

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2006-193

Consolidated On January 21, 2011

Passed by Council on August 29, 2006

Amendments:

- 1) By-law 2011-006      January 18, 2011      Section 2.01

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

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THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2006 - 193

**A BY-LAW TO PROVIDE FOR THE COMPOSITION OF AND APPOINTMENT TO THE CITY OF KAWARTHA LAKES PUBLIC LIBRARY BOARD.**

**Recitals**

1. The City of Kawartha Lakes Public Library Board was established on January 1, 2001 by the City of Kawartha Lakes Act;
2. Section 9(1) of the Public Libraries Act, R.S.O. 1990, c.P.44, provides that a public library board for a municipality whose population is less than 100,000 shall be composed of at least five and no more than nine members appointed by the municipal Council;
3. Section 10 of the Public Libraries Act, R.S.O. 1990, c.P.44, sets out the qualifications and term of office for all members of a public library board;
4. Council established the size, composition and procedures for appointment to the Public Library Board by By-law 2001-45 and due to amendments to the Public Libraries Act, R.S.O. 1990 c.P.44 it is advisable to update the terms of the by-law.

**Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2006-193.**

**Section 1.00: INTERPRETATION**

1.01 **Definitions** In this by-law:

“**City**”, “**Corporation of the City of Kawartha Lakes**” or “**Kawartha Lakes**” means The Corporation of the City of Kawartha Lakes.

“**Council**” means the municipal council for the City.

“**Director of Community Services**” means the employee of the City who holds that position or, in the event of organizational changes, another employee designated by Council.

1.02 **Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, as applicable.

- (c) The Schedules attached to this by-law form part of the by-law, and are enforceable as such.
  - (d) The words “include” and “including” are not to be read as limiting the meaning of a word or term to the phrases or descriptions that follow.
- 1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.
- 1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law shall be considered to be severed from the balance of the by-law, which shall continue to operate in full force and effect.

**Section 2.00: COMPOSITION OF THE BOARD**

- 2.01 The City of Kawartha Lakes Public Library Board shall consist of seven to nine members appointed by the Council of the City of Kawartha Lakes. Up to three members shall be members of Council appointed by Council. The balance of the members shall be appointed by Council and shall be such persons who are entitled to be members by virtue of having complied with the qualifications as set out under Section 3 of this by-law.

By-law 2011-006, effective January 18, 2011

**Section 3.00: QUALIFICATIONS**

- 3.01 Persons entitled to be a member of the City of Kawartha Lakes Public Library Board shall be a member of the appointing Council or a person who is;
- a) at least eighteen years old;
  - b) a Canadian citizen;
  - c) a resident of the City of Kawartha Lakes and not employed by the City of Kawartha Lakes Public Library Board or the City of Kawartha Lakes.
- 3.02 A member's seat shall become vacant and the remaining members shall forthwith declare the seat vacant and notify the appointing Council accordingly, 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 as set out in this by-law, or
  - e) otherwise forfeits his or her seat.

**Section 4.00: NOMINATION PROCEDURES**

- 4.01 Qualified persons, other than members of Council, shall be appointed to the City of Kawartha Lakes Public Library Board upon receipt of an application and as determined by Council.
- 4.02 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 its next regular meeting.

**Section 5.00: TERM OF OFFICE**

- 5.01 Members of the City of Kawartha Lakes Public Library Board shall hold office for a term concurrent with the term of Council and shall continue to hold office until their successors are appointed. Members are eligible for re-appointment to the Board.

**Section 6.00: VACANCIES**

6.01 Where a vacancy occurs from any cause, Council shall appoint a person qualified as set out in Section 3 of this by-law to be a member, who shall hold office for the remainder of the term for which his or her predecessor was appointed.

Section 7.00: **CONFLICT**

7.01 In the event of a conflict between the provisions of this By-law and any other general or special Act or Regulations thereunder, the provisions of the general or special Act or Regulations thereunder prevail.

Article 8.00: **ADMINISTRATION AND EFFECTIVE DATE**

8.01 **Administration of the By-law:** The Director of Community Services, who is the CEO of the City of Kawartha Lakes Public Library, is responsible for the administration of this by-law.

8.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 29<sup>th</sup> day of August, 2006.

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Mayor

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Clerk