

SUBCHAPTER 02I - LIBRARY DEVELOPMENT

SECTION .0100 - ORGANIZATIONAL RULES

07 NCAC 02I .0101 SCOPE OF RULES

History Note: Authority G.S. 125-2; 125-7; 125-8; 143B-10;
Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;
Repealed Eff. February 1, 2018.

SECTION .0200 - STATE AID TO PUBLIC LIBRARIES

07 NCAC 02I .0201 QUALIFICATIONS FOR GRANT ELIGIBILITY

Libraries requesting funding from the Aid to Public Libraries Fund shall submit annually to the State Library of North Carolina an application for State Aid and supporting documentation including financial and statistical reports as required by this Rule and shall meet the following eligibility requirements:

- (1) Be established pursuant to Article 14, Chapter 153A of the North Carolina General Statutes;
- (2) Provide library services in compliance with applicable State and federal law to all residents of the political subdivision(s) supporting the library. Public library services shall be provided from at least one designated facility with a cataloged collection that is open to the public a minimum of 40 hours per week;
- (3) Employ a full-time library director having or eligible for North Carolina public librarian certification. For the purpose of this Rule, "full-time" means working a minimum of 35 hours per week;
- (4) Secure operational funds from local government sources at least equal to the average amount budgeted and available for expenditure for the previous three years. A grant to a local library system from the Aid to Public Libraries Fund shall not be terminated but shall be reduced proportionately by the Department if the amount budgeted and available for expenditure by local government is below the average of the previous three fiscal years. State funds shall not replace local funds budgeted and available for expenditure for public library operations;
- (5) Secure aggregate operational funds from local sources that are at least equal to State aid;
- (6) Expend funds as authorized in the budget adopted by the Board of Trustees of a Regional Library, a County, or a Municipality. Any library having an unencumbered operational balance of more than 17 percent of the previous year's operating receipts shall have the difference deducted from its State allocation;
- (7) Pay salaries for professional positions funded from the Aid to Public Libraries Fund at least at the minimum rate of a salary grade of GN10, or equivalent, as established by the Office of State Human Resources;
- (8) Provide to the State Library of North Carolina an annual audit of the political subdivision(s) funding the library consistent with generally accepted accounting principles;
- (9) Submit to the State Library of North Carolina a copy of the bylaws of the library system's Board(s) of Trustees;
- (10) Submit a current long-range plan of service to the State Library of North Carolina. For the purpose of this Rule, a "long-range plan of service" is a plan of at least five years. Upon request, the library shall submit an assessment of a community's library needs to the State Library of North Carolina;
- (11) Submit a copy of the agreement establishing the library system, if composed of more than one local governmental unit; and
- (12) Meet the following when establishing a new library or re-establishing eligibility for the Aid to Public Libraries Fund:
 - (a) meet all requirements of this Rule on July 1 of the year prior to the fiscal year that the library plans to receive State aid;
 - (b) continue to meet all requirements of this Rule from July 1 to June 30 of that year, which shall be known as the "demonstration year"; and

- (c) file a complete application for State Aid by the June 30 deadline at the close of the demonstration year in order to receive State aid in the next fiscal year.

History Note: Authority G.S. 125-7;
Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;
Amended Eff. June 1, 2019.

07 NCAC 02I .0202 STATE AID GRANTS FROM THE AID TO PUBLIC LIBRARIES FUND

Libraries shall qualify for State Aid Grants by meeting the requirements listed in Rule .0201 of this Section. All grants shall be contingent upon appropriations budgeted by the General Assembly and subject to the approval of the Secretary of the Department of Natural and Cultural Resources. State Aid Grants may be used for materials, salaries, equipment, and operating costs.

History Note: Authority G.S. 125-7;
Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;
Amended Eff. February 1, 2018.

SECTION .0300 - ORGANIZATION OF REGIONAL LIBRARIES

07 NCAC 02I .0301 REGIONAL LIBRARIES

As used in this Section, a regional library is a public library system that:

- (1) serves two or more contiguous counties;
- (2) is established by a regional agreement under a single administrative system;
- (3) is governed by a regional library board of trustees;
- (4) operates under the direction of a certified library director; and
- (5) has finances administered by a person or firm reporting to the library director and the regional library board of trustees.

History Note: Authority G.S. 125-2; 143B-10;
Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

07 NCAC 02I .0302 REGIONAL AGREEMENT

- (a) An agreement establishing a regional library shall contain:
 - (1) the structure of the regional library board of trustees;
 - (2) the powers and duties of the regional library board;
 - (3) the financial structure of the regional library;
 - (4) the terms of property ownership and any conditions of joint ownership including property rights in the event of withdrawal from or dissolution of the regional library;
 - (5) provisions for amendment;
 - (6) provisions for withdrawal by a member county or dissolution of the regional library; and
 - (7) provisions for termination of the regional agreement.
- (b) Agreements establishing regional libraries shall comply with G.S. 160A, Article 20.

