

## Public Libraries Act

R.S.O. 1990, CHAPTER P.44

**Consolidation Period:** From January 1, 2007 to the [e-Laws currency date](#).

Last amendment: 2006, c.32, Sched.C, s.53.

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**Definitions**

1. In this Act,

“board” in Part I means a public library board, a union board, a county library board or a county library co-operative board and in Part II means an Ontario library service board; (“conseil”)

“lower-tier municipality”, in relation to a county, means a municipality that forms part of the county for municipal purposes; (“municipalité de palier inférieur”)

“Minister” means the Minister of Culture or such other member of the Executive Council to whom the administration of this Act may be assigned under the *Executive Council Act*; (“ministre”)

“municipality” means a local municipality; (“municipalité”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“single-tier municipality”, in relation to a county, means a municipality that is geographically located within the county but does not form part of the county for municipal purposes. (“municipalité à palier unique”) R.S.O. 1990, c. P.44, s. 1; 2002, c. 17, Sched. C, s. 24 (1); 2002, c. 18, Sched. F, s. 3 (1-3).

**PART I  
PUBLIC LIBRARY SERVICE**

**PUBLIC LIBRARY BOARDS**

**Public libraries continued**

2. Every public library established under a predecessor of this Part that was being operated immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 2.

**Establishment of public library**

3. (1) The council of a municipality may by by-law establish a public library. R.S.O. 1990, c. P.44, s. 3 (1); 2002, c. 18, Sched. F, s. 3 (4).

**Copy of by-law to be sent to Minister**

(2) When a by-law is passed under subsection (1), the clerk shall promptly mail or deliver a copy of the by-law to the Minister. R.S.O. 1990, c. P.44, s. 3 (2).

**Board**

(3) A public library shall be under the management and control of a board, which is a corporation known in English as The (*insert name of municipality*) Public Library Board and in French as Conseil de la bibliothèque publique de (*insert name of municipality*). R.S.O. 1990, c. P.44, s. 3 (3).

**UNION BOARDS**

**Union libraries continued**

4. Every union public library established under a predecessor of this Part that was being operated immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 4.

**Establishment of union public library**

5. (1) The councils of two or more municipalities may make an agreement for the establishment of a union public library. R.S.O. 1990, c. P.44, s. 5 (1).

**Agreement**

(2) An agreement under subsection (1) shall specify what proportion of the cost of the establishment, operation and maintenance of the union public library, including the cost of existing libraries, shall be paid by each municipality. R.S.O. 1990, c. P.44, s. 5 (2).

**Union board**

(3) A union public library shall be under the management and control of a union board, which is a corporation known in English as The (*insert appropriate name*) Union Public Library Board and in French as Conseil de la bibliothèque publique unie de (*insert appropriate name*). R.S.O. 1990, c. P.44, s. 5 (3).

**Dissolution of public library boards**

(4) When an agreement is made under subsection (1),

- (a) the public library boards established for the municipalities for which the union board is established are dissolved; and
- (b) the assets and liabilities of those public library boards are vested in and assumed by the union board unless the agreement provides otherwise. 2002, c. 18, Sched. F, s. 3 (5).

**Copy of agreement to be sent to Minister**

(5) When an agreement is made under subsection (1), the clerk of the municipality that has the greatest population shall promptly mail or deliver a copy of the agreement to the Minister. R.S.O. 1990, c. P.44, s. 5 (5).

**COUNTY LIBRARY BOARDS****County libraries continued**

6. Every county library established under a predecessor of this Part that was being operated immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 6.

**County library establishment**

7. (1) Where resolutions of the councils of at least two-thirds of the municipalities forming part of a county for municipal purposes request that the county establish a county library, the council of the county may by by-law establish a county library for those municipalities. R.S.O. 1990, c. P.44, s. 7 (1).

**Copy of by-law to be sent to Minister**

(2) When a by-law is passed under subsection (1), the clerk shall promptly mail or deliver a copy of the by-law to the Minister. R.S.O. 1990, c. P.44, s. 7 (2).

**Additional members: agreements**

(3) At any time after a county library is established, the council of a non-participating lower-tier municipality or single-tier municipality and the county council may make an agreement bringing the non-participating lower-tier municipality or single-tier municipality into the county library, and the county council shall amend the establishing by-law accordingly. 2002, c. 17, Sched. C, s. 24 (2).

