

By-Laws, Ordinances, Statutes, and
Regulations Affecting the
Darlington County Library System
Board of Trustees



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July, 2014

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Board of Trustees By-Laws	3
Highlights from the Freedom of Information Act (FOIA)	7
Code of Ordinances - County of Darlington, South Carolina	8
South Carolina Code of Laws - Selected Statutes	12
South Carolina Code of Regulations - Selected Regulation	16

**THE BOARD OF TRUSTEES BY-LAWS
DARLINGTON COUNTY LIBRARY SYSTEM**

Article I – Authority

The Board of Trustees of the Darlington County Library System was created by the act of the legislature of the State of South Carolina and is vested with such powers and authorities as are enumerated therein.

Article II – Officers

Section 1

The officers of the board shall be a Chair, Vice-Chair, Secretary, and such others officers as may be deemed necessary. These officers shall be elected for a period of one year.

Section 2

The Chair. The Chair shall preside at all meetings of the board, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the board, serve as an ex-officio member of all committees, represent the board when not in session, and generally perform all duties associated with that office.

Section 3

The Vice - Chair. The Vice-Chair, in the absence of the chair, or in his or her inability to act, shall act in the place of the chair.

Section 4

The Secretary. The Secretary shall keep the minutes of all meetings and prepare copies of said minutes to be mailed to each trustee prior to the next meeting. The secretary shall notify trustees of each meeting to be held. Such notice, shall, if possible, be sent one week in advance of the date of the meeting.

Section 5

Terms of Officers. An officer shall serve one year in office and may not succeed him or herself more than twice.

Articles III – Meetings

Section 1

The regular meetings of the Board of Trustees shall be held bi-monthly on the third Wednesday. All regular meetings shall be open to the public. (Note: The regular meetings will take place in January, March, May, July, September, and November)

Section 2

Special meeting may be called by the chair or a majority of the trustees with notice thereof being given to each trustee by the secretary. Special meetings shall be open to the public.

Section 3

Executive sessions may be held for the purpose of discussing contractual or personnel matters.

Section 4

The regular July meeting of the Board of Trustees shall be deemed an annual meeting to adopt a budget, state-aid agreement, and/or transact any other business of an annual nature as may come before it in addition to regular business. The regular November meeting shall be a meeting to plan a budget for the coming fiscal year.

Section 5

At the March meeting a nominating committee shall be appointed by the Chair to present a slate of officers at the May meeting for the next year. The May meeting shall be designated as the annual election meeting. Additional nominations may be made from the floor. New officers will assume their duties at the July meetings.

Section 6

A. A quorum of a majority of the current members of the Board of Trustees will be established for a meeting by attendance either in person or by electronic means. A Board member may participate in a board meeting by electronic means, including current and future audio and/or video means, no more than twice a year.

B. If a board member has three unexcused consecutive absences, the appointing County Council member will be notified and asked to appoint a replacement.

1. Notify the Library Director when you cannot attend a scheduled meeting.
2. Acceptable excused absences are issues relating to family, medical, and work.

Section 7

The agenda is developed by the Board Chair and the Library Director in consultation with other trustees. The chair shall ask at each board meeting which items a member may wish to have placed on the next agenda.

Section 8

The agenda shall include but is not limited to:

1. Reading of the minutes and action thereon
2. Report of standing committees and/or special committees
3. Unfinished business
4. New business
5. Adjournment

Section 9

Members of the public who wish to address the Board should request a place on the agenda not later than 24 hours in advance of a meeting. The request may be directed to the Board Chair, Secretary, the Library Director, or any member of the board. Robert's Rules of Order shall govern parliamentary procedure at Board meetings.

Section 9 – A

Public Hearings

The first ten minutes of the board meeting will be set aside as a time for hearing from the public, unless otherwise designated. During this time, any citizen who scheduled to speak will be allowed a maximum of five (5) minutes during these ten minutes.

Speakers' comments will be received only as board information.

