

Bill 17

BILL 17

2006

LIBRARIES AMENDMENT ACT, 2006

(Assented to , 2006)

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

Amends RSA 2000 cL-11

1 The *Libraries Act* is amended by this Act.

2 Section 1 is amended

**(a) in clause (b) by adding “intermunicipal library board,”
after “municipal board,”;**

(b) by adding the following after clause (f):

(f.1) “intermunicipal library board” means an intermunicipal
library board established under Part 1.1;

(c) by repealing clause (k) and substituting the following:

(k) “municipal library” means a library that provides public
library services under the control and management of a
municipal library board or an intermunicipal library
board;

(d) by repealing clause (l) and substituting the following:

- (l) “municipality” means municipality as defined in the *Municipal Government Act*;

3 Section 2 is amended by striking out “library” and substituting “municipal library board”.

4 Section 3(1), (2) and (3) are repealed and the following is substituted:

Municipal board

3(1) The council of a municipality may, by bylaw, establish a municipal library board.

(2) The council shall forward a copy of a bylaw made under subsection (1) to the Minister.

5 Section 8(2) is amended by striking out “chief administrative officer of the municipality or to the Minister responsible for the *Municipal Government Act* in the case of the Jasper Improvement District” and substituting “council of the municipality”.

6 Section 9 is amended by repealing clauses (b) and (c) and substituting the following:

- (b) have a person who is not a member of the municipal board and whose qualifications are satisfactory to council review the accounts each calendar year and prepare a financial report in a form satisfactory to council, and
- (c) submit the financial report to council immediately after its completion.

7 The following is added after section 10:

Dissolution, amalgamation or annexation of municipality

10.1(1) If the Lieutenant Governor in Council makes an order under the *Municipal Government Act* dissolving a municipality, that order is deemed to dissolve any municipal library board established by that municipality and to pass to the municipality,

immediately prior to the dissolution of the municipality, all the rights, assets and liabilities of the municipal library board.

(2) When an amalgamation of municipal authorities has been initiated under Part 4 of the *Municipal Government Act* and no agreement can be reached among those municipal authorities regarding the rights, assets and liabilities of a municipal library board, the Lieutenant Governor in Council may, by order, dissolve the municipal library board and may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the municipal library board.

(3) When an annexation of land from one municipal authority to another municipal authority has been initiated under Part 4 of the *Municipal Government Act* and no agreement can be reached between the municipal authorities regarding the rights, assets and liabilities of a municipal library board established by the municipal authority from which the land is to be annexed, the Lieutenant Governor in Council may, by order, dissolve the municipal library board and may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the municipal library board.

8 Section 11 is repealed.

9 The following is added after section 12:

Part 1.1 Intermunicipal Library Boards

Definition

12.1 In this Part, “intermunicipal agreement” means an agreement under section 12.2.

Intermunicipal library board

12.2(1) The council of a municipality may, by bylaw, authorize the municipality to enter into an agreement that meets the requirements of the regulations with one or two other

municipalities respecting the establishment of an intermunicipal library board to provide library services to the residents of the municipalities.

(2) The council of each municipality that is a party to the agreement shall forward a copy of the bylaw and the agreement under subsection (1) to the Minister.

(3) On receipt of the bylaws and the agreement under subsection (2) the Minister may, by order, establish an intermunicipal library board.

(4) An intermunicipal library board established under subsection (3) is a corporation with the name set out in the Ministerial order.

Members of board

12.3(1) An intermunicipal library board consists of the members appointed to the board in accordance with the intermunicipal agreement.

(2) A person who is an employee of an intermunicipal library board is not eligible to be a member of that board.

Validity of proceedings

12.4 Where a person has acted as a member of an intermunicipal library board, no resolution, bylaw, proceeding or action of any kind of the intermunicipal library board may be held invalid or set aside for the reason that that person's election to the council of a municipality is invalid.

Board duties

12.5 An intermunicipal library board, subject to any enactment that limits its authority, has full management and control of the municipal library established by the board and shall, in accordance with the regulations, organize, promote and maintain comprehensive and efficient library services in the municipalities that are the parties to the intermunicipal agreement respecting that board and may co-operate with other boards and libraries in the provision of those services.

