MEETING OF THE LIBRARY COMMISSION'S BY-LAWS COMMITTEE
MINUTES
June 21, 2011

1. CALL THE MEETING TO ORDER
The Library Commission's By-laws Committee Meeting was called to order at 5:00 p.m. by selected Chair, Alan Smith (District IV)

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Representing</th>
<th>Present</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enholm</td>
<td>Greg</td>
<td>By-laws Committee member of the Library Commission</td>
<td>CCC District V</td>
<td>X</td>
</tr>
<tr>
<td>Fuller</td>
<td>Kathy</td>
<td>By-laws Committee member of the Library Commission</td>
<td>City of Martinez</td>
<td>X</td>
</tr>
<tr>
<td>Smith</td>
<td>Alan</td>
<td>By-laws Committee member of the Library Commission</td>
<td>CCC District IV</td>
<td>X</td>
</tr>
<tr>
<td>Tumin</td>
<td>Cindy</td>
<td>By-laws Committee member of the Library Commission</td>
<td>City of Oakley</td>
<td>X</td>
</tr>
</tbody>
</table>

Total By-laws Committee Members: 4
Commissioners present: 4
With -4- By-laws Committee of the Library Commission members present, a quorum was established.

3. INTRODUCTIONS
None

4. ITEMS FROM THE PUBLIC
None.

APPROVAL OF AGENDA
The By-laws Committee of the Library Commission approved the June 21, 2011 meeting agenda.

6. OLD BUSINESS

7. REVIEW BY-LAWS
Alan Smith explained that the By-laws Committee's recommended changes were approved by the Commission and then were sent to County Counsel for review. County Counsel responded with highlighted recommendations that the By-laws Committee considered. (attachment to the agenda)
Commissioners responded to Counsel's recommendations.

IV. Duties

I. Oversee the actions of standing and ad hoc committees of the Commission.
   - Counsel questioned if "oversee" is the correct action verb.
     - Committee considered alternate verbs (monitor, manage, facilitate, guide) but decided to retain "oversee". They referenced Congress using "oversight" as something that the body does as a whole to a committee.

K. Provide local input for the County Library.
   - Counsel asked "what does this mean?"
     - Committee changed the word "local" to "community" for clarity.

Committee members prefer to include the documentation of prohibiting undertaking of personnel policies and practices as a note for clarity that the Library Commission cannot provide input on personnel matters. Committee members do not want the comment removed from the By-laws; County Counsel removed the items from the numbered list of duties and set it of as a separate item.
V. Membership

A. All appointments to the Commission must be made by the Board of Supervisors of Contra Costa County (the "Board")
- Counsel noted that this is different from existing By-laws and cited Resolution 2002/377 establishing the standards and procedures applicable to all advisory committees. Counsel pointed out that the cities nominate, the do not appoint a member to the Library Commission
  - Committee noted that city councils do appoint members to the Library Commission. As an appointed city representative, these Commissioners provide community input to the County Library from the communities they reside in and bring County Library feedback to their city councils.
  - There are five special group appointees and five County Board of Supervisor appointees established in the original County Library Commission By-laws that were approved by the Board of Supervisors in 1991 when the Commission was established.

Committee member Enholm suggested that County Counsel's interpretation is that the County Library Commission falls under Resolution No. 2002/377 as "all advisory committees", however this is not quite the case with the Library Commission, which is made up of 18 city appointed representatives, but as a whole group, the Commission is an advisory to the County Board of Supervisors. He understands how Counsel could misinterpret Commission appointments, as the annual report is submitted to the Board of Supervisors and Library Commissioners report as a Commission and as individuals.

Committee members decided to add clarification on how some Commissioners are appointed by city councils to represent their cities on the Library Commission. Suggested to say "All Board of Supervisor district appointees are approved by the Board of Supervisors. Other representatives are appointed and approved by their community's local government body."

