



AGENDA REPORT


TO: Jestin D. Johnson
City Administrator

FROM: Jamie Turbak
Director of Library Services

SUBJECT: Ordinance Amending the Duties of the
Library Advisory Commission

DATE: June 5, 2023

City Administrator Approval


Jestin Johnson (Jun 29, 2023 21:47 PDT)

Date: Jun 29, 2023

RECOMMENDATION

Staff Recommends That The City Council Approve An Ordinance Amending And Reenacting Ordinance No. 8064 C.M.S., As Amended By Ordinance Nos. 11730 C.M.S., 12879 C.M.S., 13174 C.M.S. And 13560 C.M.S., To Change The Name Of The Library Advisory Commission To The Library Commission, Modify Quorum Requirements, And Amend The Duties To Include Oversight Of The 2022 Library Funding Parcel Tax.

EXECUTIVE SUMMARY

Adoption of this Ordinance will amend and reenact Ordinance No. 8064 C.M.S established in 1969 to create and define the Library Advisory Commission (LAC). Ordinance No. 8064 C.M.S. has been amended four times since 1969 to formalize changes in Library Advisory Commission duties, meeting frequency and standing committees. This latest recommendation to amend Ordinance No. 8064 C.M.S will change the name to The Library Commission, modify quorum to constitute a majority of appointed members and amend duties to include oversight of the 2022 Library funding parcel tax known as Library Measure C.

BACKGROUND / LEGISLATIVE HISTORY

On November 13, 1969 City Council passed Ordinance No. 8064 C.M.S. which discontinued "The Library Commission of the City of Oakland" and established a new body called the Library Advisory Commission.

In 1994 City Council amended Ordinance No. 8064 C.M.S. with Ordinance No. 11730 C.M.S. to incorporate uniform requirements regarding the selection of Library Advisory Commission members, the duties of said members, and the general responsibilities of boards and commissions.

On March 2, 2004, Oakland voters approved Measure Q, amending the "Library Services Retention and Enhancement Act of 1994 (Measure O)" to extend and increase a special tax for twenty years to provide dedicated funding for the Oakland Public Library. Measure Q mandated that City Council designate a body of Oakland citizens to make recommendations and review expenditures of the funds. To comply with this requirement, in June 2005, City Council passed Resolution No. 79291 C.M.S. that included a budget policy amendment "formalizing the role of the Library Commission as the oversight committee for Measure Q".

Life Enrichment Committee
July 11, 2023

In 2008 and 2013, City Council amended Ordinance No. 8064 C.M.S. with Ordinance Nos. 12879 C.M.S. and 13174 C.M.S., respectively, to change the frequency of Library Advisory Commission meetings and establish standing committees.

On July 16, 2019, after Oakland voters approved “The 2018 Oakland Public Library Preservation Act”, City Council amended Ordinance No. 8064 C.M.S. with Ordinance No. 13560 C.M.S. to amend the duties of the Commission to include oversight of Library Measure D.

ANALYSIS AND POLICY ALTERNATIVES

Staff recommends that City Council change the name of the Library Advisory Commission to the Library Commission to be consistent with other City boards and commissions. This change was initiated by the Library Advisory Commission after discussion during public meetings on June 27, 2022 and July 25, 2022. There is no change in duty or function as a result of the name change. The Commission will remain to advise City Council and policymakers, like other boards and commissions.

Staff also recommends that City Council modify the quorum requirements to be a majority of appointed members, but in no case shall quorum be fewer than five (5) members. The Commission consists of a maximum of fifteen (15) members, however not all appointments are always filled. Currently, quorum constitutes eight (8) members even if fewer than fifteen members are appointed. This can make achieving quorum difficult and may result in cancelled public meetings.

