

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 board 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. One way to do this would be to have council pass an establishment bylaw under the *Libraries Act* (Part 1, Section 3) to create a municipal library board for the provision of public library service. Upon its creation, the library board is a governing board and is a corporation with full management and control of the public library and public library service delivery in the community (Part 1, Section 7).

Alternately, up to three municipalities may decide to partner by entering into an intermunicipal agreement and requesting that the Minister of Municipal Affairs form an intermunicipal library board on their behalf (see Part 1.1 of the *Libraries Act*). Upon its creation, an intermunicipal library board is a governing board and is a corporation with full management and control of the public library and public library service delivery in the municipalities that are parties to the intermunicipal agreement.

Municipalities may also join a regional library system. A library system is made up of jurisdictions working in partnership to provide regionally based centralized library system service which enhances and supports local library service. Also, residents benefit from system membership by having access to public libraries at a regional and provincial level.

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 public 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.

Public library boards in Alberta are not subject to the MGA (e.g. library board members are appointed by the terms outlined in the *Libraries Act*, not the MGA).

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 albertalibraries.ca.

The Public Library Network links public libraries at a provincial level and enables sharing, primarily by two means: a provincial policy framework and a technological infrastructure. The purpose of the Public Library Network is to support equitable and seamless access to public library resources and services for Albertans. This is done through things such as interlibrary loan brokering and delivery, the centralized acquisition of electronic content, and SuperNet connectivity.

The Roles and Responsibilities of Municipal and Intermunicipal Library Boards

Municipal and intermunicipal library boards are the legal entities that manage and control the library and public library

service delivery. The formation of these boards is defined by the *Libraries Act*.

The library board is a governing board, not an advisory board – it has full management and control of the library and public library service delivery in the municipality. This is defined in legislation (*Libraries Act*, Section 7 and 12.5).

Upon establishment, the library board is a corporation administered under the *Libraries Act* with full management and control of library service. It is a legal entity able to sue or be sued, enter into contracts, employ staff and regulate its own procedure and business. The library manager is employed by the board and reports directly to the board, while any additional library staff members are employees of the board but report to the library manager.

The library board is accountable not only to council, but to all citizens of the municipality and to the provincial government.

A library board:

- passes policies and may pass safety and use bylaws to enable the provision of public library service delivery.
- determines library service priorities and creates a plan of service based on community needs assessments.
- is responsible for acquiring sufficient library funding, requesting funds from council and applying for provincial grants.
- keeps financial records and bank accounts, undergoes an annual financial review and prepares and manages its own budget.
- can have reserve accounts and investments.
- chooses its own officers (e.g. chair, treasurer).
- may operate one or more public library service points and through regional initiatives participates in providing services beyond its local community.

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/intermunicipal library board and system library board. Council's role in public library service delivery is limited to the following nine responsibilities.

1. ESTABLISHMENT OF A LIBRARY BOARD

The decision of whether or not to have public library service in the community is made by the municipal council. If council decides that it would be beneficial to have public library service in the community, they may either pass a bylaw to establish a municipal library board or partner with up to two

neighbouring municipalities to form an intermunicipal library board.

Forming a Municipal Library Board

Council must pass a bylaw under the *Libraries Act* 3(1) to establish a municipal 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.

Establishment bylaws should only state that the library board is being created as per the *Libraries Act*. It should not be worded as establishing "the library" and extra information, such as how appointments are and how often the board meets, should not be included as the *Libraries Act* already sets those parameters. Sample establishment bylaws are available from PLSB.

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 with all the rights and responsibilities that comes with that designation. Library boards may operate one or more public library service points (libraries), and may enter into agreements with other library boards. An agreement of this type allows the residents of each board to use library facilities and services in both communities.

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 legal and formal documents.

Forming an Intermunicipal Library Board

Instead of forming a municipal board, a municipality may alternatively pass a bylaw to enter into an agreement with up to two additional municipalities to apply to have the Minister of Municipal Affairs form an intermunicipal library board.

Forming an intermunicipal library board is a formalized, legislated process whereby municipalities come together under a single library board to deliver public library services to residents of all the municipalities that are party to the agreement. This library board serves as the governing board for these municipalities.

Before this board can be established, the municipalities must enter into a formal agreement (the content of which is outlined in the *Libraries Regulation*), which is then approved by the Minister of Municipal Affairs.

Once formed, the intermunicipal library board is also a corporation with full management and control of public library service in the municipalities, the same as a municipal library board.

The legal name of the intermunicipal library board is set out in the ministerial order that establishes the board. This name should be used on all legal and formal documents.

2. APPOINTMENTS TO MUNICIPAL AND INTERMUNICIPAL LIBRARY BOARDS

Council appoints and unappoints library board members to municipal and intermunicipal 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 becomes part of a legal entity (the library board) responsible for governing the delivery of public library service in the community and receiving local and provincial tax dollars to provide quality library service. Board members have a fiduciary responsibility to employ the duty of care - acting with competence and diligence - as well as the duty of loyalty - acting in the best interest of library service in the community.

