

LIBRARY ACT

[RSBC 1996] CHAPTER 264

Contents

Section

Part 1 — Introductory Provisions

- 1 Definitions
- 2 Purposes of this Act

Part 2 — Municipal Libraries

- 3 How a municipal library is established
- 4 Role and status of the library board
- 5 How the library board is appointed
- 6 Term of office
- 7 Election of chair and vice chair
- 8 Regular and special meetings of library board
- 9 General powers and duties of library board
- 10 Budget and financing
- 11 Expenditures and financial statements
- 12 Powers and duties of chief librarian
- 13 Abolition of municipal library and dissolution of library board

Part 3 — Regional Library Districts

- 14 How a regional library district is established
- 15 Role and status of the library board
- 16 How the library board is appointed
- 17 When members are appointed
- 18 Term of office
- 19 Election of chair and vice chair
- 20 Regular and special meetings of library board
- 21 General powers and duties of library board
- 22 How population is determined
- 23 Voting on expenditures
- 24 Sharing the cost of library service
- 25 Budget and financing
- 26 Expenditures and financial statements
- 27 Powers and duties of chief librarian
- 28 Extension of regional library district
- 29 Withdrawal from regional library district
- 30 Disestablishment of regional library district by agreement

Part 4 — Public Library Associations

- 31 Existing public library associations continued
- 32 Who can become a member
- 33 Who cannot vote or hold office
- 34 Continuation and role of the library board
- 35 Composition of the library board
- 36 Elections and term of office of members
- 37 Election of chair and vice chair
- 38 Regular and special meetings of library board
- 39 General powers and duties of library board
- 40 Budget, expenditures and financial statements
- 41 Powers and duties of chief librarian
- 42 Request to municipality to take over library
- 43 Dissolution if municipal library established or regional library district established or extended
- 44 Dissolution of public library association by minister
- 45 Transfer of assets on dissolution

Part 5 — General

- 46 Free basic public library service
- 47 Enforcement of library rules
- 48 Agreements
- 49 Library federations
- 50 Unserved areas
- 51 Director of public library service
- 52 Advisory bodies
- 53 Conflict of interest
- 54 Protection against lawsuits
- 55 Reimbursement of expenses
- 56 Power to make regulations

Part 6 — Transitional Provisions

- 57 Existing municipal libraries
- 58 Existing regional library districts
- 59 Existing federated public library system
- 60 Existing integrated public library system
- 61 No power to establish integrated public library system
- 62 Existing regional district service to provide libraries

Part 1 — Introductory Provisions

Definitions

1 In this Act:

"aboriginal government" means an aboriginal organization exercising governmental functions;

"elector" has the meaning it has in the *Local Government Act*;

"electoral participating area" means an area that

(a) is within a service area for the service of participation in a regional library district under Part 3 of this Act, and

(b) is all or part of an electoral area as defined in the *Local Government Act*;

"integrated public library system" means an integrated public library system the operation of which is continued under section 60;

"library board" means,

(a) in Part 2, the library board of a municipal library,

(b) in Part 3, the library board of a regional library district,

(c) in Part 4, the library board of a public library association, and

(d) in Part 5, a library board referred to in paragraph (a), (b) or (c),

and includes

(e) a federated library board in sections 46 to 48, 50, 51 and 53 to 55, and

(f) an integrated public library system in sections 46 to 51;

"library federation" means a federation established by agreement under section 49;

"municipal library" means a library established under section 3;

"net taxable value of land and improvements" means net taxable value of land and improvements for hospital district purposes under section 26 (3) of the *Hospital District Act*;

"newspaper" has the meaning it has in the *Community Charter*;

"population" means the population determined under section 22;

"public library" includes a municipal library, a regional library district, a public library association and an integrated public library system;

"public library association" means a public library association continued under section 31;

"regional library district" means a regional library district established under section 14.

