

Municipal Councils and Library Boards: Roles and Responsibilities

Public Library Service in Alberta: An Overview

In Alberta, public library service is municipally based. A municipality may choose to provide public library service at a local level by having a library in the community, and/or having library service at a regional level by joining a library system.

A municipality makes the decision to have public library service in their community via a local library. Council passes an establishment bylaw under the *Libraries Act* (Part 1, Section 3) to create a library board for the provision of public library service. Upon its creation, a library board is a governing board and is a corporation with full management and control of the public library (Part 1, Section 7).

Municipalities may join a regional library system. A library system is made up of member municipalities working in partnership to provide regionally based centralized library service to enhance and support local library service. Being a part of a library system means municipalities and municipal libraries receive numerous benefits, such as: professional training for library staff, resource sharing, access to electronic resources and being part of the provincial Public Library Network.

Legislation: The *Libraries Act* and the *Libraries Regulation*

In Alberta, public library service is governed by the *Libraries Act* and *Libraries Regulation*.

The *Libraries Act* sets the **legal framework** for public library service through the establishment of library boards, who manage library service on behalf of the municipality.

The *Libraries Regulation* sets out **sound management practices** for library boards.

The *Municipal Government Act (MGA)* and the *Libraries Act* are two distinct pieces of legislation. Neither is superior to the other because the *MGA* and the *Libraries Act* do two separate things:

- The *MGA* is the law under which municipalities in Alberta operate, govern and are governed.
- The *Libraries Act* and *Libraries Regulation* form the legal basis for public library service in Alberta.

Did you know?

The *Libraries Act* was one of the first pieces of legislation passed by the newly formed Alberta government in 1907.

Municipal Councils and Library Boards: Roles and Responsibilities

Public library boards in Alberta are not subject to the MGA, e.g. library trustees are appointed by the terms outlined in the *Libraries Act*, not the MGA. There are only three references to public libraries in the MGA:

- The first is section 648 (2.1) which includes libraries as being eligible for off-site levies.
- The second is section 362(1)(j), which states that municipalities cannot tax public library boards.
- The third is section 271(2.1)(a) which states that a municipality may use a community services reserves for public libraries.

The Public Library Services Branch (PLSB) of Alberta Municipal Affairs is the provincial body that administers public library legislation and the provincial Public Library Network. PLSB staff are responsible for the administration of the *Libraries Act* and *Libraries Regulation*, delivering operating grants to municipal and system library boards, plus building and maintaining the provincial Public Library Network. PLSB staff members are available to consult with library boards, library staff and municipal councils. For more information about PLSB, visit www.albertalibraries.ca.

The Public Library Network links public libraries at a provincial level and enables sharing. In Alberta, the Public Library Network links public libraries and enables sharing by two different means: a provincial policy framework and a technological infrastructure. The purpose of the Network is to support equitable and seamless access to library resources for Albertans, and does so through things such as

SuperNet connectivity, resource sharing, and the centralized acquisition of electronic content.

The Roles and Responsibilities of a Municipal Library Board

The municipal library board is the legal entity that manages and controls the library. Its formation is defined by the *Libraries Act* – it is created via bylaw passed by municipal council.

The library board is a governing board, not an advisory board – it has full management and control of the library. This is defined in legislation (*Libraries Act*, Section 7). Note that library boards are different from other non-profit boards formed under other legislation (e.g. the *Societies Act* or the *Municipal Government Act*). The library board is a corporate body, a legal entity able to sue or be sued, enter into contracts and employ staff.

Upon establishment, the library board is a corporation administered under the *Libraries Act* with full management and control of library service in the municipality.

The library board is a governing board. The library manager is employed by and reports to the board, and the board is accountable not only to council, but to all citizens of the municipality and to the provincial government.

The library board passes safety and use bylaws and policies to enable the provision of public library service delivery.

The library board determines library service priorities and creates a plan of service based on community needs assessments.

Municipal Councils and Library Boards: Roles and Responsibilities

The library board is responsible for acquiring library funding, requesting the funds from council and applying for provincial grants.

The library board keeps financial records and bank accounts, and prepares and manages the budget. The library board selects and hires a financial reviewer (who is not a library board member).

