CONTRA COSTA COUNTY LIBRARY COMMISSION

AGENDA ATTACHMENT 5

MEETING DATE: Thursday, May 24, 2018
AGENDA ITEM #: 5.D.
ITEM: BYLAWS (Approved April 24, 2018)

RECOMMENDED ACTION:

No action required.
To: Board of Supervisors  
From: Melinda Cervantes, County Librarian  
Date: April 24, 2018  

Subject: Amended and Restated Bylaws of the Contra Costa County Library Commission

RECOMMENDATION(S):  
ADOPT the Amended and Restated Bylaws of the Contra Costa County Library Commission, as recommended by the Library Commission and County Librarian.

FISCAL IMPACT:  
No fiscal impact.

BACKGROUND:  
The Library Commission was established by the Board on March 12, 1991. The 1991 Board Order established the composition and powers of the Commission. Since that time, a number of changes have occurred that have affected the Commission. The City of Richmond elected to leave the Commission. Two new members were added to the Commission when the City of Oakley incorporated in 2000 and the College District was invited to join.

On December 19, 2017, the Board approved the current composition of the Commission and assorted changes to the powers of the Commission. At the same time, the Board directed the Librarian to propose, within ninety days, revisions to the Commission’s bylaws to reflect the approved changes. The proposed Amended and Restated Bylaws are attached.

☑ APPROVE  ☐ OTHER  
☑ RECOMMENDATION OF CNTY ADMINISTRATOR  ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 04/24/2018  ☑ APPROVED AS RECOMMENDED  ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor  
  Candace Andersen, District II  
  Supervisor  
  Diane Burgis, District III  
  Supervisor  
  Karen Mitchoff, District IV  
  Supervisor  
  Federal D. Glover, District V  
  Supervisor

☐ NAY:  
☐ ABSTAIN:  

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: April 24, 2018  
David J. Twain, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: Walt Beveridge  
925-608-7730

cc:
BACKGROUND: (CONT'D)

The following key terms are incorporated into the Amended and Restated Bylaws:

1. **Composition.** When all of the positions are filled, the Commission will be comprised of no fewer than twenty-four voting members and no more than twenty-eight total members. The Commission will have the following voting members: Eighteen city (town) representatives, five representatives of the County, with each member of the Board having one appointment, and one member appointed by the Contra Costa Central Labor Council, for a total of twenty-four voting members. In addition, the Commission will have four ex officio (non-voting) members, with each of the following entities having one appointment: the Contra Costa County Office of Education, the Contra Costa Friends Council, the East Bay Leadership Council and the Contra Costa Community College District.

2. **Term.** Each member will serve a 4-year term and may be reappointed by their appointing authority. Each member, including a member appointed to fill a vacancy, will hold the seat for which they were appointed until the expiration of the term for that seat, or until that member’s earlier resignation or removal in accordance with the bylaws.

   Each member is being appointed to one of four “classes,” as assigned by the Librarian. The purpose of the classes is to enable the expiration dates of members’ terms to be staggered. A copy of the class assignments is attached. Some members will have a “transition term,” to bridge them from their current term to the term that applies to their class.

3. **Quorum.** A quorum for all meetings is thirteen voting members.

4. **Voting.** Except for a vote related to an amendment to the bylaws, the work of the Commission may proceed by consensus as long as there is no objection from a member to proceeding in this manner. When a member requests a recorded vote, the matter may only be approved if it is approved by a majority of the County members present and a majority of the City members present. For purposes of such a vote, the vote of the Labor Council member will be counted as a City member vote.

5. **Amendments to Bylaws.** Only the Board of Supervisors may amend the Commission’s bylaws. A recommendation to the Board that the bylaws be amended must be approved by an affirmative vote of 60% of the voting members of the Commission.

6. **Working Committees.** The Commission may appoint working committees of no more than five members. All working committees will make progress reports to the Commission at the Commission’s regular meetings. All working committees are encouraged to contain a representative mix of County members, City members and non-voting members.

**CONSEQUENCE OF NEGATIVE ACTION:**
If these revised bylaws are not approved, there will be inconsistencies between the existing bylaws and the Board Order of December 19, 2017, which made changes to the composition and powers of the Library Commission.

**CHILDREN’S IMPACT STATEMENT:**
No children's impact.
AMENDED AND RESTATED BYLAWS OF THE

CONTRA COSTA COUNTY LIBRARY COMMISSION

Adopted April 24, 2018
AMENDED AND RESTATED BYLAWS
OF THE CONTRA COSTA COUNTY
LIBRARY COMMISSION
April 2018

I.  NAME

The name of the commission is the Contra Costa County Library Commission ("the Commission").

