



## Oakland Public Library Commission Bylaws

### Article I: NAME AND PURPOSE

#### Section 1: Name

Pursuant to 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., the Library Advisory Commission is renamed as the Library Commission. The functions and role of the Commission will remain to advise City Council and policymakers, like other boards and commissions.

#### Section 2: Purpose

The Oakland Public Library Commission is governed by the purpose and principles in *Oakland Ordinance No. 8064 C.M.S.* and the *Oakland Handbook for Board and Commission Members*. The Library Advisory Commission was established to make recommendations to the Oakland City Council, provide citizen oversight of library funding parcel tax funds, and advocate on behalf of Library programs and services.

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 a quorum, the appointment process, etc.

Ordinance No 8064 C.M.S. has been amended four times since its passage in 1969 to formalize changes in Library Advisory Commission duties, meeting frequency, and standing committees. The latest amendment to Ordinance No. 8064 C.M.S. (June 2023) changed the name to Library Commission, modified quorum to constitute a majority of appointed members, and amended duties to include oversight of the 2022 Library funding parcel tax known as Library Measure C (extension of 2004 Measure Q).

The Ordinance and Handbook will prevail in the event of conflict with these bylaws. References here are to the 2023 amendment of Ordinance No 8064 and the 2019 version of the Handbook, but the most current amendment of Ordinance No 8064 and Handbook shall always prevail.

#### Section 3: Compliance

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.

The Library Commission shall comply with all applicable laws, including but not limited to:

- Oakland City Charter (as applicable)
- Oakland Sunshine Ordinance (OMC Chapter 2.20)
- The Ralph M. Brown Act (Government Code sections 54950 et. seq)

- The Political Reform Act of 1974 (Government Code sections 81000 et. seq)
- The Public Records Act (Government Code sections 6250 et. seq)
- Oakland Conflict of Interest Code (OMC Chapter 3.16)
- These operations policies and other policies adopted by the Library Commission.

If any conflict exists between any of the foregoing laws and these bylaws, the applicable Law shall take precedence over the bylaws.

## Article II - MEMBERSHIP

### Section 1: Board Membership Composition

- a) To the extent practicable, appointments to the Library Commission shall be made in accordance with the City's affirmative action policies. Members of the Library Commission shall be appointed by the Mayor and confirmed by the City Council in accordance with the City Charter Section 601.
- b) 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 the expiration of an existing commission member's term.
- c) To the extent practicable, appointments to the Library Commission shall reflect the geographical diversity of the City.
- There shall be two residents of each of the seven City Council districts. In the event that a district does not have a member representative, a vacancy will be held while recruitment efforts are conducted to find a candidate residing in the underrepresented district.
  - There shall be one member who shall be an at-large representative member, whose residency may be in any one of the seven City Council districts.

### Section 2: Number of Members and Appointment

- a) The Library Commission shall consist of fifteen (15) members who are all residents of the City of Oakland.
- b) Mentoring and Staggered Terms. A newly appointed member may be paired with an experienced member, ideally of the same district residency, for mentoring. To provide for continuity and a smooth transition, the two members representing a district shall be appointed on 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. The initial three (3) year term for each member shall commence as of the date of appointment unless the new member is appointed to fill a vacancy.
- 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.

### Section 3: Oath of Office

Acceptance of the Oath of Public Office constitutes a Library Commission member's sworn responsibility of public trust. Members are required to serve well and to faithfully discharge their duties and responsibilities diligently, and consistent with the laws of the City of Oakland, and all pertinent state and federal laws.

### Section 4: Removal and Filling Vacancies

**Commented [cA1]:** Ref SECTION IV(a). Composition of Ordinance No. 8064 C.M.S.

**Commented [cA2]:** There was discussion around whether it is practicable to have at least two commissioners from each district. The concern was that vacancies may be difficult to fill and/or filling of vacancies should be based on the needs of the commission rather than geographic residence. In response, there was further discussion of the intent of the language in the ordinance that states, "appointments to the Library Commission shall reflect the geographical diversity of the City." One way in which the Commission can put the intent into practice is for the Commission to designate representation from each district.