Public input should be in the form of suggestions, information, or comments pertaining to the programs or libraries. Based on legal advice of our counsel, comments should not be made, either complimentary or critical, naming any employee, or board members as these matters are personnel matters that require an executive session. Speakers' comments will be received only as board information. The Board will not respond to those who speak during the open forum. If there is a need for response from the Board, it will come at a later time when the Board has had time to deliberate the issue, to seek more information, or to take recommendations from the director.

Section 10

Meetings and actions of all boards, commissions, committees, and agencies shall be governed by the requirements of the S.C. Freedom of Information Act. (S.C. Code of Laws 30-3-10 to 30-3-50).

Article IV – Committees

Section 1

All funds shall be invested in the name of, or deposited to the account of, the Darlington County Library.

Section 2

The library's accounts shall be audited by a certified public accountant as the basis of an annual written financial report. The audits are done through the auspices of the Darlington County Finance Department.

Section 3

No committee or officer shall have authority to make a contract or incur any indebtedness of liability in the name of, or on behalf of, the Board of Trustees without the board's authority and approval.

Section 4

A. Budget requests shall be submitted according to the schedule and format of the annual Darlington County budget procedure.

B. Budget requests shall be accompanied by the line-item justification and any other information required by the County Administrator and County Council. County Council approval must be obtained before making line- item revisions in, or reprogramming funds from previously approved budget requests.

c. Before receiving county funds, all boards or commissions, committee or agencies shall certify that they will follow the purchasing policies of Darlington County, at a minimum, for all bidding and other procurements.

Article V – Fiscal Year

The fiscal year of the Darlington County Library System shall commence July 1st and end June 30th of the following year.

Article VI – Gifts

All gifts of the library system of either money or securities shall be deposited in such bank as may be designated by the Board of Trustees and shall be subject to expenditure of use in the same manner as appropriated funds. All gifts of property, other than money or securities, shall be held or disposed of as may be directed by the board. Gifts of books or other items will be accepted by the county Library Director for disposition in the best interests of the various collections of the libraries without promise or assurances of any kind to the donor.

Article VII – Amendments

These by-laws may be amended after two consecutive readings of the proposed changes at the regular meetings of the Board of Trustees at which a quorum is present if voted by a unanimous vote of those present.

Approved November 16, 1988

Revised June 16, 1993

Revised June 16, 1999

Revised August 21, 2002

Revised June 19, 2010

Revised April 23, 2014

HIGHLIGHTS FROM THE FREEDOM OF INFORMATION ACT (FOIA)

http://www.sccounties.org/client_resources/publications/foiasupp12.pdf

1. **Public Body**

- The FOIA applies to boards, commission, and committees of local government as indicated in Section 30-4-20.

2. **Meetings**

- All meetings of Boards, Commissions, and Committees must be open to the public as indicated in Section 3-4-60, unless closed pursuant to Section 30-4-70.

3. **Notice of Meetings**

- At the beginning of each calendar year, written public notice of regular meetings must be given to anyone who requests notice and to the local news media as indicated in Section 30-4-80(a). It is not required that your calendar be published in the newspapers.
- The notice/calendar must include the date, time, and place for the meetings.
- Written public notice (or agenda) must be given for every meeting.
- The agenda, if any, for regularly scheduled meetings must be posted on a bulletin board (in a publicly viewable place) at the office or meeting place of the public body at least twenty-four (24) hours prior to the meeting.

4. **Notice of Rescheduled, Special, or Called Meetings**

- Written public notice for rescheduled, special, or called meetings must be provided to the local media and to anyone requesting notice and posted on a bulletin board as soon as possible, but no later than twenty-four (24) hours prior to the meeting as provided in Section 30-4-80.
- The notice of the rescheduled, special, or called meeting must include the agenda, if any, the date, time, and place of the meeting.