**Contents of agreement**

(4) An agreement under subsection (3) shall specify what proportion of the cost of the establishment, operation and maintenance of the county library shall be paid by the county and the single-tier municipality, respectively. 2002, c. 17, Sched. C, s. 24 (2).

**Dissolution of public library boards, etc.**

(5) When a county library is established,

- (a) every public library board and county library co-operative board established for a municipality or any part thereof that is included in the area for which the county library is established is dissolved; and
- (b) the assets and liabilities of those boards are vested in and assumed by the county library board unless the by-law establishing the county library provides otherwise. 2002, c. 18, Sched. F, s. 3 (6).

**Idem**

(6) When a municipality joins a county library, subsection (5) applies with necessary modifications. R.S.O. 1990, c. P.44, s. 7 (6).

**County library board**

(7) A county library shall be under the management and control of a board, which is a corporation known in English as The (*insert name of county*) County Library Board and in French as Conseil de la bibliothèque du comté de (*insert name of county*). R.S.O. 1990, c. P.44, s. 7 (7).

## COUNTY LIBRARY CO-OPERATIVE BOARDS

### County library co-operative boards continued

**8.** (1) Every county library co-operative board established under a predecessor of this Act that was in existence immediately before the 29th day of March, 1985, is continued subject to this Part. R.S.O. 1990, c. P.44, s. 8 (1).

#### When dissolved

(2) If a county library co-operative board has jurisdiction in an area for which a county library is established, the county library co-operative board is dissolved, and its assets and liabilities are vested in and assumed by the county library board. 2002, c. 18, Sched. F, s. 3 (7).

## GENERAL

### Composition of public library board

**9.** (1) A public library board shall be composed of at least five members appointed by the municipal council. 2002, c. 18, Sched. F, s. 3 (8).

### Composition of union board

(2) A union board shall be composed of at least five members appointed by the councils of the affected municipalities in the proportions and in the manner specified in the agreement made under subsection 5 (1). 2002, c. 18, Sched. F, s. 3 (8).

### Composition of county library board

(3) A county library board shall be composed of at least five members appointed by the county council. 2002, c. 18, Sched. F, s. 3 (8).

#### Same

(4) When a single-tier municipality joins a county library, the members of the county library board shall be appointed by the county council and the council of the single-tier municipality in the proportions agreed upon by the county council and the council of the single-tier municipality. 2002, c. 18, Sched. F, s. 3 (8).

### Composition of county library co-operative board

(5) A county library co-operative board shall be composed of at least five members appointed by the county council. 2002, c. 18, Sched. F, s. 3 (8).

### Board members

**10.** (1) A person is qualified to be appointed as a member of a board who is a member of the appointing council or,

(a) is at least eighteen years old;

(b) is a Canadian citizen;

(c) is,

(i) a resident of the municipality for which the board is established in the case of a public library board, a resident of one of the municipalities for which the board is established in the case of a union board, a resident of one of the participating municipalities in the case of a county library board, or a resident of the area served by the board in the case of a county library co-operative board,

(ii) a resident of a municipality that has a contract with the board under section 29,

(iii) a resident of the board area of a local service board that has a contract with the board under section 29,

(iv) a member of an Indian band that has a contract with the board under section 29, or

(v) a member of a second board that has entered into a contract with the board to purchase from it library services for the residents of the second board; and

(d) is not employed by the board or by the municipality or county or, in the case of a union board, by any of the affected municipalities. R.S.O. 1990, c. P.44, s. 10 (1); 2002, c. 18, Sched. F, s. 3 (9).

### Number of council members on board limited

- (2) The appointing council shall not appoint more of its own members to a board than the number that is,
- (a) in the case of a public library board or union board, one less than a majority of the board; and
  - (b) in the case of a county library or a county co-operative library, a bare majority of the board. R.S.O. 1990, c. P.44, s. 10 (2).

**Term**

(3) A board member shall hold office for a term concurrent with the term of the appointing council, or until a successor is appointed, and may be reappointed for one or more further terms. R.S.O. 1990, c. P.44, s. 10 (3).

**Time for making appointments**

(4) The first appointments of members of a new board shall be made at a regular meeting of council and the member shall take office as soon as possible thereafter, and thereafter appointments shall be made at the first meeting of council in each term, but if the council fails to make the appointments at its first meeting, it shall do so at any regular or special meeting held within 60 days after its first meeting. R.S.O. 1990, c. P.44, s. 10 (4); 2002, c. 18, Sched. F, s. 3 (10).

