

Mission Statement

Freedom to Discover

Strategic Priorities

Strengthening Communities

Strengthening Individuals

Strengthening Our Organization

HAMILTON PUBLIC LIBRARY BOARD

**Regular Board Meeting
Wednesday, October 20, 2010
Central Library, Board Room**

5:30 p.m. Dinner
6:00 p.m. Meeting

AGENDA

Introduction of Michael Ciccone and Rebecca Raven

1. Discussion Period

2. Acceptance of the Agenda

**3. Minutes of the Hamilton Public Library Board Meeting
of Wednesday, September 22, 2010**

Attachment #3

4. Presentations

4.1 Digital Technology Update – PT

4.2 Preview Demonstration – DG

5. Consent Items

5.1 Friends of the HPL Policy Statement – KR

Attachment #5.1

Suggested Action: Recommendation

5.2 Chief Librarian's Report

Attachment #5.2

Suggested Action: Receive

6. Business Arising

6.1 2010/2011 Operating Budget – RH

Attachment #6.1

Suggested Action: Receive

6.2 Facilities Update – BH/KR

Oral Report

7. Correspondence

Attachment #7

- Letter from Dana Robbins, Hamilton Spectator, dated August 17, 2010

8. Reports

9. New Business

9.1 Board Renewal – retention and recruitment – KR

Oral Report

9.2 Board position on Draft Copyright legislation - GG

Attachment #9.2

Suggested Action:Recommendation

10. Private and Confidential

11. Date of Next Meeting

Wednesday, November 17, 2010

Central Library, Board Room, 5th Floor

5:30 p.m. Dinner

6:00 p.m. Meeting

12. Adjournment

Tour of Central

**HAMILTON PUBLIC LIBRARY BOARD
Regular Meeting**

**Wednesday, September 22, 2010
Central Library, Board Room
5:30 p.m. Dinner
6:00 p.m. Meeting**

MINUTES

PRESENT: Santina Moccio, Suzan Fawcett, Krzysztof Gumieniak, Jennifer Gautrey,
George Nakamura, Doreen Horbach, George Geczy, Maureen McKeating

REGRETS: Mary Ann Leach, Councillor Pearson, Councillor Jackson

STAFF: Ken Roberts, Lisa DuPelle, Paul Takala, Robin Hewitt, Maureen Sawa,
Karen Hartog, Robert Plant

Ms Moccio called the meeting to order at 6:00 p.m.

1. DISCUSSION PERIOD

2. ACCEPTANCE OF THE AGENDA

Remove: 4.1 Central Library Reopening and Tour

MOVED by Ms Fawcett, seconded by Ms Gautrey,

THAT THE AGENDA BE APPROVED AS AMENDED.

MOTION CARRIED.

**3. MINUTES OF THE HAMILTON PUBLIC LIBRARY BOARD MEETING OF
WEDNESDAY, JUNE 16, 2010**

MOVED by Ms Gautrey, seconded by Ms McKeating,

**THAT THE HAMILTON PUBLIC LIBRARY BOARD MINUTES OF
WEDNESDAY, JUNE 16, 2010 BE ADOPTED AS PRESENTED.**

MOTION CARRIED.

4. PRESENTATIONS

There were no presentations.

5. CONSENT ITEMS

MOVED by Ms Horbach, seconded by Mr. Gumieniak,

THAT THE CONSENT ITEM 5.1, 5.2, and 5.3 BE APPROVED AS PRESENTED.

MOTION CARRIED.

- 5.1 That the Hamilton Public Library Board approve the following Christmas/New Years closure for 2011:

All locations of the Hamilton Public Library will close December 24th, 2011 at 1300 hrs and will remain closed through to December 27th, 2011, and

That the Library reopen on December 28th and service hours be adjusted from December 28th through December 31st (close 1300 hrs) as noted below, and

That the Library will reopen January 3, 2012.

- 5.2 That Library staff are authorized to use up to \$173,200 from the Library Major Capital Projects Reserve fund (106008) for the capital costs of renewing the public printing system.

That the Hamilton Public Library leverage the City of Hamilton's print contract with Ricoh, and that Ricoh be an authorized print vendor for the Hamilton Public Library.

That Comprise Technologies be the authorized vendor for the supply of print management, computer booking and cost recovery software for the Hamilton Public Library.

- 5.3 That the Reserve for Summer Reading Program (#106009) be renamed as Youth Literacy Reserve.