5. **Minutes**

- Minutes of all meetings must be taken and made available upon request pursuant to Section 30-4-90.
- The minutes should include, but not limited to:
 - a) The date, time, and place of meeting.
 - b) The members present and absent.
 - c) A statement of the efforts made to comply with the FOIA as indicated in Section 30-4-80(e). For example, *"In compliance with the Freedom of Information Act, a copy of the agenda giving the date, time and place of the meeting was mailed in advance to the local newspapers, persons requesting notifications, and posted on the bulletin board at the meeting location."*
 - d) Substance of all matters proposed, discussed, or decided.
 - e) Any other information that a member requests to be included.
- The last six (6) months of meeting minutes must be made available to any person who appears in person and requests to copy or inspect the minutes without the requestor being required to make a written request (Section 30-4-30(d)).

CODE OF ORDINANCES - COUNTY OF DARLINGTON, SOUTH CAROLINA
Codified through Ordinance No. 13-28, enacted January 7, 2014. (Supp. No. 33)

Chapter 2 ADMINISTRATION

ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES

Sec. 2-201. Membership.

Sec. 2-202. Compensation.

Sec. 2-203. Limitation of terms.

Sec. 2-204. Enumeration.

Secs. 2-205—2-220. Reserved.

Sec. 2-201. Membership.

(a) All boards, commissions, and committees of the county contemplated by S.C. Code 1976, § 4-9-170, limited to those enumerated in section 2-204, shall be limited to eight members appointed by each county councilmember to represent each of the eight council districts. The chairman of each board, commission, and committee shall be elected annually at the first regular meeting after July 1 of each year by the then members. Each board, commission, and committee shall continue in full force and effect and shall have such authority and powers as previously granted by the general assembly and the county council. Chairmen shall be elected to one-year terms and may not succeed themselves in an immediately consecutive term. The county administrator shall serve as an ex officio nonvoting member of all boards, commissions, and committees enumerated in section 2-204.

(b) Each board, commission, or committee having more than eight members shall attain conformance herewith by not having any member elected thereto until such agency, board or commission shall meet this requirement.

(Ord. No. 140, §§ I, II, 6-16-86; Ord. No. 172, § I, 2-1-88; Ord. No. 187, § 1, 8-1-88; Ord. No. 10-1, § 1, 2-15-10)

Sec. 2-202. Compensation.

Each member of each agency, board and commission shall be compensated \$25.00 for each meeting attended, not to exceed one meeting in any one month. Only members appointed by the county council shall receive the compensation provided for herein.

(Ord. No. 140, § III, 6-16-86)

Sec. 2-203. Limitation of terms.

Each person hereafter appointed to a board, commission, or committee shall serve no more than two full consecutive terms, excluding unexpired terms. A full term being three years, except for the board of fire control and the library board which shall have terms of four years and members serving on the alcohol and drug citizen advisory committee shall serve until they resign or are reappointed by county council.

(Ord. No. 140, § IV, 6-16-86; Ord. No. 01-15, § 1, 8-6-01; Ord. No. 10-1, § 3, 2-15-10)

CHAPTER 34 LIBRARY

ARTICLE I. - IN GENERAL

Sec. 34-1. County library system established.

Sec. 34-2. Applicability of state regulations.

Sec. 34-3. Funding.

Sec. 34-4. Assets and property.

Secs. 34-5—34-30. Reserved.

Sec. 34-1. County library system established.

Pursuant to the provisions of S.C. Code 1976, § 4-9-35 there is hereby established the county library system.

(Ord. No. 76, § 1, 6-18-79)

Sec. 34-2. Applicability of state regulations.

(a) All state laws and regulations relating to county public library systems shall apply to the library systems created pursuant to this chapter.

(b) All employees of a county public library shall be subject to the provisions of S.C. Code 1976, § 4-9-30(7).

(Ord. No. 76, § 4, 6-18-79)

Sec. 34-3. Funding.