It was noted that currently, five Commissioners reside in District 3, while District 5 and District 7 remain underrepresented. Of the 18 branches, Brookfield Branch in District 7 remains without an assigned Commissioner while Eastmont, MLK Jr., Melrose in District 6 and 5 have, until recently, been without representation. There was a suggestion made to add a bullet point that states that when there are three or more vacancies on the commission, an appointment can be made regardless of the district of residence. That edit, however, was not made. It was decided that this requires further discussion to determine at a following meeting. Although there were no changes made, the language may be amended after further discussion.

**Commented [cA3]:** There was unanimous agreement that Mentoring is necessary and will be helpful, especially for new commissioners as they learn about the commission and its work.

**Commented [cA4]:** Kere - are the seats on the commission associated with the original appointed staggered terms?

**Commented [KG5R4]:** Unless members fill a special vacancy (a vacancy created when a commissioner leaves in the middle of a term), they are appointed to a term that is based on the date that the appointment goes to Council. So, essentially, we have already reset the staggered terms. Yes, all but one of the appointments in March (Brittany Buckmire filling for Mary Jo Cook) were all new appointments and not filling a vacancy connected to a term. However, we prefer that appointments not be grouped like that so that commissioners don't all roll off at the same time. That group of appointments had been waiting due [... [1]

**Commented [cA6]:** There was a comment/proposal to allow for each new commissioner to have their own two full terms, i.e., if a Commissioner is appointed to fill the remainder of a previous member's term, the less-than-full term does not count towards the maximum of two consecutive terms.

**Commented [cA7]:** There were questions about holdover status and the rights and roles of commissioners in holdover status. Staff sent those questions to City Attorney. The questions and responses were read as follows:

1. If a commissioner is serving in their final term, can they go into holdover status when the final term ends? Yes, under the legislation, holdover status [... [2]

- a) **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 records 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 and following the Guidelines in the Oakland Handbook for Board and Commission Members.

Among other things, conviction of a felony, misconduct, incompetency, inattention to or inability to perform duties, or for failing to meet attendance standards, shall constitute cause for removal. Attendance standards are based on a monthly meeting schedule and apply to regular meetings only, and not to special meetings of the Commission. A commissioner may be removed by a majority vote of the commissioners, if in a calendar year, that commissioner has four or more excused absences; or three or more unexcused absences, or three or more consecutive absences. Considerations for leaves of absence may be given on a case-by-case basis.

**Commented [KG8]:** This is a function of the Chairperson role. The Chairperson should contact members who are absent repeatedly. The Chairperson should also remind them about their obligation and, if necessary, initiate removal.

- b) **Filling Vacancies.** Any vacancy shall be filled pursuant to the procedures outlined by City Charter Section 601. For purposes of this Section, a seat filled by a holdover appointment will be considered vacant as of the expiration of the holdover's prior term of office.

**Commented [cA9]:** There was discussion about the definition of excused versus unexcused absence. While there was no absolute definition given, it was agreed that an unexcused absence is generally defined as being absent without notification to the Chair or staff. It is understood that emergencies happen, and notification is not always possible, and circumstances will be considered.

**Section 5: Library Director and Commission Staff**

- a) **Library Director:** The Library Director shall have the duties and powers which are set forth in the Charter and Ordinances of the City of Oakland. As the Executive Director of the department, the Library Director or a designee shall attend all meetings of the Commission and shall report to the Commission on all matters which concern the operation of the department, and which may call for its attention. The Commission shall deal with administrative matters solely through the Library Director or designees, and any dictation, suggestion or interference herein prohibited on the part of any member of the Commission shall constitute official misconduct, provided, however, that nothing herein contained shall restrict the Commission's powers of hearing inquiry as provided in the Charter.
- b) **Commission Staff/Executive Assistant to the Library Director:** The Commission Staff or designee shall attend all meetings of the Commission and any Standing Committees, and is responsible for the proper recording and distribution of all Commission actions, correspondence, agendas, and other duties as may be assigned by the Commission, including: research, assisting Committee chairs and officers, making recommendations on assigned projects, answering questions from the public about Commission activities and procedures, helping library staff prepare for presentations before the Commission, and be a liaison to the Commission, as appropriate. The Commission Staff shall also serve as the parliamentarian, maintaining a knowledge of adopted rules and procedures and also of the Commission's obligations under the laws and ordinances referenced herein, or other regulations which may apply to how the Commission conducts business.

