

**BOWEN ISLAND MUNICIPALITY  
BYLAW NO. 262, 2009**

A bylaw to establish a Municipal Library Service

WHEREAS the Bowen Island Municipality deems it appropriate to provide Library Services in the Municipality.

NOW THEREFORE the Council of the Bowen Island Municipality in an open meeting assembled, ENACTS AS FOLLOWS:

1. That a Municipal Library (the Bowen Island Public Library) shall hereby be established in the municipality.
2. The Bowen Island Public Library Board shall be appointed by Council in accordance with the *Library Act, [RSBC 1996] Chapter 264*
3. The Bowen Island Public Library Board shall operate in accordance with the *Library Act* and with the Operating Guidelines established from time to time by mutual agreement, in carrying out its powers and duties
4. This bylaw may be cited as the "Bowen Island Municipality Library Establishment Bylaw No. 262, 2009".

READ A FIRST TIME this 13<sup>th</sup> day of July, 2009

READ A SECOND TIME this 20<sup>th</sup> day of July, 2009

READ A THIRD TIME this 20<sup>th</sup> day of July, 2009

RECONSIDERED AND FINALLY ADOPTED this 27<sup>th</sup> day of July, 2009

\_\_\_\_\_  
{ORIGINALLY SIGNED}

Bob Turner,  
Mayor

\_\_\_\_\_  
{ORIGINALLY SIGNED}

Kathy Lalonde,  
Corporate Officer

## **Bowen Island Municipal Library Operating Guidelines**

**Effective January 1, 2010**

### **Purpose**

These operating guidelines define the relationship between the Bowen Island Municipal Library ("the Library") and the Bowen Island Municipality ("the Municipality") in the areas of financial management, human resources, and policies. The guidelines also affirm that the Library Board must remain in control of Library operations as required by the Library Act.

### **Statutory Authority**

The Library is a municipal library managed by a Library Board appointed by the Municipal Council.

Under the Library Act (RSBC 1996, Chapter 264), the Library Board is a corporation with exclusive control over the approved library budget (Part 2, Section 11). The Library Board must appoint a Chief Librarian and has the authority to exercise or delegate to the Chief Librarian the authority to create, deploy, supervise, or terminate other staff positions, including setting the terms of their employment, duties, and remuneration (Part 2, Sections 9 and 12).

### **Financial Management**

1. **Annual planning:** The Library participates annually in updating the Municipality's five-year financial plan.
2. **Budget submissions, controls, and reporting:** The Chief Librarian collaborates with Municipal staff in preparing Library budget submissions and in implementing common accounting and administrative systems for improved financial controls and reporting.
3. **Library reserves and surplus funds:** Any Library reserve or surplus funds are segregated in the Municipality's accounting records to ensure that the funds remain within the exclusive control of the Library Board and are not subsumed in the Municipality's general revenue.
4. **Annual financial reporting and audit:** Working within its approved budget, the Library adheres to Municipal policy for financial reporting. The Library's financial information is reported in the Municipality's annual financial statements, which are subject to an annual independent audit and meet generally accepted accounting principles.
5. **Library services:** In principle, operating efficiencies are sought for all services. In its annual budget request to Municipal Council, the Library Board includes plans for new or revised services. At other times of the year, the Library Board may also report to Municipal Council on proposed new or revised services. If a proposed new Library service or staff position or a change to a current Library staff position requires additional municipal funding, the Library Board will bring a funding request to Municipal Council for approval. If any savings result from more efficient operations, the Library Board will determine the reallocation of savings to reserves or other uses, and the Chief Librarian will inform in writing Municipal Council and staff of any reallocation of savings to reserves or other uses.
6. **Municipal services:** The Municipality provides financial and other services to the Library, including but not limited to payroll, accounts payable, insurance coverage (general liability and directors' and officers' liability), insurance-claim processing, and periodic audits. The services provided may be revised from time to time with the agreement of both parties.

**Human Resources**

1. **Compensation:** The Library Board sets Library staff classification and compensation at a level the Library Board determines is consistent with the Municipality’s Staff Compensation Policy. Changes to Library staff classification will be discussed with Municipal staff.
2. **Pension and benefits:** Library staff is eligible to participate in the Municipal benefit plan and in the Municipal pension plan subject to Municipal practices and the eligibility criteria of the benefit carrier.
3. **Professional development:** Library staff may participate in Municipal training programs. The Chief Librarian may also request that the Municipality fund training programs specifically for Library staff. Training costs are determined and allocated in advance of the training to the budget of the Municipality or to the budget of the Library with the agreement of both parties.

**Policies**

1. **Policy-making authority:** Policies of the Bowen Island Public Library are developed, revised, approved, and adopted by the Library Board.
2. **Adoption of Municipal policies:** The Library Board may adopt Municipal policies with or without amendments according to the unique status of the Library within the Municipality.
3. **Library Policy Manual:** The Library Board and Chief Librarian review and revise as necessary the Library Policy Manual, ensuring Library policies take into account Municipal policies.

**Revisions**

These guidelines are reviewed annually by the Library and the Municipality. Revisions are subject to the approval of both the Library Board and the Municipal Council.

Date \_\_\_\_\_

*Bowen Island Municipality:*

*Bowen Island Public Library*

\_\_\_\_\_ Mayor

\_\_\_\_\_ Board Chair

\_\_\_\_\_ CAO

\_\_\_\_\_ Chief Librarian

**Excerpt from the Library Act**  
**Part 2 – Municipal Libraries**

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**How a municipal library is established**

- 3 (1) A municipality may, by bylaw, establish a municipal library.
- (2) A municipal library may be established under subsection (1) in a municipality served by a public library association, but only if the association has requested the municipality to assume responsibility for providing library service in the municipality.
- (3) [Repealed 2003-52-157.]

