ALABAMA PUBLIC LIBRARY SERVICE LIBRARY DEVELOPMENT DIVISION ADMINISTRATIVE CODE

CHAPTER 520-2-2
SUPPLEMENTAL STATE AID TO PUBLIC LIBRARIES

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520-2-2-.01 Purposes.

The purposes of state aid funds are to support and improve existing libraries and library systems and to encourage the development of new library programs and services where needed.
Author: Nancy C. Pack, Director
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520-2-2-.02 Definitions.

(1) **Public Library:** A public library is a library established in accordance with the Code of Ala. 1975, for the purpose of providing free public library service to the population in its legal service area. Public libraries may or may not have BRANCHES (auxiliary service outlets with quarters separate from the central library, with no less than a basic collection of materials, a regular staffing level, and an established service schedule, but without a separate policy-making board of trustees). The following are types of public libraries:

(a) **Municipal Public Library:** A public library established and maintained by a city, town, or other municipality, whose

policy-making board of trustees is appointed by the municipal authority.

(b) **County Public Library:** A public library established and maintained by a county for the use of the whole or a part of a county, whose policy-making board is appointed by the county commission.

(c) **City-County Public Library:** A public library established and maintained by joint contractual agreement or joint resolution between county and municipal governments, with a single policy-making board appointed in accordance with the agreements.

(d) **District Library:** A public library serving a taxing district which has been authorized by legislative action and created by majority vote of the residents of the district, whose policy-making board is elected in accordance with the provisions of the legislative action.

(2) **Public Library System:** An organization composed of PUBLIC LIBRARIES and formed for the purpose of providing library services within a framework of written contracts; a public library system may also have contracts with county commissions or municipal governments for the system to provide library services to county or municipal residents who would otherwise be unserved.

(3) **System Headquarters:** A site designated through contractual agreement to serve as administrative center for a PUBLIC LIBRARY SYSTEM. A system headquarters may serve any function established by contract.

(4) **Legal Service Area:** The legal service area of a library is the population within the boundaries of the geographic area the library is established to serve. A library may contract, in writing, to provide service to population outside its legal service area at the discretion of the library board of trustees of the affected areas. The following describe legal service areas of different types of libraries:

(a) The legal service area of a MUNICIPAL LIBRARY is the area within the municipality's corporate limits.

(b) The legal service area of a COUNTY LIBRARY is the area within the county’s geographic borders.

(c) The legal service area of a CITY-COUNTY PUBLIC LIBRARY is all of the area within the corporate limits of participating municipalities and within the county’s geographic borders.

(d) The legal service area of a PUBLIC LIBRARY SYSTEM consists of the legal service areas of the public libraries belonging

to the system and any additional areas(s) for which the system contracts to serve with the appropriate governing body.

(e) The legal service area of a DISTRICT LIBRARY is the area of the taxing district authorized by legislative action and approved by majority vote of the population within the district.

(5) **State Aid:** Funds appropriated by the legislature as a supplement to local funds designated for the provision of library service.

(a) State aid funds are distributed quarterly by the Alabama Public Library Service on a per capita basis for the respective legal service areas and any area served contractually; population figures used are the most recently certified Bureau of the Census population estimates.

(b) Where legal service areas overlap, as in the case where there is both a COUNTY LIBRARY and a MUNICIPAL LIBRARY serving the same population, state aid funds for that part of the population shall be distributed in accordance with the terms of an annually renewed written agreement between the library boards. In order for first quarter funds to be distributed on schedule, a current copy of the agreement must be on file at APLS by October 1. If no contract has been filed with APLS by the beginning of the second quarter, all state aid funds for the county population residing within the municipality will be divided equally between the COUNTY LIBRARY and the MUNICIPAL LIBRARY, with funds for first and second quarters available for distribution during the second quarter and with remaining funds distributed on the regular quarterly schedule.

(6) **Non-Capital Funds:** Non-capital funds are those funds appropriated for normal/routine operations. They do not include funds specifically designated for the acquisition of and/or improvement to real property (buildings, land, etc.).
Author: Nancy C. Pack, Director
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520-2-2-.03 Library Establishment, Policy And Service Requirements.