Purposes of this Act

2 The purposes of this Act are

- (a) to encourage the extension and use of public library service throughout British Columbia,
- (b) to enable the delivery of public library service in British Columbia by
 - (i) providing for the establishment and operation of municipal libraries, regional library districts and library federations, and
 - (ii) allowing existing public library associations and integrated public library systems to continue to operate, and
- (c) to support improvements in public library service.

Part 2 — Municipal Libraries

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.

Part 3 — Regional Library Districts

How a regional library district is established

14 (1) Two or more municipalities and one or more regional districts each representing one or more electoral participating areas may, by bylaw, enter into an agreement to request the Lieutenant Governor in Council to establish a regional library district.

(2) When the agreement is executed, the parties must send a copy to the minister for presentation to the Lieutenant Governor in Council.

(3) After receiving the agreement, the Lieutenant Governor in Council may establish a regional library district comprising

- (a) the area within each municipality that is a party to the agreement, and
- (b) the electoral participating areas of each regional district that is a party to the agreement.

Role and status of the library board

15 (1) A regional library district is to be managed by a library board called the "*[insert name]* Regional Library District 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

- 16** (1) The library board is to consist of a representative of each municipality and regional district that is a party to the agreement to establish the regional library district.
- (2) A municipal council must, by resolution,
- (a) appoint one of its members to be a member of the library board, and
 - (b) appoint another of its members as an alternate member to serve on the library board if the member appointed under paragraph (a) is absent or unable to act.
- (3) If there is more than one electoral participating area in the regional library district, the regional district board must, by resolution,
- (a) appoint from among the directors of the electoral participating areas a member of the library board, and
 - (b) appoint another of the directors of the electoral participating areas as an alternate member to serve on the library board if the member appointed under paragraph (a) is absent or unable to act.
- (4) If there is only one electoral participating area in a regional library district,
- (a) the director of the electoral participating area is a member of the library board, and
 - (b) the alternate director of the electoral participating area is the alternate member on the library board if the director of the electoral participating area is absent or unable to act.

When members are appointed

- 17** (1) Each municipal council and each regional district board must appoint its representative and alternate representative at the first meeting of the municipal council or regional district board after the regional library district is established under section 14 (3).
- (2) All subsequent regular appointments must be made each December at the first meeting of the municipal council or regional district board.
- (3) 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 or regional district board after the vacancy arises.
- (4) 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

- 18** (1) A member of the library board holds office for a term of one year, or for the remainder of the year for which the appointment is made.
- (2) A member is eligible for reappointment, but no member may serve for more than 8 consecutive years.
- (3) The term of office of a member continues until a successor is appointed unless the member is removed for cause.
- (4) A municipal council or regional district board may remove its representative on the library board for cause, including if the representative fails to attend 3 consecutive regular meetings of the library board without the written approval of the library board.

Election of chair and vice chair

- 19** (1) The library board must elect a chair and a vice chair at the first meeting in each year.
- (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 the rules applicable to the chair.

Regular and special meetings of library board

- 20** (1) The library board must meet at regular intervals at least 4 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 5 days before the meeting and stating in the notice the purpose of the meeting.

General powers and duties of library board

- 21** 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 acquire land and lease or construct buildings for library purposes,
- (f) may dispose of land or buildings,
- (g) may acquire personal property for library purposes and dispose of personal property,
- (h) may contract, for a term of not more than 5 years, for professional or other services for library purposes,
- (i) may sue and be sued,
- (j) may have a common seal and may alter or change it, and
- (k) must prepare an annual report in the form approved by the minister and must send copies of the report to the minister.

How population is determined

- 22** (1) For the purposes of sections 23 and 24, the minister is to determine the population of an area by compiling the population figures for the most recent year for which figures are available for that area.
- (2) In determining population the minister may take into account any changes in the boundaries of an area and may use
- (a) information or estimates provided by the Minister of Finance,
 - (b) information in the most recently available Census of Canada, and
 - (c) other information the minister considers relevant.