History Note: Authority G.S. 125-2;
Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017;
Amended Eff. February 1, 2018.

07 NCAC 02I .0303 REGIONAL LIBRARY BOARD OF TRUSTEES

(a) The regional library board of trustees shall be the governing body of a regional library. It shall be composed of not more than 15 members as stipulated in the regional agreement. Each participating local governmental unit shall have representation on the board in proportions determined to be equitable by all participating local governmental units as stipulated in the regional agreement. Members of the regional library board shall be appointed as specified in the regional agreement.

(b) Terms of officers and members shall be limited and staggered to assure continuity as well as change. No individual member shall be appointed to more than two consecutive terms, and no single term shall be longer than six years.

*History Note: Authority G.S. 125-2; 143B-10;
Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.*

07 NCAC 02I .0304 POWERS AND DUTIES OF THE REGIONAL LIBRARY BOARD

The agreement establishing a regional library shall include the following powers delegated to the regional library board of trustees by the participating local governmental units:

- (1) to adopt such bylaws and rules for its own governance as may be necessary and in conformity with the law;
- (2) to adopt policies for the regional library system's administration and operation;
- (3) to appoint the regional library director and delegate to that person executive powers;
- (4) to adopt an annual budget for the regional library;
- (5) to appoint a regional library finance officer to ensure expenditure of funds consistent with the budget adopted by the regional library board;
- (6) to assure compliance with all applicable State and Federal law and eligibility requirements for the receipt of State and Federal funds;
- (7) to make recommendations to the governing bodies of the participating local governmental units concerning the construction and improvement of physical facilities of the libraries in the region;
- (8) to report to the participating local governmental units; and
- (9) to provide to the State Library of North Carolina an annual audit of the regional library system consistent with generally accepted accounting principles.

*History Note: Authority G.S. 125-2; 143B-10;
Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.*

07 NCAC 02I .0305 DIRECTOR

The director of a regional library shall be appointed by the regional library system board of trustees and is responsible for the administration of the regional library consistent with the policies adopted by the board. The director shall have a valid North Carolina Public Librarian Certificate.

*History Note: Authority G.S. 125-2; 143B-10;
Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.*

07 NCAC 02I .0306 FINANCE

(a) All finances of a regional library shall be administered under the same provisions as units of local government (G.S. Chapter 159, The Local Government Finance Act) and shall be subject to an independent audit.

(b) State funds shall be administered by the regional library and shall be expended throughout the region as described in 07 NCAC 02I .0202.

*History Note: Authority G.S. 125-2; 143B-10;
Eff. April 1, 2011;*

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.

07 NCAC 02I .0307 ESTABLISHMENT OF A REGIONAL LIBRARY

A regional library meeting the definition in 07 NCAC 02I .0301 may be established according to the following schedule:

- (1) On or before July 1 of the fiscal year prior to the establishment of the regional library, a representative of the participating local governmental units shall submit to the State Library of North Carolina a written notification of intent to form a regional library and establish eligibility for grants to public libraries.
- (2) On or before January 31 of the fiscal year prior to the establishment of the regional library, the representative shall submit to the State Library of North Carolina a copy of the agreement establishing the regional library consistent with 07 NCAC 02I .0302.
- (3) On or before June 1 of the fiscal year prior to the establishment of the regional library, the representative shall submit to the State Library of North Carolina a long-range plan of service and a proposed budget and shall provide evidence of eligibility to receive grants to public libraries according to 07 NCAC 02I .0201.

*History Note: Authority G.S. 125-2; 143B-10;
Eff. April 1, 2011;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2017.*

07 NCAC 02I .0308 WITHDRAWAL FROM OR DISSOLUTION OF A REGIONAL LIBRARY

- (a) A county proposing to withdraw from a regional library shall give written notice on or before July 1 to the regional library board, the other participating local governmental units, and the State Library of North Carolina. The withdrawal shall be effective on the following June 30.
- (b) The withdrawing county shall establish eligibility for grants to public libraries according to 07 NCAC 02I .0201 on or before the effective date of withdrawal.
- (c) Capital expenditures by the withdrawing county that are necessitated by the withdrawal may not replace support for operating costs in establishing eligibility to receive grants to public libraries according to 07 NCAC 02I .0201.
- (d) If withdrawal of a county results in the dissolution of the regional library, the remaining county must also establish eligibility to receive grants to public libraries according to 07 NCAC 02I .0201 by the effective date of withdrawal.

*History Note: Authority G.S. 125-2; 143B-10;
Eff. April 1, 2011;
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