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OFFICE OF THE CITY CLERK
OAKLAND

2013 JUN -6 AM 9:17

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Gerry Garzón
Interim Library Director

SUBJECT: Library Advisory Commission
Committee Approval by City Council

DATE: May 24, 2013

City Administrator
Approval

Deanna J. Santana

Date

6/4/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council approve an Ordinance Amending City of Oakland Ordinance No. 11730 C.M.S. to either

- 1) Eliminate the requirement of City Council prior approval for creation of Standing Committees of the Library Advisory Commission; or
- 2) Alter the requirement of City Council prior approval for creation of more than two Standing Committees of the Library Advisory Commission

OUTCOME

The outcome of passage of the amendment to the Ordinance by Oakland City Council will be either

- 1) Elimination of the provision and thereby providing authority to the Library Advisory Commission to establish necessary standing Committees as it and staff find necessary in order to allow the Commission to fulfill its role; or
- 2) Altering the provision thereby providing authority to the Library Advisory Commission to establish up to two standing Committees as it and staff find necessary in order to allow the Commission to fulfill its role. Beyond two standing committees, the Commission must return to City Council for prior approval of creation of any other standing committees.

Despite the elimination or modification of the provision, any standing committee of the Commission is subject to the Brown Act and the City of Oakland's Sunshine Ordinance and its noticing and posting requirements.

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BACKGROUND/LEGISLATIVE HISTORY

At the Life Enrichment Committee (LEC) meeting of May 14, 2013, staff was directed to return directly to City Council with a new report that would delete the provision in the establishing ordinance that requires City Council approval prior to establishment of a Standing Committee of the Library Advisory Commission. This report and corresponding draft ordinance responds to that direction and provides the option to the City Council to eliminate the language. It also provides an option that gives flexibility to the Library Advisory Commission in the establishment of up to two standing committees, but would require returning to City Council for approval of more than two standing committees.

The Library Advisory Commission (LAC) was established by the City Council of the City of Oakland on November 13, 1969 by Ordinance No. 8064 C.M.S. for the purpose of studying, investigating and researching matters and making policy recommendations as directed by the City Administrator or City Council.

In 1994, the City Council determined that existing Boards and Commissions should be amended to incorporate uniform requirements regarding selection of Library Advisory Commission members, the duties of said members, and the general responsibilities of the Commissions Ordinance No. 11730 C.M.S. (*attached*). As delineated below in Section IV. D., which outlines establishment of standing committees of the Commission, City Council approval is necessary prior to creation of any standing committee.

Ordinance No. 11730 C.M.S. was adopted pursuant to Article VI of the City Charter and amended the duties and functions of those outlined in Ordinance No. 8064 C.M.S. Section 1 of Ordinance No. 11730 C.M.S. spelled out the duties and functions:

Section 1. The duties and functions of the duly appointed commissioners of the Library Advisory Commission, as provided in Section IV of Ordinance No. 8064 C M. S., are amended to read as follows

"Section IV: Creation of and Duties and Functions of 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.*

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- 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 any standing committee of the commission. A proposal to create a standing committee of the 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."*

ANALYSIS

In October, 2012, the LAC developed its *Strategic Plan of 2013* which established a number of Ad Hoc Committees of the Commission. A primary Ad Hoc Committee, which has developed over the last six months, is the Advocacy and Outreach Committee which formalized its responsibilities to:

- Oversee ongoing advocacy activities and planning, to increase public awareness of OPL programs and build support among consumers and key library stakeholders in Oakland and Sacramento.
- Formalize types of LAC advocacy, talking points and marketing materials.
- Create and maintain ongoing LAC Advocacy Calendar.

As a result of the activity and development of this Committee, staff developed a report that came to the Life Enrichment Committee on May 14, 2013 requesting the City Council to establish a Standing Committee of the LAC per the current ordinance requirement.

Discussion among City Council members noted that these are different times and the City of Oakland is a very different city since the establishment of the ordinances in 1969 and 1994. Changes regarding staffing capacity and technology have made the provision regarding establishment of standing committees out-of-date. As well, City Council discussion indicated that volunteer commissions and committees of the City should not be heavily burdened by City ordinances and requirements that prevent them from doing good work for the City.

LAC members have received training from the City Attorney's Office on Agenda preparation, meetings and requirements, the Sunshine Ordinance and the Brown Act, and filing and recording regulations. Standing committee members of the LAC:

- 1) Will establish a regular meeting time and location for standing committees;
- 2) Have received training on and will prepare their own Agendas for staff to post using existing electronic methods; and

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- 3) Will electronically record and prepare draft minutes within the required timeframes, and once finalized, for staff to post electronically.

