

**TITLE 4           CULTURAL RESOURCES**  
**CHAPTER 5       STATE LIBRARY**  
**PART 10          RURAL LIBRARIES ENDOWMENT GRANTS**

**4.5.10.1           ISSUING AGENCY:** Cultural Affairs Department - State Library Division.  
[4.5.10.1 NMAC - N, 1/1/2023]

**4.5.10.2           SCOPE:** Rural established public and tribal libraries, rural developing public and tribal libraries, and rural public and tribal libraries to be established.  
[4.5.10.2 NMAC - N, 1/1/2023]

**4.5.10.3           STATUTORY AUTHORITY:** Section 18-18-1, NMSA 1978 (2019) establishes the rural libraries endowment fund established in the state treasury to support the preservation, development and establishment of rural libraries throughout the state by providing funding for rural libraries' operational and capital needs and funding for the delivery of specialized services to rural libraries. Subsection A of Section 18-18-2, NMSA 1978 directs the state librarian to provide grants directly benefiting developing rural libraries and established rural libraries and grants for the establishment of developing rural libraries in cities, towns and villages without libraries. Section 18-18-2 further directs the state librarian to use money allocated for specialized services to rural libraries from the rural libraries endowment fund to provide specialized services to rural libraries. Subsection D of Section 18-18-4, NMSA 1978 (2019) defines specialized services as professional development opportunities, program support, information technology support and other capacity building services, as defined by the state librarian.  
[4.5.10.3 NMAC - N, 1/1/2023]

**4.5.10.4           DURATION:** Permanent.  
[4.5.10.4 NMAC - N, 1/1/2023]

**4.5.10.5           EFFECTIVE DATE:** January 1, 2023, unless a later date is cited at the end of a section.  
[4.5.10.5 NMAC - N, 1/1/2023]

**4.5.10.6           OBJECTIVE:** The objective of this rule is to carry out the provisions of the rural library endowment grant programs. The rural library endowment grant programs shall assist in the establishment of libraries in rural cities, towns and villages without libraries and provide financial assistance to established and developing rural libraries, for the purpose of creating effective local libraries, and promoting collaborative rural library services amongst rural libraries.  
[4.5.10.6 NMAC - N, 1/1/2023]

**4.5.10.7           DEFINITIONS:**

- A.           “Annual report”** has the same meaning as in 4.5.2 NMAC.
- B.           “Basic library services”** has the same meaning as in 4.5.2 NMAC.
- C.           “Developing rural library”** has the same meaning as in Section 18-18-4, NMSA 1978 (2019).
- D.           “Established rural library”** has the same meaning as in Section 18-18-4, NMSA 1978 (2019).
- E.           “Fiscal year”** means July 1 through June 30.
- F.           “Grant recipient”** means a public library or developing library that the state librarian selects to receive a rural library program grant.
- G.           “Local funding authority”** has the same meaning as in 4.5.8 NMAC
- H.           “Public library”** has the same meaning as in 4.5.2 NMAC
- I.           “Rural library”** has the same meaning as in Section 18-18-4, NMSA 1978 (2019).
- J.           “Rural libraries program grant”** means grants directly benefiting developing rural libraries and established rural libraries. Rural library program grants include grants for developing and established rural libraries and grants for establishing rural libraries. Rural library program grants for the establishment of a developing rural library are grants given to a local funding authority, Indian Nation or non profit corporation in order to assist in the establishment of a developing rural library.
- K.           “Specialized services”** means professional development opportunities, program support, information technology support and other capacity-building services, as defined by the state librarian.