Lastly, staff recommends that City Council amend Ordinance No. 8064 C.M.S. to include oversight of 2022 Library Measure C approved by the voters as an extension of 2004 Library Measure Q, the “Library Services Retention and Enhancement Act of 1994” as amended over time. Assigning the Commission the responsibility of oversight for Library Measure C ensures consistency because this is the same legislative body responsible for the oversight of Library Measure Q.

FISCAL IMPACT

There is no fiscal impact to this recommendation.

PUBLIC OUTREACH / INTEREST

These recommendations were discussed in public meetings by the Library Advisory Commission on June 27, 2022 and July 25, 2022. The Library Advisory Commission initiated and expressed support for these recommendations.

COORDINATION

This report and legislation have been reviewed by the Office of the City Attorney and the Controller’s Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: Passage of this Ordinance will provide citizen oversight as required by voter approved Ordinances Measure C and Measure D.

Environmental: No specific environmental opportunities have been identified.

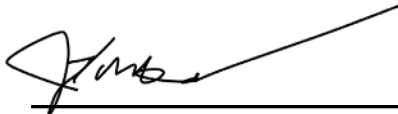
Race & Equity: The services of the Oakland Public Library are available to all in order to acquire knowledge and develop skills to improve equity in educational, employment, housing, entertainment and engagement opportunities.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve an Ordinance amending and reenacting Ordinance No. 8064 C.M.S., as amended by Ordinance Nos. 11730 C.M.S., 12879 C.M.S., 13174 C.M.S., and 13560 C.M.S., to change the name of the Library Advisory Commission to the Library Commission, modify quorum requirements, and amend the duties to include oversight of the 2022 Library funding parcel tax.

For questions regarding this report, please contact Jamie Turbak, Library Director, at 510-238-6610.

Respectfully submitted,



Jamie Turbak
Director of Library Services


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING AND REENACTING ORDINANCE NO. 8064 C.M.S., AS AMENDED BY ORDINANCE NOS. 11730 C.M.S., 12879 C.M.S., 13174 C.M.S. AND 13560 C.M.S., TO CHANGE THE NAME OF THE LIBRARY ADVISORY COMMISSION TO THE LIBRARY COMMISSION, MODIFY QUORUM REQUIREMENTS, AND AMEND THE DUTIES TO INCLUDE OVERSIGHT OF THE 2022 LIBRARY FUNDING PARCEL TAX

WHEREAS, On November 13, 1969, the City Council passed Ordinance No. 8064 C.M.S., which established the City of Oakland’s Library Advisory Commission (“Commission”); and

WHEREAS, Section IV of Ordinance No. 8064 C.M.S., which established and outlines the full responsibilities of the Commission, has been amended many times since then to update Commission requirements, include oversight for voter approved initiatives; and

WHEREAS, on July 26, 1994, the City Council passed Ordinance No. 11730 C.M.S., which amended Ordinance No. 8064 C.M.S. to incorporate uniform requirements regarding the selection of Commission members, the duties of said members, and the general responsibilities of boards and commissions; and

WHEREAS, on June 21, 2005, City Council passed Resolution No. 79291 C.M.S., which included a budget policy amendment formalizing the role of the Commission as the oversight committee for Measure Q, a voter approved ordinance that amended the Library Services Retention and Enhancement Act of 1994; and

WHEREAS, on July 1, 2008, the City Council passed Ordinance No. 12879 C.M.S. which amended Ordinance No. 8064 C.M.S. to change the frequency of Commission meetings; and

WHEREAS, on July 2, 2013, the City Council passed Ordinance No. 13174 C.M.S., which amended the process to establish standing committees of the Commission; and

WHEREAS, on July 16, 2019, the City Council passed Ordinance No. 13560 C.M.S., to amend the duties of the Commission to include oversight of the 2018 Oakland Public Library

Preservation Act and the Library Services Retention and Enhancement Act of 1994, as amended, and to clarify the appointment process; and

WHEREAS, on June 7, 2022, Oakland voters approved the Library Funding Parcel Tax (Measure C), to extend and amend the Library Services Retention and Enhancement Act of 1994; and