Voting on expenditures

- 23** (1) On questions involving the expenditure of money,
- (a) each member of the library board has one vote, plus one additional vote for each complete 1 000, after the first 1 000, of the population of the municipality represented by the member or of the electoral participating areas of the regional district represented by the member, and
 - (b) a majority of the weighted votes cast decides those questions,
- unless a proposal is adopted under subsection (2).
- (2) If at least 2/3 of the municipalities and regional districts represented on the library board adopt a proposal on the number of votes each representative on the library board has on questions involving the

expenditure of money, the proposal binds all the municipalities and regional districts represented on the library board.

(3) A proposal adopted under subsection (2) may be changed or cancelled by a resolution adopted by at least 2/3 of the municipalities and regional districts represented on the library board.

Sharing the cost of library service

24 (1) In this section, "**converted value of land and improvements**" means the converted value of land and improvements within the meaning of the *Community Charter*.

(2) The cost of providing library service must be apportioned

(a) 1/2 on the basis of the converted value of land and improvements of each municipality and of the electoral participating areas of each regional district, represented on the library board, and

(b) 1/2 on the basis of the population of each municipality and of the electoral participating areas of each regional district, represented on the library board,

unless a proposal is adopted under subsection (3).

(3) If at least 2/3 of the municipalities and regional districts represented on the library board adopt a proposal on apportioning the cost of providing library service, the proposal binds all the municipalities and regional districts represented on the library board.

(4) A proposal adopted under subsection (3) may be changed or cancelled by a resolution adopted by at least 2/3 of the municipalities and regional districts represented on the library board.

Budget and financing

25 (1) In each year the library board must prepare and approve a budget for providing library service in the next financial year.

(2) Before March 1 of the year for which the budget is approved, the library board must provide a copy of the budget to each of the municipalities and regional districts represented on the library board.

(3) The approved budget must show the share of the cost of providing library service that was apportioned under section 24 to each of the municipalities and regional districts represented on the library board.

(4) The secretary to the library board must provide to each of the municipalities and regional districts represented on the library board a certificate of the amount shown under subsection (3) in the budget for that municipality or regional district.

(5) Each municipality and regional district represented on the library board must pay the amounts certified under subsection (4) to the library board in equal installments on March 1, June 1, September 1 and December 1 of each year.

(6) The library board may borrow money needed to meet its current expenditures if the amount borrowed

- (a) is not more than 50% of the revenue the library board is to receive from all sources in the current year to cover those expenditures, and
- (b) is repaid when the anticipated revenue is received.

Expenditures and financial statements

26 (1) The library board has, subject to the approved budget, exclusive control over the expenditure of

- (a) all money provided to it for library purposes by the municipalities and regional districts represented on the library board,
- (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

- (a) prepare annual financial statements to be audited by the auditors appointed by the library board, and
- (b) provide a copy of the audited financial statements to the municipalities and regional districts represented on the library board.

Powers and duties of chief librarian

27 The chief librarian

- (a) has general supervision and direction of the regional library district 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.

Extension of regional library district

- 28** (1) A municipality or regional district may, by bylaw, enter into an agreement with the library board to extend the regional library district to include the municipality or the electoral participating areas within the regional district.
- (2) When the agreement is executed, the parties must send a copy to the minister for presentation to the Lieutenant Governor in Council.
- (3) When the agreement is approved by the Lieutenant Governor in Council, the area within the municipality or the electoral participating areas within the regional district, as the case may be, become part of the regional library district.
- (4) At its first meeting after the agreement is approved or as soon afterward as convenient, the municipal council or the regional district board that entered into the agreement must appoint its representative as a member of the library board under section 16 (2) or (3).

Withdrawal from regional library district

- 29** (1) A municipality or regional district may withdraw from a regional library district only by bylaw adopted with the assent of the electors.
- (2) No vote to obtain assent may be taken after October 1 in any year.
- (3) If a bylaw under subsection (1) is adopted, the municipality or regional district must send a copy of the bylaw to the minister for presentation to the Lieutenant Governor in Council.
- (4) If the Lieutenant Governor in Council approves of the municipality or regional district withdrawing from the regional library district, the area within the municipality or the electoral participating areas within the regional district ceases to form part of the regional library district on January 1 after the date of approval.

