

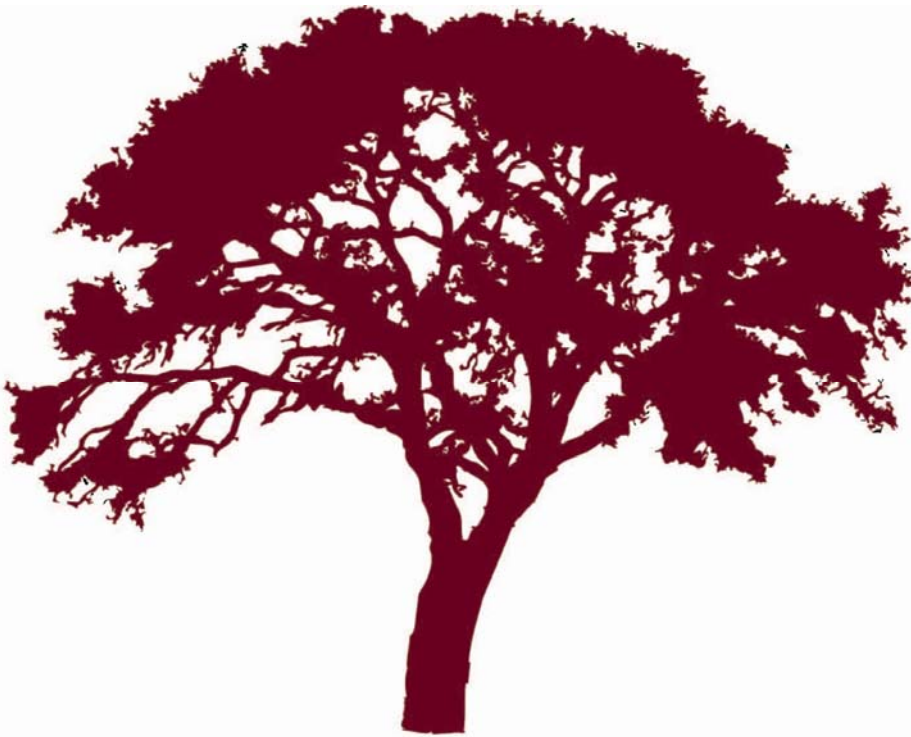
# City of Oakland Office of the City Auditor

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September 20, 2010

## Measure Q Performance Audit FY 2007–08 & FY 2008–09

*Library funds largely complied with the  
Measure's objectives, yet several  
previously identified issues  
remain unaddressed*



City Auditor  
Courtney A. Ruby, CPA, CFE

# PERFORMANCE AUDIT





CITY HALL • ONE FRANK H. OGAWA PLAZA, 4<sup>TH</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Auditor  
Courtney A. Ruby, CPA, CFE  
City Auditor

(510) 238-3378  
FAX (510) 238-7640  
TDD (510) 238-3254  
[www.oaklandauditor.com](http://www.oaklandauditor.com)

September 20, 2010

OFFICE OF THE MAYOR  
HONORABLE CITY COUNCIL  
OAKLAND CITIZENS  
OAKLAND, CALIFORNIA

**RE: Measure Q Performance Audit, FY 2007–08 & FY 2008–09**

Dear Mayor Dellums, President Brunner, Members of the Council and Oakland Citizens:

Attached is the Measure Q Performance Audit for fiscal years 2007-08 and 2008-09.

The Library Services Retention and Enhancement Act of 1994, as Amended in 2004, commonly referred to as Measure Q, specifies a mandated audit as a means to ensure proper disbursement and accountability of the parcel tax's proceeds.

This audit's objective was to determine whether or not the City complied with the requirements of Measure Q, which are outlined in 12 specific objectives.

The audit also analyzed if the Administration, Mayor and City Council had implemented the recommendations from the previously issued Measure Q Performance Audit, dated October 27, 2008.

Overall, this audit found:

- The City met Measure Q's funding requirements
- Expenditures largely complied with the Measure's objectives
- Several operational issues identified in the previous audit have not been addressed
- Citizen oversight, as required in the Measure and called out in the previous audit, is not being achieved

The audit has concluded that the Administration has generally met the intent of Measure Q. However, the Administration has faltered in making progress on implementing six out of eight previous recommendations from the 2008 Measure Q Performance Audit. As Measure Q mandates, it is incumbent upon the Administration to fulfill its responsibilities to citizens and implement the audit's recommendations with haste and in full.

In order to address these deficiencies, the Administration must ensure library specific purchasing procedures are created, implemented and monitored; a separate reserve fund is created; and only expenditures related to library services are charged to the Measure Q fund.

