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AGENDA REPORT

TO: Sabrina B. Landreth
City Administrator

FROM: Jamie Turbak
Director of Library Services

SUBJECT: Ordinance Amending the Duties of the
Library Advisory Commission

DATE: June 11, 2019

City Administrator Approval

Date:

6/13/19

RECOMMENDATION

Staff Recommends That The City Council Approve An Ordinance Amending Ordinance Nos. 8064 C.M.S., 11730 C.M.S., 12879 C.M.S. And 13174 C.M.S. To Amend The Duties Of The Library Advisory 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.

EXECUTIVE SUMMARY

Adoption of this Ordinance will amend Ordinance Nos. 8064, 11730, 12879, and 13174 to modify the powers and duties of the Library Advisory Commission to include citizen oversight for The Library Services Retention and Enhancement Act of 1994 As Amended (Measure Q) and The 2018 Oakland Public Library Preservation Act (Measure D), and to clarify the appointment process for Commissioners.

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".

Item: _____
Life Enrichment Committee
June 25, 2019

In 2008 and 2013, City Council amended Ordinance Nos. 8064, 12879, and 13174 C.M.S., respectively, to change the frequency of Library Advisory Commission meetings and establish standing committees.

On June 5, 2018, Oakland voters approved Measure D, "The 2018 Oakland Public Library Preservation Act" which adopted a special parcel tax to protect and improve Library services. Measure D states that "The City Council shall assign to an existing Board or Commission, the responsibility for citizen oversight of this measure."

ANALYSIS AND POLICY ALTERNATIVES

Staff recommends that City Council formally assign the Library Advisory Commission the role of citizen oversight for The 2018 Oakland Public Library Preservation Act (Measure D) and The Library Services Retention and Enhancement Act of 1994 as Amended (Measure Q). Extending the responsibility for oversight of Measure D and Measure Q to the Library Advisory Commission will ensure that the LAC is reviewing expenditures of both funds in a wholistic manner. Additionally, the LAC is already familiar with Oakland Public Library operations and has experience in providing Measure Q oversight.

The Ordinance language for Measure Q and Measure D that outlines the specific duties for citizen oversight reads as follows:

Section 10 of The Library Services Retention and Enhancement Act of 1994 As Amended (Measure Q) requires that "The City Council shall designate or appoint a body composed of Oakland citizens to make recommendations and review the expenditures of the funds."

Part 1, Section 4 of The 2018 Oakland Public Library Preservation Act (Measure D) requires that "The City Council shall assign to an existing Board or Commission, the responsibility for citizen oversight of this measure. This Board or Commission shall review reports related to the expenditure of all revenue collected by the City from the special tax imposed by this Ordinance and provide reports to the City Council when necessary."

Ordinance No. 8064 C.M.S. established the Library Advisory Commission in 1969 and details the governance structure of the LAC and requirements such as how often the LAC meets, what constitutes quorum, the appointment process, etc. Ordinance No. 8064 C.M.S. has been amended three times since its passage in 1969 in order to maintain uniform requirements with other boards and commissions, to change the frequency of meetings and to establish standing committees. Ordinance No. 8064 C.M.S. was last amended in 2013. In addition to amending the duties of the LAC to include oversight of Measure Q and Measure D, this staff recommendation includes amendments to clarify language regarding the appointment process for Library Advisory Commissioners and to update outdated language.

Assigning the Library Advisory Commission the responsibility of oversight for Measure Q and Measure D complies with the voter-approved Ordinance mandates for citizen oversight of the measures, which currently generate tax revenue that comprises approximately seventy percent (70%) of the Library Department's budget.

FISCAL IMPACT

There is no fiscal impact to this recommendation.

PUBLIC OUTREACH / INTEREST

Library staff notified the Library Advisory Commission at its September 24th meeting of the proposal to amend the duties of the LAC to include oversight for Measure D and Measure Q. The proposal was also discussed at a Library Advisory Commission meeting on Monday, February 25, 2019. There have been no objections to this proposal from the public or Library Advisory Commissioners at LAC meetings or communicated to Library Administration to date.

COORDINATION

This report and legislation have been reviewed by the Controller's Bureau.

SUSTAINABLE OPPORTUNITIES

Economic: Passage of this Ordinance will provide citizen oversight of voter-approved tax measure supporting the Library, as required by the measures.

Environmental: No specific environmental opportunities have been identified.

Social 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 Ordinance Nos. 8064 C.M.S., 11730 C.M.S., 12879 C.M.S. and 13174 C.M.S. to amend the duties of the Library Advisory 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.