The library board may operate one or more public library service points, or, with the permission of the minister, may enter into agreements with other boards to share the operation of one or more library service points (intermunicipal library boards).

The library board is responsible for providing the space and staff required for public library service delivery.

The 9 Roles and Responsibilities of Municipal Councils

Unlike boards established under the *Municipal Government Act*, the *Libraries Act* sets out a specific relationship between council and the municipal library board and system library board.

1. ESTABLISHMENT OF A MUNICIPAL LIBRARY BOARD

The decision of whether or not to have a public library in the community is made by the local municipal council. If council decides that it would be beneficial to have a public library, council must pass a bylaw under the *Libraries Act* 3(1) to establish a library board. Once established, the library board can only be dissolved by order

of the Court of Queen's Bench, or if the municipality itself dissolves.

Upon establishment, the library board has full management and control of the public library and public library service in the community. It is a corporation under the *Interpretation Act* with all the rights and responsibilities that comes with that designation. Library boards may operate one or more public library service points, or, with the permission of the minister, may enter into agreements with other boards to share the operation of one or more service points. Municipalities may also enter into agreements with up to two additional municipalities to form an intermunicipal library board. Once formed, the intermunicipal library board is also a corporation with full management and control of public library service in the municipalities.

The library board is a governing board. Library staff report to the board, and the board is accountable not only to council but to all citizens of the municipality. The board has decision making authority and through regional initiatives, generally participates in providing services beyond its local community.

Section 3(4) of the *Libraries Act* states that, **on being established, the municipal library board's legal name is "The (name of municipality) Library Board"**. This name should be used on all documents. Upon establishment, an intermunicipal library board is able to choose the legal name.

Municipal Councils and Library Boards: Roles and Responsibilities

2. APPOINTMENTS TO A MUNICIPAL LIBRARY BOARD

Council appoints and unappoints municipal library board members (trustees) to municipal library boards under the terms set out in the *Libraries Act* (sections 4, 5, 12.3, and 31), and the *Libraries Regulation* (section 17.1).

A municipal library board must have a minimum of 5 and a maximum of 10 board members. Intermunicipal library boards must have a minimum of 7 and a maximum of 10 board members.

Upon appointment, a board member is a trustee, governing the delivery of public library service in the community, making decisions that are in the best interest of the public and providing quality municipal library service. Trustees are also subject to common law principles and must act accordingly.

Council may appoint up to two board members who are also councillors on their council (i.e. councillors of the municipality that established the library board).

- If a councillor is appointed to the library board, they have the same role and responsibilities as the other board members and should not be referred to as a “Council Rep” or something similar.
- Councillors from neighbouring municipalities may be appointed to the library board and do not count against the limit of two councillors (i.e. councillors from municipalities that did not establish the library board).
- Council may also choose to *not* appoint councillors to the library board.

An employee of the library board cannot be appointed to the library board.

Alternates are not allowed on a municipal library board.

All appointments to the municipal library board shall be for a term of **up to three years**.

A library board member is eligible to be reappointed for up to two additional consecutive terms. If council wishes to appoint a board member for more than three terms, at least 2/3 of the whole council must pass a resolution stating that the member may be reappointed as a member for more than 3 consecutive terms. This must be done for each time the member is reappointed beyond three consecutive terms.

A library board member is disqualified from remaining a member of a board if the person fails to attend, without being authorized by a resolution of the board to do so, three consecutive regular meetings of the board.

The term of office of a board member continues until a new board member is appointed by council in that member’s place.

The appointments of the members of the municipal board shall be made on the date fixed by council. Any vacancy arising from any cause must be filled by council as soon as reasonably possible for council to do so.

Best practices for appointments

- When appointing board members, make sure the motion includes the length of term (one, two, or three years).

Municipal Councils and Library Boards: Roles and Responsibilities

- Send the library board a list of appointments including the length of terms.
- Send a letter to the appointee with their term length and expiry date.
- Collaborate with the library board to develop a recruitment strategy that meets the needs of the council, the library board and the community.

