

Mission Statement
Freedom to Discover

Strategic Priorities
A Community Beacon Relevant and Responsive
Learning and Innovative Organization

HAMILTON PUBLIC LIBRARY BOARD

Regular Board Meeting
Wednesday, February 17, 2021
Central Library, Board Room

6:00 PM Meeting

AGENDA

1. Discussion Period

1.1 Land Acknowledgement - NV

2. Acceptance of Agenda

3. Minutes

3.1 Minutes of the January 20, 2021 Hamilton Public Library Board - AS -
Attachment # 3.1

4. Declaration of Conflict

5. Presentations

6. Strategic Planning

6.1 Update on Strategic Plan Development (1st Review) - PT - Attachment #
6.1

Suggested Action: Receive

7. Consent Items

7.1 Upcoming and Outstanding Agenda Items - PT - Attachment # 7.1

Suggested Action: Receive

8. Business Arising

9. Correspondence

10. Report

10.1 COVID-19 Response Update Report - PT - Attachment # 10.1

Suggested Action: Receive

10.2 2020 Year end Metric Reports - TD - Attachment # 10.2

Suggested Action: Receive

10.3 Chief Librarian Report - PT - Attachment # 10.3

Suggested Action: Receive

11. New Business

11.1 Reducing Barriers - Fines and Fees Update - TD/DW/LW

Suggested Action: Receive

12. Policies

12.1 Legal Opinion on the Working with Us Policy - PT/LW - Attachment # 12.1

Suggested Action: Recommendation

13. Private and Confidential

13.1 Potential Acquisition of Property - PT/TD

14. Date of Next Meeting

14.1 Wednesday, March 17, 2021 - 6:00 pm Meeting

15. Adjournment

Date: February 17, 2021
To: Chair and Members of the Board
From: Alyssa Seul, Senior Leadership Support Manager
Subject: **Minutes of the January 20, 2021 Hamilton Public Library Board - AS - Attachment # 3.1**

RECOMMENDATION:

THAT THE HAMILTON PUBLIC LIBRARY MINUTES OF WEDNESDAY, JANUARY 20, 2021 BE ADOPTED AS PRESENTED.

ATTACHMENTS:

Description	Upload Date	Type
Minutes of the January 20, 2021 Hamilton Public Library Board Meeting	2/12/2021	Cover Memo

Mission Statement
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Strategic Priorities
A Community Beacon Relevant and Responsive
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HAMILTON PUBLIC LIBRARY BOARD

Inaugural Board Meeting
Wednesday, January 20, 2021
Central Library, Board Room

6:00 PM Meeting

MINUTES

VIDEO

PRESENT:

N. van Velzen, E. Bowen, R. Coruzzi, J. Kirkpatrick, S. Laurie,
Councillor Pearson, L. Spence-Smith, Councillor Partridge, C.A.
Klassen

STAFF:

P. Takala, S. Fahim, L. Weaver, D. Wark, T. Del Monaco, L.
DuPelle, A. Seul

REGRETS:

H. Dhaliwal

Time to Order:

Mr. Takala called the meeting to order at 6:02 p.m.

1. Discussion Period

1.1 Land Acknowledgement - NV

The Hamilton Public Library is situated upon the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee(pronounced “Hau-dee-no-sho-nay”) and Mississaugas. This land is covered by the Dish With One

Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek (pronounced “Ah-nish-ih-naw-bek”) to share and care for the resources around the Great Lakes. We further acknowledge that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. Today, Hamilton is home to many Indigenous people from across Turtle Island (North America) and we recognize that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

1.2 Order of Hamilton - George Geczy - NV

2. Acceptance of Agenda

MOVED by Lori-Anne Spence-Smith, seconded by C.A. Klassen,

THAT THE HAMILTON PUBLIC LIBRARY BOARD ADOPT THE AGENDA AS PRESENTED.

MOTION Passed

3. Minutes

3.1 Minutes of the December 16, 2020 Hamilton Public Library Board Meeting - AS - Attachment # 1.1

C.A. Klassen was present at the December 16, 2020 board meeting.

MOVED by Lori-Anne Spence-Smith, seconded by Maria Pearson,

THAT THE HAMILTON PUBLIC LIBRARY BOARD MINUTES OF WEDNESDAY, DECEMBER 16 2020 BE ADOPTED AS AMENDED.

MOTION Passed

4. Declaration of Conflict

C.A. KLASSEN DECLARED AN INTEREST TO ITEM 12.1, WALDON RESEARCH FUNDING REQUEST, AS THEY WORK AT MCMASTER UNIVERSITY.

5. Report of the Nominating Committee Meeting

5.1 Minutes of the Nominations Committee and Proposed Slate of Officers - PT - Attachment # 5.1

MOVED by Lori-Anne Spence-Smith, seconded by Robert Coruzzi,

THAT THE HAMILTON PUBLIC LIBRARY BOARD APPROVE THE MINUTES OF THE JANUARY 11, 2021 NOMINATIONS COMMITTEE MEETING.

MOTION Passed

5.2 Election of Board Officers - PT

CHAIRPERSON Nick van Velzen, VICE-CHAIRPERSON C.A. Klassen, SOLS REPRESENTATIVE Elly Bowen, AUDIT COMMITTEE Elly Bowen, Stu Laurie, Robert Coruzzi, TREASURER Paul Takala

MOVED by Lori-Anne Spence-Smith, seconded by Robert Coruzzi,

THAT THE SLATE OF OFFICERS FOR THE 2021 LIBRARY BOARD BE ADOPTED.

MOTION Passed

6. Board Chairman Calls the Inaugural Meeting to Order

N. van Velzen called the Inaugural meeting to order at 6:14pm.

7. Presentations

7.1 2021 Budget Presentation - PT/TD - Attachment # 7.1

Staff reviewed the 2021 operating budget presentation prepared for Council. The presentation will be presented to Council on January 21st at 10:15 am

8. Consent Items

MOVED by Lori-Anne Spence-Smith, seconded by John Kirkpatrick,

THAT CONSENT ITEMS 8.1 AND 8.2 BE ADOPTED AS PRESENTED.

MOTION Passed

8.1 Upcoming and Outstanding Agenda Items - PT - Attachment # 8.2

That the Hamilton Public Library Board receive the Upcoming and Outstanding Items Report for information.

8.2 Access to Information & Communication Technology (2nd Review) - SF - Attachment # 8.1

That the Hamilton Public Library Board receive and approve the Access to Information and Communication Technology Policy.

9. Business Arising

- 9.1 Update on COVID-19 Restrictions & HPL's Response - PT - Attachment # 9.1

MOVED by John Kirkpatrick, seconded by Elly Bowen,

THAT THE HAMILTON PUBLIC LIBRARY BOARD RECEIVE THE UPDATE ON COVID-19 RESTRICTIONS AND HPL'S RESPONSE REPORT FOR INFORMATION AND COMMENT.

MOTION Passed

- 9.2 Carlisle Project Update - TD - Attachment # 9.2

MOVED by Stu Laurie, seconded by Elly Bowen,

THAT THE HAMILTON PUBLIC LIBRARY BOARD RECEIVE THE CARLISLE PROJECT UPDATE REPORT FOR INFORMATION.

MOTION Passed

- 9.3 Central Staircase Lights - TD - Attachment # 9.3

MOVED by Lori-Anne Spence-Smith, seconded by C.A. Klassen,

THAT THE HAMILTON PUBLIC LIBRARY BOARD APPROVE THE USE OF \$70,000 FROM THE LIBRARY CAPITAL ENHANCEMENT RESERVE #106013 FOR THE REPLACEMENT OF THE CENTRAL LIBRARY ATRIUM STAIRWELL LIGHTS.

MOTION Passed

10. Correspondence

11. Report

- 11.1 Final Report on 2020 Goals - PT - Attachment # 11.1

MOVED by Lori-Anne Spence-Smith, seconded by John Kirkpatrick,

THAT THE HAMILTON PUBLIC LIBRARY BOARD RECEIVE THE FINAL REPORT ON 2020 GOALS.

MOTION Passed

- 11.2 Chief Librarian Report - PT - Attachment #11.2

MOVED by Lori-Anne Spence-Smith, seconded by John Kirkpatrick,

**THAT THE HAMILTON PUBLIC LIBRARY BOARD RECEIVE THE
JANUARY 2021 CHIEF LIBRARIAN REPORT.**

MOTION Passed

12. New Business

12.1 Waldon Research Funding Request - LW/TD

MOVED by Lori-Anne Spence-Smith, seconded by John Kirkpatrick,

**THAT THE HAMILTON PUBLIC LIBRARY BOARD APPROVE THE
USE OF A MAXIMUM OF \$25,000 FROM THE F WALDON TRUST
FUNDS # 23163 TO SUPPORT A POST DOCTORATE
MCMASTER UNIVERSITY RESEARCHER IN RESIDENCE AT
THE LIBRARY IN 2021.**

MOTION Passed

13. Policies

14. Private and Confidential

15. Date of Next Meeting

15.1 Wednesday, February 17, 2021 - 6:00 pm Meeting

16. Adjournment

MOVED by Lori-Anne Spence-Smith, seconded by Stu Laurie,

**THAT THE HAMILTON PUBLIC LIBRARY BOARD MEETING OF
WEDNESDAY, JANUARY 20, 2021 BE ADJOURNED.**

MOTION Passed

Minutes recorded by Alyssa Seul

Date: February 17, 2021
To: Chair and Members of the Board
From: Paul Takala, Chief Librarian/CEO
Subject: **Update on Strategic Plan Development (1st Review) - PT - Attachment # 6.1**

RECOMMENDATION:

That the Library Board receive the Strategic Plan Report for review and comment.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

One of the core responsibilities of the Library Board is to develop a Strategic Plan to provide longer-term direction and help ensure the public library is responsive to changing community needs.

BACKGROUND:

The attached document provides an overview and timelines for proposed steps to update HPL's Strategic Plan. We are looking for feedback and input to finalize the document for Board approval at an upcoming meeting. The progress we are making on the plan will be reviewed on a periodic basis by the Library Board and will provide the opportunity to explore specific steps in more depth, as well as, to make adjustments to the plan should circumstances warrant.

ATTACHMENTS:

Description	Upload Date	Type
Strategic Plan Development Overview	2/12/2021	Cover Memo

Date: February 17, 2021
To: Board Chair and Library Board
From: Paul Takala, CEO/Chief Librarian
Subject: **Strategic Plan Timelines and Process- 1st Review**

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Introduction

As we look ahead to the rest of 2021, we find our organization facing an increased risk of community spread of COVID-19 and greater restrictions on our operations than we had foreseen as we entered Q4 of 2020. Further complicating this is the risk of new and more transmissible strains of the virus and the anticipation that widespread vaccinations will take many months. The Ontario government is anticipating that mass vaccinations beyond high risk groups will take place between March and July of this yearⁱ. The federal government has said that a majority of Canadians that want the vaccination will have it by Septemberⁱⁱ. Approval of additional vaccines and increases in supply could shorten the time frame, however, as a planning assumption we should anticipate major restrictions to be in place until sometime in Q3. We should also assume that sometime in Q1 the current Shut-down restrictions will be relaxed somewhat. Recently the Ontario government announced that on February 16, Hamilton will move out of the Stay-at-Home-Order and move to the revised phased restrictions. As the risk of community spread decreases, we will likely see a slow gradual reopening like we did in the summer and fall of 2020. The proposed timelines for the new Strategic Plan consider our need to continue to respond to COVID-19 pandemic. As we make progress, we will work with the Library Board to update these timelines depending on our progress and the circumstances we face.

New Strategic Plan 2022-2025

HPL's current Strategic Plan takes us to the end of 2021. Work will commence on the new plan in 2021, however, with need to respond to the ongoing pandemic, we are proposing a draft timeline that will enable HPL to advance planning for the 2022-2025 period, while allowing adequate capacity to focus on COVID-19. As was stated in previous reports, we should look at these timelines as guidelines that may need to be adjusted as the circumstances unfold. Also, with all the changes that COVID-19 has brought, as we develop the plan we will need to discern and confirm over time between temporary changes and lasting changes in how residents utilize our services and resources. The Library Board through the Strategic Planning process will update our plan and as we work through it, we should acknowledge that ensuring HPL is a *Community Beacon*; *Relevant and Responsive*; and a *Learning and Innovative Organization* clearly resonate with our current situation.

STRATEGIC PLAN PROPOSED TIMELINES

* Indicates 1st Review by the Library Board

ITEM	2021 - Q1	Q2	Q3	Q4	2022- Q1	Q2
BOARD ACTIVITIES	UPDATES AND BOARD DISCUSSION					
	FEB - S. PLAN TIMELINES* FEB - LONGER-TERM METRICS APR - REPORT ON LAST S. PLAN MAY - BACKGROUND READINGS*		SEPT - MEETING COMMUNITY & RESIDENT NEEDS V*		TBD - BOARD RETREAT(S) APR - REPORT ON SURVEYS* MAY - NEW STRATEGIC PLAN*	
RESEARCH & CONSULTATION	MANAGEMENT TEAM, EXTENDED MANAGEMENT TEAM & STAFF ENGAGEMENT					
	FEB - APR - BACKGROUND READINGS & RESOURCES		SEPT - STAFF SURVEY NOV - STAFF FOCUS GROUPS		FEB - COMMUNITY SURVEY JAN - MAR - SURVEY & DIALOGUE WITH PARTNERS	

KEY BACKGROUND READING & RESOURCES

One of the tasks that will help key HPL stakeholders have an informed discussion on our role in the coming years will be to collect key reports, research and insights. As was done in 2017, this process is intended to involve Library Board members, staff, management and the Senior Leadership Team (SLT) to collect and recommend resources to inform discussions. With the Ontario Library Association (OLA) conference and the ability for Board members and staff alike to watch sessions in the coming months, we have a unique opportunity to use those sessions to help provide insights to help inform the Strategic Planning discussions. Between now and the May Library Board meeting we will be working on identifying key sources to include in a document that will summarize the **Key Background Readings** document. As with the [document developed in 2017](#) SLT will work to consolidate this information with key and the most relevant sections of the resources while also linking to the full version of resources that creates the opportunity for further exploration. As the planning process unfolds beyond May 2021, there will be an ongoing opportunity for additions to the document should new information and insights become available.

KEY COMPARATIVE AND LONG-TERM METRICS

Understanding longer term trends and how we compare with other peers will help inform discussions about where we are doing well and where we have opportunities for growth. In February we will present the initial Longer-Term Metrics. With the COVID-19 pandemic disrupting the accumulation of some comparative statistics and significant fluctuations in usage due to changing circumstance the goal is to update the February report as more information becomes available.

UNDERSTANDING & BUILDING ON SUCCESS AND PAST INNOVATION

If you look at HPL Strategic Plans since 2005ⁱⁱⁱ, you can see a clear progression and continuous work to build on previous achievements. The goal has been to readjust and refine priorities, respond to new challenges and opportunities but also to ensure we understand what is working well and to not undermine previous progress. A comprehensive report was done on the [Accomplishments of the 2012-2016 Strategic Plan](#) in 2017. As part of the process of looking forward, staff will develop a report for review in April that looks at the period of the current plan.

MEETING COMMUNITY & RESIDENTS NEEDS V

In 2010 former Chief Librarian, Ken Roberts, expanded on two previous **Meeting User Needs** reports developed in the years after amalgamation to create [Meeting User Needs III – Thoughts on our Next Decade](#). That report was adopted by the Library Board in June 2010. In 2017 as the Library Board was developing its new strategic plan the Board approved [Meeting User Needs IV](#) an updated version of the 2010 document. In retrospect the 2017 report pointed to a more positive future for libraries than the last report. The goal of these reports was to identify longer term trends and challenges. As a public library we have faced, in the last few decades, the need to respond to the needs of residents and the communities we serve in a world where they are facing accelerating rates of change. Ensuring we stay true to our core values and ethical framework while also responding to changing needs is key to our success. As we move forward, we need to remember that a public library at its core is about creating space for everyone to feel welcomed, so we can support their learning, personal growth and connection to community. More fully realizing our mission is an ongoing journey. As we embark on updating the 2017 document, we are proposing we call it **Meeting Community & Residents Needs V – Thoughts on our Next Decade**. The goal is to have that document updated by September.

STAFF SURVEY AND FOCUS GROUPS

While the Library Board has responsibility for approving the Strategic Plan, using the process to engage staff is an important element of ensuring staff contribute to the discussions and understand the context with which we are operating. Like in 2017, asking staff to suggest readings and resources to consider for the **Key Background Readings and Resources** document will help identify different perspectives for consideration. The pandemic has brought stress to many people and we are looking this year to work collaboratively with other Libraries to try to understand challenges and opportunities to improve staff wellness through a

well-designed survey. In the fall we plan to have virtual Staff Focus Groups to explore issues emerging from the Library Board discussions on the Strategic Plan. Our experience from the last plan showed that there were many areas of strong alignment between the Board, SLT, Management and staff. In areas where a disconnect is identified we will be able to explore what is behind that disconnection and work to address.

SURVEY AND DIALOGUE WITH PARTNERS

The pandemic has disrupted the normal work of many of our partnerships. Throughout 2021 we will be reaching out to key partners and exploring ways we can work together for the recovery. As we operationalize and finalize the **Working with Us Policy**, we will be engaging with partners to understand obstacles and opportunities for how we can work better together. In early 2022 we will be engaging in a more formal process to ensure we are creating an open and transparent dialogue with partners regarding ways we can work together to have a collective impact.

BOARD RETREAT(S)

Engaging the Library Board in focused discussions on the Strategic Plan is an important mechanism beyond setting time aside at regular Board meetings. We are proposing we have a couple scheduled retreats with the Library to discern what from all we have learned from the process needs to be formally incorporated into our Strategic Plan. We are proposing those for early 2022 for two primary reasons: firstly, the Library Board will be able to have a fully informed discussion that is based on the work that precedes the retreats and secondly, the likelihood of being able to host in-person sessions will increase as time goes on. Ultimately, it will be a Board decision as to the timing and nature of the retreats.

Conclusion

The process proposed for the Strategic Plan follows a similar process as was done last time, albeit adjusted for current circumstances. We are looking for feedback on this plan and welcome questions and suggestions. The plan is to make any necessary revisions and return it for Board approval. The plan is intended to provide an overall outline and as the process unfolds the Board may decide to make adjustments or request additional information as needed.

ⁱ https://covid-19.ontario.ca/getting-covid-19-vaccine-ontario?gclid=CjwKCAiAu8SABhAxEiwAsodSZNtOYMIxLOla0ml7F5o5EFy-nOI_SkpN9RPvwPWv97cLmPKINhIJoBoCOLAQAvD_BwE#when-vaccines-will-be-available

ⁱⁱ <https://www.cbc.ca/news/politics/canadian-vaccines-september-2021-1.5844314>

ⁱⁱⁱ <https://www.hpl.ca/articles/key-reports> - See Strategic Plans starting in 2005, 2009, 2012, 2018

Date: February 17, 2021
To: Chair and Members of the Board
From: Paul Takala, Chief Librarian/CEO
Subject: Upcoming and Outstanding Agenda Items - PT - Attachment # 7.1

RECOMMENDATION:

That the Library Board receive the Upcoming and Outstanding Agenda Items Report.

ATTACHMENTS:

Description	Upload Date	Type
Upcoming Agenda Report - February 2021	2/11/2021	Cover Memo

Date: February 17, 2021
To: Chair and Members of the Library Board
From: Paul Takala, Chief Librarian/CEO
Subject: **Upcoming Agenda Items**

2021 LIBRARY BOARD MEETING SCHEDULE

- ❖ Items are listed for the month they are scheduled for 1st Review
- ❖ Staff will continue to provide updates to the Library Board on COVID-19 in 2021

Month	Agenda Items
January 20	<ul style="list-style-type: none"> ✓ Election of Officers ✓ Operating Budget Presentation to Council ✓ Final Report on 2020 Goals
February 17	<ul style="list-style-type: none"> ✓ 2020 Year-End Metrics Report ✓ New Strategic Plan Timelines & Process ✓ Legal Review <i>Working with Us Policy</i>
March 17	<ul style="list-style-type: none"> • Annual Report on Partnerships • Audit Committee Report (moved from Feb to Mar-TD) • Initial Report on Last Year Financials (Pre-Audit) (moved Apr to Mar-TD) • Reserve Report Update (moved from Apr to Mar – TD) • Capital Variance Report • Privacy Policy for Library Customers
April 21	<ul style="list-style-type: none"> • Copyright & Intellectual Property Policy • Policy Development Framework • Rights of Children & Teens in the Public Library • Safety of Children in the Public Library
May 19	<ul style="list-style-type: none"> • Q1 Metrics Report • Purchasing Policy • Cash Handling Policy • 2021 Operating Budget Variance • Displays & Exhibits Policy • Local History & Archives Collection Policy
June 16	<ul style="list-style-type: none"> • <i>Mid-Year Progress Report on 2021 Goals</i> • Report from the Audit Committee • Board Bylaws • Fines and Fees Report
July, August	<ul style="list-style-type: none"> • No Meetings
September 8	<ul style="list-style-type: none"> • Q2 Metrics Report • 2021 Operating Budget Variance

	<ul style="list-style-type: none"> • Holiday Closures for Following Year • Reserves Update • Capital Budget Submission • Update on Capital Projects • Donations & Sponsorship Policy
October 20	<ul style="list-style-type: none"> • Operating Budget Next Year • Multi-Year Business Plan & 2022 Goals • Security Camera Policy • Staff Development & Training Policy • Employee Assistance Program (EAP)
November 17	<ul style="list-style-type: none"> • Meeting Dates for Following Year • Board Nominating Committee • Operating Budget Next Year – Final • Q3 Metrics Report
December 15	<ul style="list-style-type: none"> • 2022 Budget Presentation

ITEMS TO RE-SCHEDULED

Annual Report on Revenue Generation
Municipal Benchmarking Report

Date: February 17, 2021
To: Chair and Members of the Board
From: Paul Takala, Chief Librarian/CEO
Subject: **COVID-19 Response Update Report - PT - Attachment # 10.1**

RECOMMENDATION:

That the Library Board receive this report for information and comment.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The COVID-19 Pandemic is a public health emergency. Our first responsibility in this crisis is to protect the health of staff and the public. As an organization, we then need to support the broader emergency response as we enhance online services during the closure. Finally, we need to play a positive, leadership role in helping residents and the communities we serve recover.