The county public library system shall be funded by annual appropriations by the county council including millage, if any, levied specifically for the county public library system plus aid provided by the state and federal governments and other sources. If the county council levies a tax specifically for the support of the county public library system, such tax shall apply to all persons and corporations subject to school taxes.

(Ord. No. 76, § 5, 6-18-79)

Sec. 34-4. Assets and property.

All assets and property, both real and personal, owned by any county library prior to the creation of a library system under this chapter shall be transferred to the county by the persons or entities owning title thereto; provided, however, that all such assets and property shall be used exclusively for library purposes.

(Ord. No. 76, § 6, 6-18-79)

Secs. 34-5—34-30. Reserved.

ARTICLE II. - LIBRARY BOARD

Sec. 34-31. Establishment; members.

Sec. 34-32. Powers.

Sec. 34-33. Duty to provide service, adopt regulations, file annual report.

Sec. 34-31. Establishment; members.

(a) The county public library system shall be controlled and managed by a board of trustees consisting of eight members, appointed by each county councilmember to represent each of the eight council districts, for terms of four years and until successors are appointed and qualified. Members may serve no more than two full consecutive

terms; excluding unexpired terms. Previous service on a county library board prior to the enactment of this article establishing the board shall not limit service on the board. Vacancies shall be filled in the manner of the original appointment for the unexpired term. To the extent feasible, members shall be appointed from all geographical areas of the county.

(b) The board shall annually elect a chairman, vice-chairman, secretary, treasurer and such other officers as it deems necessary. The board shall meet not less than four times each year and at other times as called by the chairman or upon the written request by a majority of the members.

(Ord. No. 76, § 1, 6-18-79; Ord. No. 01-15, § 6, 8-6-01; Ord. No. 10-1, § 11, 2-15-10)

Sec. 34-32. Powers.

The library board as provided for in this article shall be authorized to exercise powers as to the policies of the county library which shall not be inconsistent with the general policies established by the council, and pursuant to that authority shall be empowered to:

(1) Employ a chief librarian whose qualifications and credentials shall meet the certification requirements of the state library board, and who shall be responsible to the county library board for the administration of the program and the selection of library staff members required to carry out the functions of the library system.

(2) Purchase, lease, hold and dispose of real and personal property in the name of the county for the exclusive use of the county public library system; provided, however, that any such conveyance, lease or purchase of real property shall be by the county council.

(3) Acquire books and other library materials and provide for use thereof throughout the county.

(4) Accept donations of real property, services, books and other items suitable for use in the library system.

(5) Designate or mark equipment, rooms and buildings, and other library facilities to commemorate and identify gifts and donations made to the library system.

(6) Cooperate or enter into contract or agreements with any public or private agency which result in improved services or the receipt of financial aid in carrying out the functions of the library system. Such contracts and agreements shall be subject to approval by the county council.

(7) Enter into contracts or agreements with other counties to operate regional or joint libraries and related facilities. Such contracts and agreements shall be subject to approval by the county council.

(8) Receive and expend grants, appropriations, gifts and donations from any private or public source for the operation, expansion or improvement of the library system.

(9) Take any actions deemed necessary and proper by the board to establish, equip, operate and maintain an effective library system within limits of approved appropriations of the county council.

(Ord. No. 76, § 2, 6-18-79)

Sec. 34-33. Duty to provide service, adopt regulations, file annual report.

In addition to the powers and duties prescribed in section 34-32, the library board shall:

(1) Provide and make available to the residents of the county books and library materials and in the fulfillment of this function shall establish a headquarters library and may establish branches and subdivisions thereof in appropriate geographical areas of the county within the limits of available funds. The board may operate one or more bookmobiles over routes determined by the board.

(2) Adopt regulations necessary to ensure effective operation, maintenance and security of the property of the library system, provided, however, such regulations shall not be in conflict with policy or regulations established by the county council.