Standing committees are still subject to the Brown Act and the City of Oakland's Sunshine Ordinance. The Brown Act describes a standing committee as one which has "continuing subject matter jurisdiction." These committees generally are of an ongoing nature and are subject to the notice and posting requirements of the Brown Act and Sunshine Ordinance.

POLICY ALTERNATIVES

As indicated above, a report was presented to the Life Enrichment Committee that would have established a standing committee of the LAC, as required under the current ordinance. Within discussion at the Committee meeting among City Council members, staff and City Attorney's Office, it was determined that an alternative was to request elimination of the provision in the establishing Ordinance No. 11730 and to take the amendment directly to City Council for action.

Based on a City Council suggestion at the Rules and Legislation Committee, and upon further consideration by staff and the City Attorney's Office, and discussion with the Chair and Vice-Chair of the LAC, staff offers an additional option to modify the ordinance to allow the Commission to create up to two standing committees and to return to City Council if they wish to create more than two. This addresses any potential issues that may arise related to staff workloads, costs, etc.

PUBLIC OUTREACH/INTEREST

The noticing and reporting requirements as established under the Ralph M. Brown Act and the City of Oakland's Sunshine Ordinance will still apply to the standing committees of the LAC and will provide the citizens of Oakland with greater opportunities to access, learn about, attend, and participate in activities and information regarding any of the LAC's Standing Committees.

COORDINATION

The Oakland Public Library staff and members of the Library Advisory Commission have reviewed the differences between Ad Hoc and Standing Committees with the City Attorney's Office and with City Council at the Life Enrichment Committee meeting of May 14, 2013. Consequently, it is very clear to staff and the LAC when a committee should be established as Ad Hoc vs. Standing. This report was also reviewed by the Budget Office.

COST SUMMARY/IMPLICATIONS

Section 1, Section IV. D. of City Ordinance No. 11730, which is scheduled for either elimination or modification, calls for information regarding the costs associated with staffing the standing committees and the costs of complying with noticing and reporting. As noted above in the analysis and as Life Enrichment Committee members remarked, these are different times from that of 1994 when the ordinance was passed.

Nonetheless, there will be negligible staff costs associated with the noticing and reporting requirements in establishing up to two standing committees. So much of the activity associated with it is electronic in nature and consequently, efficiencies have lessened the burden since this requirement was established in 1994. Furthermore, staff are not expected or required to attend LAC committee meetings. However, should the LAC wish to create more than two standing committees, prior City Council approval will be required and costs associated with staffing and compliance, if any, will be included in the staff report.

SUSTAINABLE OPPORTUNITIES

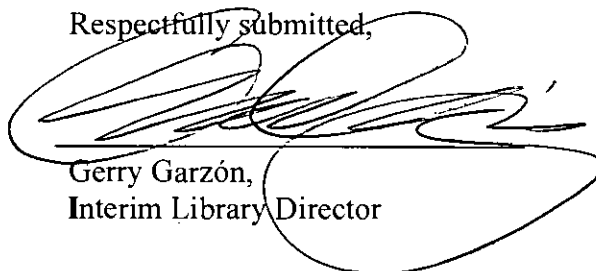
Economic: There are no economic impacts to this report.

Environmental: There are no environmental impacts to this report.

Social Equity: The Library is a great equalizer, with resources for all, and welcomes all members of the community. As such, the Library Advisory Commission reflects the rich diversity of Oakland in its membership and actively outreaches to the community in increasing public awareness of OPL and LAC activities.

For questions regarding this report, please contact Gerry Garzón, Interim Director, Oakland Public Library, 510-238-6608.

Respectfully submitted,



Gerry Garzón,
Interim Library Director

Attachment: Ordinance No. 11730 C.M.S.

Item: _____
City Council
June 18, 2013

Most current
date

1994

PROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

J. Patrick Kelly
CITY ATTORNEY

ORDINANCE NO. 11730 C. M. S.

ORDINANCE ADOPTED PURSUANT TO ARTICLES VI OF THE CITY CHARTER AMENDING THE LIBRARY ADVISORY COMMISSION, ESTABLISHED BY ORDINANCE NO. 8064 C.M.S.