In the coming months we will continue to investigate and report to the Library Board the potential financial, staffing and legal implications of the pandemic and the accompanying public health and economic challenges that this brings.

ATTACHMENTS:

Description	Upload Date	Type
COVID-19 Response Report - February 2021	2/12/2021	Cover Memo

Date: February 17, 2021
From: Paul Takala, CEO/Chief Librarian
To: Chair and Members of the Board
Subject: **Update on our COVID-19 Response Plan**

INTRODUCTION

I want to thank staff for all that you have been doing to assist our members during the Shutdown period. I know it has not been the most pleasant start to a year, however, we continue to carry on. In a recent letter that appeared in the Spectator from a resident named Anne, she wrote: *"Kudos to the Hamilton Public Library for consistently engaging the community during this challenging time..."* I think Anne's note reflects how a lot of community members feel, so Kudos to the staff of HPL and thank you for ensuring HPL continues to be a *Community Beacon* in the midst of the pandemic.

ENDING OF THE STAY-AT-HOME-ORDER

The provincial Shut-down impacting Hamilton is coming to an end on Tuesday, February 16. This reflects the progress that has been made in reducing the spread of the virus. We should note that the Province has specifically stated that they are prepared to quickly reverse course should the situation deteriorate. The presence of the new variants of the virus is somewhat of an unknown and could change the trajectory of community spread. We will have to continue to be diligent and watch the situation carefully.

On February 12 we were informed that Hamilton will be moving to the **Red-Control** phase next week. An overview of the [Updated Provincial Framework](#) has been released by the Province. The main differences between Red and Grey is in Red members will also be able to pick-up their own items from the Holds Shelf, be allowed to access the stacks and be able to sit in the Library while not just sitting at a computer station. The move to Red will also enable us to increase our capacity somewhat from the Grey-Control capacity numbers, although the Red-Capacity numbers are still lower than what we are mandated to have.

WHAT WE KNOW ABOUT THE NEXT PHASE

HPL's Approach to the Next Phases – While we cannot control how much notice we get for increased restrictions on our operations, we can control how quickly we move to offer more services. As restrictions are lifted, we will move to implement changes in a way that creates more certainty for staff.

- **HPL Phasing in Red Starting Next Wednesday** – Because we were anticipating a move to Grey-Lockdown next week, not Red, we are going to be giving each location a week to phase into Red. The plan is to complete this process by February 23, however, if locations can logistically transition sooner then they are encouraged to do so.
 - **Computer Usage** - Starting on February 17 we will be opening all locations for computer usage and self-service printing, scanning and photocopying.
 - **Holds Process** - From an operational standpoint, enabling members to come into the Library to collect holds themselves and check them out themselves will be easier to administer and much less labour intensive. We will leave it up to each location as to how soon they can make the change during the transition period.
 - **Access to Stacks & Seating not at Computers** – Starting next Tuesday we are no longer mandated to prevent members from accessing the stacks or sitting in the Library

not at a computer station. We anticipate it may take a few days for this to happen and all locations have until the 23rd to complete that process.

- **Local Capacity Numbers** – We will also be phasing in the Red-Control capacity numbers like the other changes in service. See the table below for local member capacity numbers.
- **Public Washroom Access** – Public washrooms will reopen on February 17. Should someone ask to come in just to use the washroom, that is allowed provided contact tracing is done.
- **Library Services Hours – No Immediate Changes** – Our service hours will not change this month, February 2021. We currently plan to review the situation over the next several weeks and will start to consider making changes in early March. When a decision is made about expanding service hours, we will be providing three (3) weeks advanced notice to give time for schedules to be updated and for staff to adjust.
- **HPL Warming Centre Hours** – We will continue to provide “Warming Centre” services while under official cold-weather alerts during the current service hours we are offering at the time.

BRANCH CAPACITY NUMBERS

The table below shows our regulated capacity numbers during the pandemic, and the Red and Grey phase numbers.

- *The **Regulation for Max Public Capacity** during COVID-19 is based on the following formula:
- Estimated Square Public Footage (ESPF) divided by 144 [$ESPF/(12 \times 12)$]. This supports the ability to have a 6-foot radius around each person. Stacks and other physical barriers create natural barriers that support physical distancing.
- The **Grey Max Capacity** number is reduced to account for the following activities: computer usage, public washrooms access and holds pick-up inside the Library.
- The **Red Max Capacity** number is stricter than what the regulations allow to ensure we can manage our spaces.
- If capacity numbers are temporarily exceeded by a few people while under Grey or Red that is not a problem, as long as we ensure that we are able to support physical distancing. Repeated challenges with managing these very low capacity limits should be reported promptly to your Director so the Emergency Response Team (ERT) can address.

LOCATION	*Regulation for Public Max. Capacity during COVID-19	RED MAX. PUBLIC CAPACITY	GREY MAX. PUBLIC CAPACITY	# of Public Computers
Central- 1 st Floor	146 Ham Rm - 93	50	35 – computers and holds	25
Central 2	126	50	12	12
Central 3	119	50	10	10
Central 4	103	50	5	0
Ancaster	75	35	11	5
Barton	43	15	10	8
Binbrook	29	15	7	5
Carlisle	13	7	5	1
Concession	32	15– 1 st floor	9	7
Dundas	73	30 – 1 st floor 20 - lower floor	10– 1 st floor 0– lower floor	4
Freelton	8	7	6	2
Greensville	11	11	5	2
Locke	7	7	3	0
Lynden	16	12	10	2
Mount Hope	11	4	3	2
Kenilworth	32	15 – 1 st floor 10 – 2 nd floor	10-1 st floor	5
Parkdale (to open in 2021)	13	7	6	-
Red Hill	57	30	15	12

Saltfleet	52	25	10	8
Sherwood	83	35	20	9
Stoney Creek	33	18	10	3
Terryberry	115	50	28	21
Turner Park	139	70	16	11
Valley Park	7	4+	4	3
Waterdown	87	40	20	9
Westdale	42	25	10	3
Location	Regulation for Public Max. Calculated Capacity during COVID-19	Red Adjusted Max. Public Capacity	Total Grey- Lockdown Capacity	# of Public Computers

RED-CONTROL & GREY-LOCKDOWN PHASE RESTRICTIONS

*Note this table is based on our current understanding of the regulations. If the regulations change, we will work to phase in the changes after consultations. We are still listing both the Red and Grey measures because it is possible we could be moved to Grey if the local pandemic situation deteriorates.

SERVICE	RED-CONTROL MEASURES	GREY-LOCKDOWN MEASURES
Browsing of Shelves	Open with contact tracing.	Not permitted. Staff may retrieve requested items for Library members.
Library Provided Computer Access	2 hours current daily maximum per person recommended	1-hour max daily computer session per person per day, extensions of up to 1-hour if capacity is not reached
In-person visits duration for Per Day	Recommended 2-hour daily maximum enforced only when capacity limits reached.	2-hour max. in-person visit per day. 1-hour max. to be enforced with vouchers if capacity reached (during <i>Cold Weather Alerts</i> this limit will be suspended.)
Holds Pick-up	Touchless self-check.	Members not allowed access to hold shelves, staff will retrieve holds for members, so they can self-check the items out.
Library Wifi Service	Outdoor use of Wifi available 24X7, with no restrictions as long as physical distancing is maintained. In branch Wifi enabled.	
	2 hours current daily max per person recommended.	We will enforce Grey capacity numbers and the only members sitting at an available computer station will be allowed to sit in the Library for an extended period of time. We will not monitor if the member is using the Library computer or using their own device.
NO CHANGE BETWEEN RED AND GREY		
Contact Tracing & Screening	All members required to check-in using library card or provide name & phone number, screening procedures followed.	
Standard Member Services	Issuing new library cards, assistance with check-out, printing and computer support provided as long as PPE and physical distancing rules followed.	
Print Pick-up	Print jobs may be picked up, standard printers and advanced printing including 3D print jobs where available.	
In-depth Assistance Appointments	Scheduled individual appointments for legal and other supports allowed. All other appointments virtual, except if special approval is granted by a Director.	
Programs	Core online and partner led. No in-person events.	

Mail Holds to Vulnerable Individuals

Continue for VLS and reconsider for other members. Library has access to the Library Book Discount Mail program.

REMINDER – OTHER INFORMATION ABOUT OUR COVID RESPONSE

We continue to follow City and Public Health guidance, adjusting operations and planning based on authoritative guidance and the best information and evidence we have available. Our goal remains to provide as much critical service as we can, provided we can do it safely.

ENFORCEMENT OF PPE & ACCOMMODATIONS

- **Face Masks** - Mandatory staff compliance with face masks. Library members provided disposable mask upon entry if not wearing one. Face shields or eye protection also required when staff cannot maintain physical distancing with exempt members not wearing a face mask.
- **Alternate for Exempt Individuals** - Masks are required, exempt individuals are required to wear a face shield as an alternative. All locations have face shields to loan or give to individuals that require them. Regular members will be provided one to keep and reuse when the situation warrants. If a vision issue is disclosed where help is requested, while maintaining physical distancing Library Pages will help the person navigate the branch.
- **Additional Accommodations** - Working with partners serving vulnerable individuals and with Library members in need of supports, in early 2021 HPL will offer a limited number of devices to individuals as an alternative accommodation. Accommodated members will be required to agree to only visit the Library to pick-up holds.

HVAC ENHANCEMENTS

The City of Hamilton Facilities Division has installed new high-grade filters and has increased the flow in all our HVAC systems. During the pandemic, any location where the HVAC system is not functional will be temporarily closed.

ENHANCED CLEANING AND DISINFECTING

Significant efforts have been made to ensure high touch surfaces throughout the Library are cleaned and disinfected several times a day. In addition, public computers are disinfected between each use. Hand sanitizer is available to members and staff throughout our system.

LIBRARY MATERIALS QUARANTINE

Although there is mounting evidence that quarantining materials may not reduce the risk of COVID-19 transmission, we are continuing to keep returned materials in quarantine for 72 hrs. We will continue to monitor this issue in partnership with other library systems and applicable legislation. We will continue to look for guidance from Public Health officials as the science evolves on surface testing and transmission. Currently, we are not allowing in branch use and sharing of newspapers, magazines and children's toys and equipment.

Date: February 17, 2021
To: Chair and Members of the Board
From: Tony Del Monaco, Director of Finance & Facilities
Subject: **2020 Year end Metric Reports - TD - Attachment # 10.2**

RECOMMENDATION:

That the Hamilton Public Library Board receive the 2020 Year End Metrics Report for information.

BACKGROUND:

Ensuring that HPL is relevant and responsive is one of our strategic priorities. A key element in advancing this strategic priority is to gather, analyze and interpret our quantitative data.

The Year End Metrics report provides the Library Board with figures on key metrics along with comparable figures from the same time period in each of the last two years. Five-year and ten-year comparable figures are also reported.

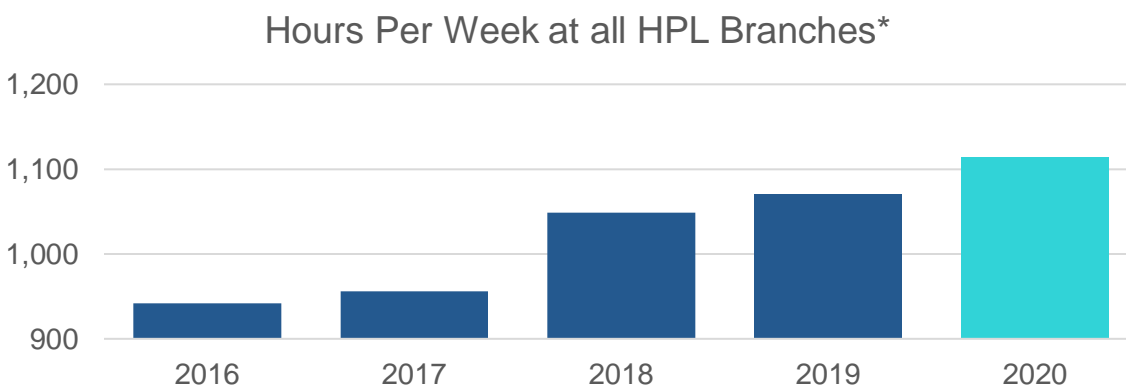
ATTACHMENTS:

Description	Upload Date	Type
Metrics Report 2020	2/12/2021	Cover Memo
2020 Year End Metrics Appendices	2/12/2021	Cover Memo

Date: February 17, 2021
To: Chair and Members of the Board
c.c. Paul Takala, Chief Librarian
From: Tony Del Monaco, Director of Finance & Facilities
Subject: **2020 Metrics Report Summary**

The definitions of key performance indicators are included, with general statements provided for each.

HPL started 2020 strong and as the COVID-19 pandemic changed the operating environment HPL was able to pivot and create new value to serve the households of Hamilton. HPL increased services to reach members in their homes and provide safe equitable branch access when we could reopen. We continued to add new open hours with an additional 43 hours added in 2020 to allow for more people to access the branches in a socially distanced way. HPL branches were closed during the initial COVID response from end of Q1 to Q3. Branches were slowly reopened in phases until all 22 branches were open by July 30, 2020. Services again became limited as the second wave began to impact branch access and services in late Q4 2020.



** The 2020 Hours Per Week reflect the weekly hours of service in the autumn of 2020 when HPL was able to offer service with less restrictions than during other periods of the COVID-19 Pandemic.*

Active Library Cardholders

Active library cardholders are defined as those customers who have used their library card in the past 24 months.

While we attract new customers each year, we also lose active customers that don't use their card in that period. Until 2019, active library cardholders had remained relatively steady over the previous five-year period. In 2019 we saw a significant increase of 6.4% to 167,441 active cardholders. In 2020 active library cardholders fell to 157,992; a 5.6% drop as the pandemic made new member acquisition more difficult.

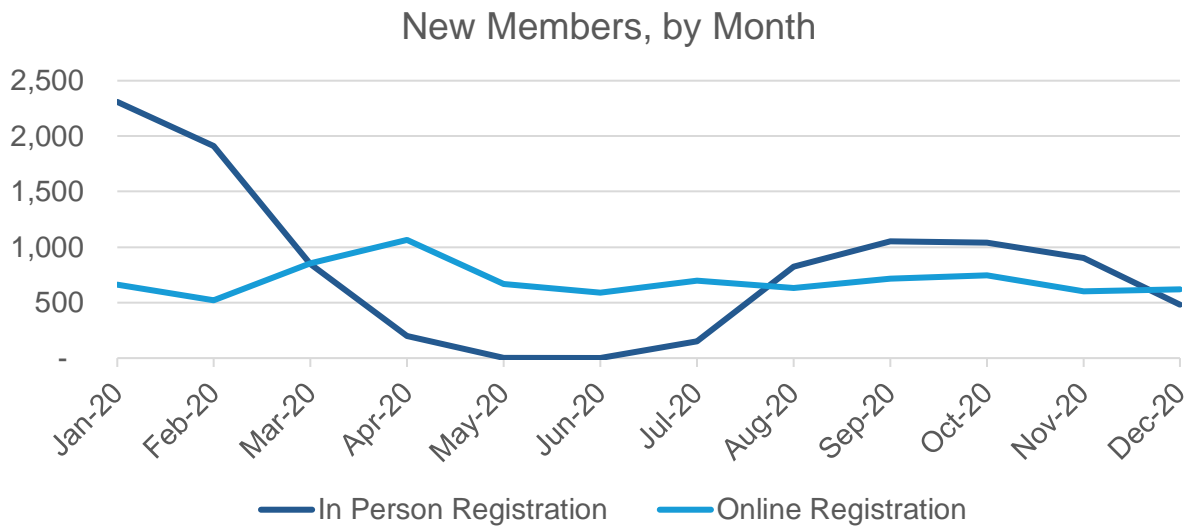
The active cardholder count compared to the population of Hamilton is 27.3%.

New Registered Cardholders

An actual count of the number of Library cardholders who have registered for a new Library card is recorded each month and reviewed for quarterly and annual results.

New cardholders averaged 23,508 in the previous 5 years. 2019 saw 32,288 new cardholders and 2020 saw that result decrease to 18,097.

One driver of the 2019 growth, online registration, enabled HPL to continue to enjoy stable new membership growth. As you can see in the chart below, in 2019 the average monthly online registration was 486 new members per month, in 2020 that rose 43.6% to 698 online registrants per month. This helped compensate for the loss of the other drivers of new membership which couldn't be replicated during the pandemic, including Free Museum Access, school publicity and local events.



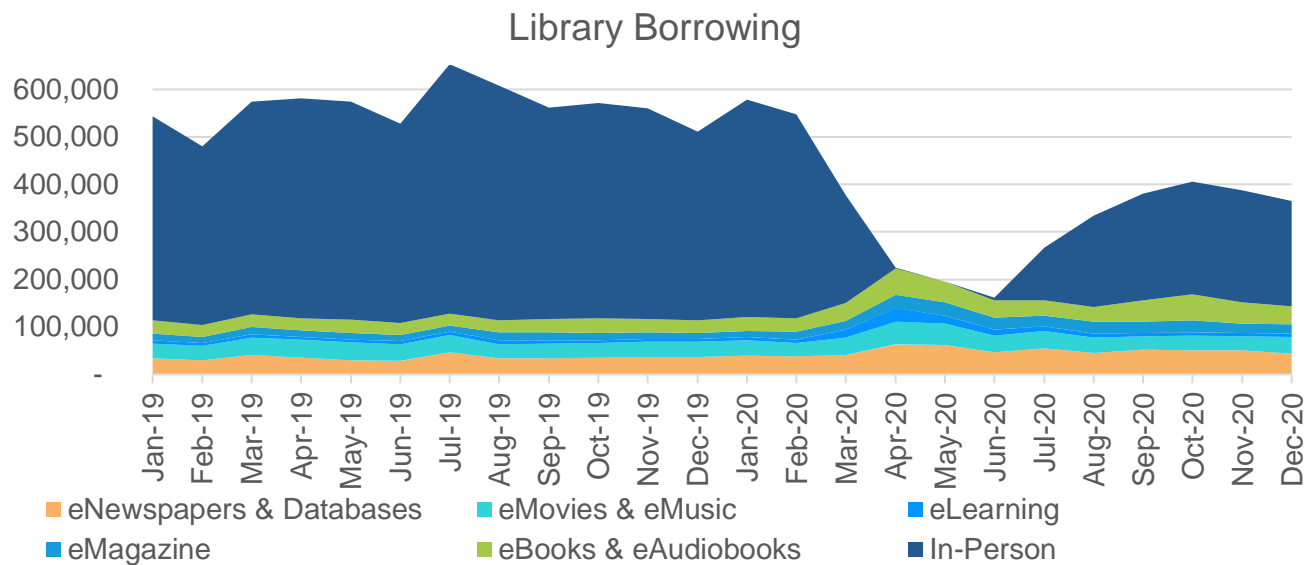
Circulated Items - Physical

This is a measure of the number of physical items borrowed/checked out from the Library's collection (holdings) for use outside of the Library. Items that are not checked out and used only within the Library are not included in this total. Physical items that are renewed are included in this statistic.

Physical circulation dropped 56.2% in 2020. While branches were closed in Q1 and Q2 auto-renewals continued. When branches reopened in July circulation increased to an average of 203,666 per month from July through December, whereas the average monthly physical circulation in 2019 was 446,262.

The trend to digital borrowing growth continues as digital borrowing accounted for 52% of circulation with physical borrowing representing 48%.

Overall circulation declined 32.5% to 4,876,627 items once digital circulation is factored in.