Committee members discussed the provision that states that all advisory bodies serve at the pleasure of the Board. Committee members questioned if Resolution 2002/377 is applicable to Commissioners that are non-County appointees to the Library Commission. Since the Board of Supervisors initially approved the Library Commission with 18 city, five special groups, and five supervisorial district appointees, the original 1991 Library Commission resolution is the controlling document for the way the Library Commission is set up. The only Library Commission applications that are sent to the Clerk of the Board are the five appointed by the Board of Supervisors. The Library Commission controlling document does not comply with Resolution 2002/377, as the Library Commission is not listed as one of the categories referred to in the Resolution. The Library Commission's largest group, the cities, is not mentioned in Resolution 2002/377. The Board of Supervisors does not approve city appointees to the Commission once the cities appoint their representing Commissioner. They questioned if the Board of Supervisors can rescind appointees to the Commission that were appointed by the cities. The individuals appointed to the Commission by various entities make up the "Library Commission" which is an authorized advisory body to the Board of Supervisors. The Board of Supervisors can rescind those five Commissioners that are appointed by the Board and they can also rescind the Commission as a whole.

The Committee suggested that they receive a response in clarification to their concern about non County appointed Library Commission members from County Counsel and get the clarification synced with the 1991 Resolution that established the County Library Commission.

B. vi. "Friends Council" should replace "Friends of the Library"
vii. Committee members recognize that the original 1991 Board Order that established the Library Commission did not include the Contra Costa Community College District as part of the Commission. As a logical outgrowth of the County, much has changed since the 1991 establishment of the Library Commission and its By-laws. There is no longer a Youth Council and there are now 19
   • Cities in the County, and the establishing Board Order noted 18 cities. (Oakley became a city after establishment of the Library Commission)

C. Nominations made by a member of the Board must be of someone other than a member of the Board.

D. Nominations made by a City Council must be of someone other than a member of that city’s City Council.

In conclusion, Commissioners may not be elected officials representing the entity that they are elected to. Superintendent of Schools for Contra Costa County, Joe Ovick, currently serves on the Commission. The Committee agreed that Superintendent Ovick may remain on the Library Commission representing the Office of Education until the Office of Education decides to nominate another representative; at that point, the new representative may not be an elected official to the Office of Education.

Committee inserted “F”: “Nominations made by the special representatives must be someone other than a publicly elected member of the special representatives.”

The Commission established restricted nominations for the cities and for those that the Board appointed in establishing the Library Commission in 1991. There were no restrictions in nominations established for the five special representatives. The Committee members are proposing a change to the By-laws, and will request approval of these changes from the Board of Supervisors. By-laws changes do not require Mayors' Conference approval. The established March 7, 1991 Board Order (with subsequent amendments) may be amended with two-thirds vote and must be approved by the Board of Supervisors.

Committee members questioned whether Resolution 2002/377 applies to the individual city and special representatives, since they are not appointed by the Board, but by the appointing city or entity.

Clarification was added to item “G”: “Commission alternates may attend meetings, however Commission alternates only vote in the absence of the regular member.”

VI. Duration and Term

The Library Commission's termination date should be changed to June 30, 2016. The County Library Commission was recently reauthorized by the Board of Supervisors (May 24, 2011) and the Mayors' Conference (June 2, 2011) through June 30, 2016.

X. Meetings.

Committee members changed quorum reference to reflect the County's ruling.

“A quorum for all meetings shall be one more than half of the total authorized seats of the Commission.” The Commission quorum number has not changed, it remains at 15. The wording in the By-laws has changed from more than half of the “…then currently filled seats” to “…total authorized positions.”
XII. Conduct of Business

A. Committee discussed "No business shall be transacted at any meetings of the Commission other than on those matters named in the publicly posted agenda."

This statement appears slightly stronger than the State law and County ordinance. Three Committee members agreed that this statement gives an extra layer of protection, in that the Commission cannot act on anything that is not posted as an action item on the publicly noticed agenda.

XIV Amendments to By-laws

Committee member Enholm expressed that the statement in "A." does not reference the Commission's legal authority. He expressed that By-laws can only be amended and restricting nominations on special districts seem to be a change in the By-laws, and not an amendment.

Committee members agreed that these changes and amendments will be considered for approval by the Board of Supervisors.

Committee members requested a redlined copy of the By-laws showing these pending changes with their recommendations. This will be provided to the Library Commission with their July 26, 2011 agenda packet and Commissioners will consider approving the amended By-laws. At that point the amended By-laws will be given to the Board of Supervisors for final approval.

ADJOURNMENT to the REGULAR SCHEDULED JULY 26, 2011 LIBRARY COMMISSION MEETING
The By-laws Committee of the Library Commission adjourned at 5:40 p.m. to the July 26, 2011 Library Commission meeting.

Submitted by Corinne Kelly
Executive Secretary
Contra Costa County Library