To qualify for state aid, public libraries (whether or not they are members of systems) and public library systems must comply with the appropriate requirements as follows.

(1) A public library and a public library system must be legally established according to Code of Ala. 1975, §§11-90-(1-4). A copy of the ordinance or resolution establishing the public library and copies of public library system contracts must be on file with the Alabama Public Library Service (APLS).

(2) In order to receive state aid, a library board must:

(a) employ a qualified library director;

(b) notify APLS of official board appointments and the terms to be served within 30 days of the appointment;

(c) designate at least two board members to complete APLS trustee training (effective 2021);

(d) meet a minimum of four times a year;

(e) have written bylaws governing its functions;

(f) approve written policies for the public library which cover the following:

1. Library objectives

2. Patrons

3. Personnel, including memberships in professional organizations, attendance at professional meetings, grievance procedures, job descriptions, performance evaluations, etc.

4. Cooperation with other libraries

5. Public relations

6. Materials selection policies, including selection criteria for minors and how they are safeguarded from sexually explicit or other material deemed inappropriate for children or youth.

7. Regular services and special services to groups, the handicapped, nonresident borrowers, shut-ins, etc.

8. Overdue fines and other fees and charges

9. Gifts and memorials

10. Physical facilities

11. Physical location (and relocation) of sexually explicit or other material deemed inappropriate for children or youth.

12. Advance approval of materials recommended, displayed, or otherwise actively promoted to children or youth.

13. Other

(g) approve a written five-year, long-range program of public library service which will be reviewed each year and updated as needed. The program should include as a minimum but not limited to:

1. The community's information needs and services

2. Staff development

3. Collection development

4. Facilities development

5. Technology development

(h) approve a written disaster/emergency plan which will be reviewed each year and updated as needed.

(i) approve written guidelines that ensure library sections designated for minors under the age of 18 remain free of material containing obscenity, sexually explicit, or other material deemed inappropriate for children or youth. All materials containing such content must be weeded out of the library's collection or relocated to an adult section. Under this rule, any materials regarding transgender procedures, gender ideology, or the concept of more than two biological genders shall be considered inappropriate for children and youth. Age-appropriate materials regarding religion, history, biology, or human anatomy should not be construed to be against this rule.

(j) approve written selection criteria for minors that prevents the purchase or otherwise acquiring of any

material advertised for consumers under the age of 18 which contain obscenity, sexually explicit, or other material deemed inappropriate for children or youth. Age-appropriate materials regarding religion, history, biology, or human anatomy should not be construed to be against this rule.

(k) approve written guidelines establishing that library cards issued to minors under the age of 18 shall prohibit the checkout of materials from the library's adult collections. The standard library card issued to all minors under the age of 18 must be a restricted card. A library may also issue a non-restricted minor card granting access to adult collections, provided that written consent is obtained from the minor's parent or legal guardian.

(l) recognize and comply with all state code, rules, and definitions adopted by the APLS Executive Board.

(3) All Directors, Board members, and/or designated staff of public libraries must attend at least two APLS-sponsored meetings per year either on-site or by videoconference. Eligible meetings include quarterly Administrators' Meetings (October, January, April, July) and the Children and Teen Services Annual Conference (i.e. "Summer Reading Kick-off"). Other eligible meetings are at the discretion of the APLS Director.

(4) The public library must not deny service to anyone on the basis of age, race, sex or creed. Exercising discretion in the location of sexually explicit material or other material deemed by the public library board to be inappropriate for children or youth does not constitute a denial of service on the basis of age. Taking age into account when recommending, displaying, or otherwise actively promoting library materials does not constitute a denial of service on the basis of age.

(5) A public library must be open to serve the public at least the specified number of hours per week based on the following scale:

MINIMUM HOURS OPEN	POPULATION SERVED
50	over 100,000
45	50,000 - 99,999
40	25,000 - 49,999
30	10,000 - 24,999
20	5,000 - 9,999
16	under 5,000

(6) If a public library system headquarters provides direct patron services on-site (as opposed to extension services provided off-site), the system headquarters must be open the

number of hours required in (5) above, based on the population of the county in which the system headquarters is physically located.