Issues related to the Library Advisory Commission, the body Measure Q assigns citizen oversight, must also be addressed. The audit calls on the Mayor and the City Council to meet Measure Q's mandate for this oversight commission by making timely appointments and reorganizing the membership to a more effective size. It is important to remember that the effective operation of this Commission is a mandate – not a choice.

We would like to express our appreciation to the Office of the City Administrator and Oakland Public Library (OPL) management and staff for their cooperation throughout this audit process. A response from the City Administration is included at the end of the report.

I would also like to acknowledge my staff for their dedicated service in performing the Measure Q Performance Audit Report Series.

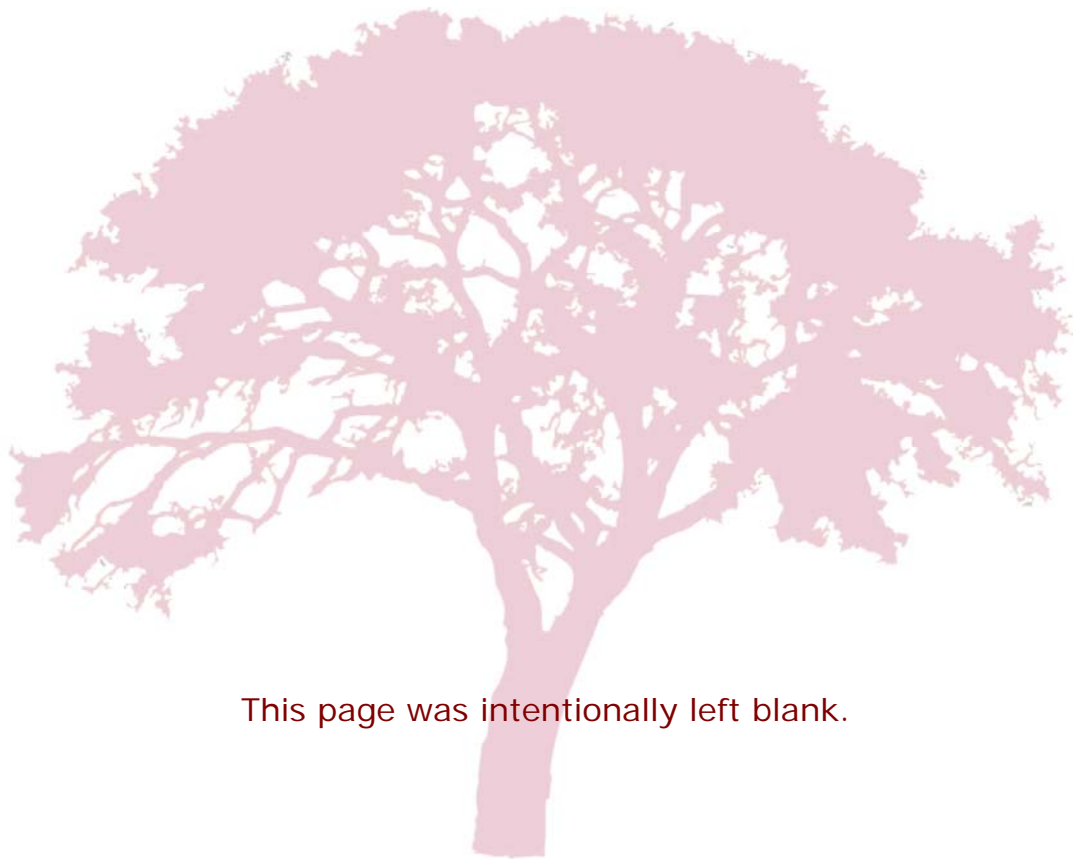
Respectfully submitted,

A handwritten signature in cursive script that reads "Courtney A. Ruby". The signature is written in black ink and is positioned above the typed name.

COURTNEY A. RUBY, CPA, CFE  
City Auditor

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# Measure Q Performance Audit Report Summary

## Expenditures & Internal Controls

### **LIBRARY FUNDS LARGELY COMPLIED WITH THE MEASURE'S OBJECTIVES, YET SEVERAL PREVIOUSLY IDENTIFIED ISSUES REMAIN UNADDRESSED**

#### Overview

The Office of the City Auditor conducted a performance audit of Measure Q. The scope of the audit focused primarily on Fiscal Years (FY) 2007-08 and 2008-09. The objectives of this audit were to analyze and evaluate the City's compliance with Measure Q requirements to:

- Expend parcel tax proceeds for Measure Q's 12 specified objectives;
- Provide appropriations from the City's General Fund for library services in FY 2007-08 and FY 2008-09 at a level no lower than \$9,059,989 – the General Fund appropriation for FY 2000-01;
- Establish a Reserve Fund in the amount of five percent (5%) of the total parcel taxes collected by the City in the previous fiscal year; and
- Designate a body comprised of Oakland citizens to make recommendations and review the expenditures of the funds.