Only the council of the municipality that established the board or signed the intermunicipal agreement can appoint to a library board. The council of a neighbouring municipality cannot appoint board members to a board that they did not have a role in establishing.

However, the council of the establishing municipality(ies) can appoint individuals from neighbouring municipalities to the library board, as there are no residency requirements imposed by the legislation. Having individuals from neighboring municipalities can help to strengthen relationships and bring a broader perspective to the table.

For municipal library boards, 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). For intermunicipal boards, each municipality that is party to the agreement may appoint one board member who is also a councillor on their council.

- 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. There is no designated role for a municipal councillor on a municipal or intermunicipal library board
- Councillors from neighbouring municipalities may be appointed to the library board and do not count against the limit of councillors as they are not from the establishing municipality(ies).

- Council may also choose to not appoint any councillors to the library board.

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

There is no provision for alternates to be appointed to a municipal or intermunicipal library board.

All appointments to the municipal or intermunicipal 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 to the library 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 lists the name(s) of the individual(s) and includes the length of term (one, two, or three years).

- Send the library board a list of appointments including the length of terms.
- Send a letter to each 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 LOCAL 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 formally known as **local appropriation**, and is operational funding provided from local tax dollars to the library board for the delivery of 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** have the authority to approve the library board's budget. If council is unable or unwilling to provide the requested amount in full, it is the responsibility of the library board to make adjustments to their budget to reflect their funding situation.

For intermunicipal library boards, the process is very similar. The board must submit to each municipality that is party to the intermunicipal agreement a budget and estimate of the money required (local appropriation) from each municipality for the following fiscal year for operations (*Libraries Act* 12.6). The terms specifying when the budget and estimate must be submitted and how the intermunicipal library board calculates the estimate and each municipality's share of the funding, etc. are set out in the intermunicipal agreement that the municipalities sign for the library board to be established by the Minister (Libraries Regulation 17.1(f)(g)).

Cost-share Agreements

Sometimes a municipality may enter into a cost-share agreement with another municipality to fund local library services. This is most often the case when a municipality without a library board recognizes that their residents use the services provided by a library in a neighbouring municipality.

When a cost-share is in place, it is best practice for the library board to receive the funding directly from the each of the municipalities involved, rather than from one municipality to another municipality, which then forwards it to the board. It is important that municipal funding for library boards is transparent and captured accurately.

Ideally, public library services would not be included in municipal cost-share agreements. The library board, as an autonomous corporation, has the responsibility to acquire sufficient funding for library services, and is consequently directly accountable to its funding providers. If the library board is not involved in the cost-share transaction, there is no opportunity for the board to build a relationship with the municipality that is providing funding through the cost-share agreement. This prevents the library board from being able to demonstrate value, return on investment and negotiate future funding levels.

4. PROVIDING FOR LIBRARY BUILDING AND EQUIPMENT

The *Libraries Act* (Section 10) states that municipal 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 MGA.

5. DETERMINING THE 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.

For intermunicipal library boards, the requirements are similar (*Libraries Act* 12.7). However, the terms specifying the form of the financial review and the process for the approval of the financial reviewer is set out in the intermunicipal agreement (Libraries Regulation 17.1(h)).

Because local library service is a municipal service funded in large part by local tax dollars, the library board is accountable to council for that funding. Therefore, it is up to council to decide the level of financial review (e.g. a full audit, a notice to reader) and to approve the person or company the library board wishes to have review their accounts.

If or when financial reviewers change, council must pass a motion approving the new reviewer. Councils should take care not to embed a specific term length for the reviewer in their motion. Doing so may result in council having to re-approve the reviewer repeatedly or unnecessarily.

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. Best practice is to have council make a motion noting receipt and acceptance of the library board's bylaws.

If council feels that the library board's bylaw is not in keeping with comparable municipal bylaws, council may disallow it. Council cannot make changes to the library board's bylaws, however; the library board is responsible for amending or replacing the bylaw, taking into consideration council's feedback. Once revised, the board provides the new version to council for acceptance.

7. RECEIVING LIBRARY BOARD REPORTS

Required management practices under the Libraries Regulation state that library boards must have certain policies, including confidentiality of user records, finance,

and personnel policies. Municipal and intermunicipal library boards 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.

A recommended practice is to have the Chair of the library board (or a delegation) present to council about the library board's activities, instead of relying upon a member of council appointed to the library board to provide information. This helps keep the roles of being a councillor and a library board member separate.

8. PARTICIPATING IN A REGIONAL LIBRARY SYSTEM

Being part of a library system means that all residents will have access to library service even if there is not a library in the municipality. It allows residents to access digital resources provided through the library system and visit public libraries located elsewhere in the system's region to access their services.

Library systems also provide professional and technical support to staff in 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.

Library system boards are created under the *Libraries Act* (section 14) and library systems were established by the Minister responsible for public libraries when municipalities in an area agreed to jointly provide library system services. Upon establishment, library system boards are corporations with all the rights and responsibilities that comes with that designation.