6. BUSINESS ARISING

- 6.1 Central Library Renovation Phase III

MOVED by Ms Fawcett, seconded by Ms Gautrey,

THAT THE HAMILTON PUBLIC LIBRARY BOARD ALLOW FOR THE CLOSURE OF THE CENTRAL LIBRARY FOR APPROXIMATELY 10 DAYS IN MID NOVEMBER AS REQUIRED FOR COMPLETION OF PHASE THREE CONSTRUCTION.

MOTION CARRIED.

- 6.2 Facilities Update

Mr. Roberts provided a facilities update for Terryberry, Lynden, Waterdown and Saltfleet.

6.3 Statement on Sustainability – Final Report

MOVED by Ms Horbach, seconded by Mr. Gumieniak,

THAT THE HAMILTON PUBLIC LIBRARY ADOPT THE ATTACHED STATEMENT OF SUSTAINABILITY AS BOARD LEVEL POLICY.

MOTION CARRIED.

6.4 Meeting User Needs III: Thoughts on our Next Decade

MOVED by Ms Fawcett, seconded by Ms Gautrey,

THAT THE MEETING USER NEEDS III: THOUGHTS ON OUR NEXT DECADE REPORT BE RECEIVED FOR INFORMATION.

MOTION CARRIED.

7. **CORRESPONDENCE**

Letter from Mr. Don Morrow dated August 16, 2010

Received for information.

Letter from Santina Moccio to Mr. Don Morrow dated August 23, 2010

Received for information.

8. **REPORTS**

8.1 Chief Librarian's Report

MOVED by Ms Gautrey, seconded by Ms McKeating,

THAT THE HAMILTON PUBLIC LIBRARY RECEIVE THE REPORT FOR INFORMATION.

MOTION CARRIED.

9. **NEW BUSINESS**

9.1 Budget Variance Report – July 31, 2010

MOVED by Ms Gautrey, seconded by Mr. Gumieniak,

THAT THE BUDGET VARIANCE REPORT AS AT JULY 31, 2010 AND ESTIMATE TO DECEMBER 31, 2010 BE RECEIVED.

MOTION CARRIED.

9.2 2011 Draft Operating Budget

MOVED by Ms Gautrey, seconded by Ms Horbach,

**THAT THE ATTACHED 2011 DRAFT OPERATING BUDGET – 1ST
DRAFT BE ACCEPTED FOR INFORMATION.**

MOTION CARRIED.

9.3 Reading and Homework Clubs

MOVED by Mr. Geczy, seconded by Ms Gautrey,

**THAT UP TO \$12,000.00 BE ALLOCATED FROM THE RESERVE FOR
YOUTH LITERACY (#106009) TO PILOT FALL READING AND
HOMEWORK CLUBS**

MOTION CARRIED.

10. PRIVATE AND CONFIDENTIAL

MOVED BY Ms McKeating, seconded by Ms Gautrey,

**THAT THE LIBRARY BOARD MOVE IN-CAMERA TO DISCUSS EMPLOYEE
RELATED MATTERS.**

MOTION CARRIED.

MOVED by, Ms Gautrey seconded by Ms Fawcett,

THAT THE IN-CAMERA SESSION BE ADJOURNED.

MOTION CARRIED.

11. DATE OF NEXT MEETING

Wednesday, October 20, 2010
Central Library, Board Room, 5th Floor
5:30 p.m. Dinner
6:00 p.m. Meeting

12. ADJOURNMENT

MOVED by Ms McKeating, seconded by Ms Gautrey,

**THAT THE HAMILTON PUBLIC LIBRARY BOARD MEETING OF
WEDNESDAY, SEPTEMBER 22, 2010 BE ADJOURNED.**

MOTION CARRIED.

The meeting was adjourned at 8:30 p.m.

Minutes recorded by Karen Hartog.



Hamilton Public Library

Date: October 14, 2010
To: Chair and Members of Library Board
From: Ken Roberts, Chief Librarian
Subject: Friends of the Hamilton Public Library Policy Statement

RECOMMENDATION:

That the Hamilton Public Library Board replace its existing policy statement regarding the Friends of the Hamilton Public Library with the following: That the Hamilton Public Library Board endorse the establishment and existence of a benevolent, voluntary and charitable association to be called "The Friends of the Hamilton Public Library Board" so long as such an association act to the benefit of the library system and so long as any profits are used to support the goals of the Hamilton Public Library.

Background:

The existing policy was written and passed by the Library Board shortly after amalgamation. It speaks only to the establishment of a Friends association and, while setting up the Friends as a completely separate legal entity, delves more deeply into the operations of the Friends (such as establishing membership voting criteria and governance issues) than an arms-length relationship should require.