WHEREAS, Measure C provides that the City Council “shall assign to an existing Board or Commission the responsibility for public oversight” of the measure and includes specific oversight responsibilities; and

WHEREAS, the Commission is the most appropriate existing commission to continue oversight for the Library Services Retention and Enhancement Act of 1994, as amended overtime; and

WHEREAS, the Commission would like to change the name from the “Library Advisory Commission” to the “Library Commission” to be consistent with other City boards and commissions, however the functions and role of the Commission will remain to advise City Council and policymakers, like other boards and commissions; and

WHEREAS, a quorum of eight members has been difficult to achieve when all fifteen spots are not appointed; and

WHEREAS, this Ordinance would modify quorum to be based on the majority of appointed members, but in no case less than five members, and would clean up other minor language regarding the Commission; and

WHEREAS, Exhibit 1 to this Ordinance indicates the tracked changed version of the amendments to Section IV of Ordinance No. 8064 C.M.S., as amended overtime and as adopted pursuant to this Ordinance, with amended additions indicated by double underscoring and deletions indicated by ~~strike through type~~; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. Section IV of Ordinance No. 8064 C.M.S., as amended by Ordinance Nos. 11730 C.M.S., 12879, C.M.S., 13174 C.M.S. and 13560 C.M.S., is amended and reenacted in its entirety as follows.

“SECTION 4. Creation of and Duties and Functions of Library Commission. Pursuant to section 601 of the Charter, there is hereby created a Library Commission.

- A. The Library commission shall submit regular status reports to the City Council committee designated as liaison to the commission at least once a year or more frequently as directed by Chairperson of the City Council committee to which the commission reports.

- B. Status reports submitted in fulfillment of subsection A above must include a detailed description of operating and staffing needs, to be developed and maintained by the department responsible for staffing and administration of the commission.
- C. Each year, the commission shall review the annual goals and objectives of the City Council. Review of City Council goals and objectives shall be undertaken to provide the commission the opportunity to better integrate the activities of the commission with the City's overall goals and objectives.
- D. City Council approval must be obtained prior to the creation of more than two standing committees of the commission. A proposal to create a standing committee of the commission, beyond the two created by the Library Commission, must include information regarding the costs associated with staffing the standing committee, and the costs of complying with noticing and reporting requirements resulting from the establishment of any such standing committee of the commission.
- E. The Library Commission shall have the responsibility for public oversight of the Library Services Retention and Enhancement Act of 1994 as amended. The Library Commission shall review all reports related to the expenditure of all revenue collected by the City from the special tax imposed by the Library Services Retention and Enhancement Act of 1994 as amended. The Library Commission shall provide reports to the City Council on a regular basis and may include recommendations for more effective administration of the funds.
- F. The Library Commission shall be responsible for citizen oversight of The 2018 Oakland Public Library Preservation Act. The Library Commission shall review reports related to the expenditure of all revenue collected by the City from the special tax imposed by the 2018 Oakland Public Library Preservation Act, and provide reports to the City Council when necessary.

(a) Composition.

- A) To the extent practicable, appointments to the Library Commission shall be made in accordance with the City's affirmative action policies.
- B) To the extent practicable, appointments to the Library Commission shall reflect the geographical diversity of the City.
- C) In making appointments to the Library Commission, the Mayor shall accept for consideration recommendations for appointments offered by each Councilmember. Councilmembers must submit recommendations to the Mayor for consideration at least 30 days prior to expiration of an existing commission member's term.

(b) Number of Members and Appointment.

- A) The Library Commission shall consist of fifteen (15) members. A majority of

appointed members shall constitute a quorum but in no case shall quorum be fewer than five (5) members.