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

Respectfully submitted,



Jamie Turbak
Director of Library Services

2019 JUN 13 PM 3:48


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AMENDING ORDINANCE NOS. 8064 C.M.S., 11730 C.M.S., 12879 C.M.S. AND 13174 C.M.S. TO AMEND THE DUTIES OF THE LIBRARY ADVISORY 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

WHEREAS, Ordinance No. 8064 C.M.S. established the City of Oakland's Library Advisory Commission on November 13, 1969; 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 Library Advisory Commission members, the duties of said members, and the general responsibilities of boards and commissions; and

WHEREAS, on March 2, 2004, Oakland voters approved Measure Q, an ordinance amending the Library Services Retention and Enhancement Act of 1994 and stating that the "City Council shall designate or appoint a body composed of Oakland citizens to make recommendations and review the expenditures of the funds"; and

WHEREAS, 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"; and

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

WHEREAS, in 2013, the City Council passed Ordinance No. 13174 C.M.S. amending Ordinance No. 8064 C.M.S. to delineate a process for the establishment of standing committees of the Library Advisory Commission; and

WHEREAS, on June 5, 2018, Oakland voters approved Measure D, "The 2018 Oakland Public Library Preservation Act" which provides that the City Council shall assign to an existing Board or Commission, the responsibility for citizen oversight of the measure; and

WHEREAS, the Library Advisory Commission is the most appropriate existing Commission for citizen oversight of The 2018 Oakland Public Library Preservation Act;

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

SECTION 1. Ordinance No. 8064 C.M.S., 11730, 13174, 12879 establishing the Library Advisory Commission, are hereby amended to read as follows (additions are indicated by underscoring and deletions are indicated by ~~strike-through type~~; any portions not cited or not shown in underscoring or strike-through type are not changed):

SECTION IV. Creation of and Duties and Functions of Library Advisory Commission. Pursuant to section 601 ~~§504~~ 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 make recommendations and review the expenditures of the proceeds of the Library Services Retention and Enhancement Act of 1994 as amended.
- 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.

SECTION IV(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.

SECTION IV(b). Number of Members and Appointment.

- a) The Library Advisory Commission shall consist of fifteen (15) members. Eight (8) members shall constitute a quorum.
- b) Staggered Terms. Commencing with the effective date of this Ordinance No. 11730 C.M.S., the initial commission members shall be appointed to staggered terms, ~~said terms to commence upon the date of appointment, except that an appointment to fill a vacancy shall be for the unexpired portion of the term only.~~
- c) Length of Terms. ~~Except for the initial appointments made immediately following passage of this Ordinance which may be for lesser terms of two (2) years or one (1) year in order to establish staggered terms pursuant to subsection A, all appointments~~ 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. ~~Commencing with the effective date of this Ordinance, n~~No person shall be appointed to serve more than two (2) consecutive terms as a member of the Library Advisory Commission. ~~Members of the Library Advisory Commission sitting on the effective date of this ordinance shall not be appointed to serve more than one (1) additional consecutive term as a member of said 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 during the following term in a

holdover capacity for a period not to exceed one year, to allow for the appointment of a new commission member to ~~serve the remainder of said following term.~~

- 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.

SECTION IV(c)

Each year at its first regular meeting in July, 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 in the Main Library, 125-14th Street, Oakland, at an established time suitable for its purpose. ~~Such meetings shall be designated regular meetings. Meetings called by the Mayor or City Manager, and meetings scheduled for a time or place other than for regular meetings, shall be designated special meetings. Written notice of special meetings shall be given to the Commission members, the Council, and the public press at least twenty-four hours before the meeting is scheduled to convene.~~

SECTION IV(d)

The Commission shall, in consultation with the City Administrator Manager ~~and with the approval of the Council~~, establish rules and procedures for the conduct of its business. The affirmative vote of four members 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 Manager. All reports, findings and recommendations shall be made to the City Administrator Manager who shall forward to the Council those matters within the province of the Council. Recommendations from the Commission to the City Administrator Manager shall be carefully and fully considered by ~~him the City Administrator~~. If rejected by the City Administrator Manager, the Commission may submit its recommendations to the Council for its consideration, as appropriate.

SECTION IV(e)

The City ~~Administrator~~ Manager may provide the Commission with assistance from City employees under his jurisdiction. ~~The provisions of §221 of the Charter shall apply to members of the Commission.~~

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 - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND
PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the City of
Oakland, California

Date of Attestation: _____

NOTICE AND DIGEST

ORDINANCE AMENDING ORDINANCE NOS. 8064 C.M.S., 11730 C.M.S., 12879 C.M.S. AND 13174 C.M.S. TO AMEND THE DUTIES OF THE LIBRARY ADVISORY 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

This Ordinance would amend the duties of the Library Advisory Commission to include oversight of expenditures of revenue collected by the City pursuant to the 2018 Oakland Public Library Preservation Act and the Library Services Retention and Enhancement Act of 1994 as amended. This ordinance would also clarify the process to appoint members to the Library Advisory Commission.