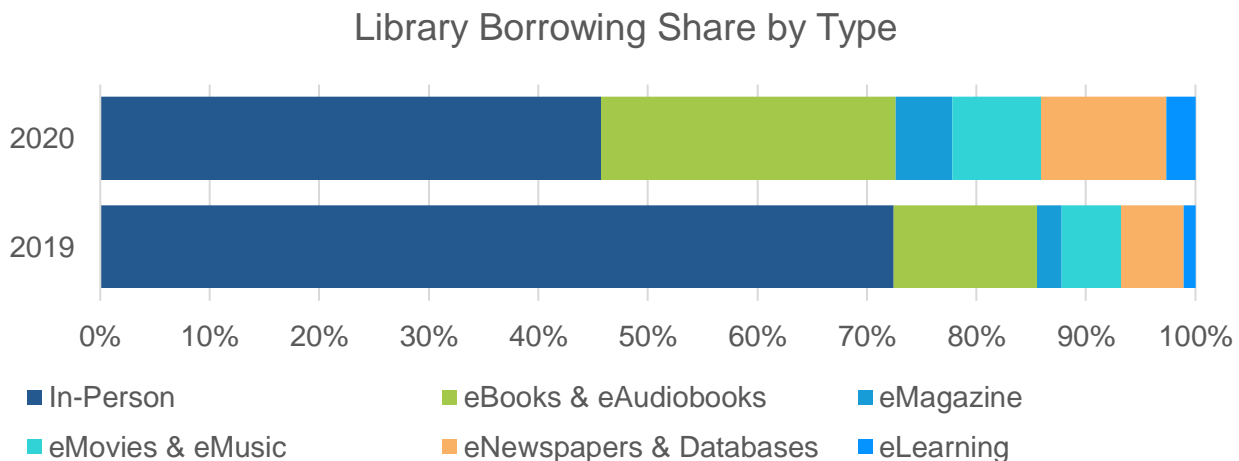


Circulated Items - Digital

This represents the number of digital items borrowed/downloaded/checked out by active Hamilton Public Library cardholders during the reporting period. Digital items include downloaded eBooks, eAudiobooks, eMagazines and eNewspapers, as well as digital streaming items such as music and videos. Digital circulation increased 35.1% in 2020 to 2,532,708 circulations.

Overdrive is the most used digital resource accounting for 1,235,252 or 44% of digital checkouts, which is down from 50% of 2019's digital circulation. HPL was able to increase digital usage and diversify its digital offerings in 2020. HPL's digital resources saw very strong growth in 2020 for example: Kanopy (107%), PressReader (31%), RB Digital (74%) and Tumblebooks (226%).

The pandemic shifted member's library usage and digital usage now represents 52% of overall circulation, up from 26% of overall circulation last year and 22% in 2016.



Visits

This refers to the number of in-person visits to all Library branches. Prior to COVID-19 visits were calculated with our gates and a quarterly manual count. Upon reopening in Q3 HPL implemented a contact tracing procedure allowing our branches to provide a more accurate manual count. Visits to HPL branches decreased 70.5% in 2020 to 1,061,164 visits from 2019's 3,592,052 visits.

Due to the pandemic social distancing requirements all HPL branches calculated new capacity numbers to ensure all visits would be safe, along with reviewing and improving HVAC and branch procedures.

In 2020 HPL branches were closed from March 14th at 5pm until a limited access Take-Out service was launched June 23rd. By July 30th all 22 branches were open for browsing, computer access, holds pickup, printers, scanning and fax. In November Hamilton entered the Red Control zone, and by December 21st Hamilton had entered the Grey-Lockdown zone limiting access to hold shelves and computers. December 26th saw the provincial shutdown cause HPL to move to holds and print on the go pickup to limit customer visits. These closed days and restrictive public health measures impacted our circulation and visits to the branches. In contrast, HPL closed for two days due to inclement weather in 2019 and had one late opening and four early close days. In 2018 we closed for only one day.

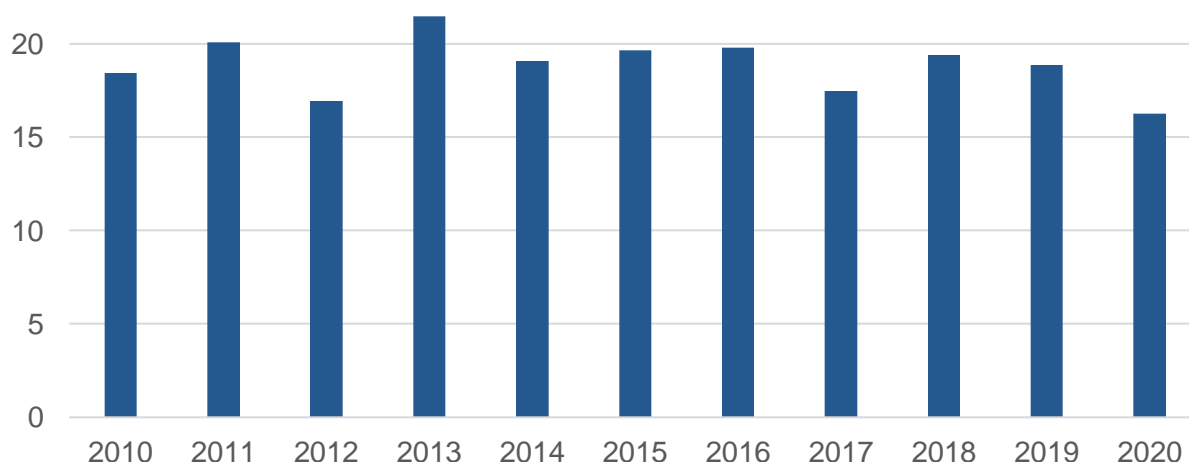
Programs and Attendance

This number represents the actual number of programs held during the given period. A program is a planned presentation given at a scheduled time by Library staff, or another resource person. Program examples include children's story time, visits to classrooms and auditoriums, Library tours, movie and gaming programs, as well as talks given to groups that introduce users to our materials and services. Additionally, external authors, presenters or speakers delivering a presentation to Library users within the Library itself count towards this statistic. Activities such as exhibits, contests, booths and the use of meeting rooms by external groups are not counted. HPL's programming pivoted during the pandemic and the numbers now include virtual programs both live and those hosted on YouTube. Program attendance represents the number of people attending all programs and viewing the videos on YouTube.

In addition to our reported programs HPL offered on-demand program worksheets, "Discover at Home" which had over 1,600 downloads in 2020 and extended our video programs to Cable14, a community partner, to air them on people's TVs or computers from the safety of their home.

The number of programs offered decreased by 62.6% in 2020 and program attendance decreased by 67.7%. The attendance per program in 2020 was 16.3 participants per program, which is only 2.6 participants off the 10-year average of 18.9 participants per program.

Attendance per Program

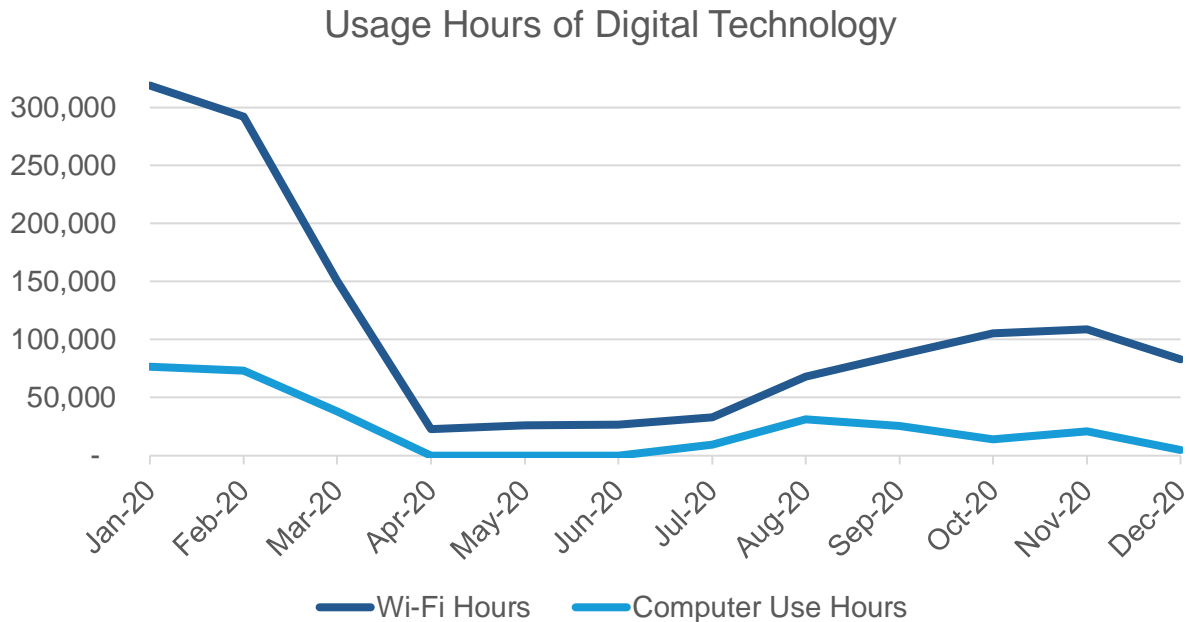


Computer Sessions

A computer session is defined as a customer log-in from a library workstation (computer) during the given period. Cardholders who book/sign up in advance to utilize computer time, as well as

those who utilize computer time on an ad-hoc basis are counted. The amount of time that the customer uses the computer does not count in this statistic. As an example, if someone uses a workstation for 30 minutes in the morning, and then 30 minutes in the afternoon, the library computer session use for this person would be two. Computer sessions were restricted during the pandemic in 2020. First, they were not offered when the branches closed but then the time allotment was limited after branches reopened in Q3 with further restriction in Q4, particularly during the Provincial Shutdown when their use was not permitted.

In 2020, computer sessions decreased by 68.8% to 242,191 from 776,777 in 2019.



Wireless Network Connections

This number refers to the number of times customers log on to our wireless network. We continuously expand and improve our wireless network to provide more Hamiltonians with free access to the Internet. Wi-Fi usage continues to be in demand due to the increasing number and affordability of mobile devices. In 2020 HPL provided 477,105 sessions a decrease of 62.9% from 1,284,454 Wi-Fi sessions in 2019. This service was available outside the branches during the pandemic but due to weather and sparse seating it was in limited use.

Social Media Fans

The aggregate total of the number of fans and followers of Hamilton Public Library on social media platforms including Facebook and Twitter. This statistic is taken as a snapshot at the end of the given period. Followers increased by 41% the last two years to 26,661 in 2020. HPL is active on Instagram, YouTube and Pinterest and continues to build these audiences particularly during the pandemic.

Annual Summary 2020

Population Served: 579,000
Active Library Cardholders: 157,992
Active Cardholders per Pop.: 27.3%

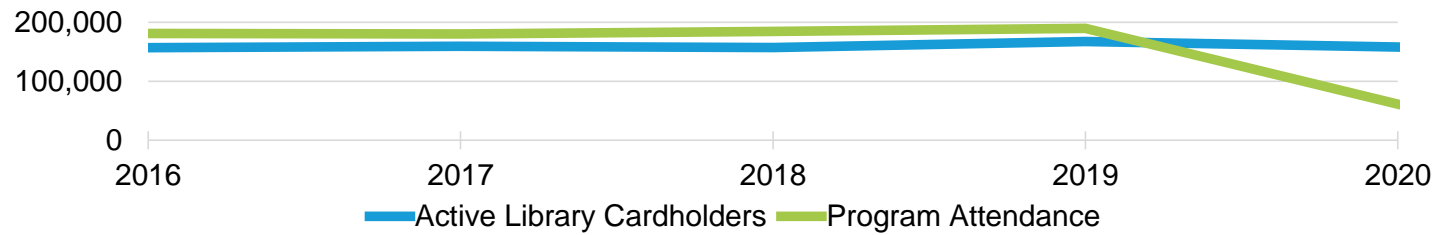
Membership	2020 % change 2019	2020 % change 2018	2020	2019	2018	Q1	Q2	Q3	Q4
New Registered Cardholders	-44.0%	-16.6%	18,097	32,288	21,702	7,104	2,531	4,069	4,393
Active Library Cardholders	-5.6%	0.4%	157,992	167,441	157,367	169,021	164,490	160,507	157,992
Performance Measures	2020 % change 2019	2020 % change 2018	2020	2019	2018	Q1	Q2	Q3	Q4
In Person Visits	-70.5%	-71.7%	1,061,164	3,592,052	3,753,908	771,573	N/A	106,261	183,330
Website Visits	-27.5%	-29.7%	1,797,770	2,479,758	2,556,125	611,032	308,812	440,363	437,563
Catalogue Visits	-24.2%	-24.0%	1,501,997	1,981,475	1,976,517	462,556	234,085	395,815	409,541
AskHPL	N/A	N/A	46,417	N/A	N/A	N/A	11,721	21,174	13,522
Number of Programs	-62.6%	-60.4%	3,768	10,064	9,504	2,225	573	532	438
Program Attendance	-67.7%	-66.8%	61,238	189,732	184,530	32,588	4,535	8,391	15,724
Computer Sessions	-68.8%	-69.3%	242,191	776,777	787,781	167,154	N/A	32,517	42,520
Wireless Network Connections	-62.9%	-58.9%	477,105	1,284,454	1,162,246	293,276	20,845	62,558	100,426
Wireless Network Hours	N/A	N/A	1,323,667	N/A	N/A	761,862	75,681	188,299	297,825
Wireless Network Usage (GB)	N/A	N/A	522,178	N/A	N/A	270,668	35,242	82,516	133,752
Social Media Fans	20.2%	41.0%	26,661	22,177	18,911	24,584	25,658	26,261	26,661
Circulated Items (Physical)	-56.2%	-53.5%	2,344,024	5,355,146	5,039,069	1,114,991	6,930	527,537	694,566
Circulated Items (Digital)	35.1%	55.5%	2,532,708	1,874,764	1,628,951	543,272	755,867	615,817	617,752
Circulated Items (Total)	-32.5%	-26.9%	4,876,732	7,229,910	6,668,020	1,658,263	762,797	1,143,354	1,312,318

*HPL closed effective 5pm on March 14, 2020 for the COVID-19 pandemic, opened for limited operations in June at select branches. By July 23 all branches had reopened under a limited scope, further restrictions were added in Q4 with Red-Control and Lockdown Measures in November and December. Culminating in the Provincial shutdown on December 26, 2020.

Last Updated: 2/8/2021

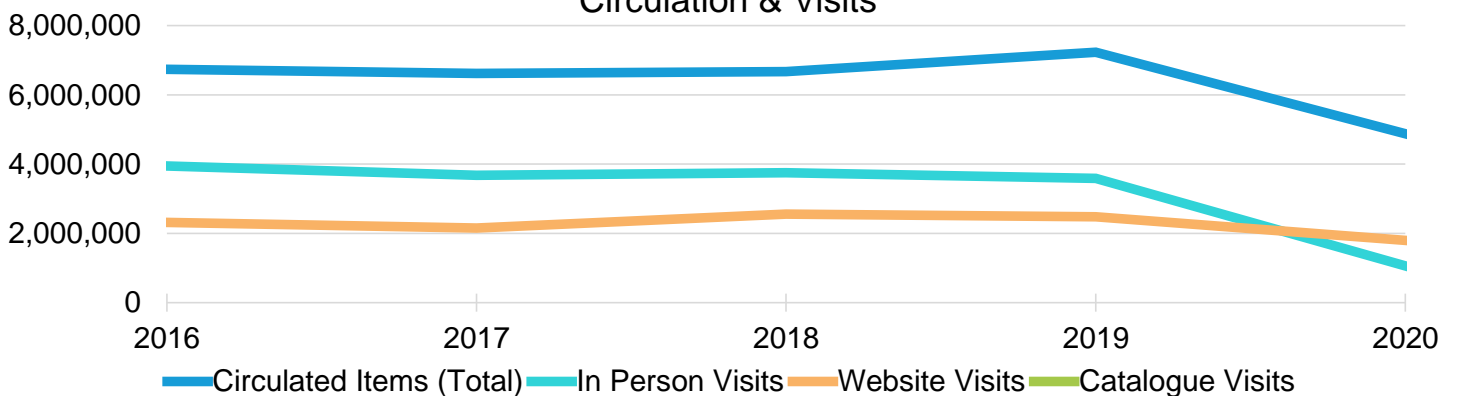
5 Year Summary

Cardholders & Program Attendance



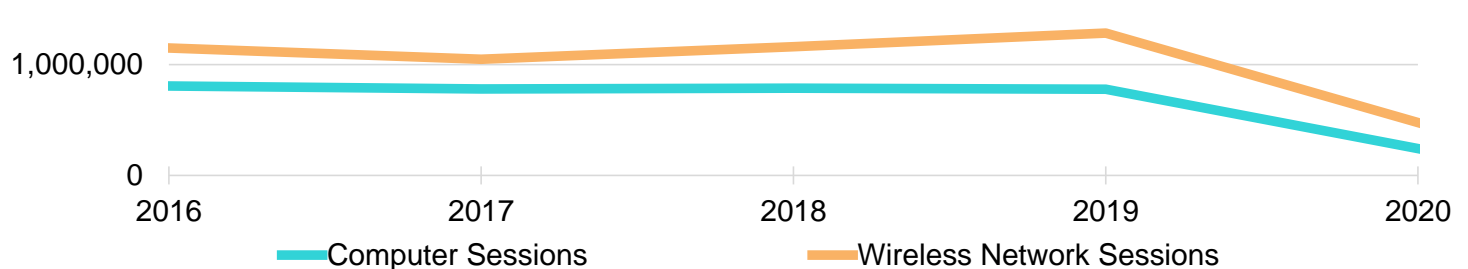
	2016	2017	2018	2019	2020
New Registered Cardholders	23,472	21,981	21,702	32,288	18,097
Active Library Cardholders	156,983	159,345	157,367	167,441	157,992
Number of Programs	9,135	10,327	9,504	10,064	3,768
Program Attendance	181,019	180,389	184,530	189,732	61,238

Circulation & Visits



	2016	2017	2018	2019	2020
Circulated Items (Physical)	5,288,961	5,186,860	5,039,069	5,355,146	2,344,024
Circulated Items (Digital)	1,449,909	1,430,728	1,628,951	1,874,764	2,532,708
Circulated Items (Total)	6,738,870	6,617,588	6,668,020	7,229,910	4,876,732
In Person Visits	3,946,440	3,680,038	3,753,908	3,592,052	1,061,164
Website Visits	2,314,325	2,157,345	2,556,125	2,479,758	1,797,770
Catalogue Visits	2,049,208	1,957,264	1,976,517	1,981,475	1,501,997

Computer & WiFi Sessions



	2016	2017	2018	2019	2020
Computer Sessions	806,925	779,811	787,781	776,777	242,191
Wireless Network Sessions	1,149,739	1,048,972	1,162,246	1,284,454	477,105
Social Media Fans	13,393	16,108	18,911	22,177	26,661

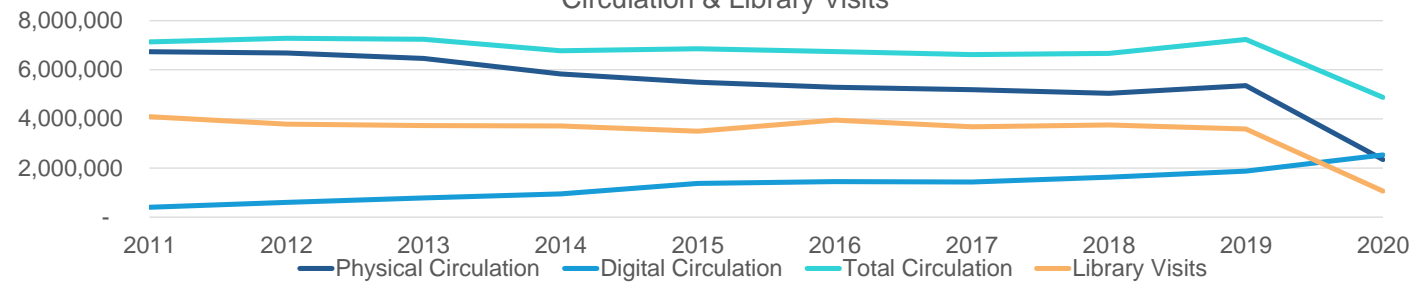
Last Updated:

