

1983 BILL 103

First Session, 20th Legislature, 32 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 103

LIBRARIES ACT

THE MINISTER OF CULTURE

First Reading
Second Reading
Committee of the Whole
Third Reading
Royal Assent

Bill 103

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1983

LIBRARIES ACT

(Assented to , 1983)

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

- (a) “Alberta Library Board” means the Alberta Library Board established under Part 1;
- (b) “board” means a municipal board, library system board or community board;
- (c) “community board” means a community library board established or continued under Part 4;
- (d) “community library” means a library established or continued under Part 4;
- (e) “council” means
 - (i) in the case of a city, town, municipal district, village or summer village, the council;
 - (ii) in the case of a county, the county council;
 - (iii) in the case of a school authority, the board of trustees;
 - (iv) in the case of an improvement district or special area, the Minister of Municipal Affairs, or
 - (v) in the case of a new town, the board of administrators;
- (f) “library system” means a library system established, or a regional library continued, as a library system under Part 3;
- (g) “library system board” means

- (i) a library system board established under Part 3, or
- (ii) a board of management of a regional library continued as a library system board under Part 3;
- (h) "Minister" means the Minister of Culture;
- (i) "municipal board" means a municipal library board;
- (j) "municipal library" means a library established or continued under Part 2;
- (k) "municipality" means a city, town, village, summer village, new town, municipal district, county or a school district situated within a national park;
- (l) "public library" means a municipal library, library system or community library;
- (m) "Public Library Rate" means the rate assessed and levied pursuant to section 17;
- (n) "school authority" means a school division, school committee of a county or school district, as the case may be.

PART 1

ALBERTA LIBRARY BOARD

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| Alberta Library Board | <p>2(1) There is hereby established a board to be known as the Alberta Library Board.</p> <p>(2) The Alberta Library Board shall advise the Minister with respect to matters relating to the expansion, development, co-ordination and encouragement of libraries and library services in Alberta.</p> |
| Board appointment | <p>3(1) The Minister may appoint not more than 7 persons as members of the Alberta Library Board and when this Act first comes into force the terms of office of members of the Alberta Library Board established under the <i>Libraries Act</i>, chapter L-12 of the Revised Statutes of Alberta 1980, are terminated.</p> <p>(2) When this Act first comes into force, the term of office</p> <ul style="list-style-type: none"> (a) for 2 members, shall be 3 years, (b) for 2 members, shall be 2 years, and (c) for the remaining members, shall be 1 year, <p>but afterwards the term of office shall be 3 years.</p> <p>(3) The Minister may, from among the members of the Alberta Library Board, appoint a chairman and any other officers he considers necessary.</p> |
| Reappointments | <p>4(1) A member of the Alberta Library Board is eligible to be reappointed only once for an additional consecutive term of office.</p> <p>(2) Notwithstanding section 3, the term of office of a member continues until a member is appointed in his place.</p> |

Remuneration	5 The members of the Alberta Library Board who are not employees of the Government may be paid remuneration and receive payment for travelling and other expenses incurred in connection with the work of the Alberta Library Board as prescribed by the Minister.
Board's functions	6(1) The Alberta Library Board may make rules governing the conduct of its meetings and the carrying out of its duties and functions. (2) Without limiting the generality of section 2(2), the Alberta Library Board may, with the approval of the Minister, carry out surveys, encourage community activities, call public meetings, promote publicity campaigns, carry on its activities in co-operation with or through an established organization or agency and generally may do any act or thing having for its purpose the promotion of library services.
Annual report	7 The Alberta Library Board shall make an annual report on its work to the Minister, and the report shall be made at the time and in the manner the Minister determines.

PART 2

MUNICIPAL LIBRARIES

Application	8 This Part applies to every library maintained in whole or in part by municipal taxation and (a) established under this Part, or (b) continued under this Part.
Municipal board	9(1) In this section, "elector" means a person eligible to vote for a councillor under the <i>Local Authorities Election Act</i> . (2) The council of a municipality (a) may, on its own initiative, pass a by-law providing for the establishment of a municipal library board, and (b) shall, if it receives a petition, signed by at least the number of electors of the municipality required under section 125 of the <i>Municipal Government Act</i> , requesting the establishment of a municipal library board, deal with the petition in accordance with that section. (3) On the passing of a by-law providing for the establishment of a municipal library board, the municipal secretary of the municipality or the secretary-treasurer of the school district within a national park, as the case may be, shall forthwith forward a copy of the by-law to the Minister. (4) On being established the municipal library board is a corporation and shall be known as "The (name of municipality) Library Board". (5) The boards of management of all public libraries to which Part 3 of the <i>Libraries Act</i> , chapter L-12 of the Revised Statutes of Alberta 1980, applies are continued as municipal library boards under this Act.

