

Amendment to Bylaw 944, 2015 - Bylaw 944, 2015 is attached below

**MUNICIPALITY OF CROWSNEST PASS
IN THE PROVINCE OF ALBERTA**

BYLAW NO. 1003, 2018

BEING a bylaw of the Municipality of Crowsnest Pass in the Province of Alberta, to amend Bylaw No. 944-2015, being the municipal Library Bylaw.

WHEREAS the Council of the Municipality of Crowsnest Pass wishes to amend the library bylaw for the purposes of changing the membership of the board.

AND WHEREAS the municipality must prepare an amending bylaw and provide for its consideration at a public hearing;

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Municipality of Crowsnest Pass in the Province of Alberta duly assembled does hereby enact the following amendments:

1. That Section 3.2 be amended to read:

“Membership – The Board shall consist of up to eight (8) members, all of which shall be appointed by Council. Council will seek recommendation from the Board regarding these appointments. These eight (8) members shall be comprised of six (6) members-at-large from the citizens of the Municipality and two (2) Municipal Councillors.”

2. That Section 3.3 be amended to read:

“Member Terms – Each member of the Board shall hold office for a term. The following terms of appointment shall apply: six (6) members-at-large shall hold positions for three (3) year terms and the two (2) Municipal Councillors shall hold office for a one (1) year term. Each term shall commence January 1st of the applicable year, except where a member appointment has been made to fill a vacancy for the balance of a term. In such instances the term shall commence immediately upon member appointment.”


3. Bylaw No. 944-2015 is hereby amended.


4. This bylaw shall come into effect upon third and final reading hereof.

READ a **first** time this 10th day of April, 2018.

READ a **second** time this 24th day of April, 2018.

READ a **third** and final time this 24th day of April, 2018.


Blair Painter
Mayor


Patrick Thomas
Chief Administrative Officer

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BYLAW NO. 944, 2015

Library Bylaw

A Bylaw of the Municipality of Crowsnest Pass in the Province of Alberta for the purpose of establishing a Municipal Library Board.

WHEREAS the Libraries Act of Alberta provides for the establishment of a municipal library, and for the appointment of a library board for the management of a municipal library, by a municipality;

NOW THEREFORE, the Council of the Municipality of Crowsnest Pass duly assembled enacts as follows:

1. TITLE

This Bylaw may be cited as the "Library Bylaw" of the Municipality of Crowsnest Pass.

2. DEFINITIONS

2.1 "Act" shall mean the current Libraries Act of Alberta and amendments thereto.

2.2 "CAO" shall mean the Chief Administrative Officer of the Municipality, or the Director(s) designated by the Chief Administrative Officer to implement this Bylaw.

2.3 "Board" shall mean the Municipality of Crowsnest Pass Library Board.

2.4 "Council" shall mean the Council for the Municipality.

2.5 "Municipality" shall mean the Municipality of Crowsnest Pass, Alberta.

3. ESTABLISHMENT OF THE BOARD

3.1 There is hereby established and constituted a Board to be known as the Municipality of Crowsnest Pass Library Board to exercise the duties, powers, and functions as prescribed in this Bylaw.

3.2 **Membership** – The Board shall consist of up to seven (7) members, all of which shall be appointed by Council. Council will seek recommendation from the Board regarding these appointments. These seven (7) members shall be comprised of six (6) members-at-large from the citizens of the Municipality and one (1) Municipal Councillor.

3.3 **Member Terms** – Each member of the Board shall hold office for a term. The following terms of appointment shall apply: six (6) members-at-large shall hold positions for three (3) year terms and the one (1) Municipal Councillor shall hold office for a one (1) year term. Each term shall commence January 1st of the applicable year, except where a member appointment has been made to fill a vacancy for the balance of a term. In such instances the term shall commence immediately upon member appointment.

3.4 **Resignation** – Any member of the Board may resign upon sending written notice to the Chairperson of the Board. The date the resignation is received by the Chairperson shall be the effective date of the resignation.

3.5 **Termination** – A member of the Board ceases to be a member of the Board when he/she:

- i. Fails to attend three (3) consecutive Regular meetings of the Board, unless such absence is authorized by a resolution of the Board;
- ii. Ceases to be a resident of the Municipality;

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- iii. Is hired in any capacity with the Municipality;
- iv. Is removed by resolution of Council; or
- v. In the case of the Municipal Councillor, ceases to be a member of Council.

3.6 **Vacancies** – If any member of the Board ceases to be a member of the Board during the term which he/she is appointed, the vacancy shall be filled as soon as possible. Such appointment shall be effective only for the remaining term of the person vacating membership on the Board.

3.7 **Voting Officers** – At the first meeting of the Board in each calendar year, the Board shall select a member of the Board to fulfill the following officer positions for a term of one (1) year:

- i. a Chairperson to preside over all meetings of the Board when present and perform other such duties as determined by the Board;
- ii. a Vice-Chairperson to perform the duties of the Chairperson in his/her absence;

Should an officer position become vacant prior to the expiry of the appointed term, another member of the Board shall be appointed to fulfill the remaining term of office at the next Board meeting.