This recommended motion does not restrict any activity of the Friends but it does clarify that the Library Board is not an associated organization.

Chief Librarian's Report

October, 2010

Appointment of Michael Ciccone to Director of Collections

Michael Ciccone has been appointed as our Director of Collections. Michael has already assumed his new responsibilities and had been working at the Hamilton Public Library as a manager. Before coming to HPL two years ago, Michael held management positions at both the Washington D.C. library system and the New York Public Library, both centered on Collections. We are extremely glad to welcome Michael. His knowledge and experience will be vital to us, given the rapid shift to electronic library collections.

Appointment of Rebecca Raven to position of Director of Public Services

Rebecca Raven has been appointed to one of our two Director of Public Services positions, with a primary responsibility for the Central Library. While Rebecca does not begin her responsibilities until the beginning of November, she will be slowing be moving into her new responsibilities. Rebecca is a member of the Royal Botanical Gardens Board and has worked at the Hamilton Public Library both as a manager and as a Youth Services Librarian.

Canadian Urban Libraries Council meeting

We hosted about forty chief librarians from across the country on October 4 – 5th. We were able to give them a tour of the Central Library's first floor renovations. It was a highly successful meeting. Michael Ciccone attended part of the meeting and will be a part of a CULC group working through ebooks issues with publishers and distributors.

Central Library

There have been a few minor set-backs, such as glass that was not cut properly and needed to be back ordered, that have delayed the time that we are scheduled to take possession. We still anticipate opening in early December.

Lynden

The Committee of Adjustment meeting to deal with the request for a property set-back variance will take place on October 21st at 2:30 pm in the Council Chambers of City Hall. This is a critical meeting for our plans to construct a library in Lynden.

Waterdown

Sam Gargarello has been appointed project manager of the Waterdown complex by the City of Hamilton. I am the leader for the clients' group. Sam and I met with Arend Kersten, Executive Director of the Flamborough Chamber of Commerce, on October 14th in order to review, with him, his space requirements – if the Chamber should be included as a partner. City Finance will discuss costs with the Chamber.

We held a program development meeting with all of the approved stakeholders on October 19th. The intent is to determine the size of the new building, the relationships between the partners and the expectations of everyone. This is a preliminary step before hiring an architect.

Knowledge Ontario

Knowledge Ontario never has had secure provincial funding. It lost its bid for provincial funding last Spring and, unless the Province provides funding, it will wind down operations by the middle of next year. The Province did provide \$2,000,000 to SOLS/OLS North for provincial licensing of some electronic material but this leaves such valuable programs as AskOn and OurOntario without sustainable funding. Knowledge Ontario has asked various sectors for bridge funding that might allow them to continue to provide all services while they lobby the Province of Ontario for support. It is impractical for them to receive funds from all Ontario public library systems and they are asking the larger library systems to provide support for the public library sector. We cannot justify asking for such funds as we would be reallocating local grant funds to another agency without a connection to services.

Hamilton Public Library Increasing Internet Bandwidth

Public Libraries are now eligible to join the *Ontario Research and Innovation Optical Network (ORION)*. This high speed optical network connects Ontario universities, colleges, research hospitals, and now some public school board and public libraries. Library staff have been working with Orion and the City of Hamilton staff to facilitate this new connection. Joining ORION will help HPL meet an increasing demand for Internet bandwidth from public computers and wireless customers. We anticipate the library will be connected to the new network in advance of the reopening of Central.



Hamilton Public Library

Date: October 20th 2010
To: Chair and Members of the Board
c.c. Ken Roberts, Chief Librarian
From: Robin Hewitt, Director, Finance and Facilities
Subject: 2011 Draft Operating Budget and 2010 Estimates

RECOMMENDATION:

That the attached 2011 Draft Operating Budget – 2nd Draft and 2010 Estimates be accepted for information

BACKGROUND:

2011 Draft Operating Budget

The City of Hamilton has requested that Boards and Agencies (including the Hamilton Public Library Board) submit a 2011 budget based on an inflationary increase estimated to be 2.0% or less increase over the 2010 Budget.

The attached draft budget was prepared by staff with a view to follow this guideline without a reduction in the level of service.

The 2nd draft of the 2011 Draft Operating Budget is currently at a requested municipal contribution of \$27,610,145 which is an increase of \$235,073 or 0.9% over the 2010 Operating Budget of \$27,375,072. Currently, this budget does not include a contingency for salary and wage increases, which are subject to the determination of City contract negotiations.

In order to limit the increase in the operating budget for 2011 the staff complement has been reduced by 4.94 FTE.

