

# NORTH CAROLINA ADMINISTRATIVE CODE

## TITLE 7 – DEPARTMENT OF CULTURAL RESOURCES CHAPTER 02 – DIVISION OF STATE LIBRARY

### SUBCHAPTER 02I - LIBRARY DEVELOPMENT 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.

#### 07 NCAC 02I .0302 REGIONAL AGREEMENT

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 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.

*History Note:* Authority G.S. 125-2; 143B-10.

#### 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.

#### 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.

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.

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.

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.

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.