**Commented [KG10]:** As part of the larger discussion, there were questions asked that Staff promised to follow up with City Attorney. The questions and answers from the City Attorney are below:

**Commented [cA11R10]:** 1. When a new commissioner is appointed to a special vacancy (a vacancy created when a previous commissioner leaves prior to completing their term), they are appointed for the remainder of the previous commissioner's term. This results in a shortened term for the new commissioner. Does this shortened term "count" as the commissioner's first term, or can they serve two full terms after that initial appointment? Yes, to the former (the shortened term is still considered a first term). The legislation provides that no person shall serve more than two consecutive terms, and doesn't distinguish between full terms or terms filled due to a vacancy. That said, some members may be able to stay on as holdover for an additional year, provided that the mayor doesn't appoint someone else in the meantime.

**Article III: OFFICERS**

**Section 1: Elections**

- a) At its first regular meeting of each new calendar year, the Commission shall elect a Chair and a Vice Chair from among its members.
- b) If more than one commissioner is nominated or volunteers to be nominated for an office, each nominee may speak regarding their qualifications and willingness to serve and answer questions of commissioners or the public.
- c) The Commission may discuss the nominations and, when the vote is called, each commissioner may cast a single vote for each office.
- d) Officers are elected by the affirmative vote of a majority of Library Commission members present.

2. Can a former commissioner who served two full terms come back and serve as commissioner ever again? The legislation for the commission only prohibits persons from serving more than 2 consecutive terms; it does not provide a limit on non-consecutive terms. So yes, a former commissioner could return so long as the prior 2 terms are not consecutive with the new term(s).

**Commented [cA12]:** There was discussion regarding the current practice of having co-chairs versus the ordinance language of a Chair and a Vice Chair. A few people recalled that it was decided that co-chairs are best because the duties are too much for a single individual to handle. It was split between two people to lighten the load. Carolyn Moskowitz, who has served as Co-chair and Vice Chair added that she thinks it is best to have two because it is quite a bit of work for a single person. It was decided that this requires further discussion and there were no changes made to this section.

**Section 2: Officer Terms of Service**

- a) Each elected officer will serve a one-year term. Elected officers can serve up to three (3) one- year terms in a

single officer position.

### Section 3: Officer Duties

a) **Chair:**

- The Chair shall preside at all regular meetings of the Commission.
- Commission Staff, working with the Chair and Library Director, shall prepare the agenda for all regular meetings.
- The Chair works with Commission Staff and Library Director to develop the annual report to the Life Enrichment Committee of the Oakland City Council.
- The Chair actively engages commissioners regarding all things related to their ongoing membership. This includes eliciting feedback and answering questions.
- The Chair initiates discussions about participation on committees/ad hoc groups and attendance at meetings.

b) **Vice Chair**

- Vice Chair performs the duties and responsibilities that may be delegated by the Chair.
- In the absence of the Chair, the Vice Chair will perform the duties and responsibilities of the Chair.

**Commented [cA13]:** It was noted that if there are changes made to Section 1, Elections, subsection A (above), changes will need to be made here as well.

## Article IV: MEETINGS

### Section 1: Regular Meetings

Regular Library Commission meetings shall be held at least once every other month, on the last Monday of the month at 5:45 p.m. or as otherwise set forth in the published calendar and posted on the internet with proper notice. Meetings shall be held at the Main Library in the Bradley Walters Community Room. All Library Commission meetings shall be audio recorded. Regular Library Commission meetings will not be held during the months of August and December.