**Notice of vacancies**

**11.** (1) The clerk of the appointing municipality or county or, in the case of a union board, the clerks of the affected municipalities shall give public notice of vacancies on the board by publishing a notice of them, inviting applications, in a newspaper of general circulation in the municipality. R.S.O. 1990, c. P.44, s. 11 (1).

**Idem**

(2) The notice referred to in subsection (1) shall be in English or in both English and French, as may be appropriate. R.S.O. 1990, c. P.44, s. 11 (2).

(3) REPEALED: 2002, c. 18, Sched. F, s. 3 (11).

**Vacancies**

**12.** Where a vacancy arises in the membership of a board, the appointing council shall promptly appoint a person to fill the vacancy and to hold office for the unexpired term, except where the unexpired term is less than forty-five days. R.S.O. 1990, c. P.44, s. 12.

**Disqualification of board member**

**13.** If a board member,

- (a) is convicted of an indictable offence;
- (b) becomes incapacitated;
- (c) is absent from the meetings of the board for three consecutive months without being authorized by a board resolution;
- (d) ceases to be qualified for membership under clause 10 (1) (c); or
- (e) otherwise forfeits his or her seat,

the member's seat becomes vacant and the remaining members shall forthwith declare the seat vacant and notify the appointing council accordingly. R.S.O. 1990, c. P.44, s. 13.

**First meeting**

**14.** (1) The first meeting of a board in a new term shall be called,

- (a) if a by-law has been passed under subsection (2), by the chief executive officer appointed under subsection 15 (2); and
- (b) if no by-law has been passed under subsection (2), by the clerk of the appointing council or, in the case of a union board, the clerk of the municipality having the greatest population. R.S.O. 1990, c. P.44, s. 14 (1).

**By-law re calling first meeting**

(2) A municipal council or, in the case of a union board, a majority of the municipal councils affected may by by-law authorize the chief executive officer appointed under subsection 15 (2) to call the first meeting of the board in each new term. R.S.O. 1990, c. P.44, s. 14 (2).

**Chair**

(3) A board shall elect one of its members as chair at its first meeting in a new term. R.S.O. 1990, c. P.44, s. 14 (3).

**Acting chair**

(4) In the absence of the chair, the board may appoint one of its members as acting chair. R.S.O. 1990, c. P.44, s. 14 (4).

**Staff**

**15.** (1) A board may appoint and remove such employees as it considers necessary, determine the terms of their employment, fix their remuneration and prescribe their duties. R.S.O. 1990, c. P.44, s. 15 (1); 1993, c. 27, Sched.

**Chief executive officer**

(2) A board shall appoint a chief executive officer who shall have general supervision over and direction of the operations of the public library and its staff, shall attend all board meetings and shall have the other powers and duties that the board assigns to him or her from time to time. R.S.O. 1990, c. P.44, s. 15 (2).

**Secretary**

(3) A board shall appoint a secretary who shall,

(a) conduct the board's official correspondence; and

(b) keep minutes of every meeting of the board. R.S.O. 1990, c. P.44, s. 15 (3).

**Treasurer**

(4) A board shall appoint a treasurer who shall,

(a) receive and account for all the board's money;

(b) open an account or accounts in the name of the board in a chartered bank, trust company or credit union approved by the board;

(c) deposit all money received on the board's behalf to the credit of that account or accounts; and

(d) disburse the money as the board directs. R.S.O. 1990, c. P.44, s. 15 (4).

**Idem**

(5) The same person may be both the secretary and the treasurer, and the chief executive officer appointed under subsection (2) may be the secretary and may be the treasurer. R.S.O. 1990, c. P.44, s. 15 (5).

**Meetings**

**16.** (1) A board shall hold regular meetings at least once monthly from January to June and from September to December, both inclusive, and at such other times as it considers necessary. R.S.O. 1990, c. P.44, s. 16 (1).

**Special meetings**

(2) The chair or any two members of a board may summon a special meeting of the board by giving each member reasonable notice in writing, specifying the purpose for which the meeting is called. R.S.O. 1990, c. P.44, s. 16 (2).

(3) REPEALED: 2002, c. 17, Sched. C, s. 24 (4).