- B) Staggered Terms. Commencing with the effective date of Ordinance No. 11730 C.M.S., the initial commission members shall be appointed to staggered terms.
 - C) Length of Terms. All terms shall be for a period of three (3) years, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only. Terms shall commence upon the date following the expiration of the prior term.
 - D) Limit on Consecutive Terms. No person shall be appointed to serve more than two (2) consecutive terms as a member of the Library Commission.
 - E) Holdover. In the event an appointment to fill a vacancy has not occurred by the conclusion of a commission member's term, that member may continue to serve as a member of the commission in a holdover capacity for a period not to exceed one year, to allow for the appointment of a new commission member.
 - F) Removal. To assure participation of commission members, attendance by the members of the commission to all regularly scheduled and special meetings of the commission shall be recorded, and such record shall be provided semi-annually to the Office of the Mayor for review. A member may be removed pursuant to Section 601 of the City Charter. Among other things, conviction of a felony, misconduct, incompetency, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or when absent from the City by permission of the commission, shall constitute cause for removal.
- (c) At its first regular meeting of each new calendar year, the Commission shall elect a chairman and a vice chairman from amongst its members. The Commission shall meet at least once every other month. The Commission shall set forth the date, time and location for its regular meetings in its bylaws, and shall conduct its regular and special meetings in accordance with state and local open meeting laws.
- (d) The Commission shall, in consultation with the City Administrator, establish rules and procedures for the conduct of its business. The affirmative vote of a majority of the members present at the meeting shall be required for the adoption of any motion or resolution. The Commission shall make its reports, findings and recommendations in writing unless otherwise directed by the City Administrator. All reports, findings and recommendations shall be made to the City Administrator who shall forward to the Council those matters within the province of the Council. Recommendations from the Commission to the City Administrator shall be carefully and fully considered by the City Administrator. If rejected by the City Administrator, the Commission may submit its recommendations to the Council for its consideration, as appropriate.
- (e) The City Administrator may provide the Commission with assistance from City employees under the City Administrator's jurisdiction."

SECTION 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of

competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3. Effective Date. This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES – FIFE, GALLO, JENKINS, KALB, KAPLAN, RAMACHANDRAN, REID, AND
PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Date of Attestation: _____

3253940v2/MJM

EXHIBIT 1

SECTION 4. Creation of and Duties and Functions of Library Advisory Commission. Pursuant to section 601 of the Charter, there is hereby created a Library Advisory Commission.

- A. The Library Advisory Commission shall submit regular status reports to the City Council committee designated as liaison to the commission at least once a year or more frequently as directed by Chairperson of the City Council committee to which the commission reports.
 - B. Status reports submitted in fulfillment of subsection A above must include a detailed description of operating and staffing needs, to be developed and maintained by the department responsible for staffing and administration of the commission.
 - C. Each year, the commission shall review the annual goals and objectives of the City Council. Review of City Council goals and objectives shall be undertaken to provide the commission the opportunity to better integrate the activities of the commission with the City's overall goals and objectives.
 - D. City Council approval must be obtained prior to the creation of more than two standing committees of the commission. A proposal to create a standing committee of the commission, beyond the two created by the Library Advisory Commission, must include information regarding the costs associated with staffing the standing committee, and the costs of complying with noticing and reporting requirements resulting from the establishment of any such standing committee of the commission.
 - E. The Library Advisory Commission shall have the responsibility for public oversight ~~make recommendations and review the expenditures of the proceeds~~ of the Library Services Retention and Enhancement Act of 1994 as amended. The Library Commission shall review all reports related to the expenditure of all revenue collected by the City from the special tax imposed by the Library Services Retention and Enhancement Act of 1994 as amended. The Library Commission shall provide reports to the City Council on a regular basis and may include recommendations for more effective administration of the funds.
 - F. The Library Advisory Commission shall be responsible for citizen oversight of The 2018 Oakland Public Library Preservation Act. The Library Advisory Commission shall review reports related to the expenditure of all revenue collected by the City from the special tax imposed by the 2018 Oakland Public Library Preservation Act, and provide reports to the City Council when necessary.
- (a) Composition.
- (A) To the extent practicable, appointments to the Library Advisory Commission shall be made in accordance with the City's affirmative action policies.