2/8/2021



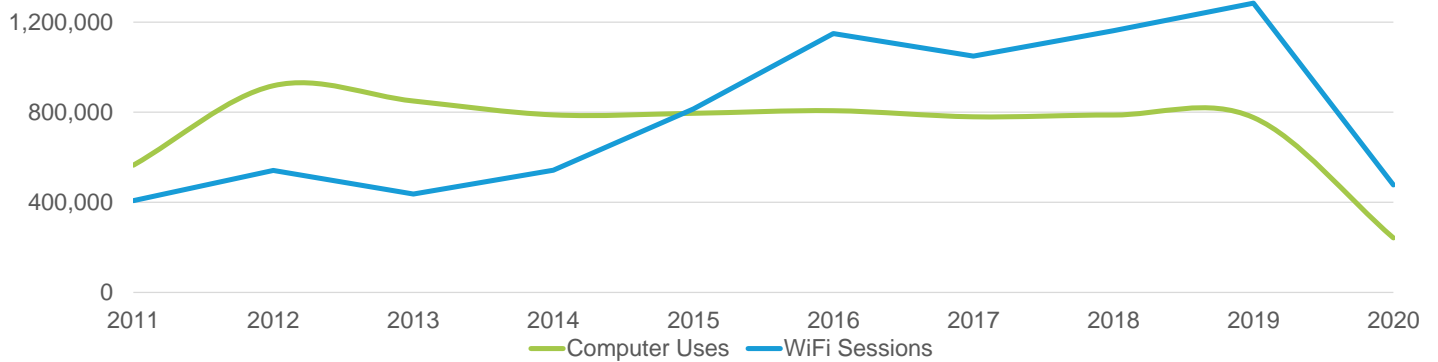
10 Year Summary

Circulation & Library Visits



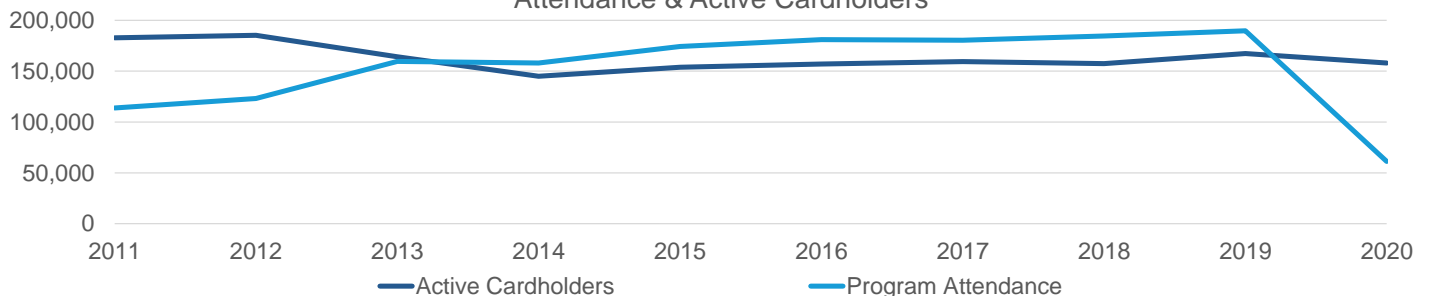
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Physical Circulation	6,736,103	6,684,489	6,466,092	5,827,527	5,492,799	5,288,961	5,186,860	5,039,069	5,355,146	2,344,024
Digital Circulation	401,568	598,875	779,047	944,239	1,376,107	1,449,909	1,430,728	1,628,951	1,874,764	2,532,708
Total Circulation	7,137,671	7,283,364	7,245,139	6,771,766	6,859,237	6,738,870	6,617,588	6,668,020	7,229,910	4,876,732
Library Visits	4,089,100	3,788,300	3,727,965	3,712,252	3,501,915	3,946,440	3,680,038	3,753,908	3,592,052	1,061,164

Digital Technology



	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Computer Uses	564,956	917,900	850,029	788,333	795,397	806,925	779,811	787,781	776,777	242,191
WiFi Sessions	407,450	541,400	437,200	542,450	814,440	1,149,739	1,048,972	1,162,246	1,284,454	477,105
Public Computers	433	384	464	477	477	477	484	510	510	515

Attendance & Active Cardholders



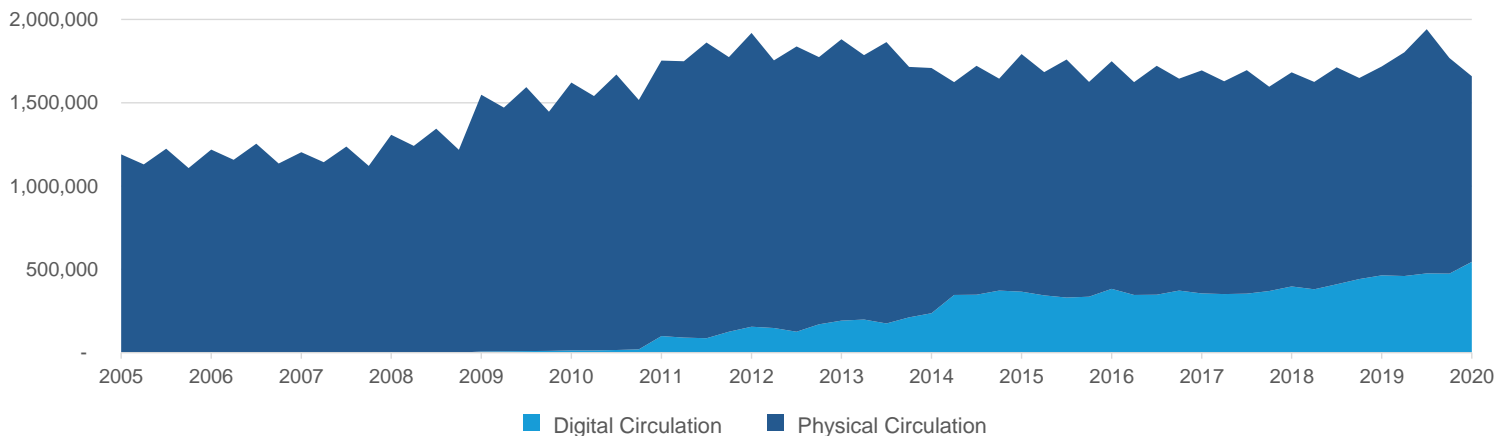
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Active Cardholders	182,779	185,285	164,258	145,000	153,796	156,983	159,345	157,367	167,441	157,992
Program Attendance	113,842	123,059	159,656	157,979	174,290	181,019	180,389	184,530	189,732	61,238

Last Updated: 2/8/2021

Q1 2020

Population Served: 579,000
Active Library Cardholders: 169,021
Active Cardholders per Pop.: 29.2%

Performance Measures	2020 YTD	2019 YTD	% Change 2020 YTD	Q1, 2020	Q1, 2019	Q1, 2018	Q1 % Change 2020 to 2019
New Registered Cardholders	7,104	7,355	-3.4%	7,104	7,355	5,427	-3.4%
Active Library Cardholders	169,021	160,367	5.4%	169,021	160,367	159,314	5.4%
In Person Visits	771,573	945,126	-18.4%	771,573	945,126	985,168	-18.4%
Website Visits	611,032	669,215	-8.7%	611,032	669,215	649,806	-8.7%
Catalogue Visits	462,556	546,361	-15.3%	462,556	546,361	512,531	-15.3%
AskHPL	-	-	-	-	-	-	-
Number of Programs	2,225	2,368	-6.0%	2,225	2,368	2,457	-6.0%
Program Attendance	32,588	40,150	-18.8%	32,588	40,150	40,423	-18.8%
Computer Sessions	167,154	193,193	-13.5%	167,154	193,193	200,488	-13.5%
Wireless Network Sessions	293,276	331,581	-11.6%	293,276	331,581	267,349	-11.6%
Wireless Network Hours of Use	761,862	-	-	761,862	-	-	-
Wireless Network Usage (GB)	270,668	-	-	270,668	-	-	-
Social Media Fans	24,584	20,009	22.9%	24,584	20,009	17,752	22.9%
Circulated Items (Physical)	1,114,991	1,252,966	-11.0%	1,114,991	1,252,966	1,285,247	-11.0%
Circulated Items (Digital)	543,272	464,215	17.0%	543,272	464,215	397,035	17.0%
Circulated Items (Total)	1,658,263	1,717,181	-3.4%	1,658,263	1,717,181	1,682,282	-3.4%



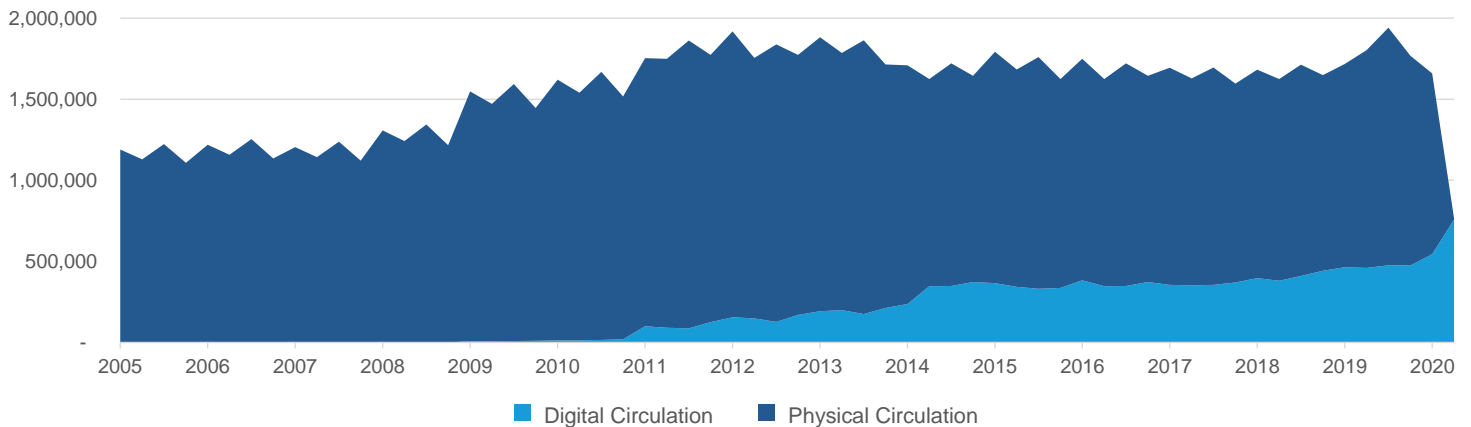
Last Updated:

2/8/2021

Q2 2020

Population Served: 579,000
Active Library Cardholders: 164,490
Active Cardholders per Pop.: 28.4%

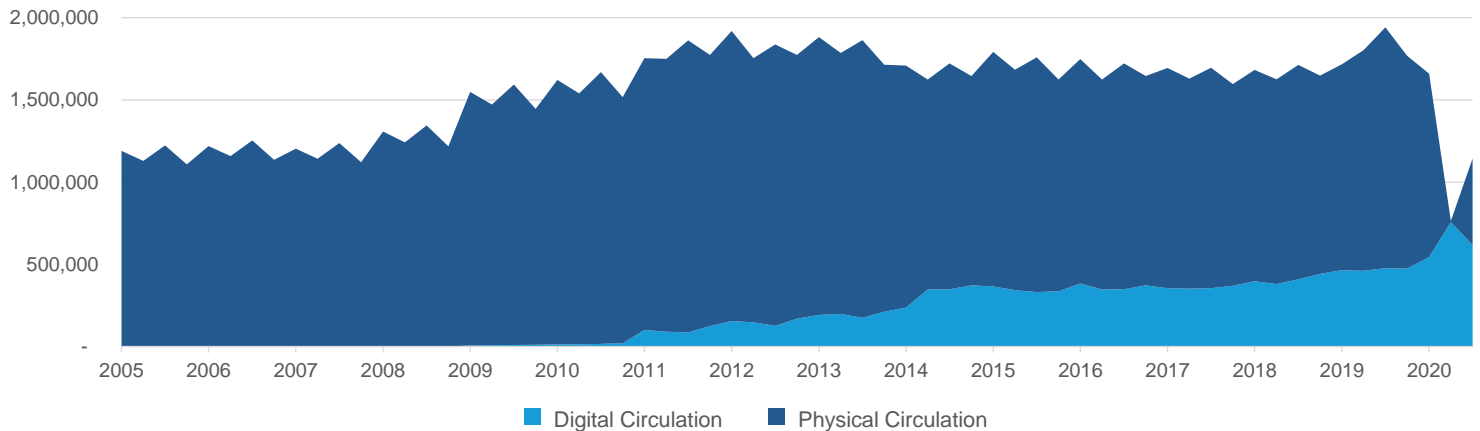
Performance Measures	2020 YTD	2019 YTD	% Change 2020 YTD	Q2, 2020	Q2, 2019	Q2, 2018	Q2 % Change 2020 to 2019
New Registered Cardholders	9,635	14,826	-35.0%	2,531	7,471	5,016	-66.1%
Active Library Cardholders	164,490	161,923	1.6%	164,490	161,923	158,356	1.6%
In Person Visits	771,573	1,811,963	-57.4%	0	866,837	928,271	-100.0%
Website Visits	919,844	1,261,442	-27.1%	308,812	592,227	634,744	-47.9%
Catalogue Visits	696,641	1,027,547	-32.2%	234,085	481,186	484,691	-51.4%
AskHPL	11,721	-	-	11,721	-	-	-
Number of Programs	2,798	4,627	-39.5%	573	2,259	2,241	-74.6%
Program Attendance	37,123	90,681	-59.1%	4,535	50,531	53,223	-91.0%
Computer Sessions	167,154	382,159	-56.3%	0	188,966	195,220	-100.0%
Wireless Network Sessions	314,121	644,326	-51.2%	20,845	312,745	290,560	-93.3%
Wireless Network Hours of Use	837,543	-	-	75,681	-	-	-
Wireless Network Usage (GB)	305,910	-	-	35,242	-	-	-
Social Media Fans	25,658	21,021	22.1%	25,658	21,021	17,828	22.1%
Circulated Items (Physical)	1,121,921	2,595,635	-56.8%	6,930	1,342,669	1,244,492	-99.5%
Circulated Items (Digital)	1,299,139	924,405	40.5%	755,867	460,190	380,469	64.3%
Circulated Items (Total)	2,421,060	3,520,040	-31.2%	762,797	1,802,859	1,624,961	-57.7%



Q3 2020

Population Served: 579,000
Active Library Cardholders: 160,507
Active Cardholders per Pop.: 27.72%

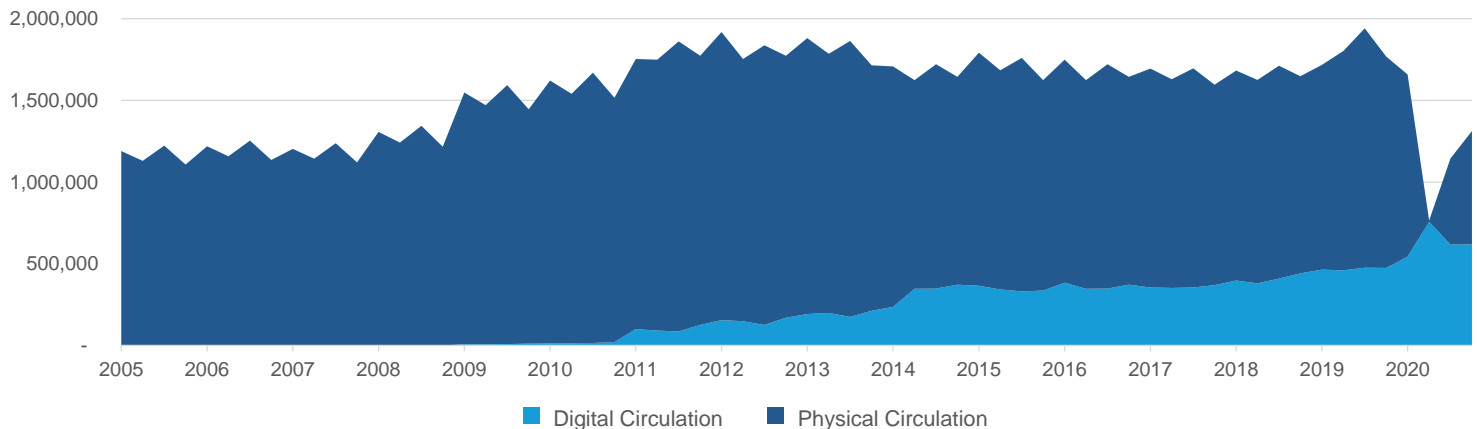
Performance Measures	2020 YTD	2019 YTD	% Change 2020 YTD	Q3, 2020	Q3, 2019	Q3, 2018	Q3 % Change 2020 to 2019
New Registered Cardholders	13,704	25,040	-45.3%	4,069	10,214	6,267	-60.2%
Active Library Cardholders	160,507	165,745	-3.2%	160,507	165,745	157,585	-3.2%
In Person Visits	877,834	2,732,322	-67.9%	106,261	920,359	943,305	-88.5%
Website Visits	1,360,207	1,876,117	-27.5%	440,363	614,675	639,272	-28.4%
Catalogue Visits	1,092,456	1,523,078	-28.3%	395,815	495,531	501,886	-20.1%
AskHPL	32,895	-	-	21,174	-	-	-
Number of Programs	3,330	7,251	-54.1%	532	2,624	2,413	-79.7%
Program Attendance	45,514	143,582	-68.3%	8,391	52,901	52,438	-84.1%
Computer Sessions	199,671	584,024	-65.8%	32,517	201,865	199,994	-83.9%
Wireless Network Sessions	376,679	956,222	-60.6%	62,558	311,896	293,798	-79.9%
Wireless Network Hours of Use	1,025,842	-	-	188,299	-	-	-
Wireless Network Usage (GB)	388,426	-	-	82,516	-	-	-
Social Media Fans	26,261	21,674	21.2%	26,261	21,674	36,668	21.2%
Circulated Items (Physical)	1,649,458	4,060,906	-59.4%	527,537	1,465,271	1,302,850	-64.0%
Circulated Items (Digital)	1,914,956	1,400,501	36.7%	615,817	476,096	409,754	29.3%
Circulated Items (Total)	3,564,414	5,461,407	-34.7%	1,143,354	1,941,367	1,712,604	-41.1%



Q4 2020

Population Served: 579,000
Active Library Cardholders: 157,992
Active Cardholders per Pop.: 27.3%

Performance Measures	2020 YTD	2019 YTD	% Change 2020 YTD	Q4, 2020	Q4, 2019	Q4, 2018	Q4 % Change 2020 to 2019
New Registered Cardholders	18,097	32,288	-44.0%	4,393	7,248	4,992	-39.4%
Active Library Cardholders	157,992	167,441	-5.6%	157,992	167,441	157,367	-5.6%
In Person Visits	1,061,164	3,592,052	-70.5%	183,330	859,730	897,164	-78.7%
Website Visits	1,797,770	2,479,758	-27.5%	437,563	603,641	632,303	-27.5%
Catalogue Visits	1,501,997	1,981,475	-24.2%	409,541	458,397	477,409	-10.7%
AskHPL	46,417	-	-	13,522	-	-	-
Number of Programs	3,768	10,064	-62.6%	438	2,813	2,393	-84.4%
Program Attendance	61,238	189,732	-67.7%	15,724	46,150	38,446	-65.9%
Computer Sessions	242,191	776,777	-68.8%	42,520	192,753	192,079	-77.9%
Wireless Network Sessions	477,105	1,284,454	-62.9%	100,426	328,232	310,539	-69.4%
Wireless Network Hours of Use	1,323,667	-	-	297,825	-	-	-
Wireless Network Usage (GB)	522,178	-	-	133,752	-	-	-
Social Media Fans	26,661	22,177	20.2%	26,661	22,177	18,911	20.2%
Circulated Items (Physical)	2,344,024	5,355,146	-56.2%	694,566	1,294,240	1,206,480	-46.3%
Circulated Items (Digital)	2,532,708	1,874,764	35.1%	617,752	474,263	441,693	30.3%
Circulated Items (Total)	4,876,732	7,229,910	-32.5%	1,312,318	1,768,503	1,648,173	-25.8%



Date: February 17, 2021
To: Chair and Members of the Board
From: Paul Takala, Chief Librarian/CEO
Subject: **Chief Librarian Report - PT - Attachment # 10.3**

RECOMMENDATION:

That the Library Board receive the February 2021 Chief Librarian Report.

ATTACHMENTS:

Description	Upload Date	Type
Chief Librarian Report - February 2021	2/12/2021	Cover Memo

Chief Librarian Report – February 2021

Update on Canada Emergency Wage Subsidy (CEWS)

The CEWS program was initially enacted on April 11, 2020 and focused on providing financial assistance to Canadian businesses that had experienced a decline in revenues. CEWS aims to prevent job losses, encourage employers to re-hire workers previously laid off as a result of the global pandemic, and help better position Canadian companies to resume operations following the crisis. With certain exceptions for “public institutions” (including municipalities, public bodies, local governments, Crown corporations, public universities, hospitals, etc.), employers carrying on business in Canada may be eligible for the CEWS.

HPL did not apply for CEWS because we felt we were ineligible as a public institution. It has come to our attention that some public libraries have applied for, and began receiving, subsidy payments under the CEWS. To ensure we were not misinterpreting the eligibility requirements, we received some professional advice which aligned with our understanding. Recently we were informed by one of the libraries that did apply that the Canada Revenue Agency has been in touch to let them know that, as a public institution, they do not qualify and will have to repay the subsidy they received.

I Read Canadian Day

The library is proud to celebrate I Read Canadian Day on Wednesday February 17th with Canadian read, watch and listen lists – content is available on PressReader, Hoopla, OverDrive, Summa, Curio and Kanopy.

Junior Librarian in Residence

Ainara is sharing some Discover at Home activities focused on Viola Desmond. Ainara will also be posting an author interview with Jael Richardson. Jael is also hosting an author led Book club for HPL adult members.

Telephone Stories

Telephone stories are expanding. Members can call 905-546-3200 and choose "Option 4" to listen to stories in English.

Hamilton Reads 2021

The title has been chosen. The author contacted!! We are now working with the publishing company to negotiate digital access to the title. We look forward to announcing a launch date in March.

Learning With HPL

The 2021 February Literacy calendar as well as thousands of simultaneous use titles are available to read, watch or listen to while learning at home or school. <https://www.hpl.ca/learning-at-hpl> Calendars are also being included in Grab and Go bags at some locations. A new storybook resource, Lote has been added to the Learning page with stories in 25 languages. March activities will include McMaster

University Child and Youth activities – including one on mapping the COVID curve and a Virtual Camp with Green Venture.

Magazines now in OverDrive/Libby App

Over 3000 magazines are now available for library members online and via the OverDrive Libby App. Unlimited magazine loans are available as they do not count as part of the 20 ebook/eaudio loans on OverDrive. Digital loans from any HPL platform are in addition to the 50 physical loan limit of materials accessed at locations. Magazines are loaded on average 2-3 weeks prior to their shelf date.