Appointment	10(1) A municipal board shall consist of not fewer than 5 and not more than 10 members appointed by council. (2) A person who is an employee of the municipal board is not eligible to be a member of that board. (3) Not more than 2 members of council may be members of the municipal board. (4) A member of the municipal board is eligible to be reappointed for only 2 additional consecutive terms of office, unless at least 2/3 of the whole council passes a resolution stating that the member may be reappointed as a member for more than 3 consecutive terms. (5) Subject to subsection (6), appointments to the municipal board shall be for a term of 3 years. (6) When appointments are made in respect of a first municipal board, council shall, as nearly as may be possible, appoint 1/3 of the members for a term of 1 year, 1/3 of the members for a term of 2 years and the remaining members for a term of 3 years. (7) Notwithstanding this section, the term of office of a member continues until a member is appointed in his place.
Date of appointment	11(1) The appointments of the members of the municipal board shall be made on the date fixed by council. (2) Any vacancy arising from any cause shall be filled by council as soon as reasonably possible for council to do so.
Validity of proceedings	12 No resolution, by-law, proceeding or action of any kind of the municipal board shall be held invalid or set aside for the reason that any person whose election to council has been judged invalid acted as a member of the board.
Board duties	13 The municipal board, subject to any enactment that limits its authority, has full management and control of the municipal library and shall, in accordance with the regulations, organize, promote and maintain comprehensive and efficient library services in the municipality and may co-operate with other boards and libraries in the provision of those services.
Budget	14(1) The municipal board shall before December 1 in each year prepare a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the municipal library. (2) The budget and the estimate of money shall be forthwith submitted to the municipal secretary of the municipality or the secretary-treasurer of a school district within a national park, as the case may be. (3) Council may approve the estimate under subsection (1) in whole or in part.
Accounts	15 The municipal board shall (a) keep accounts of its receipts, payments, credits and liabilities, (b) have the accounts audited by a person approved by council, and

(c) have the audit submitted to council immediately after its completion.

Library building
and equipment

16(1) When money is required for the purpose of acquiring real property for the purposes of a building to be used as a municipal library or for erecting, repairing, furnishing and equipping a building to be used as a municipal library, the council may, at the request of the municipal board, take all necessary steps to furnish the money requested or the portion of it that the council considers expedient.

(2) Money approved by the council under subsection (1) may be borrowed by the council under the authority of a by-law and on the security of debentures, which shall be termed "Public Library Debentures".

(3) The provisions of the *Municipal Government Act* or the *School Act*, as the case may be, governing

(a) the passing of by-laws for borrowing money,

(b) the issue and form of debentures, and

(c) the assessment, levy and collection of money necessary to meet the indebtedness incurred by the issue of debentures,

apply to the borrowing of money under subsection (2).

Special Public
Library Rate

17(1) A council may, in addition to all other rates and assessments levied and assessed for municipal purposes, levy and assess from year to year a special annual rate on the assessed value of all property liable to taxation for municipal purposes, which rate shall be called the "Public Library Rate".

(2) The money collected under the Public Library Rate shall be used by the municipality

(a) to provide the municipal board with money with respect to the amount approved under section 14(3),

(b) if it is a party to an agreement described in section 19, to provide an annual grant to the library system board with respect to its budget under section 24, or

(c) to provide money to both the municipal board and the library system board with respect to budgets under sections 14 and 24 respectively.

Dissolution
of board

18(1) If a municipal board fails to open a library to the public for a period of 2 years, the council may make an ex parte application to the Court of Queen's Bench for an order declaring the municipal board dissolved.

(2) The order dissolving the municipal board vests in the municipality all the property of the municipal board, and the council through its proper officers may take possession of the vested property and dispose of it in any manner it considers advisable.

PART 3
LIBRARY SYSTEMS

Library system	19 Subject to this Act and the regulations, a municipality, improvement district, special area or school authority, (a) on entering into and becoming a party to an agreement that contains provisions on terms required by regulations, with 1 or more municipalities, improvement districts, special areas or school authorities, and (b) on complying with the regulations, may request the Minister to establish a library system.
Library system board	20(1) On receipt of a request referred to in section 19, the Minister may (a) establish a library system board, and (b) prescribe the boundaries of the library system, and on his doing so the parties to the agreement described in section 19 become members of the library system. (2) On being established the library system board is a corporation and shall be known as “The (name of region) Library Board”. (3) All boards of management of regional libraries under the <i>Libraries Act</i>, chapter L-12 of the Revised Statutes of Alberta 1980, are continued as library system boards under this Act. (4) The agreements referred to in section 19 that have been entered into under the <i>Libraries Act</i>, chapter L-12 of the Revised Statutes of Alberta 1980, are continued under this Act, as modified by this Act.
Joining an existing library system	21 A municipality, improvement district, special area or school authority may, in accordance with the regulations, become a member of a library system by complying with the terms of the agreement referred to in section 19, becoming a party to the agreement and receiving the approval of the Minister.
Appointment	22 A library system board shall consist of (a) 1 member for each municipality and school authority that is a member of the library system, who is appointed by the council of the municipality or school authority, as the case may be, (b) 1 member for each improvement district and special area that is a member of the library system, who is appointed by the Minister of Municipal Affairs, (c) 2 members who are appointed by the Lieutenant Governor in Council, and (d) any additional members appointed in accordance with the regulations.
System board duties	23 The library system board, subject to any enactment that limits its authority and the agreement described in section 19, has full man-