(7) Each library must strive to have a well-balanced collection of not less than one volume per capita and not less than 1.5 currently useful items per capita. The term "item" is intended to include print and non-print materials.

(8) Any expenditure of public funds to the American Library Association must be approved by the governing board of the public library or public library system in an open, public meeting following advance public notice.

Author: Kelyn L. Ralya, Interim Director
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520-2-2-.04 Fiscal Requirements.

A public library must have a current budget, and the participants of a public library system must have a cumulative total current budget, based on locally-appropriated non-capital funds, of not less than the amount of state aid for which the library or system is eligible nor less than the previous year's budget. Locally-appropriated non-capital funds may include a combination of municipal or county funds appropriated to the library or system budget and in-kind funds expended directly by local governments for public library services.

(a) If locally-appropriated funds received are not sufficient to match for state aid and/or if the locally- appropriated funds received are reduced from the previous year, the amount of state aid for the current fiscal year will be reduced by an amount equal to the difference between the current locally-appropriated funds received and the average of the locally-appropriated funds received for the previous two (2) fiscal years. [See example below.]

SAMPLE PUBLIC LIBRARY (pop. 10,000)		
FISCAL YEAR	**LOCAL BUDGET**	**STATE AID $1.00 per capita**
2015	$18,000	$10,000

2016	$20,000	$10,000
2015/2016 avg	$19,000	
2017	$18,000	$9,000*
*** State aid for 2017 reduced by $1,000 to coincide with the $1,000 reduction between the 2015/2016 local budget average ($19,000) and the 2017 local budget appropriation ($18,000).**		

(b) A public library system headquarters can qualify for the total state aid amount for which it is eligible even if any county or municipality within the region is unable to match for its share, provided that supplementary local appropriations from other member counties or municipalities are available to match for the necessary amount of state aid. State aid funds received by a system headquarters by this method can only be used in the counties or municipalities providing the supplementary funds.

(c) No more than fifty percent (50%) of a library's state aid funds will be used for salaries during any fiscal year.

(d) No state aid may be used for construction, remodeling or alteration of buildings, or for utilities. If state aid funds are used for a non-allowable expense, such funds must be replaced with local money, or the amount must be returned to APLS.

(2) Where a public library system exists, all state aid funds for libraries or governmental units contracting to participate in the system will be forwarded to the system headquarters, providing that copies of the annually reviewed contracts are sent to APLS prior to receipt of state funding.

(3) State aid funds will be distributed directly to eligible public libraries, which are not in systems.

(4) Changes in the distribution of state aid can only be made at the beginning of the APLS fiscal year and under the following conditions:

(a) A public library that wishes to change its status as a state aid recipient by either joining or withdrawing from a system must file written notification with APLS and the system headquarters by July 1 to ensure provision of state aid by the new fiscal year beginning October 1.

(b) A public library that is not currently receiving state aid, but wishes to do so, must file written notification with APLS, and submit documentation that it meets the requirements of Rule 520-2-2-.03 above, by July 1 in order to receive state aid by October 1.

Author: Nancy C. Pack, Director
Statutory Authority: Code of Ala. 1975, §§41-8-(1-10). **History:** Filed March 30, 1992. **Amended:** Filed April 17, 2006; effective May 22, 2006. **Repealed and New Rule:** Filed September 21, 2009; effective October 26, 2009. **Repealed and New Rule:** Filed October 13, 2011; effective November 17, 2011. **Repealed and New Rule:** Filed May 16, 2012; effective June 20, 2012. **Repealed and New Rule:** Filed December 10, 2018; effective January 24, 2019.

520-2-2-.05 Statement Of Fiscal Responsibility Requirement.