3. FUNDING MUNICIPAL LIBRARY SERVICE

The *Libraries Act* (section 8) states that municipal library boards must prepare and submit their budget, along with an estimate of the money required during the ensuing fiscal year to operate and manage the municipal library, to municipal council before December 1.

This estimate is known as **local appropriation**, and is money provided to the library board from local taxes to deliver local public library service.

It is the responsibility of council to approve, in whole or in part, the **estimate of local appropriation** requested by the library board. Council **does not** approve the library board's budget. If council is unable or unwilling to provide the requested estimate in full, the library board must make adjustments to their budget to reflect their funding situation.

4. PROVIDING FOR LIBRARY BUILDING AND EQUIPMENT

The *Libraries Act* (Section 10) states that library boards may request funding from council for acquiring property for a library building, or for erecting, repairing, furnishing and equipping a building to be used as a municipal library. The

council may provide the funds, or a portion of the funds, as council considers expedient.

These capital funds may be borrowed by council under the authority of a borrowing bylaw, as outlined in the terms of the *Municipal Government Act (MGA)*.

5. DETERMINING FINANCIAL REVIEW

Section 9(b) of the *Libraries Act* states that the municipal library board must have a person who is not a member of the library board, and whose qualifications are satisfactory to council, review the library board's accounts each calendar year, and the financial report shall be in a form satisfactory to council. Upon completion, the library board must submit the financial report to council.

Because local library service is a municipal service funded by tax dollars, it is up to council to decide the level of financial review (e.g. a full audit, a notice to reader, or an accountant review), and to accept (or deem satisfactory) the person the library board wishes to have review their accounts.

If or when financial reviewers change, council must pass a motion accepting the new reviewer.

6. RECEIVING LIBRARY BOARD BYLAWS

Council receives the library board's bylaws for the safety and use of the library after they have been passed by the library board. Council may disallow a bylaw if they are not in keeping with comparable municipal bylaws.

Municipal Councils and Library Boards: Roles and Responsibilities

7. RECEIVING LIBRARY BOARD REPORTS

Required management practices of boards under the *Libraries Regulation* state that library boards must have certain policies, including confidentiality of user records, finance, and personnel policies. A municipal library board must also develop a Plan of Service based on a community needs assessment, and submit an annual report to the province. Council may receive these reports and policies, as well as meeting minutes, from the library board for information purposes.

8. BEING A MEMBER IN A REGIONAL LIBRARY SYSTEM

Council has the authority to join a library system, become a party to a library system agreement at the regional level, and appoint a member to the library system board. (All municipalities, with the exception of Edmonton and Calgary, are eligible to join a library system.)

Library system boards are also created under the *Libraries Act*. Library systems are established by the Minister of Alberta Municipal Affairs when municipalities in an area agree to jointly provide library system services.

There are seven library system boards in the province.

System boards are a corporation under the *Interpretation Act* with all the rights and responsibilities that comes with that designation.

Library systems provide professional and technical support to public libraries within the

system area so that even the smallest library has access to advice and assistance, along with the cost effectiveness and cooperation made possible by working through a larger unit. They also manage library resource development and sharing at the regional level. As well, library systems function as nodes within the provincial Public Library Network, connecting resources available provincewide to residents using municipal libraries in small rural communities.