(3) Annually at a time designated by the county council submit to the council a budget for the ensuing fiscal year adequate to fund the operation and programs of the library system. Such budget shall list all funds which the board anticipates will be available for the operation of the library system. All funds appropriated, earned, granted or donated to the library system, including funds appropriated by the county council, shall be deposited and expended as provided for by the tax ordinance for the library system as adopted by the county council. All funds appropriated, earned, granted or donated to the library system or any of its parts shall be used exclusively for library purposes. All financial procedures relating to the library system including audits shall conform to the procedures established by the county council.

(4) Annually file a detailed report of its operations and expenditures for the previous fiscal year with the county council.

(Ord. No. 76, § 3, 6-18-79)

FOOTNOTE(S):

Cross reference— Boards, commissions and committees, § 2-201 et seq.

State Law reference— Authority to establish, S.C. Code 1976, § 4-9-35.

**SOUTH CAROLINA CODE OF LAWS
SELECTED STATUTES**

SECTION 4-9-35. County public library systems; boards of trustees.

(A) Each county council shall prior to July 1, 1979, by ordinance establish within the county a county public library system, which ordinance shall be consistent with the provisions of this section; provided, however, notwithstanding any other provision of this chapter, the governing body of any county may by ordinance provide for the composition, function, duties, responsibilities, and operation of the county library system. County library systems created by such ordinances shall be deemed a continuing function of county government and shall not be subject to the provisions of Section 4-9-50 except as state funds are specifically appropriated under other provisions of law.

(B) Each county public library system shall be controlled and managed by a board of trustees consisting of not fewer than seven nor more than eleven members appointed by the county council (council) for terms of four years and until successors are appointed and qualify except that of those members initially appointed one-half of such appointees less one shall be appointed for terms of two years only. Previous service on a county library board prior to the enactment of the county ordinance establishing the board shall not limit service on the board. Vacancies shall be filled in the manner of the original appointment for the unexpired term. To the extent feasible, members shall be appointed from all geographical areas of the county.

(C) The board shall annually elect a chairman, vice-chairman, secretary, treasurer and such other officers as it deems necessary. The board shall meet not less than four times each year and at other times as called by the chairman or upon the written request by a majority of the members.

HISTORY: 1978 Act No. 564 Section 2.

SECTION 4-9-36. Duties of boards of trustees.

The board as provided for in Section 4-9-35 shall be authorized to exercise powers as to the policies of the county library which shall not be inconsistent with the general policies established by the governing body of the county, and pursuant to that authority shall be empowered to:

(1) Employ a chief librarian whose qualifications and credentials shall meet the certification requirements of the State Library Board, and who shall be responsible to the county library board for the administration of the program and the selection of library staff members required to carry out the functions of the library system.

(2) Purchase, lease, hold and dispose of real and personal property in the name of the county for the exclusive use of the county public library system. Provided, however, any such conveyance, lease or purchase of real property shall be by the county governing body in accordance with the provisions of Sections 4-9-10 et seq. and Sections 5-1-10 et seq., as amended.

(3) Acquire books and other library materials and provide for use thereof throughout the county.

(4) Accept donations of real property, services, books and other items suitable for use in the library system.

(5) Designate or mark equipment, rooms and buildings, and other library facilities to commemorate and identify gifts and donations made to the library system.

(6) Cooperate or enter into contracts or agreements with any public or private agency which results in improved services or the receipt of financial aid in carrying out the functions of the library system. Provided, however, such contracts and agreements shall be subject to approval by the governing body of the county.

(7) Enter into contracts or agreements with other counties to operate regional or joint libraries and related facilities. Provided, however, such contracts and agreements shall be subject to approval by the governing body of the county.

(8) Receive and expend grants, appropriations, gifts and donations from any private or public source for the operation, expansion or improvement of the library system.

(9) Take any actions deemed necessary and proper by the board to establish, equip, operate and maintain an effective library system within limits of approved appropriations of county council.

HISTORY: 1978 Act No. 564 Section 2.

SECTION 4-9-37. Additional duties of boards of trustees.