- (5) If the Lieutenant Governor in Council approves of the municipality or regional district withdrawing from the regional library district, the library board may enter into an agreement with the municipality or regional district to transfer to it a reasonable share of library assets, including library materials.
- (6) If the share of library assets is not agreed on by January 1 after the date of approval, the library board must submit the matter for determination by one arbitrator appointed under the *Commercial Arbitration Act* and that Act applies to the dispute.

Disestablishment of regional library district by agreement

- 30** (1) The municipalities and regional districts represented on the library board may, by bylaw, enter into an agreement for disestablishing the regional library district and winding up the library board.
- (2) When an agreement under subsection (1) is executed, the parties must send a copy to the minister for presentation to the Lieutenant Governor in Council.
- (3) An agreement under subsection (1) has no effect until it is approved by the Lieutenant Governor in Council.
- (4) The Lieutenant Governor in Council may approve the disestablishment of the regional library district and, in the order or any subsequent order, may provide for winding up the library board on any terms and conditions the Lieutenant Governor in Council considers advisable.

Part 4 — Public Library Associations

Existing public library associations continued

- 31** (1) A public library association that was incorporated before, and provided library service until, August 26, 1994 is continued, and the association may continue to provide library service in the locality for which it was formed.
- (2) A public library association has the powers and duties given to a library board under this Part.

Who can become a member

- 32** On application and subject to the rules of the public library association, the following are eligible to become members of a public library association:
- (a) residents in the locality for which the association was formed;

(b) residents in an area in which library service is provided by the association by agreement.

Who cannot vote or hold office

33 No member under 18 years of age and no employee of a public library association is eligible to be elected to hold office in, or to vote at meetings of, the association.

Continuation and role of the library board

34 (1) The board of management of a public library association is continued as the library board of the association.

(2) The library board is responsible for managing the library of the public library association and for exercising and performing on behalf of the association the powers and duties given in this Part.

Composition of the library board

35 (1) The library board is to consist of

(a) not fewer than 5 or more than 9 members, elected by the members of the public library association from among themselves, and

(b) any person appointed to be a member of the library board by a municipal council or regional district board under subsection (2).

(2) A local government that provides assistance to the public library association by way of a grant may

(a) appoint a representative from the council or from the directors of the participating areas to be a member of the library board for the financial year in which the grant or contribution is made, and

(b) dismiss the appointee, with or without cause, and appoint another.

Elections and term of office of members

36 (1) Elections to the library board must be held each January or as soon afterward as is convenient.

(2) In the first election after August 26, 1994,

(a) if the number of elected members is even, 1/2 of them hold office for a term of one year, and the others hold office for a term of 2 years, and

(b) if the number of elected members is uneven, a bare majority of them hold office for a term of one year, and the others hold office for a term of 2 years.

(3) All subsequent elections are for terms of 2 years.

(4) A member is eligible for re-election or reappointment to the library board, but no member may serve for more than 8 consecutive years.

(5) The term of office of an elected member continues until a successor is elected.

(6) A vacancy arising during the term of office of an elected member is to be filled, for the remainder of the term, by an appointment made by the library board at the first meeting after the vacancy arises or as soon afterward as is convenient.

(7) The library board

(a) may remove an elected member for cause, including if the member fails to attend 3 consecutive regular meetings of the library board without its written approval, and

(b) must remove an elected member who ceases to be eligible to hold office in or to be a member of the public library association.

Election of chair and vice chair

37 (1) The library board must elect a chair and a vice chair at the first meeting after the elections to the library board and annually after that.