**L. “Specialized Services Allocation”** means rural endowment funds allocated for the purpose of professional development opportunities, program support, information technology support and other capacity-building services, as defined by the state librarian.  
[4.5.10.7 NMAC - N, 1/1/2023]

**4.5.10.8 GRANT AVAILABILITY:** Funds are available annually in the form of grants directly benefiting developing rural libraries, established rural libraries and grants for the establishment of developing rural libraries in cities, towns and villages without libraries.  
[4.5.10.8 NMAC - N, 1/1/2023]

**4.5.10.9 FUNDING SOURCE:** Rural library program grants and specialized services program grants for rural libraries shall be funded from the rural library endowment fund in accordance with Section 18-18-1 NMSA 1978.  
[4.5.10.9 NMAC - N, 1/1/2023]

**4.5.10.10 RURAL LIBRARIES ENDOWMENT FUND**

**A. PURPOSE:** The rural library endowment fund is for the purpose of preservation, development and establishment of rural libraries’ operational and capital needs.

**B. DESCRIPTION.** The rural library program grant funds shall be used for library collections, library staff salaries, library staff training, library equipment, or other operational or capital expenditures associated with delivery of basic library services to rural libraries. Specialized services program funds shall be used for the delivery of specialized services to rural libraries.  
[4.5.10.10 NMAC - N, 1/1/2023]

**4.5.10.11 LIMITATION ON FUNDING.**

**A.** Grant amounts may vary by year and are dependent upon the amount of the gross distribution to the state library. The annual gross distribution is determined in accordance with the provisions of Subsection C of Section 18-18-1, NMSA 1978 (2019).

**B.** Public and developing libraries shall expend all grant funds during the fiscal year in which they are awarded.

**C.** Should a library cease providing basic library services prior to or within thirty days of funding; grant funds shall revert to the state library and be re-allocated to other rural libraries.  
[4.5.10.11 NMAC - N, 1/1/2023]

**4.5.10.12 GRANTS FOR ESTABLISHING DEVELOPING RURAL LIBRARIES:** If sufficient funding is available to offer grants to establish developing rural libraries, the state librarian shall issue an official grant for establishing developing rural libraries announcement and a rural libraries program grant announcement and provide grant guidelines.

**A. PURPOSE.** Grants for establishing developing rural libraries are grants to assist in the establishment of public or tribal rural libraries in cities, towns and villages without libraries.

**B. GUIDELINES.:** The grant guidelines for establishing rural developing libraries shall be established by the state librarian and include the following considerations:

- (1) Description of the grants for establishing developing rural libraries grant program;
- (2) Eligibility factors for the Program;
- (3) Grant application for interested applicants;
- (4) Grant Application deadlines;
- (5) Applicable rules and regulations; and
- (6) Selection criteria for grant award recipients.

**C. SELECTION:** A committee made up of five members selected by the state librarian shall award grants for the establishment of developing rural libraries based on the selection criteria specified in the grant guidelines.  
[4.5.10.12 NMAC - N, 1/1/2023]

**4.5.10.13 GRANTS FOR DEVELOPING RURAL LIBRARIES AND ESTABLISHED RURAL LIBRARIES:** Grants for developing rural libraries and established rural libraries under the rural libraries grant program shall be those grants awarded pursuant to Subsection A of Section 18-18-2 NMSA 1978. When sufficient

funding is available, as determined by the state librarian, to offer rural library program grants under this section, the state librarian shall issue an official rural library program grant announcement and provide the grant guidelines.

**A. CRITERIA FOR AWARDING GRANTS FOR DEVELOPING LIBRARIES UNDER THE RURAL LIBRARY GRANT PROGRAM:** Receipt of a rural libraries program grant under this section shall not exclude eligibility for an award under the state grants in aid grant program established in 4.5.2 NMAC. The state library shall award developing rural libraries a grant where the developing rural library has met, or exceeded, the following criteria:

- (1) timely submission of an annual report to the state library;
- (2) continuous operation for at least nine months;
- (3) maintenance of adequate financial and other records to support the library's eligibility for receiving library grants; the state library may audit such records annually, or as needed, as determined in the state library's sole discretion;
- (4) compliance with all state statutes and rules;
- (5) compliance with requirements for developing rural library grants;
- (6) employment of a designated director;
- (7) creation of a library board that meets at least two times a year and adheres to the state's open meetings law;
- (8) successful expenditure of all developing rural library grant funds during the prior fiscal year, if applicable.