Paul Takala, Chief Librarian/CEO

February 2021

JANUARY 2021 MEDIA COVERAGE HIGHLIGHTS

HAMILTON PUBLIC LIBRARY IS NOW OFFERING SURPRISE GRAB BAG OF BOOKS

BY: MICHAEL Kras, Urbanicity.com, January 14, 2021

Source:

<https://urbanicity.com/hamilton/city/2021/01/hamilton-public-library-is-now-offering-surprise-grab-bags-of-books/>

In an effort to keep spirits up and entertain the city's most avid readers, the Hamilton Public Library (HPL) has launched a playful new initiative that will allow locals to make brand new literary discoveries they otherwise may not have found.

The initiative is called [Grab & Go](#), and it allows the HPL to craft a surprise loot bag of books, music, and movies so local library members can introduce themselves to an unexpected selection of media to read, watch, and listen to.

[#TeamHPL](#)'s Mary is ready to choose items for our latest service launch, Grab and Go.

Head to our website to get your surprise items: <https://t.co/9cZBeIDGP2> <https://t.co/ZNoqSoBfDy> — Hamilton PL (@HamiltonLibrary) [January 12, 2021](#)

The way it all works is pretty simple: library cardholders can use this [online form](#) on the HPL website to request up to 10 items for their surprise Grab & Go bag, as well as check off preferences including age range and type of media, be it hardcover books, audiobooks, DVDs, or otherwise.

HPL cardholders can also make more specific requests such as preferred genre and any particular language or content preferences.

From there, a pickup time will be arranged with the selected HPL branch within three days, and library cardholders can simply roll up and pick up their surprise goodies.

It's such a fun initiative that's just ripe with possibilities. Who knows? You may just find your new favourite author or see a new movie that blows your mind. Try it out to bring a little more surprise into your life!

The Hamilton Public Library's Grab & Go program can be tried by visiting the [HPL website](#) or calling 905-546-3200. Read more [here](#).

HAMILTON LIBRARIES REMAIN OPEN AND INTRODUCE NEW GRAB AND GO BAGS

BY: KEVIN WERNER, Ancaster News, January 17, 2021

Source:

<https://www.hamiltonnews.com/news-story/10310276-hamilton-libraries-remain-open-and-introduce-new-grab-and-go-bags/>

Ancaster's library branch is open during the lockdown as it offers Grab and Go bags to members.

All Hamilton public library branches continue to offer services to residents during the provincial stay-at-home orders, including picking up items that have been placed on hold, Grab and Go bags and Makerspace project items, said Shelly McKay, spokesperson for the library.

Browsing in the branches is prohibited and customers are met at the front entrance of each branch to help guide their requests, she said.

Branches operating within municipal service centres will be open during regular library hours.

Ancaster's branch is open Monday to Friday 10 a.m. to 6 p.m. and on Saturday from 10 a.m. to 5 p.m.

Hamilton closed all municipal service centres to the public Jan. 14 following the announcement of provincial stay-at-home orders.

The library's [Grab and Go bags](#) provide a variety of up to 10 items on a specific topic that a member has already detailed in a form. Members send the form into the library online and then pick up the bag.

The library is also offering print on the go, where members upload files online and they can pick up the documents at the branch of their designation. Members can pay online with a credit card. For more information check out hpl.ca.

HAMILTON'S WINTERFEST MOVES FULLY ONLINE AMID COVID-19 LOCKDOWN

By: MICHAEL Kras, Urbanicity.com, January 22, 2021

Source:

<https://urbanicity.com/hamilton/entertainment/2021/01/hamiltons-winterfest-moves-fully-online-amid-covid-19-lockdown/>

When [Winterfest](#) – Hamilton's annual celebration of arts, culture, and all things icy – announced their 2021 lineup of programming and events, they had hoped that there would be an [in-person component](#) to the festivities in an outdoor, distanced manner.

The plan was for this year's event to feature a roaming Winterfest hub, which would appear in a collection of Hamilton's neighbourhoods bringing art displays, live entertainment, and other safe activities to spots all over the city.

However, with Hamilton and the rest of the province currently under COVID-19 state of emergency and stay-at-home orders, Winterfest's original plans have been forced to change and this year's event has pivoted to an [exclusively digital format](#).

Despite the limits of a virtual festival, Winterfest has nonetheless found some engaging, dynamic, and diverse ways of presenting programming that Hamiltonians can engage with from the comfort of home.

Want to try your hand at salsa dancing? Take in a concert from local artists such as [Ilitry or Sneha Reddy](#)? Learn how to crochet or cross-stitch? Make your own creative winter-themed bookmark, or take a crash course in Photoshop courtesy of the Hamilton Public Library?

All of this and much, much more is available in the newly adjusted Winterfest programming, with plenty of activities packing the days between January 29th and February 15th; many of which are suitable for the whole family.

Want to learn more and check out the line-up of events? Visit the Hamilton Winterfest [website](#)!

SEVEN MOST VIRTUAL THINGS TO DO IN AND AROUND HAMILTON THIS WEEKEND AND NEXT WEEK

By: JENNIFER MOORE, THE HAMILTON SPECTATOR, FEBRUARY 4, 2021

SOURCE:

[HTTPS://WWW.THESPEC.COM/NEWS/HAMILTON-REGION/2021/02/04/SEVEN-MOSTLY-VIRTUAL-THINGS-TO-DO-IN-AND-AROUND-HAMILTON-THIS-WEEKEND-AND-NEXT-WEEK.HTML](https://www.thespec.com/news/hamilton-region/2021/02/04/seven-mostly-virtual-things-to-do-in-and-around-hamilton-this-weekend-and-next-week.html)

We are tossed into Super Bowl weekend with some sunshine and average February temperatures. [Environment Canada](#) is calling for mostly sunny skies Saturday and Sunday with a high of -6 and a low of around -12.

Here are seven things to do in and around Hamilton this weekend and into next week.

HAMILTON WINTERFEST

The city and community have planned 50 virtual events over 18 days, Jan. 29 to Feb. 15. [Winterfest online](#) programming ranges from the Art Gallery of Hamilton and Hamilton Fringe Festival, to the [Hamilton Public Library](#), Soupfest and Factory Media Arts Centre.

On tap for this weekend are:

SEEDY SATURDAY (HPL is a partner)

February Saturdays are for backyard gardeners. You heard it right. Despite the blanket of snow on the ground, gardeners are getting a jump-start with Hamilton's virtual Seedy Saturday events. You can

sign up to swap seeds online and enjoy a series of free online workshops held every Saturday in February. Visit greenventure.ca/seedy-saturday-2021/ to set up for [seed swapping](#), and register for [workshop events](#) and more.

Workshops this Saturday are: 11:30 a.m. to 12:30 p.m., an Introduction to Seeds with Kim Delaney from Hawthorn Farm; 1 to 2 p.m., Native Plants and Your Landscape with Janet Mackey, a Halton Master Gardener.

SOUPFEST

We can't mingle over a hot bowl of soup but Living Rock Soupfest 2021 isn't about to disappoint the community even with a pandemic. Soupfest continues throughout Hamilton Winterfest. You can order a signature soup from one of the [19 participating restaurants](#) online this year any time until Feb. 15. A portion of the sale will be donated to Living Rock and customers who purchase competing soup will be able to vote for their favourites online at livingrock.ca/vote. Find the restaurants and the soup they are serving up at livingrock.ca/soups.

FROST BITES

Frost Bites is a winter performance festival brought to you by Hamilton Fringe Festival. Frost Bites runs virtually from Feb. 11 to 14 this year and tickets are now available. [Tickets](#) range from single \$7.91 to the [Frequent Frost pass](#) at \$50.85.

BLACK HISTORY MONTH

Telling Tales at the Hamilton Public Library celebrates Canadian authors and illustrators for Black History Month. HPL has gathered a collection of books, music, educational activities, author events and more for adults and children. Visit hpl.ca.

LA POUTINE WEEK

La Poutine Week is an annual week-long event which wraps up Sunday. Celebrate the great French-Canadian classic at local restaurants with special poutine week prices. [Participating restaurants](#) include: HAMBGR — King William — The Yard Bird for \$13; Charred Rotisserie — Chicken & Bacon Poutine for \$22; Uncle Ray's Food & Liquor — Hamilton — Fried Chicken Poutine for \$12.95; Loaded Pierogi (Hamilton) — Loaded Steak N Mushroom Poutine for \$11; HAMBGR — Ottawa Street — NOTORIOUS P.I.G. for \$13; and The Dirty South — Fried Chicken Poutine for \$14. Order and then vote for your favourites on LaPoutineWeek.com.

SPORTS FANS

It is Super Bowl weekend and we'd be amiss if we didn't give a mention. Kansas City and Tampa Bay go head to head with kick off at 6:30 p.m. Sunday.

Sport fans who don't want to watch alone can join up for a virtual tailgate and after-party via [Rock da' Houze Entertainment](#). This weekend is their sports fans weekend with online pre-games and after events. Choose from 22 events. Pre-registration is required and each event starts one hour before game time. rockdahouze.com/collections/sports-fans-weekend

RBG MARCH BREAK

Registration is now open for the Royal Botanical Gardens live virtual March break camp experiences that run March 15 to 19. Virtual camps will run one to two hours onscreen. Cost is \$100 for a five-day camp, or \$25 per day. rbg.ca

THIS YOUTUBER DOCUMENTS LIFE ON THE STREET, STARTING WITH HIS OWN

By: EVAN Aagaard, CBC.ca, February 5, 2021

Source:

<https://www.cbc.ca/radio/docproject/free-radicals-two-men-two-ways-out-of-the-darkness-1.5897491/this-youtuber-documents-life-on-the-street-starting-with-his-own-1.5897508>

Penny O'Radical holds the camera in front of him and speaks to it "vlog-style" as he makes his way down a graffiti-covered alleyway in downtown Hamilton.

"I've just been thinking about how much has changed in the last year since I was homeless. One of

the big reasons that a lot has changed for me has been you guys."

He's talking to his audience of YouTube subscribers in one of the weekly videos he produces. It's for a series he started making in 2019 to candidly document his recovery from a years-long opioid addiction that took him all the way to rock bottom.

Penny O'Radical is not his real name, but rather his preferred moniker as a homeless advocate as well as the creative persona of his [YouTube channel](#).

During the lowest point of those years, he was living on the streets and largely dependent on Hamilton's shelter system for his basic needs. But after being released from a stint in jail in the summer of 2019, O'Radical, 38, decided to use one of his last remaining possessions, an old Samsung smartphone with a broken screen, to recount his situation to the camera. The video he uploaded to YouTube was called "[Homeless Again](#)."

"One of the few good things about losing everything is that you have nothing left to lose," he told *The Doc Project*. "There was no boss somewhere who's going to see the video and fire me the next day because I'm a drug addict or something. So being candid like that just felt good, like it was creative. It was almost like it felt healthy."

So began a new routine for O'Radical: making weekly videos documenting everything from his trips to the local methadone clinic and the harsh realities of opioid withdrawal to the pitfalls of cheque-cashing outlets for people living on low incomes.

"I think one of the reasons why I started reporting on what was going on around me is because people who use drugs, or homeless people, one of their main issues is that they aren't articulate. They can't communicate their problem as well as I can," he said.

"It's something I have that I can use."

Using a free video editing app on his phone and [WiFi from Hamilton Public Library](#), O'Radical would upload his videos each week to his YouTube channel. He spent hours answering questions and comments from curious viewers and slowly growing his audience to nearly a thousand subscribers. It's given him a sense of purpose while also keeping him accountable to himself as he builds his life back from homelessness and addiction.

"I had the motivation to do something because I was clean," he said. "I started to see things around me that I thought would be interesting to capture and that I thought maybe other people might be interested to see, like just how life sort of functions on that level."

O'Radical describes himself as both a filmmaker and a journalist. His work has a reputation for being reflective and articulate about the homeless experience in Hamilton, while also possessing a cinema verité style in the gritty scenes and interactions he captures.

These are talents that make O'Radical seem like an unlikely candidate to have fallen victim to life as a homeless addict, but that's one of the things he hopes to communicate.

"Until it has an impact on your own life, it's very hard to sympathize or empathize because you always think there's some difference, there's some reason why they're there and you're not," he said.

The journey to homelessness

For O'Radical, that journey started 20 years ago at Hamilton's Westmount Secondary School where he and his friends would indulge in recreational drugs. Eventually he moved on to harder drugs — cocaine then morphine and fentanyl.

In the early 00s he toured North America with his band Kitchens and Bathrooms. Devoting himself to music and performance helped him kick his drug habit for a time in his 20s. But when the tours ended, he felt adrift and found himself returning to opioids.

Eventually in 2017 the financial cost of his drug habit, along with his strained relationships with friends and family, forced him onto the streets for the first time. After wandering downtown Hamilton for days, he found himself searching for a bed at the Salvation Army.

"It was very eye opening," he said. "The first time I slept at the shelter I was standing in line to get breakfast with a bunch of other homeless men waiting for food, and it was such a slap in the face, like

it was such a wake up call. I couldn't believe where my life had ended up during that time." Since then, O'Radical has overcome his addiction. He's found a room to rent and a part time job assisting a renovation contractor. It's helped him save enough to upgrade his filmmaking gear. But it's the hours he spends filming and editing his YouTube videos – upwards of 40 hours a week sometimes – that has given him the focus to keep his life on track. He's also started expanding his channel with new content, like his "[On The Streets](#)" series, where he interviews other homeless people about their lives and how they came to live on the streets. It has helped him define a new identity and purpose for himself: interpreting the stories and experiences of the street for those who might otherwise be ignored.

HAMILTON LAUNCHES OUTDOOR 'STORY WALKS' SO FAMILIES CAN READ AS THEY STROLL

BY: MICHAEL Kras, [Urbanicity.com](#)

Source:

<https://urbanicity.com/hamilton/entertainment/2021/02/hamilton-launches-outdoor-story-walks-so-families-can-read-as-they-stroll/>

With a severe lack of permissible activities amid COVID-19 restrictions and lockdown, the City of Hamilton is getting creative in finding ways of creating a variety of safe, fun [things to do outdoors](#) that go beyond a simple hike or walk in the park.

One particularly novel activity created by the city is the new series of [Story Walks](#): a family-friendly way of exploring literature while also exploring some of Hamilton's outdoor spaces.

Presented in partnership with the Hamilton Public Library, these Story Walks are presented along a number of trails and within the parks surrounding recreation centres such as the Dundas Driving Park, Stoney Creek Recreation Centre, Ancaster Rotary Centre, and Bernie Morelli Recreation Centre.

Children's books are mounted page by page throughout the parks and trails, allowing families to take in a stroll together while they also take in a stimulating, entertaining piece of literature on the journey.

Books on offer at the various parks and recreation centres include titles like *On My Swim* by Kari-Lynn Winters, *Walk on the Wild Side* by Nicholas Oldland, *Water Walker* by Joanne Robertson, *Picture a Tree* by Barbara Reid, and *Charlie's Dirt Day* by Andrew Larsen.

This creative, self-directed winter activity is one of many the city is offering amid the chilly months, with other activities including snowshoeing at King's Forest Park and ice skating on some city-sanctioned skating rinks.

To read more about Story Walks and other winter activities, check out the [city website](#).

WHAT'S GOING ON HERE NOW? GREENSVILLE ELEMENTARY SCHOOL OPENS TO STUDENTS: CITY PORTION OF BUILDING STILL UNDER CONSTRUCTION

BY: MAC CHRISTIE, [Flamborough Review](#), February 8, 2021

Source:

<https://www.flamboroughreview.com/news-story/10325213-what-s-going-on-here-now-greensville-elementary-school-opens-to-students/>

The new Greensville Elementary School officially opened for the first time Monday, Feb. 8, as students returned to in-class learning.

JUST THE FACTS

Hamilton-Wentworth District School Board Ward 13 trustee Paul Tut said the school board has occupancy of the school portion of the building, adding special needs students have been in the school since January.

Tut said construction on the city portion of the building is ongoing.

"All classes are set up and ready for students," he said of the Harvest Road school. "All COVID signage and PPE is in place."

The 381-pupil place junior kindergarten to Grade 8 school was slated to open to students after the Christmas break, something which was delayed due to the shift to online learning.

The building, which is also slated to include a City of Hamilton community [centre and Hamilton](#)

Public Library branch, is located on the former site of Greenville Public School at 625 Harvest Rd. The school will accommodate students from the former Greenville school, Spencer Valley Elementary School and Grade 6-8 students from Millgrove Elementary School.

According to the Hamilton Public Library website, the 3,400-square-foot library will feature community rooms with a kitchenette, meeting rooms, a children's area, reading lounge and outdoor reading space. The library is expected to open this spring.

Date: February 17, 2021
To: Chair and Members of the Board
From: Tony Del Monaco, Director Finance and Facilities
Dawna Wark, Director Public Services, Branches
Lisa Radha Weaver, Director Collections and Program Development
Subject: Reducing Barriers - Fines and Fees Update - TD/DW/LW

RECOMMENDATION:

That the Library Board receive this report for information and comment.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In 2017 an investigation into the number of customer service transactions that were needed to collect overdue fines exceeded the cost of the revenue generated from fines. Fines and fees revenue related to circulating materials was removed from the 2021 budget, as approved by Board in 2020 related to the ongoing pandemic response. This implication of these developments is, should the Library Board determine to make the removal of adult fines permanent, this will not be a budget pressure in future operating budgets.

BACKGROUND:

Physical circulation of library materials is slowly increasing, and volume is related to pandemic movement restrictions in the community. Digital circulation remains consistently high. The removal of fines and fees during the pandemic period has supported members in accessing the library including circulation and print on the go.

With the removal of fines and fees in 2020 there has been consistent access to the library and services of members with approximately 4000 or 2% of circulating materials not returned after the 28 day loan period. Due to pandemic movement restrictions in the community this number will change as the community is able to move with less restrictions later this year.

Once community movement restrictions are lifted the library will start mailing overdue notice reminders to members who have items overdue by more than 35 days.

The report summarizes actions we have taken to date to reduce barriers and then it provides possible additional steps that we are asking for direction from the Library Board. Staff are also looking for direction from the Library Board about what additional information does the Board seek before making a decision on the removal of fines more permanent.

Actions Taken to Date

The library is committed to proactively looking at barriers of HPL and developing long-term, systemic and sustainable changes that will reduce those barriers and help HPL communicate a new message of welcoming to those that do not currently feel welcome at HPL. The summary below provides the background and, in looking forward, we aim to address these areas:

- **Service Hour Gaps**
- **Awareness of Library Collections & Services**
- **Other barriers**

As a key institution in the City of Hamilton we have a responsibility to provide effective service for all residents. Since 2017, we've increased our open hours by 171 hours a week and created a barrier free library card. Our awareness campaigns have increased our online circulation by more than 30% enabling customers to access our diverse collections from home. The library also works with partners in the community to provide a Community Resource Worker, Community Connections Support and Youth Connectors.

In HPL's continuing journey to transformational customer service, attention to other potential barriers to usage requires an ongoing awareness of community needs and a focus on continuous improvement.

In this Strategic Plan the library has focused on three areas when considering unintentional customer service barriers:

- Simplifying the customer experience
- Replacing transactional tasks with transformational work
- Enhancing library capacity for programs and services

HPL's current Strategic Plan includes:

- Reducing barriers for customers to access and use the library
- Process improvements related to customer service

In response the library started a Customer Experience Task Force June 2018.

Barriers addressed prior to 2018

- Account management including managing holds and paying fines online
- Access to DVD/CDs without staff intervention
- Print card fund add-ons
- Reserving computer time
- Self-service check-in and out at Extended Access locations
- Study Hall space at Red Hill and Terryberry branches (weekdays 9 pm – 12 midnight)

Barriers addressed in 2019

- Auto-renewal of library items
- Language translation services at all service desks
- Early start hours pilot at Saltfleet, Sherwood and Ancaster branches (opening at 9 am) (Valley Park, 2020)
- Expanded bookmobile stops
- Online card registration
- Fresh Start removal of all fines for customers every four year
- Restructured Fines Policy including no charge for lost library cards

Barriers addressed in 2020

- Service hour gaps to increase consistency of HPL's open hours across our system
- Eliminating all fines and fees until the end of 2021
- Permanently eliminating youth fines and fees

Barriers that continue to be addressed:

- Service hour gaps to increase consistency of HPL's open hours across our system
- Improved branch accessibility– Mount Hope
- Branch renovations – Valley Park, Greensville and Carlisle
- Community hub partnership – Indwell at Parkdale Landing

Potential Additional Options for the Board to Consider

The following are additional barrier reducing steps the Board could take.

1. **Pay-it Forward for Adult Fines** - For adults, we are proposing we turn overdue fines away from a punitive system to a positive one, where overdue fines are a suggestion and we encourage adults to pay what they can to support youth literacy.
2. **Pay-it Forward for Adults Lost Charges** - For adults, we are proposing we turn lost charges fines away from a punitive system to a positive one, where lost fines are a suggestion and we encourage adults to pay what they can to support youth literacy.