(1) All public libraries receiving state aid funds appropriated by the State of Alabama and administered by the Alabama Public Library Service (APLS) in any fiscal year shall, in the first quarter of the subsequent fiscal year, provide to APLS a Statement of Fiscal Responsibility denoting the usage of state aid funds during the most recently completed fiscal year. All public libraries receiving and using state aid funds in a fiscal year, either directly or indirectly, shall comply annually. The form and substance of the Statement of Fiscal Responsibility shall be mandated by APLS and shall be made available to the public libraries of Alabama by APLS.

(2) APLS shall make the Statement of Fiscal Responsibility form available to the public libraries of Alabama on or prior to October 1. In addition to the certification of receipt and expenditure of state aid, the public library director shall indicate that the funds were utilized in accordance with the public library's Five-Year Plan of Service on file with APLS. All segments of the form must be completed by the public library and signed by the public library's Director and notarized.

(3) The financial records of the library and all the financial records of the libraries to which it transfers state aid will be made available upon request from APLS to the Alabama Department of Examiners of Public Accounts and/or the Alabama Public Library Service. The library may be subject to an annual financial review by a licensed public accountant unless APLS requests an audit to be done by the Department of Examiners of Public Accounts. Copies of this document will be forwarded to APLS and the Alabama Department of Examiners of Public Accounts.

(4) APLS shall accept a certified public accountant audit detailing the usage of state aid funds by a public library in lieu of the Statement of Fiscal Responsibility, if the audit is received in the first quarter of the subsequent fiscal year and the audit provides a comparable reporting of the Statement of Fiscal Responsibility.

(5) Failure to comply with these audit requirements for state aid funds shall result in the suspension of further funding of state aid funds to noncompliant public libraries.
Author: Nancy C. Pack, Director
Statutory Authority: Code of Ala. 1975, §§41-8-(1-10).
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520-2-2-.06 State Aid Documentation Requirements.

All documentation required for the receipt of state aid must be filed with APLS by the deadlines specified below or within 30 days of mailing of forms from APLS. Filing of documentation with APLS after a deadline may result in delay in receipt of state aid funds.

REQUIRED DOCUMENTATION	JULY 1	OCT. 1	DEC. 15	JAN. 1
Notification of change in system membership status	X			
Documentation of new eligibility to receive state aid	X			
Copies of contracts from public library systems	X			
Copies of contracts between county and municipal libraries	X			
State aid application form		X		
[State Aid] Agreement Between the Alabama Public Library Service and Public Libraries		X		
Annual statistical report form			X	
Statement of Fiscal Responsibility				X

Author: Nancy C. Pack, Director
Statutory Authority: Code of Ala. 1975, §§41-8-(1-10).
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520-2-2-.07 Appeal Process.

(1) A public library or public library system that fails to meet any of the Rules and Regulations for State Aid may request special consideration by submitting a state aid appeal form to the APLS Director. Such consideration shall be subject to the approval of the APLS Executive Board following a recommendation by the APLS Director.
Author: Nancy C. Pack, Director
Statutory Authority: Code of Ala. 1975, §§41-8-(1-10).
History: Filed March 30, 1992. **Repealed and New Rule:** Filed December 18, 2006; effective January 22, 2007. **Repealed and New Rule:** Filed September 21, 2009; effective October 26, 2009. **Repealed and New Rule:** Filed October 13, 2011; effective November 17, 2011. **Repealed and New Rule:** Filed May 16, 2012; effective June 20, 2012. **Repealed and New Rule:** Filed December 10, 2018; effective January 24, 2019.

520-2-2-.08 State Aid Forfeiture.

(1) Due to a breach of the obligation of any public library (independent or system member) to fulfill the requirements of state aid rules and regulations by the time of the beginning of the last quarterly payment of state aid, said funds appropriated for the use of the library not in compliance shall be forfeited. The forfeiture shall result in the state aid funds being used in statewide support services in accordance with the concept of state aid support.

(2) Any public library not receiving or certified to receive state aid funds two consecutive years shall be removed from the list of eligible recipients for state aid funds. The formerly designated state aid funds of an ineligible public library shall be assigned to another public library of the same geographic county at the discretion of the APLS Director.
Author: Nancy C. Pack, Director
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