(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

38 (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

39 The library board

- (a) may make rules for holding meetings of the public library association and for managing the association,
- (b) may make rules for managing the business of the board and for regulating the use of its facilities and services by the public,
- (c) may appoint any committees of its members that it considers necessary to carry out its business,
- (d) must appoint a chief librarian,
- (e) may raise funds to support the public library association,
- (f) may hire and dismiss employees, enter into collective agreements with employees and set the terms of their employment, including fixing their remuneration and duties,
- (g) may lease land or buildings for library purposes or dispose of land or buildings acquired before August 26, 1994, but only with the prior approval of the minister,
- (h) may acquire personal property for library purposes and dispose of personal property,
- (i) may contract, for a term of not more than 5 years, for professional or other services for library purposes,
- (j) may sue and be sued in the name of the public library association,
- (k) may have a common seal and may alter or change it,
- (l) must prepare an annual report in the form approved by the minister and must send copies of it to the minister, and
- (m) must maintain a record of the members of the public library association.

Budget, expenditures and financial statements

- 40** (1) In each year the library board must prepare and approve a budget for providing library service.
- (2) The library board has, subject to the approved budget, exclusive control over the expenditure of
- (a) all money raised by or grants or contributions provided to the public library association,
 - (b) all money given to the public library association,

- (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 public library association under an agreement to provide library service.
- (3) The library board must
- (a) prepare annual financial statements in accordance with generally accepted accounting principles,
 - (b) provide a copy of the financial statements for inspection by the members of the public library association at or before the annual general meeting, and
 - (c) provide a copy of the financial statements to any municipality or regional district that is eligible under section 35 to make an appointment to the library board.

Powers and duties of chief librarian

41 The chief librarian

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

Request to municipality to take over library

- 42** (1) A public library association may, by a vote of at least 1/2 of the members present at an annual meeting of the association or at a special meeting of the association called for the purpose, request the municipality in which the library of the association is located to assume responsibility for providing library service in the municipality.
- (2) No request may be made under subsection (1) after October 1 in any year.

Dissolution if municipal library established or regional library district established or extended

- 43** (1) If, after receiving a request under section 42 from a public library association, a municipality adopts a bylaw under section 3 establishing a municipal library, the association is dissolved as soon as the bylaw takes effect.
- (2) If, after an agreement is made under section 14 or 28, a municipality or part of a regional district in which the library of a public library association is located becomes part of a regional library district, the association is dissolved as soon as the agreement takes effect.

Dissolution of public library association by minister

- 44** The minister may, by order, dissolve a public library association on the date specified in the order if
- (a) the association, by a vote of at least 1/2 of the members present at an annual meeting of the association or at a special meeting of the association called for the purpose, requests the minister to dissolve the association,
 - (b) the association has fewer than 50 voting members,
 - (c) the library board has not met for 6 months or has not provided library service for 6 months, or
 - (d) the library board has not complied with this Act or the regulations.

Transfer of assets on dissolution

- 45** (1) When a public library association is dissolved under section 43 or 44, its assets are vested in and its liabilities and obligations are assumed by
- (a) the municipality in which the library of the association is located, or
 - (b) the regional district in which the library of the association is located if the library is not located in a municipality.
- (2) The minister may direct the Registrar of Companies to cancel the certificate of incorporation of a public library association as of the date of its dissolution under section 43 or 44.

Part 5 — General

Free basic public library service

- 46** (1) A library board must not charge for
- (a) admission to any part of a building used for public library purposes, or
 - (b) using library materials on library premises.
- (2) A library board must allow residents and electors of any area served by the library board to do the following free of charge:
- (a) borrow library materials that are normally lent by the library and that belong to prescribed categories of library materials;
 - (b) use reference and information services as the library board considers practicable.
- (3) A library board may charge fees for services not required to be provided free of charge under this section, including for the use of services described in subsection (2) by anyone who is not a resident or elector of an area served by the library board.

Enforcement of library rules

- 47** A library board may
- (a) impose fines for breaches of the library rules,
 - (b) suspend library privileges for breaches of the library rules, or
 - (c) exclude from the library anyone who behaves in a disruptive manner or damages library property.