In addition to the powers and duties prescribed in Section 4-9-36 the board shall:

(a) Provide and make available to the residents of the county books and library materials and in the fulfillment of this function shall establish a headquarters library and may establish branches and subdivisions thereof in appropriate geographical areas of the county within the limits of available funds. The board may operate one or more bookmobiles over routes determined by the board.

(b) Adopt regulations necessary to insure effective operation, maintenance and security of the property of the library system. Provided, however, such regulations shall not be in conflict with policy or regulations established by the county governing body.

(c) Annually at a time designated by the county council submit to the council a budget for the ensuing fiscal year adequate to fund the operation and programs of the library system. Such budget shall list all funds which the board anticipates will be available for the operation of the library system. All funds appropriated, earned, granted or donated to the library system, including funds appropriated by the county council, shall be deposited and expended as provided for by the ordinance in each county establishing the library system. All funds appropriated, earned, granted or donated to the library system or any of its parts shall be used exclusively for library purposes. All financial procedures relating to the library system including audits shall conform to the procedures established by the county council.

(d) Annually file a detailed report of its operations and expenditures for the previous fiscal year with the county council.

HISTORY: 1978 Act No. 564 Section 2.

SECTION 4-9-38. Status of donations for tax purposes; applicability of state laws.

All county public library systems established pursuant to Section 4-9-35 are deemed to be educational agencies and gifts and donations of funds or property to such systems shall be deductible by the donors for tax purposes as provided by law for gifts and donations for tax purposes.

All state laws and regulations relating to county public library systems shall apply to library systems created pursuant to Section 4-9-35.

All employees of a county public library system shall be subject to the provisions of item (7) of Section 4-9-30.

HISTORY: 1978 Act No. 564 Section 2.

SECTION 4-9-39. Funding of systems; transfer of assets of former libraries.

County public library systems shall be funded by annual appropriations by the county council including millage, if any, levied specifically for the county public library system plus aid provided by the state and federal governments and other sources. If any county council levies a tax specifically for the support of a county public library system, such tax shall apply to all persons and corporations subject to school taxes.

All assets and property, both real and personal, owned by any county library prior to the creation of a library system under Section 4-9-35 shall be transferred to the county by the persons or entities owning title thereto provided, however, any decision to sell or otherwise transfer the property for use other than for library purposes must be made by two-thirds majority of the county governing body.

HISTORY: 1978 Act No. 564 Section 2; 1994 Act No. 480, Section 1, eff July 14, 1994.

SECTION 60-1-80. State Library to provide assistance to public libraries and county governments.

The South Carolina State Library shall provide advice and assistance to public libraries, library boards, and county governments in matters concerning the establishment, support, operation, improvement, and coordination of library services. The State Library may:

(a) provide a staff of consultants qualified to give advisory and technical assistance to library directors and library boards;

(b) administer state aid and other grants-in-aid to supplement and improve public library services and promulgate regulations as may be necessary to insure effective and efficient use of grants;

(c) administer a certification program for public libraries and librarians, establishing regulations and procedures for the implementation of the program;

(d) carry out statewide programs and services which cannot be effectively or economically provided by local libraries;

(e) plan and coordinate the provision of library services to groups with special needs, including but not limited to the elderly, the physically handicapped, the unemployed, the poor, the functionally illiterate, and those persons who have cultural, social, or educational disadvantages that prevent them from using library services designed for persons without the disadvantages.

HISTORY: 1985 Act No. 178, Section 2.

SECTION 60-1-90. Administration of state and federal grants to public libraries; eligibility for grants.

Any public library which accepts state and federal grants administered by the South Carolina State Library may not use the grants to replace local funding for the library. In

order to qualify for grants, libraries shall meet maintenance of effort requirements set by the State Library Board in accord with state and federal regulations.

HISTORY: 1985 Act No. 178, Section 2.

SECTION 60-4-10. Records identifying library patrons as confidential information; disclosure.