agement and control of the library system and shall, in accordance with the regulations and in co-operation with other boards, organize, promote and maintain comprehensive and efficient library services in the municipality and may,

(a) borrow from time to time for the purpose of defraying its operating expenses an amount not exceeding 50% of the amount expended by it during its immediately preceding fiscal year;

(b) fix fees for the use of library services by residents of a municipality within the boundaries of the library system that does not receive library services from the library system board.

Budget **24(1)** The library system board shall, on or before a date specified by each municipality, improvement district, special area and school authority that is a party to the agreement described in section 19, submit to each of them a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the library system, including the amounts to be paid by each of them.

(2) Budget approval and compliance with the amounts to be paid by each party to the agreement described in section 19 shall be in accordance with the terms of that agreement.

Restriction of authority **25** Notwithstanding this Part, if a municipal library has been established in a municipality and is receiving library services from the library system board, the authority of the library system board and the municipal board is limited by the terms of any agreement described in section 19.

Establishment and capital grants **26** A municipality, improvement district, special area or school authority may grant money for capital works requirements and grant money to establish a library system.

Annual grants **27(1)** If an improvement district or special area is a party to an agreement described in section 19, the Minister of Municipal Affairs may, in addition to all other rates and assessments assessed and levied for the purposes of an improvement district or special area, assess and levy from year to year a special annual rate on the assessed value of all property liable to taxation in the improvement district or special area for the purposes of the library system board and shall, on behalf of the improvement district or special area, make an annual grant, from the money derived from the special annual rate, to the library system board with respect its budget under section 24.

(2) If a school authority is a party to an agreement described in section 19, the school authority may make an annual grant to the library system board with respect to its budget under section 24.

Withdrawal from the library system agreements **28** At any time after the expiration of 3 years from the date the party entered into the agreement, a party to an agreement described in section 19 may, by giving 12 months' notice, withdraw from the agreement.

Dissolution of a library system board **29(1)** If a library system board fails to provide library services in accordance with the regulations for 2 years, the majority of the parties to the agreement described in section 19 may join in making an

application to the Court of Queen's Bench for an order declaring the library system board dissolved.

(2) The Court, in the order dissolving the board, shall vest the property of the library system board in the Minister or in the councils of the parties to the agreement described in section 19 severally or in common as it considers just, or make any other disposition of the property that it considers just in the circumstances and the Minister and the councils may then take possession of the property and dispose of it as considered advisable by them, in accordance with any terms or conditions in the order.

Borrowing for
library system
boards

30 A municipality or a school authority that is a party to an agreement described in section 19, with the approval of the Minister, may borrow money to acquire real property for the purposes of a building to be used as the headquarters of a library system or for erecting, repairing, furnishing and equipping a building to be used as the headquarters of a library system, and section 16(2) and (3) apply to the borrowing of the money.

PART 4

COMMUNITY LIBRARIES

Community
library

31 In any area, other than a municipality, where library services are not provided by a library system board, any association of persons, whether incorporated or not, may apply to the Minister to be established as a community library board and to be authorized to provide library services to the public in that area.

Community
library board

32(1) On the recommendation of the Alberta Library Board, the Minister may establish a community library board and prescribe the boundaries of the community library.

(2) On being established a community library board is a corporation and shall be known as "The (name of the library) Community Library Board".

(3) All community library boards under the *Libraries Act*, chapter L-12 of the Revised Statutes of Alberta 1980, are continued as community library boards under this Act.

(4) The members of the community board shall be appointed in the manner and on the conditions prescribed by the Minister.

Community
board duties

33 The community board, subject to any enactment that limits its authority, has full management and control of the community library and may

(a) provide library services within the boundaries of the community library in accordance with the regulations, and

(b) raise funds for the support of the community library, including the fixing of an annual membership fee.

Dissolution
of board

34 On the formation of a library system board or a municipal board in an area where a community board is authorized to provide library services, the Minister may, on the recommendation of the Alberta

Library Board, order that a community board be dissolved and dispose of its property in consultation with the persons who were the members of the dissolved community board.