Budget

12.6 Each year an intermunicipal library board shall, before the date specified in the intermunicipal agreement respecting

that board, submit to each municipality that is a party to the agreement a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the intermunicipal library board, including the amounts to be paid by each municipality in accordance with the agreement.

Accounts

12.7 An intermunicipal library board shall

- (a) keep accounts of its receipts, payments, credits and liabilities,
- (b) have a person who is not a member of the intermunicipal library board and whose qualifications are approved in accordance with the intermunicipal agreement respecting that board review the accounts each calendar year and prepare a financial report in the form required by the intermunicipal agreement, and
- (c) submit the financial report to the council of each municipality that is a party to the intermunicipal agreement immediately after its completion.

10 Section 19 is amended

- (a) **by striking out** “municipal board” **and substituting** “municipal library board or intermunicipal library board”;
- (b) **by striking out** “section 13” **and substituting** “section 12.2 or 13”.

11 Section 28 is amended by striking out “or a municipal board” **and substituting** “, a municipal library board or an intermunicipal library board”.

12 Section 35 is amended by adding “or intermunicipal library board” **after** “municipal board”.

13 Section 37 is repealed and the following is substituted:

Bylaw transmission

37(1) A municipal library board, on passing a bylaw under section 36, shall forthwith forward a copy of the bylaw to the council of the municipality.

(2) An intermunicipal library board, on passing a bylaw under section 36, shall forthwith forward a copy of the bylaw to the council of each municipality that is a party to the intermunicipal agreement respecting that board.

14 Section 40 is amended

(a) by adding the following after clause (g):

(g.1) governing the matters required to be dealt with in agreements described in section 12.2;

(b) by adding the following after clause (j):

(j.1) respecting the dissolution of intermunicipal library boards;

15 The *Freedom of Information and Protection of Privacy Act* is amended in section 1(i)(xi) by striking out “joint municipal” and substituting “intermunicipal”.

16 This Act comes into force on Proclamation.

Explanatory Notes

1 Amends chapter L-11 of the Revised Statutes of Alberta 2000.

2 Section 1 presently reads in part:

1 In this Act,

- (b) *“board” means a municipal board, library system board, community board or federation board;*
- (f) *“federation board” means a federation board established under Part 4;*
- (k) *“municipal library” means a library established or continued under Part 1;*
- (l) *“municipality” means a city, town, village, summer village, municipal district or the Jasper Improvement District;*

3 Section 2 presently reads:

2 This Part applies to every library maintained in whole or in part by property taxes and

- (a) established under this Part, or*
- (b) continued under this Part.*

4 Section 3 presently reads in part:

3(1) In this section, “elector” means a person eligible to vote for a councillor under the Local Authorities Election Act.

(2) The council of a municipality

- (a) may, on its own initiative, pass a bylaw 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 the Municipal Government Act, requesting the establishment of a municipal library board, deal with the petition in accordance with that section.*

(3) On the passing of a bylaw providing for the establishment of a municipal library board, the chief

administrative officer or a designated officer of the municipality, or the Minister responsible for the Municipal Government Act in the case of the Jasper Improvement District, shall forthwith forward a copy of the bylaw to the Minister.

5 Section 8(2) presently reads:

(2) The budget and the estimate of money shall be forthwith submitted to the chief administrative officer of the municipality or to the Minister responsible for the Municipal Government Act in the case of the Jasper Improvement District.

6 Section 9 presently reads:

9 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.*

7 New section re dissolution, amalgamation or annexation of municipality.

8 Repeal.

9 New Part for intermunicipal library boards.

10 Section 19 presently reads:

19 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 13.

11 Section 28 presently reads:

28 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 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.

12 Section 35 presently reads:

35 With the consent in writing of the Minister, a board in a municipal district may enter into agreements with any other municipal board relating to the provision of library services to the residents of that municipal district.

13 Section 37 presently reads:

37 A municipal board, on passing a bylaw under section 36, shall forthwith forward a copy of the bylaw to the chief administrative officer of the municipality or to the Minister responsible for the Municipal Government Act in the case of the Jasper Improvement District.

14 Section 40 presently reads in part:

40 The Minister may make regulations

- (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;*

15 Amends chapter F-25 of the Revised Statutes of Alberta 2000. Consequential amendment to FOIP.

16 Proclamation.