



Contra
Costa
County

To: Board of Supervisors
From: Melinda Cervantes, County Librarian
Date: March 12, 2019

Subject: Amended and Restated Bylaws of the Contra Costa County Library Commission (2019)

RECOMMENDATION(S):

ADOPT the Amended and Restated Bylaws of the Contra Costa County Library Commission, as recommended by the Library Commission and the 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. On April 24, 2018, the Board of Supervisors approved the Amended and Restated Bylaws of the Commission. During the regular Commission meeting in November, 2018, the Commissioners discussed moving some of the meetings to other library facilities as a way of achieving Goal 3, Objective 2 of the 2019 Work

APPROVE

OTHER

RECOMMENDATION OF CNTY ADMINISTRATOR

RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/12/2019** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

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: March 12, 2019

Contact: Walter Beveridge
925-608-7730

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

BACKGROUND: (CONT'D)

Plan: "Conduct more meetings of the Commission at community libraries." It was discovered during this discussion that while the current bylaws grant the Commission the ability to change the location of the meeting, they are silent on the ability to alter the day/time of the meeting. This addition to the bylaws seeks to remedy that oversight.

CONSEQUENCE OF NEGATIVE ACTION:

If these revised bylaws are not approved, the Library Commission will not have the flexibility necessary to allow changes in meeting days/times. This flexibility will aid the Commission in achieving Goal 3, Objective 2 of their current 2019 Work Plan: "Conduct more meetings of the Commission at community libraries."

CHILDREN'S IMPACT STATEMENT:

None.

ATTACHMENTS

Bylaws - Clean Copy

2019 Draft Bylaws with added language

**AMENDED AND RESTATED BYLAWS OF THE
CONTRA COSTA COUNTY LIBRARY COMMISSION**

Adopted March 12, 2019

**AMENDED AND RESTATED BYLAWS
OF THE CONTRA COSTA COUNTY
LIBRARY COMMISSION
March 2019**

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 Area¹ 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.

- Contra Costa Community College District

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 dates and times to be determined by vote of the Commission, at the final meeting of the year for the year following. Meetings will be held 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.

Note: New text being added to these bylaws is highlighted in yellow on page 5.

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