The performance audit also examined whether or not the City implemented the recommendations made in the October 2008 audit report.<sup>1</sup>

#### Key Findings

- The City met Measure Q's funding requirements, and Measure Q expenditures largely complied with the Measure's objectives.
- The Budget Office successfully established a baseline budget that incorporated General Facilities Support charges based on the most recent prior fiscal year actuals.
- The Oakland Public Library did not develop and implement a formal, written manual of policies and procedures for processing purchases, over which it holds authority and responsibility.
- The Mayor and City Council neither complied with Measure Q's enabling ordinance to appoint 15 members to Library Advisory Commission, nor did they take steps to ensure that the Library Advisory Commission could effectively perform its citizen oversight role.
- The City Administration failed to establish the Reserve Fund, as required by Measure Q.

#### Key Recommendations

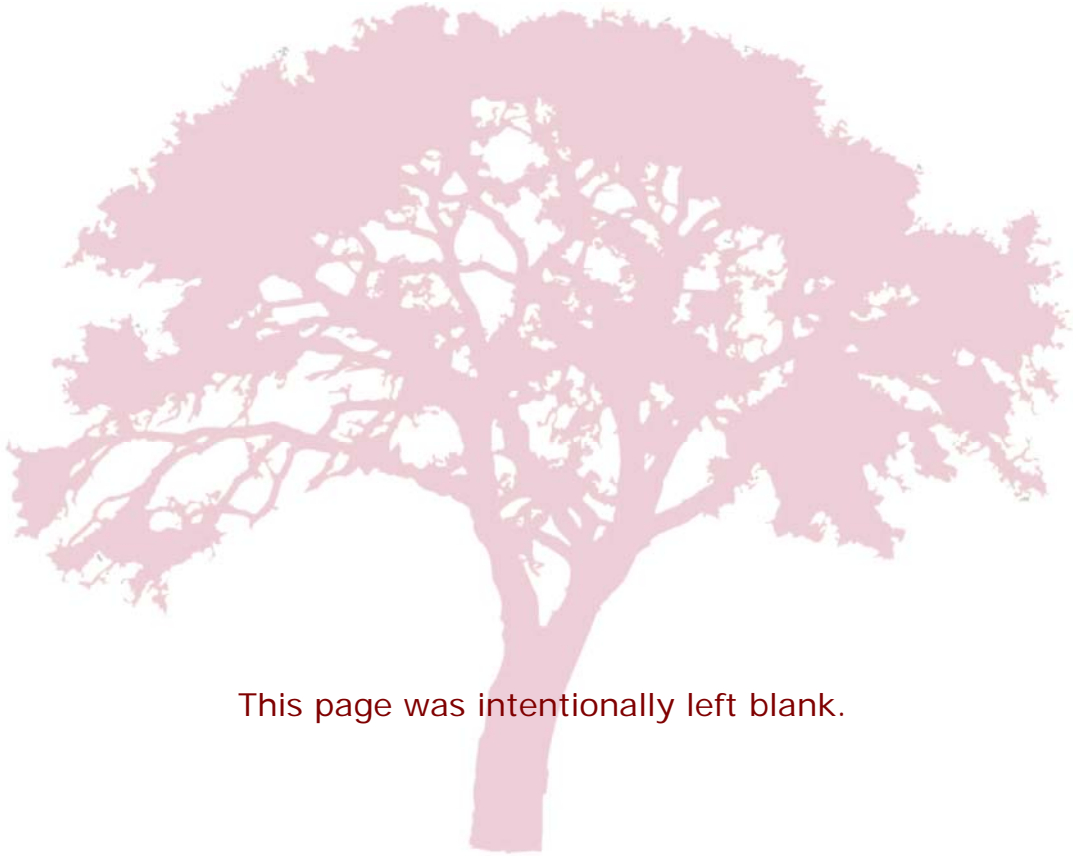
We recommend that the City Administration:

- Work together with the Community and Economic Development Agency and the Oakland Public Library to identify what Common Area Maintenance fees are not appropriate expenditures for Measure Q and devise a plan for charging such fees to Fund 1010 or the appropriate fund.
- Direct the Oakland Public Library to develop a formal, written manual of policies and procedures for processing purchases for which it has the authority and responsibility, thereby reducing the risk of error and fraud in its purchase process.
- Direct the Budget Office to establish the Measure Q Reserve Fund, as required by Measure Q, and to obtain the input of the Oakland Public Library in doing so.

We recommend that the Mayor and City Council:

- Investigate alternatives to facilitate appointments to Library Advisory Commission and determine what constitutes a reasonable membership size for Library Advisory Commission to ensure the Commission can carry out its citizen oversight role in an effective manner.