II.  AUTHORITY

The Commission is organized and exists as an advisory board to the Board of Supervisors of Contra Costa County (the "Board") and the County Librarian pursuant to an Order of the Board dated March 12, 1991. The composition of the Commission and certain of its powers were revised pursuant to an Order of the Board dated December 19, 2017, and an Order of the Board dated April 24, 2018.

III.  PURPOSE

The Commission is created for the following purposes:

A.  To serve in an advisory capacity to the Board and the County Librarian.

B.  To provide community linkage to the County Library including, but not limited to, providing regular reports on the activities of the Commission to appointing authorities.

C.  To serve as a forum for the community to express its views regarding the goals and operations of the County Library.

D.  To assist the Board and the County Librarian in providing library services based on assessed public need.

E.  To develop and recommend proposals to the Board and the County Librarian for the betterment of the County Library, including, but not limited to, such efforts as insuring a stable and adequate funding level for the libraries in the County.

IV.  DUTIES

The Commission shall perform the following advisory functions:

A.  Participate in the planning process, including the Library element of the County General Plan and the Library Strategic Plan.
B. Assist in the review of County Library policies that the Commission and the County Librarian determine will improve the operations of the County Library and service to the public.

C. Perform such other tasks and undertake such other assignments as may from time to time be referred to the Commission by the Board or the County Librarian.

D. Provide reports to the Board and the County Librarian when the Commission deems such reports to be timely and appropriate.

The Library Commission is an advisory body and as such is specifically prohibited from (i) undertaking any inquiry or investigation into the personnel policies and practices of the County Library or the day-to-day administrative operations of the County Library, and, (ii) from taking any action that would imply the County’s support or opposition to legislation, in the absence of, or that is inconsistent with, adopted Board positions. Only the Board of Supervisors can send letters on a particular piece of legislation.

V. COMPOSITION

When all positions are filled, the Commission will be comprised of no fewer than twenty-four voting members and no more than twenty-eight total members (voting and non-voting members are “Members”). The composition of the Commission will be as follows:

A. Eighteen city (town) representatives, with each of the eighteen cities and towns in the County Library Service Area\(^1\) having one appointment, and with each appointment being (i) other than a member of the city (town) council, and (ii) a voting Member (each such Member a “City Member”).

B. Five representatives of the County, with each member of the Board having one appointment and each appointment being (i) other than a member of the Board, and (ii) a voting Member (each such Member, a “County Member”).

C. Four ex officio (non-voting) Members, with (i) each of the following entities having one appointment, and (ii) each to be other than an elected member of the appointing authority’s governing body.

- Contra Costa County Office of Education
- Contra Costa Friends Council
- East Bay Leadership Council

\(^1\) The eighteen cities/towns are: Antioch, Brentwood, Clayton, Concord, Danville, El Cerrito, Hercules, Lafayette, Martinez, Moraga, Oakley, Orinda, Pinole, Pittsburg, Pleasant Hill, San Pablo, San Ramon and Walnut Creek.
D. One voting Member appointed by the Contra Costa Central Labor Council (the “Labor Council Member”).

An appointing authority may appoint an alternate member to participate as a Member when the primary Member is absent. When the primary Member is absent, the alternate member will serve as the voting Member for the appointing authority. Alternate members may attend any meeting, but may only vote in the absence of the primary Member.

When a vacancy occurs, the entity represented by the vacant seat may appoint a replacement representative.

VI. DURATION AND TERM

A. General.

1. Term. Following any applicable Transition Term, as defined below, each Member will serve 4-year term and may be reappointed by their appointing authority. Each Member, including a Member appointed to fill a vacancy, will hold the seat for which they were appointed until the expiration of the term for that seat, or until that Member’s earlier resignation or removal in accordance with these bylaws.

2. Definitions.

   a) “Class 1” means the group of Members that have a four-year term beginning July 1, 2018.

   b) “Class 2” means the group of Members that have a four-year term beginning July 1, 2019.

   c) “Class 3” means the group of Members that have a four-year term beginning July 1, 2020.

   d) “Class 4” means the group of Members that have a four-year term beginning July 1, 2021.

   e) “Current Term” means the term in effect at the time these bylaws are amended and restated by the Board in 2018.

   f) “Transition Term” means the period of time that begins on the day after the Member’s Current Term expires, and ends on (i) June 30, 2018, if the Member is in Class 1, (ii) June 30, 2019, if the Member is in Class 2, (iii)
June 30, 2020, if the Member is in Class 3, and (iv) June 30, 2021, if the Member is in Class 4.