(4) REPEALED: 2002, c. 17, Sched. C, s. 24 (4).

**Quorum**

(5) The presence of a majority of the board is necessary for the transaction of business at a meeting. R.S.O. 1990, c. P.44, s. 16 (5).

**Voting**

(6) The chair or acting chair of a board may vote with the other members of the board upon all questions, and any question on which there is an equality of votes shall be deemed to be negative. R.S.O. 1990, c. P.44, s. 16 (6).

**Open and closed meetings**

**16.1** (1) In this section,

“committee” means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of the board; (“comité”)

“meeting” means any regular, special, committee or other meeting of the board. (“réunion”) 2002, c. 17, Sched. C, s. 24 (5).

**Open meetings**

(2) Except as provided in this section, all meetings shall be open to the public. 2002, c. 17, Sched. C, s. 24 (5).

**Improper conduct**

(3) The board chair may expel any person for improper conduct at a meeting. 2002, c. 17, Sched. C, s. 24 (5).

#### **Closed meetings**

- (4) A meeting or part of a meeting may be closed to the public if the subject matter being considered is,
- (a) the security of the property of the board;
  - (b) personal matters about an identifiable individual;
  - (c) a proposed or pending acquisition or disposition of land by the board;
  - (d) labour relations or employee negotiations;
  - (e) litigation or potential litigation, including matters before administrative tribunals, affecting the board;
  - (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - (g) a matter in respect of which a board or committee of a board may hold a closed meeting under another Act. 2002, c. 17, Sched. C, s. 24 (5).

#### **Other criteria**

(5) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the board or committee of the board is the head of an institution for the purposes of that Act. 2002, c. 17, Sched. C, s. 24 (5).

#### **Resolution**

- (6) Before holding a meeting or part of a meeting that is to be closed to the public, a board or committee of the board shall state by resolution,
- (a) the fact of the holding of the closed meeting; and
  - (b) the general nature of the matter to be considered at the closed meeting. 2002, c. 17, Sched. C, s. 24 (5).

#### **Open meeting**

(7) Subject to subsection (8), a meeting shall not be closed to the public during the taking of a vote. 2002, c. 17, Sched. C, s. 24 (5).

#### **Exception**

- (8) A meeting may be closed to the public during a vote if,
- (a) subsection (4) or (5) permits or requires the meeting to be closed to the public; and
  - (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the board or committee of the board or persons retained by or under contract with the board. 2002, c. 17, Sched. C, s. 24 (5).

#### **Language**

**17.** A board may conduct its meetings in English or French or in both English and French and subsections 247 (1), (4), (5) and (6) of the *Municipal Act, 2001* or subsections 195 (1), (4), (5) and (6) of the *City of Toronto Act, 2006*, as the case may be, apply with necessary modifications. 2002, c. 17, Sched. C, s. 24 (6); 2006, c. 32, Sched. C, s. 53 (1).

#### **Expenses**

**18.** A board may reimburse its members for proper travelling and other expenses incurred in carrying out their duties as members. R.S.O. 1990, c. P.44, s. 18.

#### **Real property**

- 19.** (1) A board may, with the consent of the appointing council or, where it is a union board, the consent of a majority of the councils of the municipalities for which it was established,
- (a) acquire land required for its purposes by purchase, lease, expropriation or otherwise;
  - (b) erect, add to or alter buildings;
  - (c) acquire or erect a building larger than is required for library purposes, and lease any surplus part of the building; and
  - (d) sell, lease or otherwise dispose of any land or building that is no longer required for the board's purposes. R.S.O. 1990, c. P.44, s. 19 (1).

#### **Application of Expropriations Act**

(2) The *Expropriations Act* applies to the expropriation of land under subsection (1). R.S.O. 1990, c. P.44, s. 19 (2).

#### **Powers and duties of board**

**20.** A board,

- (a) shall seek to provide, in co-operation with other boards, a comprehensive and efficient public library service that reflects the community's unique needs;
- (b) shall seek to provide library services in the French language, where appropriate;
- (c) shall operate one or more libraries and ensure that they are conducted in accordance with this Act and the regulations;
- (d) may operate special services in connection with a library as it considers necessary;
- (e) shall fix the times and places for board meetings and the mode of calling and conducting them, and ensure that full and correct minutes are kept;
- (f) shall make an annual report to the Minister and make any other reports required by this Act and the regulations or requested by the Minister from time to time;
- (g) shall make provision for insuring the board's real and personal property;
- (h) shall take proper security for the treasurer; and
- (i) may appoint such committees as it considers expedient. R.S.O. 1990, c. P.44, s. 20.