PART 5

GENERAL

Board member disqualifications	35(1) A person is disqualified from remaining a member of a board if he fails to attend, without being authorized by a resolution of the board to do so, the meetings of the board for 3 consecutive regular meetings. (2) If a member of a board is disqualified from remaining a member under subsection (1) he is deemed to have resigned his seat on the board.
Chairman of board	36 A board shall elect a chairman and any other officers it considers necessary from among its members.
Meetings	37 A board shall meet at least once every 3 months and at any other times it considers necessary.
Record of meetings	38(1) All minutes, resolutions and by-laws of a board shall be entered in books to be kept by it for that purpose and the books shall be signed by the chairman or acting chairman. (2) The minutes, resolutions and by-laws entered in books and purporting to be signed under subsection (1) are deemed to be original minutes, resolutions and by-laws, and the books shall be admitted in evidence as proof in all judicial and other proceedings without proof of the signature or official character of the person purporting to have signed them.
Library agreements	39 With the consent in writing of the Minister, a board in a county or municipal district may enter into agreements with any other municipal board relating to the provision of library services to the residents of that county or municipal district, as the case may be.
Safety and use of library facilities	40(1) A board may pass by-laws for the safety and use of the library, including (a) the terms and conditions under which (i) the public may be admitted to the building, (ii) public library property may be used or borrowed by members of the public, and (iii) borrowing privileges may be suspended or forfeited; (b) notwithstanding subsection (3), fees to be paid by members of the public for (i) the issuance of library borrowing cards, and (ii) the use of those parts of the building not used for the purposes of the public library; (c) penalties to be paid by members of the public for abuse of borrowing privileges.

	(2) The <i>Regulations Act</i> does not apply to by-laws passed under subsection (1). (3) A by-law or part of a by-law that requires a member of the public to pay a fee or charge for any of the following is invalid: (a) admittance to any portion of a building used for public library purposes; (b) using library materials on library premises; (c) borrowing library materials normally lent by the library; (d) acquiring library materials or information from other sources where the board considers that acquisition the most effective means of providing the library material or information.
By-law transmission	41 A municipal board, on passing a by-law under section 40, shall forthwith forward a copy of the by-law to the municipal secretary of the municipality or the secretary-treasurer of a school district situated within a national park, as the case may be.
By-law invalidated	42 The council of a municipality may disallow a by-law passed by a municipal board it has appointed.
Authorization to inspect	43(1) The Minister or a person authorized by him in writing may, during regular business hours, inspect (a) a public library, and (b) the books, records, accounts, minutes, resolutions and by-laws of a board. (2) A person authorized under subsection (1) shall, while inspecting a public library or the books, records, accounts, minutes, resolutions and by-laws of a board, carry identification in the prescribed form and present it on request.
Regulations	44 The Minister may make regulations (a) respecting the establishment, maintenance, operation and management of public libraries; (b) respecting the acquisition, provision, management, maintenance and disposition of library materials by public libraries; (c) respecting the planning for, and provision and management of, library services; (d) governing the filing, by boards, of returns and reports, and their contents; (e) respecting the inspection of public libraries; (f) prescribing the form of identification for persons authorized to inspect public libraries; (g) providing for the making of any surveys by boards that the Minister considers necessary or advisable for the purpose of obtaining information to assist in the formulation of policies respecting matters to which this Act relates;

- (h) prescribing conditions to be complied with by any municipality or school authority prior to its association with a library system;
- (i) governing the matters required to be dealt with in agreements described in section 19 and the requirements and procedure to establish or expand a library system;
- (j) respecting the disposition and transfer of library assets by municipal boards desirous of disposing of them to library system boards on entering into agreements described in section 19;
- (k) subject to section 22, governing appointments to library system boards and the terms of office of their members.

Offence	45(1) Any person who wilfully contravenes any by-law under section 40 is guilty of an offence. (2) A person who wilfully retains any book, record, film or other library property from any public library established and conducted under the authority of this Act is guilty of an offence. (3) A person who obstructs the Minister or a person authorized in writing by the Minister to act on his behalf in the inspection of the records of a public library is guilty of an offence.
Disposition of fines	46(1) Any fine or penalty imposed pursuant to an offence under section 45(1) inures to the benefit of the board whose by-law was contravened. (2) Any fine or penalty imposed pursuant to an offence under section 45(2) inures to the board having the management or control of the property in respect of which the offence was committed.
Repeal	47 The <i>Libraries Act</i> , chapter L-12 of the Revised Statutes of Alberta 1980, is repealed.
Proclamation	48 <i>This Act comes into force on Proclamation.</i>