The research states:

“checkouts rose 10% at Salt Lake City Public Library, and the number of new cardholders rose 3.5%. Getting rid of fines brought new people into the library and allowed previous users to return” *Imagining A Fine-Free Future* <https://americanlibrariesmagazine.org/blogs/the-scoop/imagining-fine-free-future/> 2018

“doing away with fines, more people returned books on time, and others felt more welcome in the library space” *Doing Fine(s)?* <https://www.libraryjournal.com/?detailStory=doing-fines-fines-fees> 2017

Date: February 17, 2021
To: Chair and Members of the Board
From: Paul Takala, Chief Librarian/CEO
Lisa Weaver, Director Collections and Program Development
Subject: **Legal Opinion on the Working with Us Policy - PT/LW - Attachment # 12.1**

RECOMMENDATION:

That the Library Board receive the attached Legal Opinion on the *Working with Us Policy*.
That the Library Board directs staff to study the opinion and bring back revisions to the policy for the Board to consider to ensure it complies with the legal advice.
That staff are directed to ensure operational processes are put in place to ensure the policy is effectively and fairly administered.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The *Working with Us Policy - HPL's Policy on Partnerships, Programs & Space* received 1st review in May 2020. Because of the complexity of the issues involved in space usage, free speech and inclusion, the Library Board directed staff to seek a legal opinion on the draft policy.

BACKGROUND:

Following the May 2020 Board meeting staff engaged a local attorney with extensive expertise in Human Rights law, Wade Poziomka, a Partner at Ross & McBride LLP. In recent years public libraries in Canada have faced a complexity of issues around the our core role in protecting free speech necessary for free and democratic societies to flourish, living up to the promise of the Canadian Charter of Rights and Freedoms, as we are also mindful of our deep commitment to inclusion while knowing that some speech, that while not legally defined as Hate Speech, can be deeply hurtful to many individuals and groups who have lived experience with personal and systemic discrimination.

The attached Legal Opinion provides guidance to the Library Board and staff as we work to fairly and transparently operationalize the updated policy on Partnerships, Programs and Space Use.

In seeking legal advice on the draft policy, we had four (4) questions. The first three (3) related directly to the policy and the final question addressed a specific issue around requiring individuals entering Library premises during the COVID-19 Pandemic by checking with their HPL Library Card. The questions we asked were:

1. Are there elements of the policy that violate Charter Rights or Canadian/Ontario laws?
2. An underlying assumption in the policy is with Library programs and co-planned programs. HPL is able to ensure we can create programs consistent with our values and strategic plan, however, with room bookings from third parties we need to ensure we do not restrict free speech by denying bookings to groups because their views might be inconsistent with our

organizational values. Are we violating Charter Rights or Canadian/Ontario laws by giving room booking lower priority than our own programs?

3. Are there additional legal steps that we could take to ensure our spaces are used consistent with our *Diversity and Inclusion Policy* without undermining Charter Rights or Canadian/Ontario laws?
4. Are there legal implications for HPL enforcing the need to have a library card during the pandemic if this is required?

With room bookings and in-person events currently suspended due to the pandemic, staff will be studying the implications of the opinion in the coming months and reporting back to the Library Board. There are a few areas of the draft policy that will need some revisions and the opinion also provides guidance on the processes we need to have in place to effectively administer the policy.

In the past, HPL has benefitted from legal opinions shared by other libraries on matters that affect us all and because we faced no active litigation, we intended the opinion to be publicly available to contribute to the broader dialogue. Thanks to Wade Poziomka and his team at Ross & McBride LLP for all their thoughtful work on this file. Also, a special thank you to James L. Turk, Distinguished Visiting Scholar at Ryerson University and Director of Ryerson's Centre for Free Expression for taking the time to share his perspective with Mr. Poziomka and his team.

Finally, as we move forward we need to recognize that because of our unique role as a public library, supporting access to a wide diversity of opinion and expressions, some of the decisions we make in the future will disappoint some. By adhering to our Intellectual Freedom Policy while also approaching our work with respect for everyone, coming from a perspective of *cultural humility* as promised in our Diversity and Inclusion Policy, we can strive to advance deeper mutual understanding and respect even if that process can be painful at times.

ATTACHMENTS:

Description	Upload Date	Type
Legal Opinion on the Working with Us Policy	2/12/2021	Cover Memo
Working with Us - HPL's POLICY ON PARTNERSHIPS, PROGRAMS & SPACE - 1st Review	2/12/2021	Cover Memo



WADE POZIOMKA

Partner

Direct: (905) 572-5824

Fax: (905) 526-0732

Email: wpoziomka@rossmcbride.com

NICK PAPAGEORGE

Associate

Direct: (905) 572-5838

Fax: (905) 526-0732

Email: npapageorge@rossmcbride.com

PERSONAL AND CONFIDENTIAL

January 29th, 2021

VIA E-MAIL - ptakala@hpl.ca

Paul Takala
Chief Librarian/CEO
Hamilton Public Library
55 York Blvd.
Hamilton, ON L8N 4E4

Dear Mr. Takala:

RE: LEGAL OPINION

Introduction

The Hamilton Public Library ("HPL") has requested a legal opinion to provide clarity around aspects of its policy entitled *Working With Us – HPL's Policy on Partnerships, Programs and Space Use* (the "Policy"), especially with regards to the *Charter of Rights and Freedoms* (the "Charter") and Ontario law such as the Ontario *Human Rights Code* (the "Code").

The area of library policy has not attracted a large amount of litigation and so there is a paucity of caselaw that is directly relevant to the Policy on which this opinion has been sought. Much of this opinion is therefore rendered on the basis of legal first principles applicable to the *Charter* and *Code*. This opinion has also been prepared with the input of James L. Turk ("Mr. Turk"), Distinguished Visiting Scholar at Ryerson University and Director of Ryerson's Centre for Free Expression.¹

This opinion is divided into four sections:

1. Applicability of the *Charter* to public libraries

¹ <https://cfe.ryerson.ca/people/james-l-turk>; <https://www.ryerson.ca/fcad/about/distinguished-advisors/james-turk/>

2. Legal implications of giving preference in room bookings
3. Additional ways to enforce the Diversity and Inclusion Policy
4. Legal implications of requiring a library card during the Pandemic

Applicability of the *Charter*

Whether the *Charter* applies to public libraries generally, or to public libraries when exercising functions such as the implementation of the Policy does not appear to have been answered conclusively.

It is well established that the *Charter* explicitly applies to government actors:

... s. 32 of the Charter specifies the actors to whom the Charter will apply. They are the legislative, executive and administrative branches of government. It will apply to those branches of government whether or not their action is invoked in public or private litigation. ... It would also seem that the *Charter* would apply to many forms of delegated legislation, regulations, orders in council, possibly municipal by-laws, and by-laws and regulations of other creatures of Parliament and the Legislatures. It is not suggested that this list is exhaustive.²

What constitutes government activity has been delineated by the Supreme Court of Canada in several subsequent decisions.

In *McKinney*, several university professors challenged the University's imposition of mandatory retirement on the basis that it violated the equality provision in Section 15(1) of the *Charter*. The Court found that the University's relations with its employees was not a matter governed by the *Charter*. In reaching its conclusion, the Court placed particular emphasis on the lack of governmental control over the University's Board and day-to-day operation:

... the universities' fate is largely in the hands of government and that the universities are subjected to important limitations on what they can do, either by regulation or because of their dependence on government funds. It by no means follows, however, that the universities are organs of government. There are many other entities that receive government funding to accomplish policy objectives governments seek to promote. The fact is that each of the universities has its own governing body. Only a minority of its members (or in the case of York, none) are appointed by the Lieutenant-Governor in Council, and their duty is not to act at the direction of the government but in the interests of the university (see, for example, s. 2(3) of *The University of Toronto Act, 1971*). The remaining members are officers of the Faculty, the students, the administrative staff and the alumni.

The government thus has no legal power to control the universities even if it wished to do so. Though the universities, like other private organizations, are subject to government regulations and in large measure depend on government funds, they manage their own affairs and allocate these funds, as well as those from tuition, endowment funds and other sources.

...

² *RWDSU v. Dolphin Delivery Ltd.*, 1986 CanLII 5 (SCC), [1986] 2 SCR 573, at paras 34 and 39.

... Though the legislature may determine much of the environment in which universities operate, the reality is that they function as autonomous bodies within that environment. ... there is nothing here to indicate any participation in the decision by the government and, as noted, there is no statutory requirement imposing mandatory retirement on the universities.³

In *Douglas College*, a companion case released at the same time as *McKinney*, the Court reached a different conclusion and found that colleges created by statute and subject to a high degree of government control were bound by the *Charter*:

As its constituent Act makes clear, the college is a Crown agency established by the government to implement government policy. Though the government may choose to permit the college board to exercise a measure of discretion, the simple fact is that the board is not only appointed and removable at pleasure by the government; the government may at all times by law direct its operation. Briefly stated, it is simply part of the apparatus of government both in form and in fact. In carrying out its functions, therefore, the college is performing acts of government, and I see no reason why this should not include its actions in dealing with persons it employs in performing these functions. Its status is wholly different from the universities in the companion cases of *McKinney v. Univ. of Guelph* and *Harrison v. Univ. of B.C.*, both *supra*, which, though extensively regulated and funded by government, are essentially autonomous bodies. Accordingly, the actions of the college in the negotiation and administration of the collective agreement between the college and the association are those of the government for the purposes of s. 32 of the *Charter*. The *Charter*, therefore, applies to these activities.⁴

Later, in *Eldridge*, the Court reviewed this earlier jurisprudence and articulated the two bases by which the *Charter* could be found to apply to an entity:

... the *Charter* may be found to apply to an entity on one of two bases. First, it may be determined that the entity is itself "government" for the purposes of s. 32. This involves an inquiry into whether the entity whose actions have given rise to the alleged *Charter* breach can, either by its very nature or in virtue of the degree of governmental control exercised over it, properly be characterized as "government" within the meaning of s. 32(1). In such cases, all of the activities of the entity will be subject to the *Charter*, regardless of whether the activity in which it is engaged could, if performed by a non-governmental actor, correctly be described as "private". Second, an entity may be found to attract *Charter* scrutiny with respect to a particular activity that can be ascribed to government. ... If the act is truly "governmental" in nature - for example, the implementation of a specific statutory scheme or a government program - the entity performing it will be subject to review under the *Charter* only in respect of that act, and not its other, private activities.⁵

³ *McKinney v. University of Guelph*, 1990 CarswellOnt 1019, [1990] 3 S.C.R. 229, at paras 40–42 and 45. [*“McKinney”*]

⁴ *Douglas/Kwantlen Faculty Assn. v. Douglas College*, 1990 CarswellBC 766, [1990] 3 S.C.R. 570, at para 49. [*“Douglas College”*]

⁵ *Eldridge v. British Columbia (Attorney General)*, 1997 CarswellBC 1940, [1997] 3 S.C.R. 624, at para 44. [*“Eldridge”*]

In this case, the Court noted that it had earlier determined in the *Stoffman* case⁶ (another companion case with *McKinney*) that a hospital's mandatory retirement policy was not subject to the *Charter* because

... the hospital's mandatory retirement policy ... was a matter of internal hospital management. Notwithstanding the requirement of ministerial approval, the Regulation was developed, written and adopted by hospital officials. It was not instigated by the government and did not reflect its mandatory retirement policy. Hospitals in British Columbia, moreover, exhibited great variety in their approaches to retirement. That each of these policies obtained ministerial approval reflected the large measure of managerial autonomy accorded to hospitals in this area.⁷

However, a different result obtained in *Eldridge*, where the hospital was delivering a government program mandated by statute:

The purpose of the *Hospital Insurance Act* is to provide particular services to the public. Although the benefits of that service are delivered and administered through private institutions - hospitals - it is the government, and not hospitals, that is responsible for defining both the content of the service to be delivered and the persons entitled to receive it. ... moreover, hospitals are *required* to furnish the general hospital services specified in the Act.
...

The structure of the *Hospital Insurance Act* reveals, therefore, that in providing medically necessary services, hospitals carry out a specific governmental objective. The Act is not, as the respondents contend, simply a mechanism to prevent hospitals from charging for their services. Rather, it provides for the delivery of a comprehensive social program. Hospitals are merely the vehicles the legislature has chosen to deliver this program. ... in the present case there is a "direct and ... precisely-defined connection" between a specific government policy and the hospital's impugned conduct.⁸

In *Godbout*, the Supreme Court determined that the *Charter* unquestionably applies to municipalities because their councils are democratically elected, they have general taxing power, they are empowered to make law, and all of their powers are conferred upon them by the provincial government:

... most significantly, municipalities derive their existence and law-making authority from the provinces; that is, they exercise powers conferred on them by provincial legislatures, powers and functions which they would otherwise have to perform themselves. Since the Canadian *Charter* clearly applies to the provincial legislatures and governments, it must, in my view, also apply to entities upon which they confer governmental powers within their authority.⁹

⁶ *Stoffman v. Vancouver General Hospital*, 1990 CarswellBC 765, [1990] 3 S.C.R. 483. ["*Stoffman*"]

⁷ *Eldridge*, at para 48.

⁸ *Ibid* at paras 49–51.

⁹ *Godbout c. Longueuil (Ville)*, 1997 CarswellQue 884, [1997] 3 S.C.R. 844, at para 51. ["*Godbout*"]

Similarly, in *Multani*, the Court found that there was “no question” that the *Charter* applied to a school board:

There is no question that the *Canadian Charter* applies to the decision of the council of commissioners, despite the decision’s individual nature. The council is a creature of statute and derives all its powers from statute. Since the legislature cannot pass a statute that infringes the *Canadian Charter*, it cannot, through enabling legislation, do the same thing by delegating a power to act to an administrative decision maker¹⁰

As stated in the Introduction to this opinion, there do not appear to be any cases that directly address the question of whether the *Charter* applies to public libraries, either generally or in their execution of certain functions. The matter came before the Divisional Court in *Weld v. Ottawa Public Library*, wherein the applicant sought to judicially review a decision of that library to deny her a room booking for a film screening on the basis that the film was likely to promote hatred and discrimination. However, the Court decided that the matter was not amenable to judicial review, and it left for another day the question of whether the *Charter*’s Section 2(b) protections of freedom of expression were applicable.

With reference to the aforesaid cases of the Supreme Court, there appear to be several factors weighing in favour of the *Charter* applying to public libraries.

Libraries in Ontario are creatures of the *Public Libraries Act* (the “Act”) that are created and have their boards appointed by municipal councils, which are themselves subject to the *Charter*. As Mr. Turk points out, libraries are under the management and control of their board, but the decisions and actions of those boards are constrained in numerous ways and substantial control over the board reposes in the municipal council, including by operation of Sections 9(9), 12, 14(2), 19 and 24 of the Act.

Additionally, libraries/boards receive grants from the provincial Minister of (pursuant to Section 30 of the Act) and may receive grants from the municipal council (Section 27), while the Lieutenant Governor may make regulations prescribing conditions governing the payment of grants (Section 39). The Lieutenant Governor may also make regulations respecting the establishment, organization, management, premises and rules of public libraries (Section 39).

Section 20 of the Act is largely mandatory and refers mainly to what the Board “shall” do; Sections 23(1) and 23(2) of the Act specifically require libraries to make their reference materials available to the public without charge. This is indicative of libraries carrying out a specific government objective.

On the other hand, the Court in *McKinney* noted that government funding and regulation are not sufficient to demonstrate that an entity is “government” for the purpose of *Charter* application. Library board members do not serve at the pleasure of the municipal council but instead, under Section 10(3), serve for a term concurrent with that of their appointing council.

Additionally, as the Court in *Weld* stated, the library’s “core functions are to make books and other materials available to the public, and not to make space available to the public for screening films or

¹⁰ *Multani c. Marguerite-Bourgeois (Commission scolaire)*, 2006 SCC 6, at para 22. [“*Multani*”]

other private events”; and the decision to cancel a private room booking “was not based on any legal obligation or on the exercise of a statutory power.”¹¹

While those comments are instructive, it must be remembered that they were made in the context of whether the decision could be judicially reviewed, and the Court in *McKinney* was careful not to equate amenability to judicial review with the application of the *Charter*. “[universities] may be subjected to the judicial review of certain decisions, but this does not in itself make them part of government within the meaning of s. 32 of the *Charter*.”¹²

Mr. Turk points out that one consideration in *McKinney* is the unique historical independence afforded to universities, whereas libraries have traditionally operated as more of a public agency serving the public’s interest. This may weigh in favour of the *Charter* applying to public libraries. Mr. Turk further remarks that libraries operate under a statutory framework of circumscribed autonomy that is more similar to community colleges and school boards, both of which are governed by the *Charter*.

Mr. Turk’s is also of the view that the Court in *Weld* has taken an overly narrow view of the core functions of a library. However, decisions of the Divisional Court will be persuasive (and possibly binding) authority in a potential legal challenge to library policy.

At a minimum, the *Charter* likely applies to public libraries when executing their core function of making materials available to the public, and it could apply when public libraries are dealing with room bookings for private events (the question has not been decided).

The question of whether libraries are governed by the *Charter* in all of their activities cannot be definitively answered. However, there is a sound basis, as outlined above, for saying that the *Charter* probably does apply to the operations of the HPL generally.

As Mr. Turk aptly notes, both the Ontario Library Association’s “Statement on the Intellectual Rights of the Individual” and the Canadian Federation of Library Associations’ “Statement on Intellectual Freedom and Libraries” are already guided the spirit of the *Charter* and *Charter* values. In effect, libraries such as the HPL are likely already operating as if the *Charter* applies to them.

This opinion will, therefore, proceed on the basis that the *Charter* applies to public libraries, including HPL.

Legal implications of giving preference in room bookings

As stated, it is possible that the *Charter*’s freedom of expression protections may apply to room bookings in a public library; that was precisely the question left open by the Divisional Court in *Weld*. Section 2(b) of the *Charter* guaranteeing freedom of expression is reproduced as follows:

2. Everyone has the following fundamental freedoms: ... (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

¹¹ *Weld v. Ottawa Public Library*, 2019 ONSC 5358, at para 15. [“*Weld*”]

¹² *McKinney*, at para 34.

Section 1 of the *Charter* makes clear that this right is not absolute, but instead is “subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”

While the applicability of the *Charter* to HPL has not been definitively determined, there is no question that the *Code* applies to HPL as an entity providing a service, which “encompasses those activities which provide a benefit from one person to another or to the public” and “is not restricted to benefits which are generally available to the public.”¹³ The HRTO has specifically found that “a public library offers a variety of services to the public within the meaning of the *Code*, and that, therefore, the respondent cannot discriminate against a user of its facilities in violation of the *Code*’s provisions.”¹⁴

Section 1 of the *Code* entitles individuals to be free from discrimination in the provision of services:

Every person has a right to equal treatment with respect to services, goods and facilities, without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

Section 15 of the *Charter* also contains an equality provision that explicitly does not apply to policies designed to ameliorate discrimination:

Equality before and under law and equal protection and benefit of law

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Section 10 of HPL’s policy is on reasonably solid footing to the extent that states that it will refuse to book a room for illegal activity or events that discriminate, although some changes may be necessary to make this basis for refusal clearer (see Part 3 of this opinion).

In *R. v. Keegstra*, the Supreme Court specifically found that the hate speech prohibitions contained in the *Criminal Code* are an acceptable infringement on the *Charter*’s freedom of expression protections. HPL is thus entitled to refuse room bookings to events that would be considered hate speech without running afoul of the *Charter*, should it apply.

However, as noted by Mr. Turk, HPL should be aware of the concept of prior restraint, which would include the act of judging a person will engage in illegal hate speech before the event and refusing them use of HPL space on that basis. Courts have found that “[p]rior restraints are considered particularly severe restrictions on speech”, though they are not impermissible in all cases.¹⁵

¹³ *Thavarajasoories v. Incorporated Synod of the Diocese of Toronto*, 2009 HRTO 314, at para 6. [“*Thavarajasoories*”]

¹⁴ *MacDonald v. Cornwall Public Library*, 2011 HRTO 1323, at para 3. [“*MacDonald*”]

¹⁵ *R. v. Glad Day Bookshops Inc.*, 2004 CanLII 16104 (ON SC), at paras 111–15. [“*Glad Day*”]

Mr. Turk recommends (and we agree) that, at a minimum, HPL must be able to demonstrate “reasonable grounds” for concluding that illegal activity will take place before imposing a prior restraint. To this end, Mr. Turk further recommends (and, again, we agree) that the HPL policy contain wording along the following lines:

Refusing access to library space will not be denied except where there are reasonable grounds to believe that the proposed activity/use of the space is contrary to the law and/or would interfere with the public’s use of the library.

This wording would apply regardless of the prohibited activity with which HPL is concerned (e.g. hate speech, discrimination, gambling). The focus in applying the aforesaid standard must always remain on the nature of the proposed event rather than the identity of the individuals who are requesting to use the space. HPL must be able to

Meanwhile, the HRTO has previously found that “in certain circumstances, it is a violation of the right to be free from discrimination protected under Part I of the *Code* where a respondent fails to take appropriate steps to respond to an allegation of discrimination.”¹⁶ HPL must therefore be responsive to concerns about discrimination; while its obligation here is to respond to complaints, it would be valid to be proactive and avoid booking rooms for discriminatory events.

