

TITLE 4 CULTURAL RESOURCES
CHAPTER 5 STATE LIBRARY
PART 2 STATE GRANTS IN AID TO PUBLIC LIBRARIES

4.5.2.1 ISSUING AGENCY: Department of Cultural Affairs, New Mexico State Library Division.
[4.5.2.1 NMAC - Rp, 4.5.2.1 NMAC, 7/1/2009]

4.5.2.2 SCOPE: Public libraries and developing public libraries.
[4.5.2.2 NMAC - Rp, 4.5.2.2 NMAC, 7/1/2009]

4.5.2.3 STATUTORY AUTHORITY: Section 18-2-4 I NMSA 1978 directs the state librarian to make rules and regulations necessary to administer the division and as provided by law. Section 18-2-4 B NMSA 1978 directs the state librarian to administer grants-in-aid and encourage local library services and generally promote an effective statewide library system.
[4.5.2.3 NMAC - Rp, 4.5.2.3 NMAC, 7/1/2009]

4.5.2.4 DURATION: Permanent.
[4.5.2.4 NMAC - Rp, 4.5.2.4 NMAC, 7/1/2009]

4.5.2.5 EFFECTIVE DATE: July 1, 2009 unless a later date is cited at the end of a section.
[4.5.2.5 NMAC - Rp, 4.5.2.5 NMAC, 7/1/2009]

4.5.2.6 OBJECTIVE: The objective of this rule is to describe the state grants in aid to public libraries program (hereinafter “the library grants program”) and to establish criteria for reviewing and awarding the grants. The purpose of the library grants program is to provide financial assistance that encourages and supports public library service by public libraries and developing public libraries. The library grants program is intended to supplement and encourage local effort in providing local library service. The library grants program consists of developing library grants and public library grants that may be used for: library collections; library staff salaries; library staff training; library equipment; or other operational expenditures associated with delivery of library services.
[4.5.2.6 NMAC - Rp, 4.5.2.6 NMAC, 7/1/2009]

4.5.2.7 DEFINITIONS:

A. “Annual report” means a report sent once a year from a public library to the state library. An annual report shall:

- (1) provide information in the time, manner and form prescribed by the state library;
- (2) cover one fiscal year’s activities including income, expenditures, statistics on collections and services, and compliance with library grants program criteria;
- (3) be certified by the library as to the accuracy, completeness, and truthfulness of the information provided;
- (4) be approved by and on file at the state library.

B. “Basic developing library services” means free services provided by a developing library to its legal service area that include circulating collections; basic reference collection and services; educational programs and interlibrary loan services.

C. “Basic public library services” means free services provided by a public library to its legal service area that include circulating collections; basic reference collection and services; educational programs; interlibrary loan services; and public access computers connected to the internet.

D. “Basic reference collection” means materials listed in the basic reference list published periodically by the state library.

E. “Branch/bookmobile” means an auxiliary service administered by a public or developing library that provides the following:

- (1) separate quarters from the main library;
- (2) a permanent circulating and basic reference collection;
- (3) staff dedicated to the branch or bookmobile;
- (4) open 20 hours per week on an annual basis.

F. “Collection development policy” means guidelines used by library staff for making decisions about budget, selection, management and preservation of library collections.

G. “Community analysis and needs assessment” means an evaluation of the library’s legal service area; its current and future needs; and the library’s role in meeting those needs.

H. “Developing library” means a New Mexico organization that offers basic developing library services within its legal service area.

- (1) A developing library is established either:
 - (a) through an ordinance or legal resolution of a subdivision of state government;
 - (b) by a contract between a private entity and a subdivision of state government;
 - (c) by an Indian nation; or
 - (d) as a non-profit corporation.
- (2) A developing library is:
 - (a) open a minimum of fifteen hours per week on an annual basis;
 - (b) open a minimum of two days each week on an annual basis; and
 - (c) clearly posts the hours of operation on or near the library.

I. “Fiscal year” means July 1 through June 30.

J. “Legal service area” means the geographic area for which a library has been established to offer services and from which, or on behalf of which, the library derives income. The legal service area may also include any areas served under written agreement or contract for which the library is the primary service provider. The legal service area includes the entire service area of the library or library system and not merely the general service area of any one branch. The most recent United States census determines the population of the legal service area if the population figures are given separately for that area. If the census does not have a discreet population figure for the legal service area, then the state library and the library whose population is at issue shall work together to arrive at a mutually acceptable population figure using the most recent census data. If this is not possible, the state library in its sole discretion shall determine the population for the library’s legal service area.

K. “Library board” means a planning and advisory group for the library comprised of representative members of the community.

L. “Library collections” means library holdings for public use. Collections can include books, videos, sound recordings, and electronic media.

