidDecember2013.pdf>

<sup>iii</sup> <https://www.ontario.ca/laws/statute/01m25>

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<sup>iv</sup> <https://www.ipc.on.ca/english/Decisions-and-Resolutions/Subject-Index-Listing/Subject-Results/?id=337>