Agreements

- 48** (1) Subject to subsection (2), a library board may enter into a written agreement to cooperate in the provision of library services with one or more of the following:
- (a) another library board;
 - (b) a municipality;
 - (c) a regional district;
 - (d) an aboriginal government;
 - (e) a board of school trustees;
 - (e.1) a francophone education authority as defined in the *School Act*;
 - (f) an institution under the *College and Institute Act*;
 - (g) the board of governors of a university;

- (h) the minister;
 - (i) a prescribed body.
- (2) Before entering into an agreement under subsection (1), the library board of a municipal library must obtain the approval of the municipality that established the municipal library.
- (3) An agreement under this section may provide as follows:
- (a) for the appointment of one or more members to the library board of a municipal library by a municipality, regional district or aboriginal government that enters into the agreement with that library board;
 - (b) for the appointment of one or more members to the library board of a public library association by an aboriginal government that enters into the agreement with that library board.
- (4) Members appointed by agreement under this section are additional to those appointed to the library board under any other provision of this Act and members appointed under this section may vote at meetings of the library board.
- (5) An agreement under this section must be consistent with this Act and the regulations.
- (6) A library board may spend money available from its budget for the purposes of an agreement under this section.

Library federations

- 49** (1) Two or more library boards may enter into a written agreement to establish a library federation.
- (2) An agreement under subsection (1) has no effect until it is approved by the minister.
- (3) An agreement under subsection (1) must include terms
- (a) establishing a plan for the cooperative provision of library service,
 - (b) establishing a federated library board,
 - (c) establishing a procedure for adopting bylaws,
 - (d) establishing requirements for membership in the library federation,
 - (e) relating to the budget of the library federation, and
 - (f) providing for disestablishing the library federation, distributing its assets and assigning its liabilities.

(4) A federated library board has the power and capacity of a corporation under the *Interpretation Act* and, in addition, may acquire and dispose of real property.

Unserviced areas

50 (1) The minister may provide library service to individuals and communities that, in the minister's opinion, are unable to obtain public library service.

(2) For the purpose of subsection (1), the minister may enter into an agreement with a library board, including an agreement under which a library board extends free library service to residents of a reserve as defined in the *Indian Act* (Canada).

Director of public library service

51 (1) The minister must designate as director of public library service a person who is appointed under the *Public Service Act* and is a qualified librarian.

(2) The director of public library service is responsible, under the direction of the minister, for administering this Act and promoting the improvement and extension of public library service throughout British Columbia.

(3) Without limiting subsection (2), the director of public library service may

- (a) apportion money annually appropriated by the Legislature for grants to help library boards and to help public bodies that are engaged in promoting library service and improving library service,
- (b) impose conditions for the payment of grants, and
- (c) refuse or reduce a grant to a library board or public body that does not comply with a condition imposed under paragraph (b).

Advisory bodies

52 (1) The minister may establish one or more bodies to advise the minister on matters relating to this Act.

(2) The minister may appoint, or provide for the manner of appointment of, the members of a body established under this section and may set the terms of reference for those bodies.

(3) The members of any body established under this section are entitled to be reimbursed for reasonable travelling and out of pocket expenses necessarily incurred by them in performing their duties under this Act, and may be paid

for their services an amount determined by the Lieutenant Governor in Council.

Conflict of interest

- 53** (1) A member of a library board who has a direct or indirect pecuniary interest in a matter considered at a meeting of the library board
- (a) must declare that he or she has a pecuniary interest in the matter,
 - (b) must not take part in the discussion and is not entitled to vote on any question respecting the matter,
 - (c) must leave the meeting, and
 - (d) must not attempt in any way, whether before, during or after the meeting, to influence the voting on any question respecting the matter.
- (2) Subsection (1) does not apply
- (a) if the matter relates to expenses payable to one or more members of the library board in relation to their duties as members, or
 - (b) if the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the member in relation to the matter.
- (3) A person who contravenes subsection (1) is disqualified from continuing to hold office as a member of the library board unless the contravention was done through inadvertence or because of an error in judgment made in good faith.