The system that a municipality is eligible to join is determined by the prescribed boundaries in section 34(1) of the Libraries Regulation. All municipalities, with the exception of Edmonton and Calgary due to their size, are eligible to join a library system.

Municipalities that are part of a library system are required to pay an annual per capita levy. This levy is independent of any funding that goes to a local municipal or intermunicipal

library board. The library system per capita levy is similar to a membership fee and supports library system operations.

9. APPOINTMENTS TO LIBRARY SYSTEM BOARDS

When a municipality becomes party to the system agreement, and is approved by the Minister to join the system, council may appoint an individual to the library system board. This individual is not required by legislation to be a municipal councillor.

Participating in a library system is more than just being a "member" of the system. The municipalities that sign the system agreement **are** the library system, with their appointed board member providing input and making governance decisions at board meetings about the direction of the system and its services.

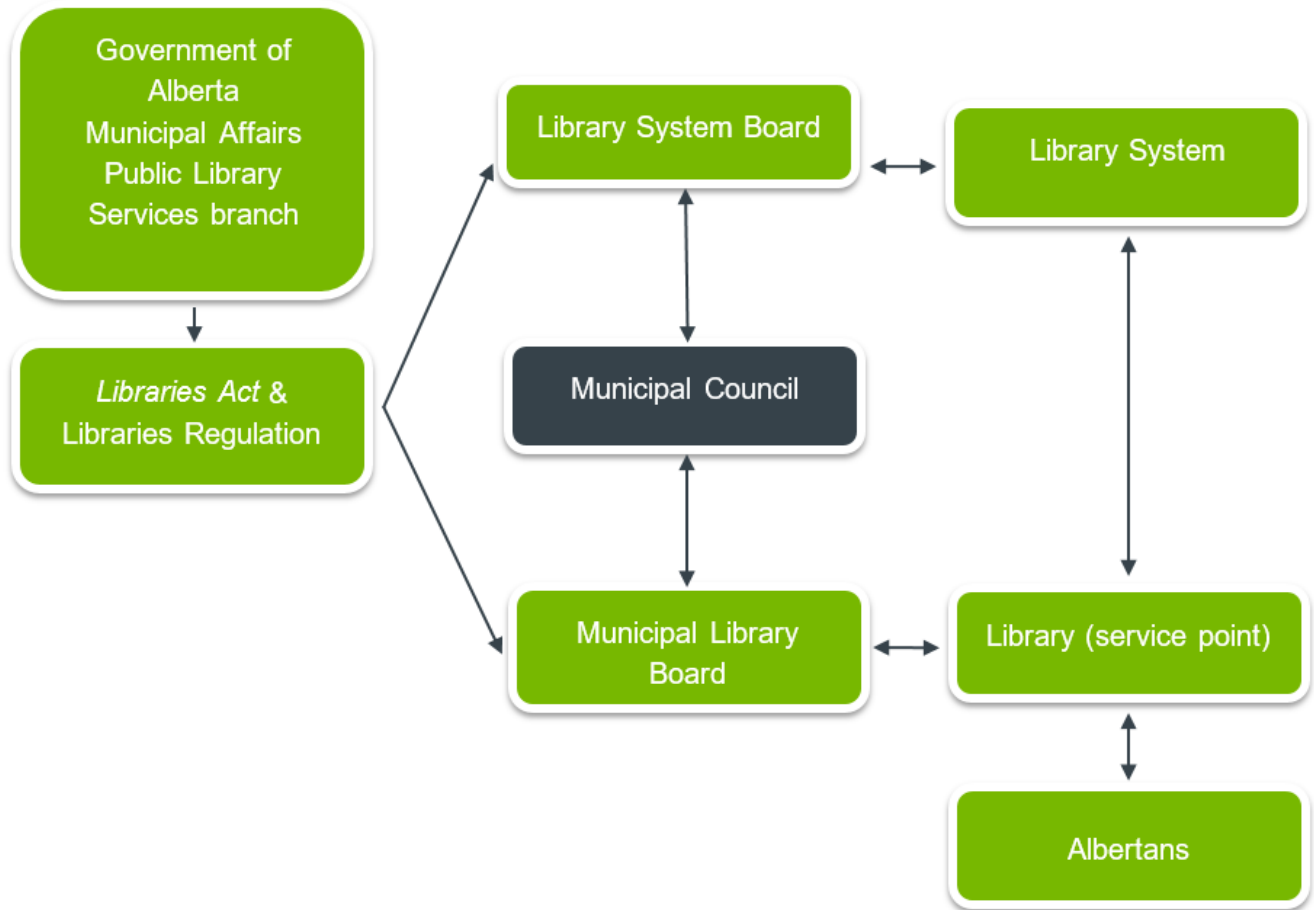
Appointments to a library system board are different than appointments to a municipal or intermunicipal library board. When appointing to a library system board, council must adhere to the following, as set out in the Libraries Regulation (Section 32):

- 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 or intermunicipal 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.

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.

Structure of Public Library Service in Alberta



Municipal Funding Streams for Public Library Service