Accordingly, HPL’s Policy with respect to room bookings is not unlawful on its face. Where HPL must be cautious is in the manner by which it chooses its partners and thereby grants free room bookings to certain groups while mandating a charge for others. This may not be discriminatory *per se*, but would become discriminatory if HPL’s implementation of this Policy is shown to habitually disadvantage certain groups on the basis of their *Code*-protected grounds. This is referred to as “indirect” or “constructive” discrimination, which is proscribed by Section 11 of the *Code*:

Discrimination can be direct or indirect. Direct discrimination occurs when an individual is treated adversely because of a personal characteristic covered by the *Code* such as disability. See *Andrews v. Law Society of British Columbia*, 1989 CanLII 2 (SCC), [1989] 1 S.C.R. 143.

Indirect discrimination, as provided for in section 11 of the *Code*, recognizes the reality that discrimination can occur when neutral rules that do not appear to be discriminatory have a disproportionate and adverse impact on a group identified by one of the personal characteristics covered by the *Code*. An example of indirect or “constructive discrimination” (as it is referred to in the *Code*) is the case of *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, 1999 CanLII 652 (SCC), [1999] 3 S.C.R. 3 (“Meiorin”), in which an aerobic standard that disproportionately prevented women from obtaining firefighter jobs was found to be discriminatory. See also *Ontario Human Rights Commission v. Simpsons-Sears Ltd.*, 1985 CanLII 18 (SCC), [1985] 2 S.C.R. 536 in which the requirement to work Friday evenings was found to be discriminatory for an employee who, for religious reasons, was prohibited from working on Friday evenings.¹⁷

¹⁶ *Moore v. Ferro (Estate)*, 2019 HRTO 526, at para 183–84. [“*Moore*”]

¹⁷ *Contini v. Rainbow District School Board*, 2012 HRTO 295, at paras 17–18. [“*Contini*”]

Where a seemingly neutral policy is found to constitute indirect discrimination, the policy may nevertheless be valid if it is a *bona fide* requirement adopted in good faith to serve a legitimate end. The test to be applied in this scenario is set out by the Supreme Court in its *Meiorin* decision:

Having considered the various alternatives, I propose the following three-step test for determining whether a prima facie discriminatory standard is a BFOR [*bona fide* occupational requirement]. An employer may justify the impugned standard by establishing on the balance of probabilities:

- (1) that the employer adopted the standard for a purpose rationally connected to the performance of the job;
- (2) that the employer adopted the particular standard in an honest and good faith belief that it was necessary to the fulfilment of that legitimate work-related purpose; and
- (3) that the standard is reasonably necessary to the accomplishment of that legitimate work-related purpose. To show that the standard is reasonably necessary, it must be demonstrated that it is impossible to accommodate individual employees sharing the characteristics of the claimant without imposing undue hardship upon the employer.¹⁸

While this test was clearly established in the employment context, it applies equally outside of that context, and has in fact been applied by the HRTO to the policies of public libraries. In *MacDonald*, the HRTO considered the library's "one person, one computer" policy and determined that this indirectly discriminated against those with disabilities who required the assistance of another individual:

The "one person – one computer" rule adopted by the respondent discriminates *prima facie* against those with disabilities who are unable, for whatever reason, to use a computer without assistance. The rule is neutral on its face but it could have adverse effects for those who are disabled and who require the assistance of another person to use the respondent's computers. Thus, the onus now shifts to the respondent to establish that it has met both the procedural and substantive components of its duty to accommodate to the point of undue hardship as required by section 11 of the *Code*.

In order to determine if a rule relating to the delivery of services is reasonable or *bona fide* in the circumstances as required by section 11(1) it is necessary to apply the analysis set out by the Supreme Court of Canada in *British Columbia (Public Service Employee Relations Commission) v. British Columbia Government and Service Employees' Union (B.C.G.S.E.U.)*, 1999 CanLII 652 (SCC), [1999] 3 S.C.R. 3 ("*Meiorin*") and *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights)*, 1999 CanLII 646 (SCC), [1999] 3 S.C.R. 868 at para. 20 ("*Grismer*"). As summarized by the Tribunal at para. 10 in *Wozenilek v. Guelph (City)*, 2010 HRTO 1652, the respondent must show that:

- (1) it adopted the standard for a purpose or goal that is rationally connected to the function being performed;

¹⁸ *British Columbia (Public Service Employee Relations Commission) v. B.C.G.E.U.*, 1999 CarswellBC 1907, [1999] 3 S.C.R. 3, at para 54. ["*Meiorin*"]

- (2) it adopted the standard in good faith, in the belief that it is necessary for the fulfillment of the purpose or goal; and
- (3) the standard is reasonably necessary to accomplish its purpose or goal, in the sense that the defendant cannot accommodate persons with the characteristics of the claimant without incurring undue hardship.

I find that the “one person – one computer” rule is rationally connected to the delivery of library services. It is designed to ensure that the noise level in the library is kept sufficiently low to ensure that library users can read, research, and study in conditions appropriate to such work without being disturbed by those around them. Computer use may provide more opportunities for discussion and noise than traditional printed material because of the wide variety of material available on the Internet and the format in which it is delivered. It also requires a different form of attention than printed materials. The rule also helps prevents [*sic*] congestion in one area of the library and ensures that the privacy of users of computer stations is respected. While the rule adopted may not be the only possible rule, it is rationally connected to the stated goal.

I have no doubt, based on the evidence before me, that the respondent adopted the “one person – one computer” rule in good faith in the belief that this rule is necessary to the achievement of this goal. There is no evidence to suggest that the respondent adopted the rule for any purpose other than ensuring an appropriate noise level in the library, avoiding congestion and protecting privacy.

Even if a rule was adopted in good faith and is rationally connected to a valid purpose, this does not in itself lead to the necessary conclusion that there is no discrimination. A rule which is neutral on its face can amount to discrimination because an ostensibly neutral rule can have disparate adverse effects on different groups. The fact that the respondent adopted the rule for legitimate purposes (to reduce noise, avoid congestion and protect privacy) does not in itself mean that the application of the rule is not discriminatory. The application of the same rule – one person per computer station only – to all users regardless of their abilities would amount to discrimination if the respondent made no effort to accommodate those who, because of their disability, would otherwise be unable to use the computer. The respondent must make reasonable efforts to accommodate disabled persons seeking to use its computers.¹⁹

In our opinion, there is little doubt that HPL has adopted its room booking policy in good faith for the objective of furthering its goal (as stated at Section 1 of the Policy) of using library space to “maximize” its impact on the community it serves and of establishing and maintaining “strong community partnerships that are focused on advancing Library, City, and community goals.”

However, HPL must be careful to ensure that it is not engaging in partnerships and thereby renting rooms free of charge in a way that habitually excludes and/or disadvantages certain groups on the basis of their *Code*-protected grounds.

¹⁹ *MacDonald*, at paras 33–34 and 37–39.

An example of how this could happen is found in the HRTO decision of *R.C. v. District School Board of Niagara*, which concerned a school board policy of limiting the permissible distribution of religious literature to the distribution of seminal or authoritative religious texts. The HRTO found that to do so would adversely impact atheists, who are protected by the *Code* ground of “creed” but do not disseminate their belief in a seminal or authoritative text such as the Bible:

The Board suggests that if the new policy is discriminatory, it is justified under s. 11 of the *Code* as a reasonable and *bona fide* requirement in order to promote the objective of giving students and their families access to seminal texts from religions. The Board argues that it would undermine its objective if the Board had to distribute materials that were not seminal texts such as “Just Pretend”. The Board argues that the new policy therefore complies with the *Code* and remedies the 2009 discrimination, and that the Tribunal should therefore not order that it be changed.

I need not engage in an extensive analysis of whether the respondent has met each aspect of the test for justification under *British Columbia (Public Service Employee Relations Commission) v. BCGSEU*, 1999 CanLII 652 (SCC), [1999] 3 S.C.R. 3 (“*Meiorin*”). The third step of that test requires that the requirement be reasonably necessary to accomplish its purpose or goal, and that the respondent could not accommodate the differences without experiencing undue hardship. Assuming that the other steps in the test are met, there is no evidence or reason why the respondent’s objective of giving students access to texts of creeds would be undermined by permitting optional attendance, with parental permission, at a distribution of atheist literature or materials that discuss traditional native spirituality. The desire to restrict the policy to the manner in which some creeds convey their core beliefs (seminal or authoritative texts) cannot justify an exclusion of creeds that convey their core message in other ways.

I understand that some parents and students may not agree with some of the content of atheist literature like “Just Pretend”. However, the applicant and others do not agree with some of the content of the Gideon Bible. If the Board decides to have a policy permitting distribution of religious literature, it must be prepared to accept that some parents and students might object to materials that others, with parental permission, are receiving. If it is prepared to distribute permission forms proposing the distribution of Christian texts to committed atheists, it must also be prepared to distribute permission forms proposing the distribution of atheist texts to religious Christians. It cannot design its criteria in a way that would permit communication of materials setting out their beliefs by some, but not all creeds.²⁰

Therefore, should HPL’s policy of giving preference to its partners have the effect (regardless of the fact that this is unintended, as intention need not be shown to establish discrimination) of habitually excluding certain *Code*-protected groups, HPL must be prepared to either accommodate the disadvantaged group (e.g. by allowing them a measure of charge-free bookings) or demonstrate that these groups could not be accommodated to the point of undue hardship (e.g. by demonstrating that allowing additional charge-free booking is not financially feasible for HPL).

²⁰ *R.C. v. District School Board of Niagara*, 2013 HRTO 1382, at paras 71–73. [“*R.C.*”]

It should also be noted that Section 10 of the Policy refers to “Discrimination” as events that limit attendance based on *Code*-protected grounds. HPL should be mindful that there may occasionally be valid reasons for such limitations. Specifically, Section 14 of the *Code* allows for such distinctions when they are ameliorative:

A right under Part I is not infringed by the implementation of a special program designed to relieve hardship or economic disadvantage or to assist disadvantaged persons or groups to achieve or attempt to achieve equal opportunity or that is likely to contribute to the elimination of the infringement of rights under Part I.

Should the *Charter* be found to apply, Section 15(2) contains a similar ameliorative provision:

Affirmative action programs

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

HPL should therefore consider re-wording this part of Section 10 of the Policy from an absolute prohibition to a discretionary one. HPL may wish to say that it will not allow events or meetings where attendance is limited on *Code*-protected grounds, except where the prospective renter satisfies HPL that such limitations are consistent with the ameliorative provisions of the *Code* and/or *Charter*.

Should the *Charter* be found to apply to HPL, there is also a process by which any infringement on a *Charter* right (whether Section 2(b) or Section 15) may be justified. This is known as the *Oakes* test, and it was summarized by the Court in *McKinney* (notwithstanding that the *Charter* was found to not apply in that case):

The approach to be followed in weighing whether a law constitutes a reasonable limit to a *Charter* right has been stated on many occasions beginning with *R. v. Oakes*, *supra*, and I need merely summarize it here. The onus of justifying a limitation to a *Charter* right rests on the parties seeking to uphold the limitation. The starting point of the inquiry is an assessment of the objectives of the law to determine whether they are sufficiently important to warrant the limitation of the constitutional right. The challenged law is then subjected to a proportionality test in which the objective of the impugned law is balanced against the nature of the right, the extent of its infringement and the degree to which the limitation furthers other rights or policies of importance in a free and democratic society.²¹

This is different, although not dissimilar, to the test mandated in *Meiorin*. HPL could likely show there is a sufficiently important objective to its Policy, that being to “maximize” its impact on the community it serves and of establishing and maintaining “strong community partnerships that are focused on advancing Library, City, and community goals.”

²¹ *McKinney*, at para 56.

The onus is then on HPL to show that its Policy is proportional to that objective, in that “the limiting measures must be carefully designed, or rationally connected, to the objective; they must impair the right as little as possible; and their effects must not so severely trench on individual or group rights that the legislative objective, albeit important, is nevertheless outweighed by the abridgement of rights.”²²

HPL’s policy certainly appears to be rationally connected to its objective; partnerships are encouraged and HPL’s impact on the community maximized where it is able to increase free public programs in its spaces. It is also apparent on the face of HPL’s Policy and its endorsement of the statement on Intellectual Freedom set out by the Canadian Federation of Library Association and the Ontario Library Association that it is making every reasonable effort to balance the *Charter* rights at stake with the fulfillment of its Policy goals.

The crucial part of this test is likely to be minimal impairment. HPL must be able to show that its policy impairs the *Charter* rights at issue (freedom of expression, equality) as little as possible. HPL may be able to do this by demonstrating that it considers all potential partners equally and in good faith.

HPL should thus be vigilant to ensure that its Policy is constantly being implemented in a way that permits the broadest variety of partnerships possible, such that free room bookings are available to the groups of as many beliefs and opinions as possible (short of actual hate speech or discrimination).

Additional ways to enforce the Diversity and Inclusion Policy

As stated in Part 2 of this opinion, HPL is on reasonably solid footing where it refuses to rent space to a group when it has reasonable grounds to believe that the group will engage in hate speech as proscribed by the *Criminal Code* or promote discrimination contrary to the *Human Rights Code*.

As currently written, Section 10 of the Policy refers broadly to “Illegal Activity” that contravenes local, provincial, and national laws. HPL should consider explicitly stating under this heading that it will not rent space to groups or events that HPL has reasonable grounds to believe are likely to engage in hate speech as proscribed by the *Criminal Code*.

As currently written, Section 10 of the Policy refers to “Discrimination” as events that limit attendance based on *Code*-protected grounds. As stated in Part 2 of this opinion, HPL may wish to consider re-wording this part of Section 10 of the Policy from an absolute prohibition to a discretionary one. HPL may wish to say that it will not allow events or meetings where attendance is limited on *Code*-protected grounds, except where the prospective renter satisfies HPL that such limitations are consistent with the ameliorative provisions of the *Code* and/or *Charter*.

²² *R. v. Edwards Books and Art Ltd.*, [1986] 2 S.C.R. 713, as cited in *McKinney* at para 60.

HPL may also wish to add to Section 10 that space will not be rented to events that HPL has reasonable grounds to believe are likely to engage in activity that promotes discrimination contrary to the *Code*. If HPL chooses to do so, it must ensure that this is not used as a vehicle for indirect discrimination. HPL should ensure that this prohibition targets overt discrimination (i.e. speech that advocates for the disadvantage to groups or individuals based on their *Code*-protected grounds) rather than unpopular opinions that some groups may find distasteful.

In addition to his comments about prior restraint, Mr. Turk has made his own remarks regarding Section 10. One such remark is to consider whether providing an explicit list of prohibited activities may limit HPL's flexibility to respond to activities that are not listed as prohibited but nevertheless ought to be excluded based on the application of its policy.

In our opinion, it should at least be made clear that the prohibited activities listed are not exhaustive; language to the effect that "the prohibited activities include *but are not limited to the following*" should be included. I would note that this does not give HPL limitless flexibility. Where non-exhaustive lists are provided, Courts may interpret them as extending only to activities that, while not explicitly listed, are of the same kind as those listed (an interpretive principle known as *ejusdem generis*).

In Mr. Turk's view, some of our proposed additions risk making the policy read like a legal document rather than as a publicly accessible policy. He expresses a preference for language including in the Edmonton Public Libraries room booking policy,²³ with the key point being that HPL may be better served by providing general notice that it will not permit activities that violate the *Criminal Code*, Ontario *Human Rights Code*, or are otherwise unlawful.

Our view is that some specificity about what constitutes prohibited and unlawful activities is useful; making explicit reference to hate speech and discrimination clearly signals that HPL specifically denounces those activities and will not permit them in its premises.

Ultimately, HPL must determine the proper balance between the comprehensiveness and accessibility of the policy.

Legal implications of requiring a library card during the Pandemic

The library board is plainly entitled to set rules "for the admission of the public to the library" pursuant to Section 23(4) of the Act, which of course is subject to the *Code* (and may be subject to the *Charter*).

It is our opinion that this section of the Policy likely does not engage any *Code* or *Charter* grounds. In fact, HPL has explicitly taken steps to ensure that as many people as possible are able to obtain either a library card or a guest pass, regardless of, *inter alia*, age, race, disability, or income level. Additionally, this part of the Policy is clearly instituted for a pressing objective in the midst of a public health emergency.

²³ https://www2.epl.ca/public-files/policies/board-policies/meeting_rooms_b-2006.pdf

Should HPL have concerns, it may wish to consider whether the type of contact tracing we have seen implemented at restaurants and shops whereby patrons leave their name and some type of contact details (e.g., phone number, email address) is sufficient to accomplish its contact tracing goals. However, as Mr. Turk points out, this alternative approach could pose disadvantage to individuals who are illiterate and/or do not have a phone number and/or email address.

Sincerely,

ROSS & McBRIDE LLP

Per:



Wade Poziomka
WRP/jab



Nick Papageorge

WORKING WITH US – HPL’S POLICY ON PARTNERSHIPS, PROGRAMS & SPACE

Policy Level: Library Board

Author: Chief Librarian/CEO

Review Period: 4 Years

Date Approved: Draft Received 1st Review May 2020

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SPECIAL STATEMENT DURING THE COVID-19 PANDEMIC

During the COVID-19 Pandemic there will be restrictions on how many people we can accommodate and restrictions on group gathering in our spaces. The restrictions that we have in place will be consistent with direction and guidance we receive from Public Health authorities, the City of Hamilton and the Ontario Government.

- Our overarching goal during the pandemic will be to keep the risk of exposure to COVID-19 by customers and staff, as low as possible, while striving to provide as much service as we can, provided we can do so safely.
- The restrictions we have in place will respond and change based on circumstances and direction. They will be reviewed on a monthly basis.
- Until further notice, we will not be able to accommodate any group activities in our spaces.
- To protect staff and the public, during the pandemic, we will need to hold everyone accountable for their behaviour to support public health efforts. With our Inspire Card program, every Hamiltonian should be able to get a Library card, even if they have limited identification. To ensure accountability and to support contact tracing during the pandemic, HPL will require people entering our spaces to have a library card. Out of town visitors with identification will be given a visitor pass. HPL staff will be focused on issuing cards to everyone that lives, works or goes to school in Hamilton.
- During the Pandemic and post-Pandemic recovery period, we will focus our services and programs on helping people get through the emergency and supporting individuals and communities recover.

1. POLICY PURPOSE

To provide staff, community members and partners guidance on the appropriate use of library spaces and to articulate the HPL decision making processes that governs the implementation of the policy.

The policy also provides an overall framework for the Hamilton Public Library to manage:

- Learning and social inclusion program development
- Existing and new partnerships
- Room rentals

The goal is to ensure HPL uses its spaces to maximize the impact we have and that we have strong community partnerships that are focused on advancing Library, City and community goals. This policy **combines and supersedes** the following policies: **Rules and Conditions Regarding Booking, Meeting Room, Partnership and Program Development policies.**

1.1 DEFINITIONS

- **Managers** – Each branch or department has a Manager that oversees their location within their approved mandate. The Library Management and Senior Leadership Team is listed on the Library website¹.
- **Co-Planned Programs** – Are activities that take place in HPL spaces that are offered by Library partners. Generally, HPL provides its space for free and the partner offers a learning activity for free. The partner is able to brand the program, but they work with HPL to make sure it gets promoted by HPL and that relevant library resources are identified when appropriate.
- **Learning Program** - Is defined as a coordinated activity or event with a specific purpose, such as developing reading skills, learning to utilize technology skills, understand something or gain a skill. or sharing knowledge and expertise.
- **Library Managed** – An event or program that is offered by HPL staff.

¹ <https://www.hpl.ca/articles/management>

- **Library Partner** – A community group or organization whose mission aligns with HPL’s and is listed as active in the “Partnership List”. Generally, HPL partners with not for profit organizations, educational institutions and governmental entities. HPL also partners with for profit organizations in special circumstances.
- **Meeting Space** – A part of a library building that can be used to hold special events (i.e. Central Living Room, 4th Floor Zones)
- **Partnership** is defined as a mutually beneficial collaboration between the Library and an external organization(s). Partner contributions provide support for and/or promote activities, services, events and programs to the public in ways that are mutually beneficial. (See section 9 -Partnership Levels)
- **Program Room** – A room at the Library that is mainly used for programs and meetings.
- **Senior Leadership Team (SLT)** – Comprised of the Chief Librarian/CEO and Library Senior Directors.

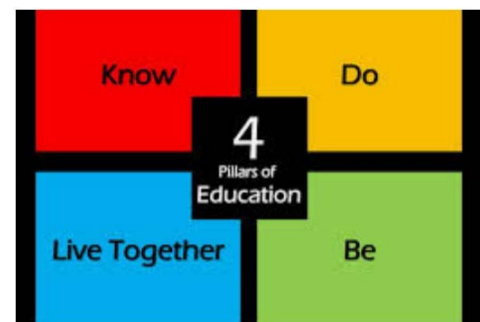
2. OUR APPROACH TO CREATING LEARNING OPPORTUNITIES

We understand that the human experience creates many different understandings and perspectives. As a public library our program is aimed at creating constructive dialogue and learning that advances people and brings them together. We strive to create an environment where we learn from each other. HPL’s Strategic Plan, our Diversity and Inclusion Policy and our Intellectual Freedom Policy provide guidance regarding the services and activities that happen in our spaces.

HPL’s Mission is **Freedom to Discover**. The public library approach to learning is based on helping people learn things that can ignite this imagination and inspire them. Put another way: “*Education is not the filling of a pail, but the lighting of a fire.*”² Three (3) key frameworks shape the development of our learning program:

1. Our **life-long learning model** is informed by UNESCO’s Four Pillars of Education:

- Learning **to Know**
- Learning **to Do**
- Learning **to Be** and
- Learning **to be Together**³.