WHEREAS, the Library Advisory Commission was established by the City Council of the City of Oakland on November 13, 1969, by Ordinance No. 8064 C.M.S., for the purpose of studying, investigating and researching matters, and making policy recommendations as directed by the City Manager or City Council; and

WHEREAS, at a Special Meeting of the City Council convened on or about April 26, 1994, the City Council determined that existing boards and commissions should be amended to incorporate uniform requirements regarding the selection of members, the duties of said members, and the general responsibilities of boards and commissions.

WHEREAS, the membership of the Library Advisory Commission should be expanded from seven (7) to fifteen (15) members, in the interest of expanding and broadening representation for all groups with an interest in matters related to the City's library needs.

The Council of the City of Oakland does ordain as follows:

Section 1. The duties and functions of the duly appointed commissioners of the Library Advisory Commission, as provided in Section IV of Ordinance No. 8064 C.M.S., are amended to read as follows:

"Section IV. Creation of and Duties and Functions of 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 any standing committee of the commission. A proposal to create a standing committee of the 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.

Section 2. Section IV(a) of Ordinance No. 8064, relating to the appointment of members to the Library Advisory Commission, shall be amended to read as follows:

"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 3. Sections IV(a) and (b) of Ordinance No. 8064, relating to the number of members and the length and frequency of the terms of members appointed to the Library Advisory Commission, shall be amended to read as follows:

"Section IV(b). Number of Members and Appointment.

A. The Library Advisory Commission shall consist of fifteen (15) members. Eight (3) members shall constitute a quorum.

B. Staggered Terms. Commencing with the effective date of this Ordinance, 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 shall be for a period of three (3) years.

D. Limit on Consecutive Terms. Commencing with the effective date of this Ordinance, 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.

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 commission member to serve the remainder of said following term.

E. 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.

JUL 26 1994

IN COUNCIL, OAKLAND CALIFORNIA, _____, 19 _____

PASSED BY THE FOLLOWING VOTE

AYES— BAYTON, DE LA FUENTE, JORDAN, MILEY, MOORE, OSAPPA, SPEES, WOODS-JONES, and PRESIDENT, - 8
HARRIS

NOES— NONE

ABSENT— NONE

ABSTENTION— NONE
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ATTEST




CEDA FLOYD

City Clerk and Clerk of the Council
of the City of Oakland, California

2013 JUN -6 AM 9:17

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Ordinance No. _____ C.M.S.

AN ORDINANCE AMENDING CITY OF OAKLAND ORDINANCE NO. 11730 C.M.S. TO EITHER 1) ELIMINATE THE REQUIREMENT OF CITY COUNCIL PRIOR APPROVAL FOR CREATE OF STANDING COMMITTEES OF THE LIBRARY ADVISORY COMMISSION; OR 2) ALTER THE REQUIREMENT OF CITY COUNCIL PRIOR APPROVAL FOR CREATION OF MORE THAN TWO STANDING COMMITTEES OF THE LIBRARY ADVISORY COMMISSION

WHEREAS, Ordinance No. 8064 C.M.S. established the City of Oakland's Library Advisory Commission on November 13, 1969.; and

WHEREAS, In 1994, the City Council amended Ordinance No. 8064 C.M.S. with Ordinance No. 11730 C.M.S. that among other elements delineated a process for the establishment of standing committees of the Commission; and

WHEREAS, Section 1, Section IV. D. delineated the process for establishment of standing committees of the Library Advisory Commission that requires City Council approval prior to the creation of any standing committee of the Commission; and

WHEREAS, Section 1, Section IV. D. also requires information regarding costs associated with staffing standing committees of the Commission; and

WHEREAS, the City Council members of the Life Enrichment Committee have directed staff to eliminate Section 1, Section IV. D. which requires prior approval from City Council of creation of standing committees of the Commission; and

WHEREAS, The City Council desire is that volunteer Commissions of the City be allowed to do good work for the city and not be overly burdened by ordinance requirements of a different era; and

WHEREAS, due to technology changes since 1994, there are negligible staff costs associated with the staffing, noticing and reporting requirements in establishing standing committees; now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

City of Oakland Ordinance No. 11730 C.M.S. is hereby amended to read as follows (additions are indicated by underscoring and deletions are indicated by strike-through-type; any portions of the regulations 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.

- 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 any standing committee of the commission. A proposal to create a standing committee of the 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."~~
- OR**
- D. City Council approval must be obtained prior to the creation of any 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."

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF
and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST:

LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California