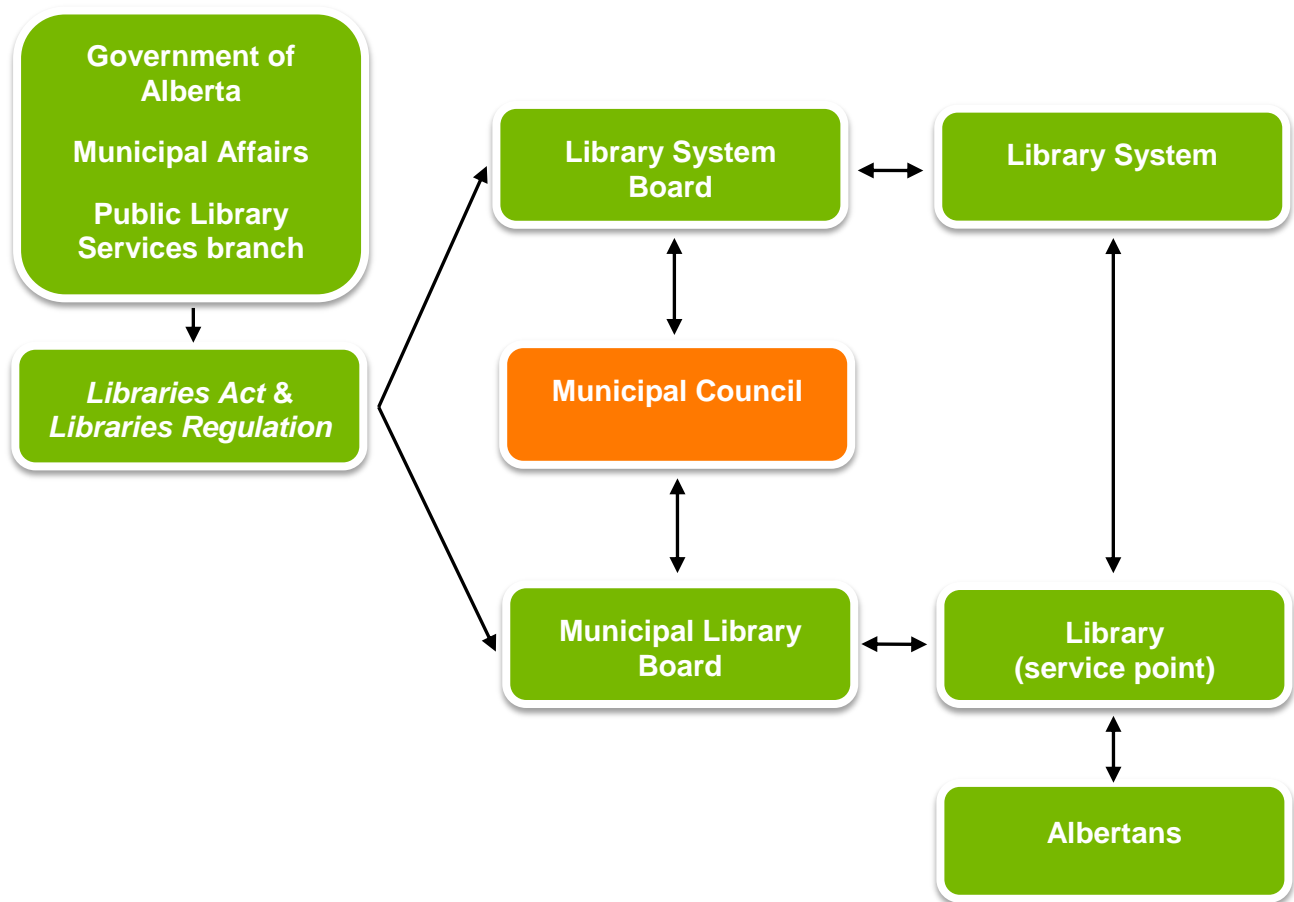
9. APPOINTMENTS TO LIBRARY SYSTEM BOARDS

Appointments to a library system board are different than appointments to a municipal library board. When appointing to a library system board, council must adhere to the following, as set out in the *Libraries Regulation* (Section 32):

- A single term cannot exceed three years.
- Council shall not appoint a library system board member to serve for more than 9 consecutive years without the approval of 2/3rds of all the members of that council.
- Any vacancy in the membership of a library system board shall be filled by council as soon as reasonably possible.
- Council may appoint an alternate to a library system board if the library system board member is unable to attend a library system board meeting and has given notice to the library system board that an alternate member will attend. (This is not allowed for municipal library boards).
- The alternate member shall not act in place of the library system board member at more than two consecutive meetings except by resolution of the library system board.

Municipal Councils and Library Boards: Roles and Responsibilities

Structure of Public Library Service in Alberta



Support and Resources

If you have any questions please contact the Public Library Services Branch by phone at 780-427-4871 (toll free by dialing 310-0000 first), or by email at libraries@gov.ab.ca. Information is also available on the PLSB website at www.albertalibraries.ca.