3.8 **Secretary-Treasurer** – The non-voting office of the Secretary-Treasurer of the Board is hereby constituted, and shall be filled by the Library Manager or his/her designate. In the absence of the Library Manager or his/her designate, the Municipality shall appoint someone to fulfill the office. The Secretary-Treasurer shall:

- i. Notify all members of the Board of the arrangements for the holding of each regular and special meeting of the Board;
- ii. Keep proper and accurate minutes of the proceedings of all Board meetings, and provide true copies of which for filing at the Municipality as soon as possible following each meeting;
- iii. Prepare a budget and estimate of money in conjunction with the Board;
- iv. Keep distinct and accurate accounting of all Library expenditures, receivables, and liabilities.

4. MEETINGS

4.1 **Regular Meetings** – The Board shall hold a minimum of six (6) regular meetings of the Board annually at a time and place determined by the Board.

4.2 **Special Meetings** – A special meeting of the Board may be called by the Chairperson or any three (3) members of the Board by giving notice of at least twenty-four (24) hours prior to such meetings, and stating the nature of the business to be transacted and the time, place, and date of the meeting.

4.3 **Quorum** – For all meetings, four (4) members of the Board constitutes a quorum. A meeting shall not be cancelled due to lack of quorum until 15 minutes after the scheduled time of the meeting has elapsed.

4.4 **Voting** – All Board members vote on all questions before the Board, except for Board members that abstain due to a personal conflict. A simple majority vote of present Board members shall determine the outcome of motions. In the event of a tie vote, the motion shall be defeated.

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- 4.5 **Advisory Committees** – The Board may appoint Advisory Committees consisting of members and non-members to perform such advisory functions and duties as may be determined by the Board.

5. POWERS AND DUTIES OF THE BOARD

- 5.1 The Board shall manage, regulate, control, and operate all municipal libraries within the Municipality to provide library services as contemplated and defined in the Act.
- 5.2 **Budget** – The Board shall develop an annual operating budget for all operating expenditures and revenues required to maintain and manage municipal libraries. The annual operating budget, and corresponding annual municipal grant request, shall be presented to Council upon request.
- 5.3 **Finances** – The Board shall develop and follow internal financial controls and procurement policies, which must include keeping regular accounts of receipts, payments, credits, liabilities, and related items to provide for annually audited accounts (which shall be provided to the Municipality immediately upon completion).
- 5.4 **Staff** – Appoint and dismiss Board staff.
- 5.5 **Insurance** – The Board shall maintain Board and public liability insurance in an amount not less than two (2) million dollars per occurrence. In addition, the Board shall carry adequate insurance to cover the cost of replacing facility contents and similar Board assets. Finally, the Board shall not do anything to compromise the Municipality's insurance policy covering library facilities.
- 5.6 **Maintenance** – The Board shall ensure that all assets associated with the operation of the municipal libraries are kept in a state of preservation and good repair, including all library materials, supplies, equipment, facilities and grounds, and vehicles. This includes providing budget for purchase and replacement of all items associated with these assets, including any required labor or contract costs.
- 5.7 **Additions and Improvements to Municipally Owned Facilities** – The Board shall not make any alterations in the structure, stone, iron or brickwork, or partitioning of municipal facilities, nor install any plumbing, heating, gas or electric fixtures or electric wiring without the written permission of the Municipality first obtained. All such changes, alterations, additions or improvements will comply with all applicable statutes, regulations or by-laws whether they be of the Municipality, Provincial Government, Federal Government, or other statutory authority.

6. POWERS AND DUTIES OF THE MUNICIPALITY

- 6.1 **Building Maintenance** – For any facilities and grounds owned by the Municipality, which are provided to the Board to operate as a municipal library under the authority of this Bylaw, the Municipality shall only be responsible for the following items:
- i. Repairs to the building envelope, which shall be known as the building foundations, structural walls, and roof;
 - ii. Repairs to the heating, ventilation, plumbing, and electrical servicing up to the building and contained within the walls of the building, but excluding fixtures and similar exterior wall features.
- 6.2 **Additional Assistance** – Notwithstanding any of the obligations, terms, and conditions outlined in this Bylaw regarding the Board's operation of municipal libraries, the Board

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and Municipality may mutually agree in writing that the Municipality provide additional assistance to the Board if there is a belief that it is in the interest of effective and efficient service delivery.

6.3 **Library Closure** – The closing of any library shall be at the sole discretion of Council.

7. MISCELLANEOUS

7.1 Every provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

7.2 Nothing in this Bylaw relieves a Person from complying with any federal, provincial, or municipal law or regulation, order, or other lawful direction.

7.3 Unless authorized by Council, neither the Board, nor any member of the Board, shall:

- i. Have the authority to pledge the credit of the Municipality in any manner whatsoever;
- ii. Expend public monies in any manner whatsoever.

8. EFFECTIVE DATE

8.1 Bylaw 944, 2015 comes into full force and effect upon the final passing thereof. Bylaw 339, 1994, Bylaw 441, 1997, and Bylaw 517, 2000 are hereby repealed.

READ a first time this 24th day of November, 2015.

CARRIED

READ a second time this 24th day of November, 2015.


CARRIED

READ a third time and finally passed this 15th day of December, 2015.

CARRIED



MAYOR



CHIEF ADMINISTRATIVE OFFICER