This draft budget was built using the following:

- A contingency is included to account for the second quarter of the 50th percentile increase.
- Increase in Furniture and Fixtures of \$50,000.
- Inclusion of RFID maintenance costs of \$150,000.
- Inclusion of costs for BiblioCommons of \$7,000.

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- Increase in bandwidth costs of \$40,000.
- Inclusion of Green Wall and Aquarium maintenance of \$12,000.
- Increase in security costs of \$75,540.
- Increase in the recovery from the Farmer's Market for Security of \$20,140.
- Increase in transfers to reserves for computers.
- Increase in direct costs, and a decrease in indirect costs (cost allocations) from the City.
- Guidelines issued by the City of Hamilton.

Estimates for 2010

The estimated status of our operating budget as at December 31st 2010 has also been included in the attached spreadsheet. Currently based on what has been recorded as of August 31st, 2010 and estimates of amounts owing and expected to be expended by December 31st 2010, an operating surplus of \$183,243 based on a Council approved Net Levy Budget of \$27,124,193. This estimated projected surplus of \$183,243 would represent 99.3% of the Net Levy Budget. A report submitted to the Board in September 2010 based on July 31th 2010 recorded amounts estimated a projected surplus of \$108,597.

Hamilton Public Library 2011 Draft Operating Budget and 2010 Estimates

Cost Category Report - Draft/Requested

Year: 2011
Version: Draft
Dept: Library
Details at: Section

| Department | Account | 2009 Actual | 2010 Budget Council Approved | 2010 Budget Restated | 2010 Forecast | 2011 Budget Draft | 2011 Requested vs. 2010 Restated Budget | |
|------------|-----------------------|----------------|------------------------------------|----------------------------|------------------|-------------------------|--------------------------------------------|--------|
| | | | | | | | \$ | % |
| Library | Net Levy | 26,537,573 | 27,124,193 | 27,375,072 | 26,940,950 | 27,610,146 | 235,074 | 0.9% |
| | Expense | 28,952,244 | 29,224,273 | 29,475,152 | 29,128,084 | 29,710,226 | 235,074 | 0.8% |
| | EMPLOYEE RELATED COST | 19,101,652 | 20,342,240 | 20,342,240 | 19,731,973 | 20,132,149 | (210,091) | (1.0)% |
| | MATERIAL AND SUPPLY | 4,070,413 | 3,882,618 | 3,882,618 | 3,956,388 | 3,932,618 | 50,000 | 1.3% |
| | VEHICLE EXPENSES | 2,886 | 60,730 | 60,730 | 53,442 | 62,510 | 1,780 | 2.9% |
| | BUILDING AND GROUND | 658,632 | 1,357,190 | 1,357,190 | 1,425,050 | 1,629,453 | 272,263 | 20.1% |
| | CONTRACTUAL | 630,415 | 1,522,840 | 1,522,840 | 1,519,874 | 1,691,840 | 169,000 | 11.1% |
| | RESERVES / RECOVERIES | 954,414 | 1,944,815 | 1,944,835 | 2,333,778 | 1,915,478 | (29,357) | (1.5)% |
| | COST ALLOCATIONS | 3,451,379 | - | 250,859 | - | 232,337 | (18,522) | (7.4)% |
| | FINANCIAL | 82,452 | 113,840 | 113,840 | 107,579 | 113,840 | - | 0.0% |
| | Revenue | (2,414,671) | (2,100,080) | (2,100,080) | (2,187,134) | (2,100,080) | - | 0.0% |
| | FEES AND GENERAL | (676,967) | (569,350) | (569,350) | (626,285) | (569,350) | - | 0.0% |
| | GRANTS AND SUBSIDIES | (1,583,910) | (1,530,730) | (1,530,730) | (1,530,730) | (1,530,730) | - | 0.0% |
| | RESERVES | (153,794) | - | - | (30,119) | - | - | 0.0% |



August 17, 2010

Mr. Ken Roberts
Hamilton Public Library
Box 2700
55 York Boulevard
Hamilton, ON
L8N 4E4

Dear Ken:

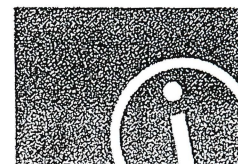
Let me start with an apology: I'm sorry it has taken me so long to respond to your letter of March 31, 2010 regarding The Hamilton Spectator photograph collection at the library. Given the complexities of copyright law, and my own rather limited understanding of this area in a digital age, I wanted to seek legal counsel before getting back to you. And that, I'm afraid, took much longer than I had anticipated.