### Section 2: Public Input

The Commission shall hold meetings open to the public and encourage the participation of interested persons. Each person wishing to speak on an item before the Commission shall be permitted to be heard once for up to two minutes. Each agenda for regular meetings shall also provide an opportunity for members of the public to directly address the Commission on items of interest to the public that are within the Commission's jurisdiction. This opportunity for General Public Comment shall typically appear as the first item on the agenda. When an item requires a vote, the Chair will ask those who desire to speak to sign up on a sheet provided by the Commission Staff. Speakers will be called for comment in the order in which they signed the sheet. Members of the public who do not elect to sign or do not wish to give their name, may give comment after those who did sign have had an opportunity to comment.

**Commented [cA14]:** Kere - please review

### Section 3: Identification of Speakers

Speakers addressing the Library Commission or standing committees shall state their names and the organization they are representing, if any. They shall confine their remarks to the subject under discussion unless they are speaking during the Open Forum portion of the agenda.

### Section 4: Minutes

Meeting Minutes shall be taken at every regular and special Library Commission meeting. The Minutes shall be recorded by Library Commission staff. A draft of the minutes will be available for inspection and copying at least 10 days before the next noticed meeting. Minutes of a meeting shall be approved, whenever practicable, at the next meeting of the body. The officially adopted minutes shall be available for inspection and copying upon request no later than five days after the meeting at which the minutes are adopted.

**Commented [KG15R14]:** Public comments are limited to 2 minutes. Public comments must be taken on action items (items which require a vote) prior to the vote. Public comments do not have to be taken on informational or discussion items since these are preliminary to a subsequent vote where comments will be taken. As a practice, LC has taken public comment at the beginning for all agenda items and before action items.

Meeting minutes, at minimum, should include the start time of the meeting, the names of the members attending the meeting, a one-sentence summary of, and the roll call vote on, each matter considered at the meeting, the start and end time of any closed session, and the time the meeting was adjourned.

### Section 5: Notice and Conduct of Special Meetings

Special Meetings are Library Commission meetings scheduled for a date, time or place other than the date, time or place set out in Section 1. Regular Meetings.

Special Library Commission or Committee meetings may be called at any time by the Chair or by a majority of the Library Commission members or standing committee members or standing Library Commission members. Notice of all special meetings shall comply with the Oakland Sunshine Ordinance and the Brown Act.

The Brown Act does not apply to ad hoc or temporary advisory committees composed of less than a majority of the board.

### **Section 6: Ad Hoc and Standing Committees**

Pursuant to amendments to Ordinance No. 8064, 12879, and 13174 C.M.S., adopted in 2008 and 2013, two (2) standing committees of the Library Commission have been established. City Council approval must be obtained prior to the creation of more than two standing committees of the Library Commission. A proposal to create a standing committee of the Library 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.

Standing committees shall endeavor to meet once every other month or at the call of their chairs, or as deemed necessary by a majority of the standing committee membership. Minutes of the standing committee meetings may be taken by a member of the standing committee. Commission staff shall be responsible for audio recording the meetings and shall make the recordings available upon request.

The Library Commission at its discretion may establish an ad hoc committee to address issues within the Commission's jurisdiction for a limited duration of time. An ad hoc committee established to nominate commission officers may not consider one of its own members for nomination. Individuals can volunteer or shall be appointed to ad hoc committees and shall serve for the period specified by the ad hoc committee chair. Once the work of the ad hoc committee is complete, the committee shall dissolve.

**Commented [KG16]:** Historically, committees have taken their own minutes because Library staff may not be present at committee meetings.

## **Article V: VOTING**

### **Section 1: Majority Vote Requirement**

An affirmative vote of a majority of the members present is required for any action.

### **Section 2: Voting by Proxy**

Voting by proxy is prohibited.

## **Article VI: PARLIAMENTARY PROCEDURE**

The business of the Library Commission and its standing committees shall be conducted, to the extent possible, in accordance with parliamentary rules as contained in Robert's Rules of Order, except as modified by these rules and local open meeting laws, including the Oakland Sunshine Ordinance.