Records related to registration and circulation of library materials which contain names or other personally identifying details regarding the users of public, private, school, college, technical college, university, and state institutional libraries and library systems, supported in whole or in part by public funds or expending public funds, are confidential information.

Records which by themselves or when examined with other public records would reveal the identity of the library patron checking out or requesting an item from the library or using other library services are confidential information.

The confidential records do not include nonidentifying administrative and statistical reports of registration and circulation.

The confidential records may not be disclosed except to persons acting within the scope of their duties in the administration of the library or library system or persons authorized by the library patron to inspect his records, or in accordance with proper judicial order upon a finding that the disclosure of the records is necessary to protect public safety, to prosecute a crime, or upon showing of good cause before the presiding Judge in a civil matter.

HISTORY: 1985 Act No. 108, Section 1.

SECTION 60-4-20. Definitions.

As used in this chapter, the term "registration records" includes any information which a library requires a patron to provide in order to become eligible to borrow books and other materials, and the term "circulation records" includes all information which identifies the patrons borrowing particular books and other materials.

HISTORY: 1985 Act No. 108, Section 1.

SECTION 60-4-30. Penalties.

Any person violating the provisions of Section 60-4-10 must upon conviction be fined not more than five hundred dollars or imprisoned for not more than thirty days for the first offense, must be fined not more than one thousand dollars or imprisoned for not more than sixty days for the second offense, and must be fined not more than two thousand dollars or imprisoned for not more than ninety days for the third or subsequent offense.

HISTORY: 1985 Act No. 108, Section 1.

SOUTH CAROLINA CODE OF REGULATIONS
SELECTED REGULATION
(Statutory Authority: 1976 Code Section 60-1-80)

75-1. Use of State Aid Funds.

A. State Aid Funds may be used:

(1) To employ professional and preprofessional librarians who meet the certification requirements and hold the appropriate certificate currently effective, from the State Library and other staff consistent with South Carolina Public Library Standards published by the South Carolina State Library.

(a) "Professional" means a graduate of master's degree program of library and information studies accredited by the American Library Association.

(b) "Preprofessional" means a graduate of an accredited four-year college having eighteen semester hours of library science or other appropriate course work as determined by the South Carolina State Library.

(c) "Other Staff" means an individual with appropriate training in areas such as automation/technology, human resources, public relations/marketing, and finance.

(2) To provide on-going training and continuing educational opportunities for all employees and trustees of the library consistent with South Carolina Public Library Standards published by the South Carolina State Library.

(3) To secure services of outside expertise in areas of library operations and services.

(4) To purchase or lease library materials and resources in all formats for service to the public.

(5) To purchase or lease library and office equipment and services.

(6) To purchase a new bookmobile and other vehicles for public service use and pay for their operations. Vehicles are not to be assigned to individuals for personal use.

(7) To provide an annual audit of the financial records of the library prepared by a certified public accountant provided such audit is not part of the general county audit paid for by the county.

B. State Aid funds may not be used for rent for library buildings, purchase of land, construction or repairs to building operating expenses such as utilities, or janitor supplies.

C. Local library support shall be not less than the amount actually expended for library operations from local sources in the second preceding year.

D. Any library receiving State Aid shall be legally established and administered by a legally appointed Board and shall:

(1) Provide free basic public library service to all residents in the library's legal service area (LSA) consistent with South Carolina Public Library Standards published by the South Carolina State Library.

(2) Provide remote access to statewide data bases coordinated by the South Carolina State Library.

(3) Provide an adequate level of service, either through county library systems or through regional library systems.

(4) Adopt an annual budget with balanced proportions among personnel (65% - 70%), information resources (15% - 20%), and maintenance (10% - 20%).

(5) Employ in professional and preprofessional positions librarians meeting the certification requirements of the South Carolina State Library and meeting the staffing standards consistent with the South Carolina Public Library Standards published by the South Carolina State Library.