I've now received direction from our legal affairs team, so my apologies, again, as the remainder of my correspondence may sound like it was drafted by a lawyer.

Please note the following in response to your request that The Hamilton Spectator (the "Spec") permit the Hamilton Public Library (the "Library") to digitize the Photo Collection and to make the latter available through its PreVIEW project.

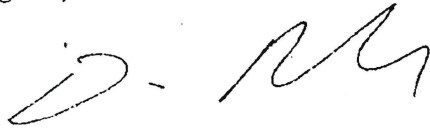
In brief, the Spec is prepared to permit the Library to digitize the Photo Collection and to permit the library to use the Photo Collection in all formats, including the digital format at no charge to the Library, on condition that the Library permit the Spec to continue to access the Photo Collection, including in the digital format and through PreVIEW, as applicable.

For avoidance of any doubt, the Photo Collection is provided to the Library "AS IS" without warranty of any kind. The Spec hereby disclaims any and all other express or implied warranties including, without limitation, the implied warranties of merchantability, non-infringement and fitness for a particular purpose.



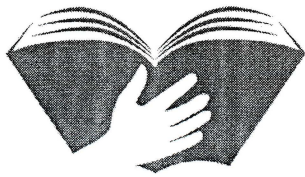
Ken, I trust this addresses your needs. If there is anything further you require, please don't hesitate to contact me. I think the Spec photographs are an important collection, and I'm thrilled the citizens of Hamilton will have even greater access to them as a result of your efforts.

Regards,

A handwritten signature in dark ink, appearing to read 'D. Robbins', with a stylized, cursive script.

Dana Robbins
Publisher, The Hamilton Spectator

cc. Paul Berton, Editor-in-Chief
Jane Allison, Community Relations



Hamilton Public Library

Date: October 14, 2010
To: Chair and Members of Library Board
c.c. Ken Roberts, Chief Librarian
From: George Geczy, Board member
Subject: Canadian Copyright legislation

RECOMMENDATION:

That the Hamilton Public Library Board endorse the attached letter as its contribution to the discussion on new copyright legislation and that the letter be distributed, as appropriate, to members of the federal government and to the library community.

Dear Minister Clement:

The Hamilton Public Library, both on its own and as a member of the Canadian Library Association, understands that libraries have a unique role to play in the ongoing national debate surrounding Copyright Reform. Library users cannot be classified into a single demographic or category. The millions of Canadians and residents who use our services range from children to seniors, from students to business owners, and across the entire spectrum of economic and cultural backgrounds. While the debate around the proposed amendments to the Copyright Act are often framed as one special interest group against another, the only "special interest" that libraries represent is that of the Canadian public as a whole.

It is through this lens that we would like to provide you with some of our views on Bill C-32. The Hamilton Public Library endorses the Canadian Library Association's position on this Bill, as outlined in their recent report entitled *Protecting the Public Interest in the Digital World*. We also support the CLA's submission to your recent *Improving Canada's Digital Advantage* consultation, a submission which also highlights the importance of a balanced and fair Copyright Act as part of Canada's digital strategy.

There are many positive features of Bill C-32, such as the expansion of the definitions of fair dealing, as well as some specific new rights for persons with print and perceptual disabilities. The Bill's approach towards Digital Rights Management and Technological Protection Measures (digital locks), however, undermines these improvements and eliminates the balance that we feel is a fundamental requirement of fair Copyright reform.

We feel it is important to allow the circumvention of digital locks for legal, non-infringing purposes. Without such an addition, fair dealing moves from a protected public right and becomes a tangled web of corporate decisions.

Defined limitations to digital rights management will allow users the ability to apply their fair dealing rights, including the new education, parody and satire rights, as well as provide libraries with the required flexibility needed for preservation of cultural content and for dealing with materials where copyright has expired. Even where the Bill attempts to create exemptions from the digital locks provisions, such as for persons with perceptual disabilities, the requirements are so onerous that they effectively nullify these exemptions.

The proposed Bill also puts up unnecessary barriers for libraries to offer effective reference and research services that meet the changing needs of the digital era. The new restrictions on library copying for users are onerous, and a step back from recent legal precedents on the use of materials for research and private study. We feel that these uses should be allowed for in a truly format-neutral manner and that institutions

must be permitted to act on behalf of Canadians (both directly and through interlibrary loan) in any way that Canadians are permitted to do for themselves.

We trust that you will give serious consideration to these concerns about the proposed reforms in Bill C-32. In the end we share the same goal, which is to achieve a fair and balanced Copyright environment that benefits all Canadians, creators and users alike.