## **Article VII: REPRESENTATION OF THE LIBRARY COMMISSION**

Whenever a Library Commission member communicates with the news media or others, or appears at a public hearing or before another City Agency or Department to discuss existing or proposed legislation or policy, the Library Commission member shall make every reasonable effort to specify that the Library Commission member is expressing a personal opinion, view or position, unless speaking on a topic the full commission has approved.

## Article VIII: LIBRARY COMMISSION CITY OF OAKLAND DEPARTMENT ROLES

### **Section 1: Legal Advisor**

The City Attorney is the Library Commission's legal advisor. The Library Commission may seek legal advice from the City Attorney through Library Commission Staff. Requests for legal assistance should be authorized by the Chair or by a majority vote of the Library Commission.

### **Section 2: Other City of Oakland Departments**

Any requests for reports or information pertaining to the Library Commission requested by the Library Commission shall be made via Library Commission Staff.

## Article IX: BYLAWS

These Bylaws shall be reviewed annually or as necessary. The Library Commission may adopt Bylaws amendments at any regular meeting of the Library Commission by vote of two-thirds of the Library Commission members present. The Library Commission shall transmit proposed Bylaw amendments to the City Clerk within seven (7) calendar days of adoption by the Library Commission.

### *History and Revision*

Created by members of the By-Laws Ad Hoc Committee of the 2023-2024 Library Commission: Mary Forte, Chiye Azuma, Library Director Jamie Turbak, and Executive Assistant Kere Gonzales  
Revised xxxxx; Approved xxxxx

### *Attachments:*

City of Oakland [Board and Commission Handbook 2019](#)

City of Oakland [Library Ordinance 2023-0629](#)

**Q: Does the Brown Act apply to a standing committee created by board action, even if the committee does not have a majority of the board on it?**

A: Yes. Board standing committees must provide public notice of meetings and conduct meetings in accordance with the Brown Act. Standing committees may be established within the board's bylaws or by formal action of the board and have "continuing subject matter jurisdiction." The bodies are subject to the Brown Act, regardless of the committee's membership.

**Q: Does the Brown Act apply to an "ad hoc" or temporary advisory committee consisting of less than a majority of the board?**

A: No. The Brown Act does not apply to ad hoc or temporary advisory committees composed of less than a majority of the board. In establishing an ad hoc or temporary advisory committee, the board should strictly define the purpose of the committee and set a time frame to accomplish that purpose. An ad hoc or temporary advisory committee is advisory only; the board has not delegated any decision-making power and the committee will be returning to the full board to make a public recommendation. Other board members may only attend these committee meetings as "observers," meaning they may not ask questions or make statements and must sit in the area designated for members of the public. Similar to attending a social function as indicated above, board members should consider the perception of attending unnoticed meetings even as observers and take steps to ensure the public trust regardless of the technical rules of the Brown Act.

Unless members fill a special vacancy (a vacancy created when a commissioner leaves in the middle of a term), they are appointed to a term that is based on the date that the appointment goes to Council. So, essentially, we have already reset the staggered terms. Yes, all but one of the appointments in March (Brittany Buckmire filling for Mary Jo Cook) were all new appointments and not filling a vacancy connected to a term. However, we prefer that appointments not be grouped like that so that commissioners don't all roll off at the same time. That group of appointments had been waiting due to the change in the administration. We had to wait until the new mayor and her appointments were in place before they could go to Council for appointment. With commission seats assigned by district, it will be far easier to stagger the appointments.

There were questions about holdover status and the rights and roles of commissioners in holdover status. Staff sent those questions to City Attorney. The questions and responses were read as follows:

1. If a commissioner is serving in their final term, can they go into holdover status when the final term ends? Yes, under the legislation, holdover status can occur following the conclusion of a commission member's term for a period not to exceed one year; the legislation does not distinguish between the first term or second/final term. Therefore, holdover after final term is allowed, for a period of up to one year. (Section b(E).)

2. Does a commissioner in holdover status have a voting right? Yes, holdover members continue to serve as members of the commission and nothing in the legislation indicates they can't vote.

3. Does a commissioner in holdover status count towards quorum? Yes, holdover members continue to serve as members of the commission and nothing in the legislation indicates they can't count towards quorum