2. We strive to work with partners that share our broad goals, focusing on working together to have positive impacts that are meaningful and sustainable. We are committed to **Collective Impact**⁴ and working with others that are likewise committed.
3. We believe in the need for **ongoing evaluation and improvement**. We strive to be as effective as we can, ensuring we have meaningful impacts on people’s lives.

² https://www.brainyquote.com/quotes/william_butler_yeats_101244

³ <https://unesdoc.unesco.org/ark:/48223/pf0000227208>

⁴ <https://www.tamarackcommunity.ca/collectiveimpact>

3. REASONS FOR ENGAGING IN PARTNERSHIP

The Hamilton Public Library is committed to working with aligned individuals and organizations to create a better future by working together. There are three (3) core reasons we engage in partnerships:



4. PRINCIPLES & PROCESSES THAT SHAPE OUR APPROACH TO SPACE USAGE

The Library's public **space is for the use and enjoyment of all members of the public**. Public space is provided for individuals and small groups to read, study, use library collections, access technology and Wifi consistent with our **Code of Conduct**⁵. Individuals or small groups (such as students working on group projects or adults working on one-to-one literacy tutoring) may use the public study and lounge areas.

- 1 **Spaces are Community Assets**: The Library's spaces are community assets that are utilized to advance individuals and the communities we serve in ways consistent with HPL's mission, values and strategic priorities.
- 2 **Manager Authorization for Other Uses**: Use of the facilities for other purposes such as book clubs, games, crafts or larger group activities needs to be authorized by the Manager and needs to be done in ways that do not impede others using the space.
- 3 **Approvals are Not Open Ended**: Library operational needs and strategic priorities change over time. Past approval for something should not be assumed to be an ongoing commitment from HPL.
 - Library staff are required to regularly review priorities. Commitments are reviewed annually.
 - Priority to space is given to groups that work in collaboration and follow our policies.
 - When arrangements are required to change, the Library is committed to giving advanced notice.
- 4 **Resolving Disagreements**: Our goal is to resolve disagreements in a collaborative way, however, individuals and groups that do not work cooperatively with staff and the local Manager will lose privileges. If a dispute arises that cannot be resolved locally, the Senior Leadership Team (SLT) will arbitrate and decide on the course of action. SLT will base decisions on:
 - The perspectives from both parties and relevant written documentation, including email.
 - Has the party honoured past commitments?
 - Has the party worked within agreed to parameters?
 - Has the party adhered to this policy and used appropriate channels for communication?
 - What are the impacts on operations and other uses?
 - Has enough warning been given for the change?

In special circumstances the appeal may be referred to the Library Board. The Library Board would assess whether the Chief Librarian/CEO and SLT followed Library Board policy in making their determination. If they determine that staff did follow the policy then the Board would confirm the

⁵ <https://www.hpl.ca/articles/customer-service-commitment>

decision. They could also opt for the policy to be reviewed and updated.

- 5 **Transparency**: The Library will publish on its website the name of the organization or group offering an authorized program or room booking in our spaces.
- 6 **Non-endorsement by HPL**: The use of library space by a group or organization does not constitute the Library Board's endorsement of the group's policies or beliefs, any particular program, position or purpose of any person or organization.
 - Co-Planned programs will be promoted by HPL recognizing the hosting partner.
 - Where an outside group is using library space, promotional and other materials should not imply HPL sponsoring of the event unless it is agreed to in advance.

5. PRIORITY ORDER OF USE FOR LIBRARY SPACES & ROOMS

Currently, no group activities are allowed in HPL spaces.

The following is the **order of priority** for use of the program rooms and meeting spaces.



- 1 At some locations the community demand outstrips operational capacity and alternate space suggestions may be suggested in the community by Library staff.
- 2 HPL's 1st priority for space use is library managed or co-managed activities. Then we look for opportunities for aligned partners to provide free learning opportunities in our spaces. Our 3rd & 4th priorities are providing the space for free to authorized groups and then paid room rental respectively.
- 3 **Free Allocations***: Local partners are eligible for up to four (4) free bookings a year. City of Hamilton Councillors are eligible for two (2) free bookings per month for public meetings or groups in which the Councillor is a member and a regular attendee.
 - **Restore Room**: Program rooms and meeting spaces have standard set-ups that are posted in the rooms/space. Groups are expected to restore rooms and spaces to the standard set-up and leave them clean and in good order. Special set-up is normally restricted to paid rentals and must be agreed to in advance subject to the Library's ability to accommodate the request. Failure to comply will result in losing privileges.
 - **Follow the Proper Channels** – HPL has online systems to manage programs and room bookings. Staff can assist with the process if necessary.

6. PREFERENCE FOR CO-PLANNING PROGRAMS

HPL encourages partners and potential partners to work with us on co-planned programs. For those that want to work with us, we can offer:

- Access to attractive, vibrant spaces with a broad active membership base

- A strong network of promotion including, online and print
- A robust Information Technology Infrastructure
- A wide range of staff expertise and knowledge
- Access to research materials both in print and digital formats
- Where appropriate, HPL staff can provide programs for partner organizations in their spaces

In return for HPL providing access to spaces and promotion of the contributing partner, we are looking for, a willingness to agree to co-develop that includes things such as:

- 1 **Advanced planning** that enables both organizations to efficiently use their resources to organize and promote activities.
- 2 **Shared program planning** consistent with the agreed mandate, including promoting awareness of relevant free resources available at HPL or through other community agencies.
- 3 **Shared evaluation** plan that ensures both organizations can effectively track agreed to measures and assessing impact where practical.

7. CRITERIA FOR ENGAGING IN PARTNERSHIPS

The following criteria govern how HPL approaches partnerships and related activities. Not all criteria will apply in every case, however, they will be used to inform decision making. Priority will be given to organizations and initiatives that meet multiple criteria from the following list:

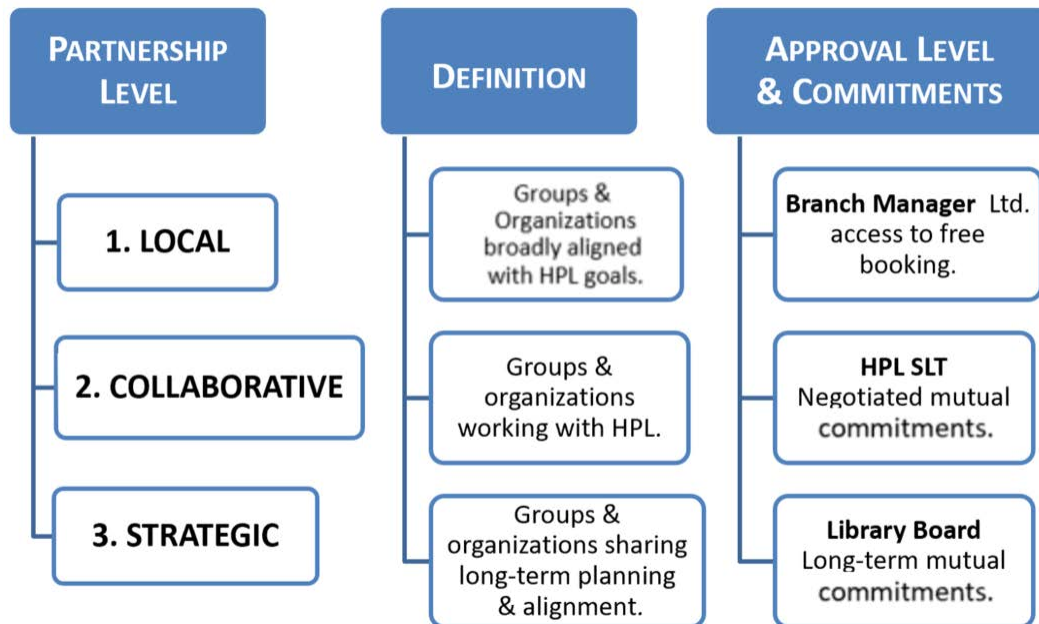
1. **Aligns** with our **core organizational values** (Intellectual Freedom, Inclusiveness, Innovation, Respect and Accountability) and/or shares **common goals** or objectives with HPL.
2. Is committed to looking for **mutual benefit** and a **reciprocal approach to levels of commitment**.
3. Demonstrated commitment to **collaboration** and **shared planning**
4. Demonstrated commitment to **ongoing evaluation** and **continuous improvement**
5. Demonstrated commitment to **collective impact** and **long-term strategies**
6. In some cases, we are looking for partners that can provide an **activity/service** at **multiple locations**.

8. PARTNERSHIP LEVELS

Our partnership goals have a few objectives that we are striving to reconcile in our approach:

1. HPL has multiple locations and we want to **empower Library staff to work with local groups** to enhance community collaboration between HPL and others working towards creating a better future for all members of their communities.
2. As a publicly funded organization we need to ensure we are **accountable to our funders** to **ensure we are using our resources effectively** to have the most positive impact on the individuals and communities we serve.

- To address this, we are **implementing processes and systems** to **support broad collaboration** with the community while also ensuring that we **align our resource commitments to those willing to work with us** to ensure we are working toward shared goals.



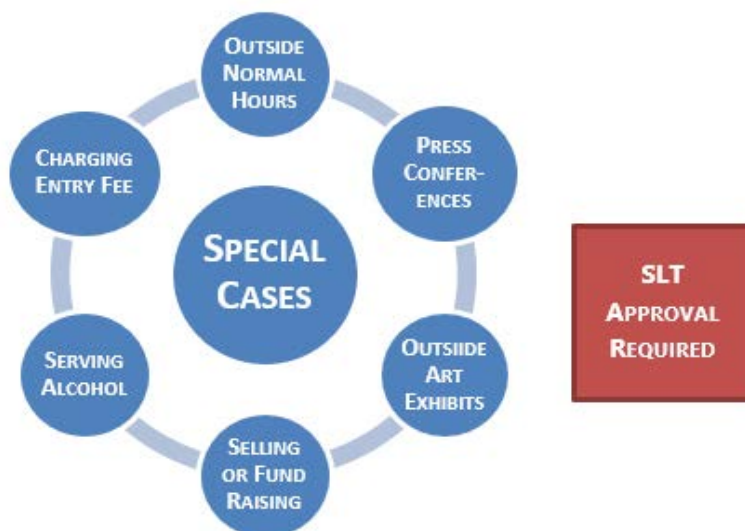
9. PRIORITY FOR FREE ACTIVITIES & SPECIAL CASES

Most programs offered by the Library or in partnership with others **are free to attend**. This rule also applies to space rentals. We have this approach because **charging for events creates a participation barrier** that excludes some community members. We also need to be mindful of the administrative costs associated with collecting a registration or entry fee. Our focus is using our spaces to be informative learning opportunities and social inclusion opportunities, not to be used as a vehicle for commercial ventures.

The Library does consider special circumstances where we may allow something that we do not generally do. In these cases, **advanced written authorization** from the Senior Leadership Team, **(SLT)** is required for the event, program or rental to proceed.

- Charging Entry Fees in our Spaces:** In some circumstances HPL allows for events to charge an entry fee. When this is approved, we look to negotiate mitigating steps to offset obstacles created by charging. SLT considers the following when approving charging for events:
 - The partner has already offered free co-planned programs with HPL in our spaces.
 - The price is reasonable and less than what might be charged at other venues. Focuses on covering costs, not making a large profit.
 - Makes available a limited number of free tickets for free distribution through a lottery.
- Closed Meetings** – If a group wants to restrict access to a meeting, whether a free learning program, group meeting or space rental we require an explanation that is reasonable and does not violate HPL policies or any applicable laws. We reserve the right to have HPL staff observe any closed meeting to ensure it is consistent with its intended purpose and does not violate our policy or applicable laws.

3. **Political Gatherings** – These are governed by our ***Advocacy & Political Participation Policy***⁶
4. **Art Exhibits** – if they are not co-managed by HPL see our ***Displays and Exhibits Policy***⁷
5. **Alcohol Consumption** at programs/events is considered on an individual basis. An appropriate permit along with Smart Serve servers is required. A copy of the permit/license must be provided in advance of the event. Game Day insurance of \$5 million in coverage is required.



6. **Last Minute Booking:** We normally plan uses of our spaces in advance, so we can use our promotion channels to advance public awareness of activities. To also be responsive to current needs and to remain effective and accountable to our funding partners we strive to work one (1) quarter in advance.

10. WHAT IS NOT ALLOWED IN LIBRARY SPACES

The following restrictions exist on the use of Library spaces:

1. **Illegal Activity:** HPL will not knowingly permit any individual or group to use its facilities in contravention of Canadian or Ontario laws, and local Bylaws.
2. **Discrimination:** HPL will not allow events or meetings where attendance is limited on the basis of race, colour, religion, gender, age, sexual orientation, gender identity or expression, mental or physical disability. We will not approve of events that are intended to advocate actions that contravene Canadian or Ontario laws.
3. **Sales Promotion:** Events promoting the purchase of specific brands/products/service are not allowed. General consumer education from knowledgeable professionals are not included in this category.
4. **Also prohibited:** private social gatherings and gambling.



⁶ <https://www.hpl.ca/articles/advocacy-and-political-participation-policy>

⁷ <https://www.hpl.ca/articles/displays-and-exhibits-policy>

11. RULES AND CONDITIONS REGARDING BOOKINGS

The following are the basic rules and expectations about space usage and bookings:

1. **Respect the Space, People and Rules:** HPL wants to work with others to bring positive experiences to people. Allowing other groups to use our space creates demands on our resources. To manage this, we need to ensure that we agree in advance on what is expected, commitments are honoured, people work within our planning cycles and are respectful to staff and the public.
 - **Attendance** must not exceed the posted room capacities allowance.
2. **Restore Room/ Space Condition:** Program rooms and meeting spaces have standard set-ups that are posted in the rooms/space. Groups are expected to restore rooms and spaces to the standard set-up and leave them clean and in good order. Special set-up is normally restricted to paid rentals and must be agreed to in advance subject to the Library's ability to accommodate the request.
3. **Equipment:** Availability of equipment is specific to the room or space and on a case by case basis. Arrangements for equipment need to be made in advance.
4. **Use Online System** Whether proposing a co-planned program, renting space, or requesting a free booking, everyone is encouraged to use the library online system to initiate the process. To coordinate activities across our 22 locations and two bookmobiles, library staff can assist with this if needed.
 - To make a room rental, an active HPL Library Card is required. To be eligible for free partner bookings a **Partner/Community Library Card** is required. This requirement exists so we can use our online Event Calendar System.
5. **Observation:** To ensure meetings do not violate Library policies, HPL reserves the right to observe in person any meeting or event held in its facilities.
6. **Public Performance Rights:** Viewing of films must have appropriate Public Performance Rights in place. Films may be shown if a license has been purchased by the organizer from a rights holder such as Audio Cine Film or Criterion Pictures. Proof of the purchased film licence must be provided in advance of the booking.
7. **Charges & Cancellations:** Payment is due at the time of booking confirmation. Two (2) weeks' (10 business days) written notice is required to cancel a room booking. A full refund will be provided if appropriate notice is given.
8. **Declining Room Bookings:** The Library reserves the right to decline bookings that could negatively impact library operations or stress library resources. The Library reserves the right to cancel bookings when this policy is violated or in special circumstances. If HPL cancels an event that involves a room rental, a full refund will be issued by HPL.
9. **Violations of Policy:** Violation of this policy could lead to cancellation of events and a future prohibition on room or space bookings. Groups will be held financially responsible for any damage done.

12. ROOM AND RENTABLE SPACES RENTAL FEES & PROCESS

All room rentals involving group activities and meeting are currently suspended.

Additional Room Rental Rules	Rooms/space capacity is capped by fire regulations and based on theatre style layout.
Booking the rooms does not include technical support for any technology or audio/visual equipment unless previously arranged and paid for at the time of booking.	Fees are based on four-hour blocks and this block include half-hour for set up and half-hour for reset. Customers can rent multiple blocks if available.
Central Library	Sherwood
Hamilton Room 170-person capacity; 4hrs: \$400	Rooms A – B 100-person capacity; 4hrs: \$150
Wentworth Room and 2nd Floor Program Room 40-person capacity; 4hrs: \$150	Red Hill, Westdale
	50-person capacity; 4hrs: \$150
4th floor Program Room 15-person capacity; 4hrs: \$100	Other branch rentable spaces will be added in the future using above rates on hpl.ca
Circuit 4.0 - individual zones on the 4th floor 50-person capacity; 4hrs: \$150	
Circuit 4.0 all zones on the 4th floor 350-person capacity; 4hrs: \$700	
Central Library – Board Room on the 5th floor 30-person capacity; 4hrs: \$450	
Room and Rentable Spaces Additional Fees	
Groups are expected to restore rooms and spaces to the standard set-up and leave them clean and in good order. Customers may be billed for added services requested at the time of booking or for the cost of restoring the rooms/spaces and equipment to its original form as needed.	
Security: \$50 per hour, per guard. minimum four hours	Technology Support: \$50 per hour, minimum four hours
Equipment Rental (where available): technology and audio/visual items: \$25 per item	Room layout set-up and reset: \$500 one-time cost Reset room layout: \$250 one-time cost
Cleaning: \$50 per hour, minimum four hours	
Loss or damage: customers will be billed the cost of replacing or repairing lost or damaged equipment or facilities including cables, microphones, piano, furniture, etc.	

13. ABOUT HPL LEARNING & SOCIAL INCLUSION PROGRAMS

HPL has 22 locations, weekly we average over 69,000 in person visits which works out to 3.59 million annually. In recent years we have averaged around 10,000 programs with attendance around 190,000 people⁸. Broadly speaking our programs are about advancing learning, literacy, the love of reading and about creating opportunities to reduce social isolation and promote mutual understanding. Here are some key things to understand how we develop our programs:

1. Preference for Co-Planned Programs – HPL is looking for aligned organizations serving Hamilton to provide more free learning opportunities in our spaces. We are seeking to work with organizations that are looking to create mutual benefits and share our reciprocal approach to levels of commitment.

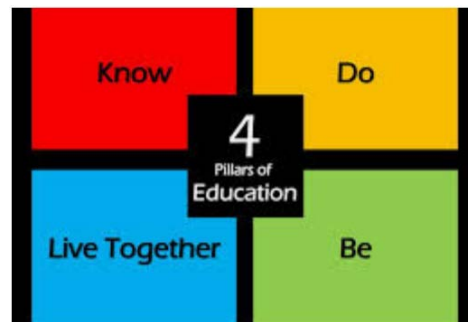


2. Challenging Thinking – Sometimes advancing our understanding can be uncomfortable. The Library may present programs that some individuals find controversial. Holding a program does not indicate an endorsement of its contents by the Hamilton Public Library, but rather is an affirmation of the principle of intellectual freedom as embodied in the Canadian Federation of Library Associations Statement on Intellectual Freedom.

3. Covering Gaps in Community Needs – With our flexible program, we are looking to fill in gaps that exist in our community. When those gaps are addressed elsewhere, we focus on new needs. To assess if a program is filling a need, HPL looks to multiple points of information to evaluate the alignment with our mission. These include: Evidence of attendance and participation in existing programs; When reliable research or information indicates a gap in general public knowledge or awareness of an issue that impacts our health, mutual understanding, security or prosperity; we also consider recommendations from residents and other organizations.

4. Topics of Programs we Focus On

- Supporting **literacy for all** and promoting school readiness and the love of reading. Helping families grow the next generation of readers.
- Supporting people in their **life-long learning journeys** and enhancing academic success.
- Supporting **digital inclusion**; knowledge and access to technology skills needed to successfully participate in work and online forums in responsible ways that protect personal privacy and reduce personal risk.
- Supporting **work force development**, including locating, applying and successfully interviewing for jobs. Helping entrepreneurs find paths to success.
- Strengthening **community cohesion** bringing people together to increase understanding of our diverse histories, heritages, culture and experiences in ways that bring us together.
- Provide information and skills that **empowers people to improve their** own health, wellness, financial security, sense of self and social belonging.
- Enhance **access to arts, music & culture**. Support people to find and improve artistic forms of expression.
- Support **civic engagement** and participation.



⁸ <https://hpl.novusagenda.com/agendapublic/CoverSheet.aspx?ItemID=737&MeetingID=76>

- Provides **information about** education, health, cultural, recreational and social services opportunities that address the people's needs.
 - Supporting seniors age successfully. With seniors we are inspired by **creative aging**⁹.
5. **Target Age Groups** – HPL programs target people of all ages and backgrounds. In particular, we focus on early literacy supporting school readiness, children, teens, adults of all ages and we have an increasing focus on seniors' programs. HPL strives to create spaces and programs that are family friendly and create **inter-generational experiences**. In some cases, 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 specific audience.
6. **Liability Insurance** - is required for all programs taking place in Library premises and is purchased by the Library prior to the date of the activity/event. Certain activities require additional insurance. If that is required, we will discuss and normally require the organizers to provide that insurance and proof in advance that has the Library and City of Hamilton named on the certificate.
7. **Pre-registration** - Where possible we offer programs that do not require pre-registration, this is generally our preference since it can create a barrier to participation and creates administrative overhead. We recognize in some circumstances pre-registration is required. HPL's event management system has a registration function which should be used. If partners want to handle registration themselves this should be prenegotiated.

⁹ <http://creativeage.ca/>