(6) Systematically acquire library materials consistent with a collection development policy approved by the local board.

(7) Adopt a long-range plan that provides reasonable access to all library services to all residents in the library's service area consistent with South Carolina Public Library Standards published by the South Carolina State Library.

(8) Provide at least one library in the system that is open and provides on site access consistent with South Carolina Public Library Standards published by the South Carolina State Library.

(9) Supply the South Carolina State Library with such statistics and information as it may from time to time request.

(10) Have the financial records of the library audited annually by a certified public accountant and furnish the South Carolina State Library with a copy of the audit report.

(11) Notify the South Carolina State Library of official public library board appointments within 30 days of appointment.

(12) Invite the South Carolina State Library Director or designee to one board meeting annually.

E. The South Carolina State Library is authorized to waive regulations upon petition by a library system for a period not to exceed one year.

HISTORY: Amended by State Register Volume 24, Issue No. 5, eff May 26, 2000.

75-2. Certification Program for Public Librarians.

A. Employment Regulations.

(1) Each public library serving a population of 10,000 or more shall employ in professional positions and in pre-professional positions covered by State Aid and grant programs only those librarians and assistants holding the appropriate certificate.

(2) Failure by the trustees of any public library to meet these requirements or observe these regulations shall be deemed a valid reason for withholding all public funds unless the library board files a formal application for excuse of default and is granted exemption by the South Carolina State Library. The exemption granted shall be valid for one year only unless renewed.

B. Requirements and Types of Certificates.

(1) Professional.

(a) Professional certificate is issued to library staff who are graduates from an accredited undergraduate college or university, who have a degree from a graduate program of library study accredited by the American Library Association, and who are currently and have been employed in a professional full-time position in a public library for three years of continuous service.

(b) Provisional Professional certificate is issued to library staff members who have less than three years of continuous full-time professional experience in a public library. Although the Provisional Professional certificate is valid for four years it can be exchanged for a permanent Professional certificate upon completion of three years of full-time public library experience.

(2) Pre-Professional.

(a) Pre-Professional certificate is issued to library staff members who have satisfactorily completed a bachelor's degree in a college or university approved by an agency of more than statewide standing and who have completed not less than 18 semester hours in library science. This certification is initially valid for five years and renewable by continuous full-time library experience and the successful completion of six semester hours in academic and/or library science courses. After five year' experience and the additional six hours credit, the certification remains valid so long as the holder is continuously employed in a full-time library position.

(b) Provisional Pre-Professional certificate is issued to library staff members who have completed a bachelor's degree in a college or university of recognized standing. This certificate is valid for three years and renewable by continuous full-time library experience and successful completion of six semester hours of library science courses. After completion of 18 semester hours in library science, the Provisional certificate may be exchanged for the regular Pre-Professional certificate.

(3) Exemption of positions.

(a) The South Carolina State Library may at its discretion, based on a formal application, from the public library board, stating clearly the steps that have been taken to locate a qualified person, excuse the default of a library board employing a librarian not properly certified and legalize the time so served.

(b) If a public library serving a population of over 150,000 at any time shall find it impossible to employ a satisfactory holder of a public librarian's professional certificate for a position requiring unusual background and education in a special field, the library board may submit to the South Carolina State Library a statement of facts involved and request that the position be exempt from certification regulations.

(4) Reciprocity.

(a) A librarian's certificate duly issued by the State authority in a State meeting South Carolina State Library's standards and currently in full force and effect shall be endorsed provided the holder of such certificate shall have had not less than three years of professional library experience one of which has been within the past three years prior to request or that applicant can submit evidence of the satisfactory completion of a refresher course.

(5) Renewal of Certificate.

(a) The Provisional and Preprofessional certificates are renewable. It is the responsibility of the applicant and the library board to request renewals before the expiration date. Renewal blanks may be obtained from the South Carolina State Library and should be filled out and returned, together with the certificate to be renewed, to the South Carolina State Library prior to the expiration date.

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