M. “Library equipment” means equipment associated with the delivery of library services.

N. “Library staff” means employees or volunteers whose time is dedicated to delivery of library services.

O. “Local acquisitions expenditures” means an amount expended for library collections from any source other than state funding such as library grants program funds or general obligation bond funds. The source of the money may include municipal funds, county funds, tribal funds, or money acquired through donations, fund-raising or grants. This amount shall not include in-kind contributions.

P. “Long range plan” means a detailed program to ensure that library services meet the current and future needs of the legal service area. The plan shall include a vision and mission statement as well as goals and objectives.

Q. “Public library” means a New Mexico organization that offers basic public library services within its legal service area.

- (1) A public library is established either:
 - (a) through an ordinance or legal resolution of a subdivision of state government;
 - (b) by a contract between a private entity and a subdivision of state government;
 - (c) by Indian nation; or
 - (d) as a non-profit corporation.
- (2) A public library is:
 - (a) open a minimum of 25 hours per week on an annual basis; and
 - (b) clearly posts the hours of operation on or near the library.

[4.5.2.7 NMAC - Rp, 4.5.2.7 NMAC, 7/1/2009]

4.5.2.8 DEVELOPING LIBRARY GRANT:

A. Purpose: To supplement an eligible developing library’s budget for up to five years until it meets the minimum requirements for a public library grant.

B. Description: The grant awards a minimum of \$1,500 to each eligible developing library. The grant funds shall be used for library collections; library staff salaries; library staff training; library equipment; or other operational expenditures associated with delivery of library services.

C. Criteria for reviewing and awarding developing library grants: The staff of the state library shall award developing library grants to developing libraries that have met the following criteria.

- (1) Library shall be a developing library.
- (2) Library shall have filed an annual report with the state library.
- (3) Library shall have received no more than five developing library grants.
- (4) Library shall demonstrate financial support from sources other than state funding. A library shall

have minimum annual local acquisitions expenditures based upon a per capita amount expended per legal service area population. The schedule of local acquisitions expenditures for a developing library is: \$0.25 per capita in its first year of participation; \$0.50 per capita in its second year; \$0.75 per capita in its third year; \$1.00 per capita in its fourth year; and \$1.25 per capita in its fifth year.

(5) Library shall keep adequate financial and other records to support its eligibility for receiving library grants. At the sole discretion of the state library, such records may be audited annually, or as needed, by the state library or its designated representative.

- (6) Library shall be in compliance with all relevant state statutes affecting public libraries.
- (7) Library shall have met all requirements for developing library grants in the required timeframes.
- (8) A developing library shall have a designated director.
- (9) A developing library shall have a library board that meets at least two times a year. The meetings

shall be held in accordance with the state open meetings law.

[4.5.2.8 NMAC - Rp, 4.5.2.14 NMAC, 7/1/2009]

4.5.2.9 PUBLIC LIBRARY GRANT:

A. Purpose: To supplement an eligible public library's budget.

B. Description: The grants are awarded to all eligible public libraries, branches, and bookmobiles according to the formula detailed in this section after distribution to developing libraries. Each public library shall receive one (1) share in the allocation of funds; each branch or bookmobile shall receive one-half (.5) share in the allocation of funds. The grant funds shall be used for library collections; library staff salaries; library staff training; library equipment; or other operational expenditures associated with delivery of library services.

C. Criteria for reviewing and awarding public library grants: The staff of the state library shall review and award public library grants to public libraries that have met the following criteria:

- (1) Library shall be a public library.
- (2) Library shall have filed an annual report with the state library.
- (3) Library shall have been in continuous existence and operation for at least one year.
- (4) Library shall demonstrate financial support from sources other than state funding. Library shall

have a minimum annual local acquisitions expenditure of \$1.50 per capita of the legal service area population.

(5) Library shall keep adequate financial and other records to support its eligibility for receiving library grants. At the sole discretion of the state library, such records may be audited annually, or as needed, by the state library or its designated representative.

- (6) Library shall be in compliance with all relevant state statutes affecting public libraries.
- (7) Library shall have met all requirements for public library grants in the required timeframes.
- (8) Library shall have a community analysis and assessment, a long-range plan and a collection

development policy that are reviewed and updated on a regular basis as determined by the library.

(9) A public library shall have a library board that meets at least two times a year. The meetings shall be held in accordance with the state open meetings law.

[4.5.2.9 NMAC - Rp, 4.5.2.8 NMAC, 7/1/2009]

4.5.2.10 SOURCE OF FUNDS: The state legislature is the sole source for the state grants-in-aid to public libraries money. The state library, in its appropriation request to the New Mexico state legislature each year, shall request an amount of money for distribution through the fund known as the state grants-in-aid to public libraries.