(B) To the extent practicable, appointments to the Library Advisory Commission shall reflect the geographical diversity of the City.

(C) In making appointments to the Library Advisory Commission, the Mayor shall accept for consideration recommendations for appointments offered by each Councilmember. Councilmembers must submit recommendations to the Mayor for consideration at least 30 days prior to expiration of an existing commission member's term.

(b) Number of Members and Appointment.

A) The Library Advisory Commission shall consist of fifteen (15) members. ~~Eight (8) members shall constitute a quorum. A majority of appointed members shall constitute a quorum but in no case shall quorum be fewer than five (5) members.~~

B) Staggered Terms. Commencing with the effective date of Ordinance No. 11730 C.M.S., the initial commission members shall be appointed to staggered terms.

C) Length of Terms. All terms shall be for a period of three (3) years, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only. Terms shall commence upon the date following the expiration of the prior term.

D) Limit on Consecutive Terms. No person shall be appointed to serve more than two (2) consecutive terms as a member of the Library Advisory Commission.

E) Holdover. In the event an appointment to fill a vacancy has not occurred by the conclusion of a commission member's term, that member may continue to serve as a member of the commission in a holdover capacity for a period not to exceed one year, to allow for the appointment of a new commission member.

F) Removal. To assure participation of commission members, attendance by the members of the commission to all regularly scheduled and special meetings of the commission shall be recorded, and such record shall be provided semi-annually to the Office of the Mayor for review. A member may be removed pursuant to Section 601 of the City Charter. Among other things, conviction of a felony, misconduct, incompetency, inattention to or inability to perform duties, or absence from three (3) consecutive regular meetings except on account of illness or when absent from the City by permission of the commission, shall constitute cause for removal.

(c) ~~Each year a~~ At its first regular meeting in July of each new calendar year, the Commission shall elect a chairman and a vice chairman from amongst its members. The Commission shall meet at least once every other month. The Commission shall set forth the date, time and location for its regular meetings in its bylaws, and shall conduct its regular and special meetings in accordance with state and local open meeting laws.

(d) The Commission shall, in consultation with the City Administrator, establish rules and procedures for the conduct of its business. The affirmative vote of a majority of the members present at the meeting shall be required for the adoption of any motion or resolution. The Commission shall make its reports, findings and recommendations in writing unless otherwise directed by the City Administrator. All reports, findings and recommendations shall be made to

the City Administrator who shall forward to the Council those matters within the province of the Council. Recommendations from the Commission to the City Administrator shall be carefully and fully considered by the City Administrator. If rejected by the City Administrator, the Commission may submit its recommendations to the Council for its consideration, as appropriate.

(e) The City Administrator may provide the Commission with assistance from City employees under ~~his~~ the City Administrator's jurisdiction.

NOTICE AND DIGEST

ORDINANCE AMENDING AND REENACTING ORDINANCE NO. 8064 C.M.S., AS AMENDED BY ORDINANCE NOS. 11730 C.M.S., 12879 C.M.S., 13174 C.M.S. AND 13560 C.M.S., TO CHANGE THE NAME OF THE LIBRARY ADVISORY COMMISSION TO THE LIBRARY COMMISSION, MODIFY QUORUM REQUIREMENTS, AND AMEND THE DUTIES TO INCLUDE OVERSIGHT OF THE 2022 LIBRARY FUNDING PARCEL TAX

This Ordinance would amend and reenact Ordinance No. 8064 C.M.S., as amended overtime, to change the name of the Library Advisory Commission to the Library Commission (Commission). The Ordinance would also update the responsibilities of the Commission to add oversight responsibilities of the Library Funding Parcel Tax (Measure C) as passed by Oakland voters in June 2022 and modify quorum requirements of the Commission.