#### **Operation of branch libraries by county library board**

**21.** A county library board shall operate a branch library in each local municipality that operated a public library before that municipality became part of the county library system, unless the county council and the council of the municipality concerned agree otherwise. R.S.O. 1990, c. P.44, s. 21.

#### **Employee benefits**

##### **Pensions**

**22.** (1) A board may, by resolution, provide pensions for employees or any class of them and their surviving spouses and children. 2006, c. 32, Sched. C, s. 53 (2).

##### **Sick leave credits**

(2) A board may, by resolution, establish a system of sick leave credit gratuities for employees or any class of them in the manner and subject to the conditions set out in section 281 of the *Municipal Act, 2001* or section 220 of the *City of Toronto Act, 2006*, as the case may be, and those sections apply with necessary modifications. 2006, c. 32, Sched. C, s. 53 (2).

##### **Libraries to be open to public**

**23.** (1) A board shall not make a charge for admission to a public library or for use in the library of the library's materials. R.S.O. 1990, c. P.44, s. 23 (1).

##### **Certain library services free**

- (2) Every board shall allow the public to,
- (a) reserve and borrow circulating materials that are prescribed or belong to a prescribed class; and
  - (b) use reference and information services as the board considers practicable,

without making any charge. R.S.O. 1990, c. P.44, s. 23 (2).

##### **Fees**

- (3) A board may impose such fees as it considers proper for,
- (a) services not referred to in subsections (1) and (2);
  - (b) the use of the parts of a building that are not being used for public library purposes; and
  - (c) the use of library services by persons who do not reside in the area of the board's jurisdiction. R.S.O. 1990, c. P.44, s. 23 (3).

##### **Rules**

- (4) Subject to the regulations, a board may make rules,

- (a) for the use of library services;
- (b) for the admission of the public to the library;
- (c) for the exclusion from the library of persons who behave in a disruptive manner or cause damage to library property;
- (d) imposing fines for breaches of the rules;
- (e) suspending library privileges for breaches of the rules; and
- (f) regulating all other matters connected with the management of the library and library property. R.S.O. 1990, c. P.44, s. 23 (4).

**Estimates**

**24.** (1) A public library board, county library board or county library co-operative board shall submit to the appointing council, annually on or before the date and in the form specified by the council, estimates of all sums required during the year for the purposes of the board. R.S.O. 1990, c. P.44, s. 24 (1).

**Approval of estimates**

(2) The amount of the board's estimates that is approved or amended and approved by the council shall be adopted by the board and shall be paid to the board out of the money appropriated for it. R.S.O. 1990, c. P.44, s. 24 (2).

**Idem**

(3) The board shall apply the money paid to it under subsection (2) in accordance with the estimates as approved, subject to subsection (4). R.S.O. 1990, c. P.44, s. 24 (3).

**Council may authorize variation**

(4) The council may, in its approval of the board's estimates or at any time at the board's request, authorize the board to apply a specified amount or percentage of the money paid to it under subsection (2) otherwise than in accordance with the items of the estimates as approved. R.S.O. 1990, c. P.44, s. 24 (4).

**Idem: union board**

(5) A union board shall submit its estimates to each of the councils of the municipalities for which the board was established, and subsections (1), (2), (3) and (4) apply to the union board with necessary modifications. R.S.O. 1990, c. P.44, s. 24 (5).

**Where two or more municipalities concerned**

(6) A union board shall submit with its estimates a statement as to the proportion of the estimates that is to be charged to each of the municipalities, and if the estimates of the board are approved or amended and approved by the councils of the municipalities representing more than one-half of the population of the area for which the board was established, they are binding on all the municipalities. R.S.O. 1990, c. P.44, s. 24 (6).

**Audited financial statements**

(7) A public library board, county library board or county library co-operative board shall submit its annual financial statements, audited by a person appointed under section 296 of the *Municipal Act, 2001* or section 139 of the *City of Toronto Act, 2006*, as the case may be, to the council annually on or before the date specified by the council. R.S.O. 1990, c. P.44, s. 24 (7); 2002, c. 17, Sched. C, s. 24 (10); 2006, c. 32, Sched. C, s. 53 (3).