[4.5.2.10 NMAC - Rp, 4.5.2.15 NMAC, 7/1/2009]

4.5.2.11 DISTRIBUTION OF FUNDS: Money from the library grants program shall be distributed in the following manner:

A. Notification: When the state library's budget is finalized by the department of cultural affairs, the state library shall calculate the grant award for each library. The state library shall send a letter of notification to all eligible public libraries informing them of their grant.

B. Invoice: Each library shall submit an invoice to the state library requesting payment within 120 days of the letter of notification. Upon receipt of the invoice, the state library shall process the invoice for payment. If a library does not submit the invoice within the required time period, it shall relinquish the grant award and the funds shall revert back to the state library's budget.

C. Allocation: Eligible developing libraries shall receive a minimum grant of \$1,500. The remaining funds shall be divided equally among all eligible public libraries, branches and bookmobiles according to the following formula: each public library shall receive one (1) share in the allocation of funds; each branch or bookmobile shall receive one-half (.5) share in the allocation of funds.

D. Maintenance of effort: Library's local budget shall not be reduced by its governing body as a result of eligibility for the library grants program. Upon demonstrated evidence that such a reduction has occurred, the library shall be ineligible to receive funds from the library grants award for one year after the reduction has occurred.

[4.5.2.11 NMAC - Rp, 4.5.2.16 NMAC, 7/1/2009]

4.5.2.12 LIMITATION ON FUNDS:

A. The amount received and distributed may vary each year depending on the allocation of the state legislature.

B. The state library, in its sole discretion, may alter the amount of the library grants if the state legislature allocates an amount that is different than the state library request for the library grants program.

C. Funds shall be expended in the fiscal year in which they are awarded.

[4.5.2.12 NMAC - Rp, 4.5.2.17 NMAC, 7/1/2009]

4.5.2.13 ADMINISTRATION OF FUNDS:

A. The state library shall administer the library grants program.

B. Awards to Indian nations and non-profit entities shall be made by contract or agreement between the entity and the state library.

[4.5.2.13 NMAC - Rp, 4.5.2.18 NMAC, 7/1/2009]

4.5.2.14 APPEALS:

A. In the event that any library is denied a library grant by the state library, that library may appeal the decision of the state library.

B. Such appeal shall be made in writing to the state librarian within thirty (30) days of notification of denial of funds. The appeal should state all facts and conditions relating to the appeal.

C. The appeal shall be considered and ruled upon by the state librarian and a response shall be made within ninety (90) days in writing to the appealing party.

[4.5.2.14 NMAC - N, 7/1/2009]

HISTORY OF 4.5.2 NMAC:

Pre-NMAC History:

NMSL 67-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised April 19, 1967, filed 5/3/67.

NMSL 67-2, State Grants-In-Aid To Public Libraries, Rules and Regulations, Amended August 28, 1967, filed 8/30/67.

NMSL 68-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Amended August 28, 1967, filed 12/19/68.

NMSL 69-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised May 26, 1969, filed 6/20/69.

NMSL 69-2, State Grants-In-Aid To Public Libraries, Rules and Regulations; Revised September 16, 1969, filed 10/9/69.

NMSL 70-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, Revised February 26, 1970, filed 4/27/70.

NMSL 73-4, State Grants-In-Aid To Public Libraries, Rules and Regulations, June 1973, filed 7/10/73.

NMSL 74-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, July 19, 1974, filed 8/16/74.

NMSL 75-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, 1975, filed 6/9/75.

NMSL 76-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, March 31, 1976, filed 4/27/76.

NMSL 77-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, January 21, 1977, filed 2/4/77.
NMSL Rule 79-1B, State Grants-In-Aid To Public Libraries, Rules and Regulations, June 11, 1979, filed 6/25/79.
NMSL 79-3, State Grants-In-Aid To Public Libraries, Rules and Regulations, July 1, 1979, filed 7/27/79.
NMSL 81-2, State Grants-In-Aid To Public Libraries, Rules and Regulations, May 11, 1981, filed 5/12/81.
NMSL 89-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, filed 10/23/89.
NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations, filed 1/28/93.

History of Repealed Material:

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations (filed 1/28/93), repealed 7/1/2000.
4.5.2 NMAC, State Grants-In-Aid To Public Libraries (filed 6/19/2000), repealed 7/1/2009.

Other History:

NMSL 93-1, State Grants-In-Aid To Public Libraries, Rules and Regulations (filed 1/28/93) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 7/1/2000.
4.5.2 NMAC, State Grants In Aid To Public Libraries (filed 6/19/2000) was replaced by 4.5.2 NMAC, State Grants In Aid To Public Libraries, effective 7/1/2009.