Protection against lawsuits

- 54** (1) No action for damages may be brought against an existing or former member, officer or employee of a library board or against a person acting under the direction of the library board for
- (a) anything said or done or omitted to be said or done in the performance or purported performance of a duty or the exercise of a power, or
 - (b) any alleged neglect or default in the performance or purported performance of a duty or exercise of a power.
- (2) No action for the debts or obligations of a library board may be brought against an existing or former member, officer or employee of a library board or a person acting under the direction of the library board.
- (3) Subsections (1) and (2) do not provide a defence if

(a) the member, officer, employee or person acting under the direction of the library board has, in relation to the conduct that is the subject of the action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct, or

(b) the cause of action is libel or slander.

(4) This section does not absolve a library board from vicarious liability for anything said or done or omitted to be said or done by, or for any neglect or default of, an individual referred to in subsection (1), for which the library board would have been vicariously liable had this section not been in force.

Reimbursement of expenses

55 (1) The members of a library board are not entitled to be paid by the library board for their services but may be reimbursed by it for reasonable travelling and out of pocket expenses, including child care expenses, necessarily incurred by them in performing their duties under this Act.

(2) A library board may not reimburse a member for any expenses if another body reimburses the member for the expenses or pays the expenses.

Power to make regulations

56 The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

Part 6 — Transitional Provisions

Existing municipal libraries

57 The following libraries are deemed to have been established under section 3 as municipal libraries and this Act applies to them:

(a) any library that was established by a municipality before August 26, 1994 as the library for that municipality;

(b) any library that was deemed, by the *Library Act*, R.S.B.C. 1979, c. 235, to be a municipal public library.

Existing regional library districts

58 (1) In this section "**regional library district**" means

(a) Fraser Valley Regional Library District,

(b) Okanagan Regional Library District, or

(c) Vancouver Island Regional Library District.

- (2) The Lieutenant Governor in Council may, by regulation,
- (a) require any regional district within a regional library district to participate, by bylaw, in the regional library district for the purpose of replacing the school districts or parts of school districts within the regional district that form part of the regional library district,
 - (b) designate a service area of the regional district to replace those school districts or parts,
 - (c) specify a period within which a bylaw must be adopted by a regional district to accomplish the purpose set out in paragraph (a), and
 - (d) provide for any other matter necessary to accomplish the purpose set out in paragraph (a).
- (3) A regional library district, as modified under subsection (2), is deemed to have been established under section 14 and this Act applies to the regional library district.

Existing federated public library system

59 A federated public library system that was established before, and continued until, August 26, 1994 is deemed to have been established under section 49 of this Act as a library federation and this Act applies to that federated public library system.

Existing integrated public library system

60 A regional district that was operating an integrated public library system as a local service before August 26, 1994 may continue to operate the system, subject to this Act and to the terms and conditions contained in letters patent or any bylaws respecting that system.

No power to establish integrated public library system

61 (1) A regional district that was given the power to establish and operate an integrated public library system as a local service and that did not establish an integrated public library system before August 26, 1994 may not establish or operate an integrated public library system.

(2) Despite subsection (1) and the repeal of section 788 (1) (f) of the *Municipal Act*, R.S.B.C. 1979, c. 290, by section 66 of the *Library Act*, S.B.C. 1994, c. 31, a regional district that, before August 26, 1994, exercised the power referred to in that subsection by way of a contribution to the cost of

library service may continue to exercise the power in that way, subject to this Act and the terms and conditions contained in letters patent or any bylaws respecting the service.

Existing regional district service to provide libraries

62 Despite the amendment of section 788 (1) (e) of the *Municipal Act*, R.S.B.C. 1979, c. 290, by section 66 of the *Library Act*, S.B.C. 1994, c. 31, a regional district that exercised the power to provide libraries as a local service may continue to exercise that power by way of a contribution to the cost of library service, subject to this Act and the terms and conditions contained in letters patent or any bylaws respecting the service.