**Idem: union board**

(8) A union board shall submit its annual financial statements to each of the councils of the municipalities for which the board was established, and subsection (7) applies to the union board with necessary modifications. R.S.O. 1990, c. P.44, s. 24 (8).

**Debentures for library purposes**

**25.** (1) The sums required by a public library board or union board for the purposes of acquiring land, for building, erecting or altering a building or for acquiring books and other things required for a newly established library may, on the application of the board, be raised by the issue of municipal debentures. R.S.O. 1990, c. P.44, s. 25 (1); 1996, c. 32, s. 83 (1).

**Application to council**

(2) The board's application shall be made to the council or councils of the municipality or municipalities for which the board was established. R.S.O. 1990, c. P.44, s. 25 (2).

**Council to deal with application**

(3) The council or, if more than one, each of the councils, at the first meeting after receiving the application or as soon thereafter as possible, shall consider and approve or disapprove it, and if a vote in any council results in a tie, the application shall be deemed to be disapproved by the council. R.S.O. 1990, c. P.44, s. 25 (3).

#### **Issue of debentures**

(4) If the council, or a majority of the councils where there are more than one, approves the application, the council of the municipality or, if more than one, the council of the municipality that has the greatest population shall raise the sum required by the issue of debentures in the manner provided under the *Municipal Act, 2001* or the *City of Toronto Act, 2006*, as the case may be, or, if it so desires, the council of any municipality may raise its proportion of the sum required by the issue of its own debentures. R.S.O. 1990, c. P.44, s. 25 (4); 1996, c. 32, s. 83 (2); 2002, c. 17, Sched. C, s. 24 (11); 2006, c. 32, Sched. C, s. 53 (4).

#### **County estimates: accommodation by municipality**

##### **Operating costs**

**26.** (1) The amount estimated by a county library board to meet its operating costs, as approved by the council of a county, shall be included in the amounts to be provided by the county under clause 289 (1) (d) of the *Municipal Act, 2001*. 2002, c. 17, Sched. C, s. 24 (12).

##### **Part of levy**

(1.1) The amount mentioned in subsection (1) shall form part of the general upper-tier levy of the county, unless not all of the municipalities forming part of the county for municipal purposes participate in the county library, in which case the amount shall form part of a special upper-tier levy of the county that shall be levied in accordance with section 311 of the *Municipal Act, 2001* on all the assessment rateable for upper-tier purposes in the municipalities forming part of the county for municipal purposes and that participate in the county library system. 2002, c. 17, Sched. C, s. 24 (12).

#### **Accommodation may be provided by local municipality**

(2) The council of one or more participating municipalities may, at the request of the county library board, rent accommodation to the board and may issue municipal debentures for the cost of constructing a building for the board's purposes, but the ownership of the building shall remain with the municipality unless the board and the council of the municipality agree otherwise. R.S.O. 1990, c. P.44, s. 26 (2); 1996, c. 32, s. 83 (3).

#### **Grant from council**

**27.** The council of any municipality or county may make a grant in money, lands or buildings to a board. R.S.O. 1990, c. P.44, s. 27.

#### **Inspection of records**

**28.** (1) Subject to subsection (2), a person may, during ordinary business hours, inspect any records, books, accounts and documents in the possession or control of a board's secretary. 2002, c. 18, Sched. F, s. 3 (12).

##### **Exception**

(2) The secretary shall refuse to allow an inspection under subsection (1) in circumstances in which a head must refuse disclosure under any of sections 6 to 16 of the *Municipal Freedom of Information and Protection of Privacy Act*, and the secretary may refuse to allow an inspection under subsection (1) in circumstances in which a head may refuse disclosure under any of those sections of that Act. 2002, c. 18, Sched. F, s. 3 (12).

#### **Contract for library services**

**29.** (1) The council of a municipality, a local service board or the council of an Indian band may, instead of establishing or maintaining a public library, enter into a contract with a public library board, union board or county library board, or, where subsection 34 (2) applies, with the Ontario library service board that has jurisdiction, for the purpose of providing the residents of the municipality or local service board area or the members of the band, as the case may be, with library services, on the terms and conditions set out in the agreement. 2002, c. 17, Sched. C, s. 24 (13).