3. Class Assignments. Class assignments will be determined by the County Librarian.

B. Rescission. Either the Board or the appointing authority may rescind an appointment to the Commission.

VII. ATTENDANCE REQUIREMENTS

Regular attendance at meetings of the Commission is required. An unexcused absence from three regularly scheduled consecutive meetings will be considered grounds for the Commission to recommend to the Board that it rescind the absentee Member's appointment. Excused absences will be granted for the following reasons: illness of self, member of immediate family, or close friend; death of member of immediate family or close friend; requirements of the member's job or elected/appointed position; vacation. A Member must contact the Secretary prior to the meeting to be excused from a meeting.

Before making a recommendation of rescission to the Board, the Chair will notify any Member whose appointment is at risk.

VIII. OPEN MEETINGS AND CONFLICT OF INTEREST

Commission meetings must be open to the public in accordance with the Ralph M. Brown Act, (Gov. Code 54950 et seq.) and the Contra Costa County Better Government Ordinance. Commission members must adhere to the principles and rules of the Political Reform Act of 1974 (Gov. Code 81000 et seq.).

IX. OFFICERS

A. The Commission shall elect its own Chair and Vice Chair. The County Librarian will be the Secretary.

B. The Chair shall (i) preside at all meetings of the Commission, (ii) set the agenda and review minutes for all meetings in consultation with the Secretary, (iii) have general supervision over all Commission business and (iv) have such other powers and duties as may be assigned by the Commission, provided such powers and duties are consistent with these bylaws.

C. The Vice Chair shall, in the absence or inability of the Chair to act, exercise all the powers and perform all the duties of the Chair. The Vice Chair shall also have such other powers and duties as may be assigned by the Commission, provided such powers and duties are consistent with these bylaws.
D. The Secretary will keep the minutes of the meetings of the Commission. In consultation with the Chair, the Secretary shall prepare all agendas. The Secretary shall distribute all agendas, act as custodian of Commission records, keep a register of the contact information of each member, which information is to be furnished to the Secretary by each member and, in general, perform all duties incident to the office of Secretary.

E. The Chair and Vice Chair shall be elected annually at the regular November meeting for a term of one year and may succeed themselves for one additional consecutive term. Officer vacancies are to be filled by election at the next regular meeting.

X. MEETINGS

A. The Commission shall hold regular meetings at least quarterly at 7:00 p.m. at the Contra Costa County Library Headquarters, 777 Arnold Drive, Suite 210, Martinez, California 94553, or other designated location. Ninety-six hours' notice must be given for all regular meetings.

B. A special meeting may be called at any time by the Chair or by a Commission majority.

C. A quorum for all meetings is thirteen voting Members.

D. The agenda and minutes of each meeting is to be sent electronically to each member, the Board of Supervisors, and any additional persons authorized by the Commission. A paper copy of the agenda and minutes of each meeting will be mailed upon request. Other persons requesting the minutes of a meeting must do so in writing to the Secretary and pay the prevailing copying and mailing rates.

XI. VOTING

A. The work of the Commission may proceed by consensus as long as there is no objection from a Member to proceeding in this manner.

B. Except as provided in Section XIV below, on any matter where a Member requests a recorded vote, the matter may only be approved if it is approved by a majority of the County Members present and a majority of the City Members present. For purposes of this section, the vote of the Labor Council Member will be counted as a City Member vote.

C. Proxy voting is not permitted.

D. Alternate members may only vote in the absence of the primary Member.
XII. CONDUCT OF BUSINESS

A. Only business that is clearly identified as an item of discussion on the publicly-posted meeting agenda may be transacted at a meeting of the Commission, except as permitted under the Ralph M. Brown Act and Contra Costa County Better Governance Ordinance.

B. All meetings of the Commission are to be called to order by the Chair, or in the Chair's absence, by the Vice Chair, or in the Vice Chair's absence, by a Member designated for that purpose by the Chair or Vice Chair. In the absence of any such designation, the Commission may designate an acting chair by majority vote.

C. Public comment at all meetings is to be permitted in accordance with applicable law.

XIII. COMMITTEES

A. The Commission may appoint working committees of no more than five Members for such specific purposes as appropriate for the conduct of the business of the Commission.

B. All working committees shall make progress reports to the Commission at each of the Commission's regular meetings.

C. All working committees are encouraged to contain a representative mix of County Members, City Members and non-voting Members.

XIV. AMENDMENTS TO THE BYLAWS

A. Only the Board may amend these bylaws. A recommendation to the Board that these bylaws be amended must be approved by an affirmative vote of 60% of the voting Members.

B. Any proposed amendment to these bylaws is to be presented in writing at a regular meeting of the Commission for discussion. The Commission shall vote on the proposed amendments at the next regular meeting of the Commission. The agenda for such meeting is to contain an item entitled "Proposed Bylaws Amendment."

XV. PUBLIC ACCESS TO COMMISSION RECORDS

The County Library shall make available to the general public all records of the Library Commission as required by law.