**B. CRITERIA FOR AWARDING GRANTS TO ESTABLISHED RURAL LIBRARIES UNDER THE RURAL LIBRARY GRANT PROGRAM.** Receipt of a rural libraries grant under this section shall not exclude eligibility for an award under the state grants in aid grant program established in 4.5.2 NMAC. The state library shall award established rural libraries a rural library program grant where an established rural library has met, or exceeded, the following criteria:

- (1) timely submission of an annual report with the state library for the current year and a minimum of two years prior;
- (2) continuous operation for at least one year;
- (3) receipt of a minimum of three consecutive developing rural library grants;
- (4) demonstration of receipt of financial support from sources other than the state; in particular, matching funds in relation to the population of the library's legal service area shall be at least \$1.50 per person;
- (5) maintenance of adequate financial and other records to support the library's eligibility for receiving library grants; the state library may audit such records annually, or as needed, as determined in the state library's sole discretion;
- (6) compliance with all state statutes and rules;
- (7) compliance with requirements for library grants for established rural libraries;
- (8) formation of a strategic plan that the public library reviews, updates, and files with the state library every five years, and a community analysis and needs assessment, and a collection development policy that the public library reviews, updates, and files with the state library every five years;
- (9) maintain a library board that meets at least two times a year and adheres to the state open meetings law;
- (10) employment of a designated director;
- (11) successful expenditure of all public library grant funds during the prior fiscal year.

**C. DISTRIBUTION OF FUNDS:** The state library division shall distribute grants in the following manner:

- (1) **Application:** The annual report submitted for the immediate prior year shall serve as the developing or established public library's application.
- (2) **Allocation:** The state library shall award one share of the allocation to each established rural library and each developing rural library.
- (3) **Notification:** After annual reports are submitted, the state library shall calculate the grant award for each library in accordance with paragraph (2) above. The state library shall notify all eligible public libraries informing them of the amount of their grant.
- (4) **Request for payment:** Each library shall return the signed grant agreement to the state library within 60 days of receipt of the agreement measured from the postmark or electronic postmark. Upon timely receipt of the grant agreement, the state library shall process a payment request form. If a library does not submit the grant agreement within the required time period, it forfeits the grant award.

**(5) Maintenance of effort:** A grant recipient's local government funding sources shall not be reduced as a result of the grant recipient's receipt of a rural library program grant or funding for specialized services. Upon demonstrated evidence that such a reduction has occurred, the grant recipient shall be ineligible to receive a rural library program grant or funding for specialized services for one year after the reduction occurs.  
[4.5.10.13 NMAC - N, 1/1/2023]

**4.5.10.14 AGREEMENT:** Rural library program grants shall only transfer to the grant recipient after the grant recipient executes an agreement containing the terms required of award recipients.  
[4.5.10.14 NMAC - N, 1/1/2023]

**4.5.10.15 REPORTING:**

**A.** Recipients of a grant for establishing a developing rural library under the rural library grant program shall report expenditures as requested by the state librarian and/or required under the recipients contractual agreement.

**B.** Recipients of a rural libraries program grant shall ensure that received funds are accounted for separately from other state funds on the annual report and in accordance with the recipient's agreement.  
[4.5.10.15 NMAC - N, 1/1/2023]

**4.5.10.16 APPEAL OR WAIVER:**

**A.** In the event that any library is denied a grant by the state library, or does not meet a requirement of this rule, that library may appeal the decision of the state library or request a variance from the requirement.

**B.** Such appeal or variance shall be made in writing to the state librarian within 10 days of notification of denial of funds or within 10 days of discovery of non-compliance with a requirement. The appeal or variance shall state all relevant facts and conditions.

**C.** The state librarian shall consider each appeal or request for variance and respond in writing to the appealing or requesting party with a decision within 30 days. The state librarian shall consider the recommendation of the Commission for matters on appeal. The state librarian's decision is the department of cultural affairs' final action on the matter.  
[4.5.10.16 NMAC - N, 1/1/2023]

**HISTORY OF 4.5.10 NMAC: [RESERVED]**