#### **Annual and other reports**

(2) The municipal council, local service board or band council entering into a contract under subsection (1) shall make an annual financial report to the Minister and shall make any other reports required by this Act or the regulations or requested by the Minister. 2002, c. 17, Sched. C, s. 24 (13).

#### **Payments to boards**

**30.** (1) The Minister shall make a grant to every board for library purposes, on the prescribed conditions. R.S.O. 1990, c. P.44, s. 30 (1).

**Idem: where municipality, etc., has contract for library services**

(2) The Minister shall make a grant for library purposes to every municipality, local service board or Indian band that has a contract for library services under subsection 29 (1), on the prescribed conditions. R.S.O. 1990, c. P.44, s. 30 (2); 2002, c. 18, Sched. F, s. 3 (14).

**Idem: library of regional municipality**

(3) Where a regional municipality has established a public library board, the Minister shall make a grant to the board for library purposes as if it were a board under this Part. R.S.O. 1990, c. P.44, s. 30 (3).

**Idem: library of Indian band or local service board**

(4) Where the council of an Indian band or a local service board has established a public library, the Minister shall make a grant to the Indian band or local service board for library purposes as if it were a board under this Part. R.S.O. 1990, c. P.44, s. 30 (4).

**PART II  
ONTARIO LIBRARY SERVICE**

**Establishment, etc., of Ontario library service areas**

**31.** The Minister may establish and locate Ontario library service areas throughout Ontario, may determine and may from time to time alter the boundaries of an Ontario library service area and may dissolve an Ontario library service area. R.S.O. 1990, c. P.44, s. 31.

**Fiscal year**

**32.** The fiscal year of an Ontario library service area begins on the 1st day of April in each year and ends on the 31st day of March in the following year. R.S.O. 1990, c. P.44, s. 32.

**Board**

**33.** (1) An Ontario library service area shall be under the jurisdiction of a board, which is a corporation known in English as The (*insert name specified by the Minister*) Ontario Library Service Board and in French as Conseil du service des bibliothèques de l'Ontario de (*insert name specified by the Minister*). R.S.O. 1990, c. P.44, s. 33 (1).

**Composition of board**

- (2) A board shall consist of,
- (a) one member appointed by the public library board for every municipality within the Ontario library service area that has a population of 15,000 or more;
  - (b) one member appointed by the county library board for every county within the Ontario library service area; and
  - (c) if the number of members appointed under clauses (a) and (b) is,
    - (i) less than nine, a number of additional members appointed by the Minister that brings the number of members to a total not exceeding nine, or
    - (ii) nine or more, a number of additional members appointed by the Minister that does not exceed one less than the number appointed under clauses (a) and (b). R.S.O. 1990, c. P.44, s. 33 (2).

**First meeting, etc.**

(3) The Minister or the Minister's delegate shall arrange for appointments to a board and shall call the first meeting of a board in a fiscal year. R.S.O. 1990, c. P.44, s. 33 (3).

**Term of office**

(4) A board member shall hold office until the last day of the fiscal year in which he or she is appointed, or until a successor is appointed, whichever is longer, and may be reappointed for one or more further terms. R.S.O. 1990, c. P.44, s. 33 (4).

**Vacancies**

(5) Where a vacancy arises in the membership of the board, the appointing public library board or county library board or the Minister, as the case may be, may appoint a person to fill the vacancy and to hold office for the unexpired term. R.S.O. 1990, c. P.44, s. 33 (5).

**Objects of board**

- 34.** (1) The objects of a board are to deliver programs and services on behalf of the Minister by,
- (a) increasing co-operation and co-ordination among public library boards and other information providers in order to promote the provision of library services to the public; and
  - (b) assisting public library boards by providing them with services and programs that reflect their needs, including consultation, training and development services. R.S.O. 1990, c. P.44, s. 34 (1).

**Direct library service in northern Ontario**

(2) The board of an Ontario library service area designated by the Minister as a northern Ontario library service area may provide library services directly, whether under a contract with the council of a municipality, a local service board or the council of an Indian band in the Ontario library service area as described in subsection 29 (1) or otherwise. R.S.O. 1990, c. P.44, s. 34 (2); 2002, c. 18, Sched. F, s. 3 (15).

