

# Appointments to the Municipal Library Board

## A Fact Sheet for Alberta Public Library Boards and Councils

Municipal councils select individuals from their communities to sit on a library board. These individuals are appointed to the library board to ensure comprehensive and efficient library services are provided to the community. Councils appoint individuals with unique skills and perspectives to create a competent, well-rounded library board.

### Appointment Basics

#### Board Members

As per the *Libraries Act*, council may appoint between 5 and 10 board members to a municipal library board. Of these appointees, no more than two may be municipal councillors (for more information about appointing councillors to a municipal library board, see Public Library Services Branch (PLSB)'s *Appointing Councillors to the Municipal or Intermunicipal Library Board* fact sheet).

Only the council of the municipality that established the library board has the authority to appoint members. The council of a neighbouring municipality cannot appoint board members to a board that they did not have a role in establishing. When making an appointment, council should include the name of the individual(s) being appointed and their term length in the motion.

#### Term Limits

Library board members are appointed for a term not exceeding 3 years. A board member cannot automatically serve more than 3 consecutive terms. If council wishes to have an individual on the municipal board for longer than 3 terms, 2/3 of the majority of council must vote in favour of re-appointing that individual for another term. This 2/3 majority vote must occur every time the individual is re-appointed. If a former board member who has not served on the board for a period of time seeks to be appointed to the board again, council may appoint this individual for a brand new term, regardless of whether they served 3 terms during their previous time on the board.

#### Selecting Board Members

Council has the prerogative to decide who is appointed to the municipal library board; however, it is good practice for council to involve the library board with recruitment and selection of board members. The board can suggest what skillsets would be beneficial to the board, assist with any interview processes, and put forward names to council. It is then council's decision whether or not to appoint the suggested individuals. Council does not simply approve the names put forward – they must *appoint* each individual. Please note that library staff, as employees of the board, cannot be board members. Staff can attend board meetings in a supporting capacity if the board desires.

Councils are only responsible for appointing individuals, and may not appoint officer positions. The election of officers is a process that happens at the board table amongst board members.

It is recommended that council not add details surrounding appointments within the municipal establishment bylaw. This can lead to inflexibility and redundancy (or contradiction) with clauses stated within provincial legislation. The establishment bylaw simply creates the municipal library board.

#### Board Turnover

Once a board member's term expires, council has two options – appoint the individual again (ensuring 2/3 of council has approved the resolution if beyond 3 consecutive terms), or opt not to reappoint. In the latter case, council must appoint another individual to the board as soon as reasonably possible, particularly if board membership drops below the minimum of 5 members.

A board member is not permitted to serve more than three terms (unless approved by 2/3 of council) to allow for turnover of library board membership and allow new individuals to be appointed and share their perspectives. The library board belongs to the whole community – not simply a select few individuals. Other community members should have the opportunity to have a voice at the table should they wish to. Councils in smaller communities may assert that it is

a struggle to find new individuals to appoint to the library board, citing a lack of willing volunteers from the community to sit on the board. It is worthy of note that there is no residency requirement for library board members. Board members need not live in the same municipality as the council that created the board. In fact, it can be beneficial to appoint individuals living outside of the municipality to garner perspective from surrounding municipalities, whose community members may utilize those library services.

### **Municipal vs. System Appointments**

Note that appointing an individual to a municipal library board is not the same process as appointing an individual to a regional library system board. Municipalities that are members of a library system have the ability to appoint an individual to the system board to represent their municipality (for more information about system board appointments, see PLSB's *Appointments to the Library System Board* information sheet). This individual can serve on both the local and the regional system boards should council desire, but each appointment must be made separately.

## **The Importance of Ensuring ALL Board Members are Appointed**

Having individuals on the library board that are not appointed by council not only poses a significant legal risk to the board and library, but to the individual who is not appointed. Decisions and motions made at board meetings, if challenged, would not be likely to hold up in a court of law. Minutes signed by a board member who is not legally appointed would technically not be approved from a legal standpoint. While it is important that board members are appointed when first selected for the board, it is also important that council track when board member terms are expiring to ensure members are appointed for another term (if being reappointed) before their current appointment expires. If a gap exists between appointments, any voting or motions made by that individual would not be legally valid. A Board Member Tracker Template is included with this information sheet.

## **Board Member Responsibilities**

Council appoints *individuals* to municipal library boards, not representatives or officer positions. There is no seat on a municipal library board reserved for council, and councillors do not have a designated role to fill on the library board. They should not act as a representative of the municipality or any other group or organization. Board members may bring skills and knowledge from these other roles, but represent only themselves and their own views when it comes time to vote or make decisions. Councils may not appoint alternates

to these library boards because an alternate cannot represent the views of another individual.

Once a library board is established, it is an autonomous corporation – a legal entity separate from the municipality that established it. It has full management and control of library services in the community. Board members have fiduciary duties to fulfill in their roles. This includes the duty of care – each board member must be knowledgeable about their role and carry out their duties with the degree of care and attention that can reasonably be expected of them – and the duty of loyalty – to act honestly and in the best interests of the board and library, regardless of other boards and committees that individual may sit on.

## **Support and Resources**

If you have any questions, please contact the Public Library Services Branch by phone at 780-427-4871 (toll free by dialing 310-0000 first), or by email at [libraries@gov.ab.ca](mailto:libraries@gov.ab.ca). Information is also available on the PLSB website at [www.albertalibraries.ca](http://www.albertalibraries.ca).

## <The (Name of Municipality) Library Board>

### Requirements as per the *Libraries Act*, section 4:

- Only the municipal council that established the library board has the authority to appoint board members
- Minimum of 5, maximum of 10 board members can be appointed to the municipal library board
- A maximum of 2 board members may also be councillors from the municipality that established the board
- A single term on the board cannot exceed 3 years
- After 3 consecutive terms, 2/3rds of council must approve the individual being reappointed for each consecutive term thereafter (e.g. for a fourth, fifth term)
- Alternates are not allowed

Name of board member	Date of initial appointment	Current term ends	Number of terms served	History (e.g. motion # or date of letter of appointment)
Bob Smith	October 15, 2014	October 15, 2019	2	Motion#12345s – appointed for a 2 year term  Motion#98765f – appointed for a 3 year term