**Role and status of the library board**

- 4 (1) A municipal library is to be managed by a library board called the "*[insert name of municipality]* Public Library Board".
- (2) The members of the library board and their successors in office are a corporation with the powers and duties given in this Part.

**How the library board is appointed**

- 5 (1) The municipal council must appoint the members of the library board at the first meeting of the municipal council after the coming into force of the bylaw establishing the municipal library.
- (2) The library board is to consist of an uneven number of members, not fewer than 5 or more than 13, selected as follows:
- (a) one from the municipal council;
  - (b) the remainder from people who are residents or electors of the municipality and who are not members of the municipal council or employees of the municipality or library board.
- (3) All subsequent regular appointments are to be made each December at the first regular meeting of the municipal council.
- (4) Before selecting anyone under subsection (2) (b), the municipal council must invite applications for membership by publishing a notice in a newspaper.

(5) A vacancy arising during the term of an appointment is to be filled, for the remainder of the term, by an appointment made at the first meeting of the municipal council after the vacancy arises.

(6) If an appointment is not made at the time specified in this section, the appointment must be made as soon as convenient.

### **Term of office**

**6** (1) The member appointed to the library board from the municipal council holds office for one year, or for the remainder of the year for which the appointment is made.

(2) One half of the members first appointed to the library board under section 5 (2) (b) hold office for a term of one year, and the others hold office for a term of 2 years.

(3) All subsequent regular appointments under section 5 (2) (b) are for terms of 2 years.

(4) A member is eligible for reappointment, but no member may serve for more than 8 consecutive years.

(5) The term of office of a member continues until a successor is appointed unless the member is removed for cause.

(6) On receiving a report from the library board, the municipal council may remove a member of the library board for cause, including if the member

(a) fails to attend 3 consecutive regular meetings of the library board without its written approval,

(b) becomes an employee of the municipality or of the library board, or

(c) ceases to be a resident or elector of the municipality.

### **Election of chair and vice chair**

**7** (1) The library board must elect a chair and a vice chair at its first meeting in each year after appointments are made to the library board.

(2) If the chair is not present at a meeting of the library board, the vice chair has all the powers of the chair and is subject to all rules applicable to the chair.

(3) If neither the chair nor the vice chair is present at a meeting of the library board, the members present may elect an acting chair who has, during the meeting, all the powers of the chair and is subject to all rules applicable to the chair.

### **Regular and special meetings of library board**

- 8** (1) The library board must meet at regular intervals at least 6 times a year.
- (2) A majority of all the members of the library board is a quorum.
- (3) The chair or any 2 members may call a special meeting of the library board by notifying, in writing, the other members at least 2 days before the meeting and stating in the notice the purpose of the meeting.

### **General powers and duties of library board**

**9** The library board

- (a) may make rules for managing its business and for regulating the use of its facilities and services by the public,
- (b) may appoint any committees of its members that it considers necessary to carry out its business,
- (c) must appoint a chief librarian,
- (d) may hire and dismiss employees, enter into collective agreements with employees and set the terms of their employment, including fixing their remuneration and duties,
- (e) may lease land or buildings for library purposes, but only with the prior approval of the municipal council,
- (f) may acquire personal property for library purposes and dispose of personal property,
- (g) may contract, for a term of not more than 5 years, for professional or other services for library purposes,
- (h) may sue and be sued,
- (i) may have a common seal and may alter or change it, and
- (j) must prepare an annual report in the form approved by the minister and must send copies of the report to the minister.

## **Budget and financing**

- 10** (1) On or before March 1 in each year, the library board must prepare and submit to the municipal council its annual budget for providing library service in the municipality.
- (2) The municipal council must approve, with or without amendment, the budget submitted to it under subsection (1).
- (3) At the request of the library board, the municipal council may approve an amendment to the approved budget.
- (4) The municipal council must include in the municipality's annual budget a sum sufficient to finance the library board's approved budget.
- (5) The municipality must pay to the library board the sum included in the annual budget and the payments must be made on the dates scheduled by the library board and the municipality.

## **Expenditures and financial statements**

- 11** (1) The library board has, subject to the approved budget, exclusive control over the expenditure of
- (a) all money provided by the municipal council for library purposes,
  - (b) all money given to the library board,
  - (c) the revenue derived from any source, including
    - (i) fees,
    - (ii) fines, and
    - (iii) money recovered by the library board for detention, damage or loss of library materials, and
  - (d) all money received by the library board under an agreement to provide library service.
- (2) The library board must provide to the municipality annual financial statements that have been audited in the same manner and at the same time as the financial statements of the municipality.

## **Powers and duties of chief librarian**

### **12 The chief librarian**

- (a) has general supervision and direction of the municipal library and its staff,
- (b) is the secretary to the library board, and
- (c) has the powers and duties the library board assigns to the chief librarian from time to time.

## **Abolition of municipal library and dissolution of library board**

- 13** (1) A municipal council may only abolish a municipal library by bylaw adopted with the assent of the electors.
- (2) On adoption of a bylaw under subsection (1), the library board is dissolved.
- (3) When the library board is dissolved, the assets of the library board are vested in the municipality and any liabilities or obligations of the library board are assumed by the municipality.