**Board: powers and duties**

**Powers of board**

- 35.** (1) A board has the powers necessary or convenient to achieve its objects and, without limiting the generality of the foregoing, may,
- (a) subject to clause (2) (a), make by-laws and rules for the administration of its affairs;
  - (b) appoint any person by resolution to execute documents on behalf of the board and to affix the board's seal to them;
  - (c) appoint such committees as it considers expedient; and
  - (d) enter into agreements with public library boards, union library boards and county library boards. R.S.O. 1990, c. P.44, s. 35 (1).

**Duties of board**

- (2) A board shall,
- (a) conduct its affairs in accordance with the administrative policies and procedures determined by the Minister;
  - (b) fix the times and places for board meetings and the mode of calling them, and ensure that proper minutes are kept;
  - (c) make an annual report to the Minister and make any other reports requested by the Minister;
  - (d) make provision for insuring the board's real and personal property; and
  - (e) take proper security for the treasurer. R.S.O. 1990, c. P.44, s. 35 (2).

**Estimates**

**36.** (1) In each fiscal year the board shall submit to the Minister, in the form and on or before the day specified by the Minister, estimates of all sums required during the year for the area's purposes. R.S.O. 1990, c. P.44, s. 36 (1).

**Approval of estimates**

(2) The amount of the board's estimates that is approved by the Minister shall be adopted by the board and shall be paid to the board out of legislative appropriations for library purposes in the amounts, at the times and on the terms and conditions that the Minister considers proper. R.S.O. 1990, c. P.44, s. 36 (2).

**Financial reports, etc.**

- 37.** A board shall submit to the Minister,
- (a) in each fiscal year, its audited financial statements and descriptions of its programs and activities; and
  - (b) such further information as the Minister requests from time to time. R.S.O. 1990, c. P.44, s. 37.

**Application of general provisions**

**38.** Subsection 10 (1) and sections 13 to 18, except subsections 14 (1) and 16 (1), apply to a board with necessary modifications. R.S.O. 1990, c. P.44, s. 38.

**PART III  
GENERAL**

**Regulations**

- 39.** The Lieutenant Governor in Council may make regulations,

- (a) providing for the distribution of all money appropriated by the Legislature for library purposes;
- (b) prescribing the conditions governing the payments of grants;
- (c) respecting the establishment, organization, management, premises and rules of public libraries;
- (d) prescribing circulating materials or classes of circulating materials for the purpose of clause 23 (2) (a). R.S.O. 1990, c. P.44, s. 39.

**Special library service boards**

**40.** (1) The Minister may establish special library service boards to provide the resources and services that the Minister specifies and may make grants to special library service boards out of legislative appropriations for library purposes. R.S.O. 1990, c. P.44, s. 40 (1).

**s. 37 applies**

(2) Section 37 applies to a special library service board with necessary modifications. R.S.O. 1990, c. P.44, s. 40 (2).

**Toronto Public Library Board**

(3) The Toronto Public Library Board shall be deemed to be a special library service board and may provide library resources and services to the Ontario library community. R.S.O. 1990, c. P.44, s. 40 (3); 1997, c. 26, Sched.

**Withholding grant on default of board**

**41.** Where a board in any fiscal year fails to comply with this Act or the regulations, the Minister may withhold the whole or any part of the legislative grant that would otherwise be payable to the board for that year. R.S.O. 1990, c. P.44, s. 41.

**Dissolution by Minister**

**42.** (1) The Minister may dissolve a public library board, a union board, a county library board or a county library co-operative board where the board has not, during the two year period immediately preceding the dissolution, maintained and operated a library. R.S.O. 1990, c. P.44, s. 42 (1).

**Idem**

(2) The Minister may dissolve an Ontario library service board where the Ontario library service area under its jurisdiction has been dissolved. R.S.O. 1990, c. P.44, s. 42 (2).

**Assets and liabilities of dissolved board**

(3) Where a board is dissolved under subsection (1), its assets and liabilities are vested in and assumed by the municipality or county or, in the case of a union board, are distributed as the Minister directs among the municipalities for which the union board was established. R.S.O. 1990, c. P.44, s. 42 (3); 2002, c. 18, Sched. F, s. 3 (16).

**Idem**

(4) Where a board is dissolved under subsection (2), its assets and liabilities are vested in and assumed by the Crown in right of Ontario. R.S.O. 1990, c. P.44, s. 42 (4); 2002, c. 18, Sched. F, s. 3 (17).

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