<sup>1</sup> Measure Q Performance Audit: Library Funds were mostly spent in accordance with the Measure, dated October 27, 2008, which covered FY 2005-06 and FY 2006-07.



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## Background

The Library Services Retention and Enhancement Act of 1994, as Amended in 2004, commonly referred to as Measure Q, set forth several requirements aimed at supporting library services for the City of Oakland (the City).

- A parcel tax to be imposed for the purpose of providing a source of funding to support library services that are consistent with twelve (12) objectives specified by the Measure
- The Oakland City Council may collect the parcel tax only if the General Fund appropriation for library services is maintained at a level no lower than the General Fund appropriation for fiscal year 2001, which was \$9,059,989
- The City shall establish a Reserve Fund and shall maintain a Reserve Fund requirement in the amount of five percent (5%) of the total parcel tax collected by the City in the previous fiscal year
- The Oakland City Council designates a body comprised of Oakland citizens to make recommendations and review the expenditures of the funds
- The Office of the City Auditor performs an annual audit to assure accountability and the proper disbursement of the proceeds from the parcel tax, in accordance with the objectives specified by the Measure

Measure Q stated that proceeds from the parcel tax could only be used for the following 12 objectives.

- (1) Keep neighborhood libraries open a minimum of six days per week and increase weekend hours
- (2) Retain availability of library services at the Main Library seven days per week
- (3) Enhance and expand library collections, including the acquisition of new books and materials
- (4) Continue to provide educational and cultural programs for youth in every library, including after-school tutoring and literacy and children's programs
- (5) Expand library-based programs in support of literacy, lifelong learning, and information technology
- (6) Operate an African-American museum and library program
- (7) Increase joint educational activities with local schools, including librarian services
- (8) Retain children's librarians in every library facility
- (9) Operate the new joint school-public library in East Oakland
- (10) Upgrade and enhance information technology in all libraries and improve access to computers and technology in the libraries
- (11) Support after-school homework programs
- (12) Support teen programs

## Objectives, Scope & Methodology

### Audit Objectives

Measure Q requires the Office of the City Auditor (Office) perform an annual audit to assure accountability and the proper disbursement of the parcel tax proceeds, in accordance with the objectives specified by the Measure. The primary objective of this audit was to determine whether or not the City expended parcel tax proceeds for Measure Q's 12 specified objectives. Additionally, this audit reviewed the City's compliance with other Measure Q requirements. These requirements are whether or not:

- The City's General Fund appropriations for library services in Fiscal Year (FY) 2007-08 and FY 2008-09 were maintained at a level no lower than \$9,059,989 – the General Fund appropriation for FY 2000-01;
- The City established a Reserve Fund in the amount of five percent (5%) of the parcel tax's total amount collected by the City in the previous fiscal year; and
- The City Council designated a body comprised of Oakland citizens to make recommendations and review the expenditures of the funds.

Additionally, this audit examined whether or not the recommendations made in the Office's October 2008 audit report<sup>2</sup> on Measure Q were implemented.

### Audit Scope

The scope of this audit covered FY 2007-08 and FY 2008-09. It also covered the Oakland Public Library's (OPL) internal controls for processing purchases, specifically a review of OPL's purchasing guidelines and purchases over which OPL has authority.

### Audit Methodology

The audit examined Oracle reports for FY 2007-08 and FY 2008-09 to ensure that the City appropriated Measure Q's required General Fund and parcel tax funds to OPL. To determine whether or not OPL's expenditures complied with Measure Q's requirements, the audit examined OPL's expenditures by category, analyzed specific expenditures associated with the Cesar Chavez Branch Library, and reviewed the City Attorney's legal opinions on the nature of expenditures appropriate for Measure Q. To determine whether or not OPL's Measure Q expenditures promoted the Measure's 12 objectives, the audit reviewed OPL management reports, calendar of events, website information, and other data.

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<sup>2</sup> Measure Q Performance Audit: Library Funds Were Mostly Spent in Accordance with the Measure, dated October 27, 2008, which covered FY 2005-06 and FY 2006-07.

To assess the adequacy of OPL's controls for processing purchases, the audit included interviews with OPL officials regarding OPL's purchasing procedures, review of OPL's 2009 Purchasing and Reimbursement Guidelines, and testing of 30 randomly selected purchases for adherence to OPL's procedures. To perform the random selection, the audit utilized the Excel random number generator function to OPL's database of purchases for FY 2007-08 and FY 2008-09. The database consisted of over 56,000 purchases and included books, materials, periodicals, computers and other Information Technology items.<sup>3</sup> The audit reviewed documentation on approvals and receipts for each of the 30 randomly selected purchases.

To assess the status of the Library Advisory Commission and whether or not the membership of this Commission had increased to the required level of 15 members, the audit included interviews with OPL officials and review of Library Advisory Commission documents, such as the enabling ordinance, meeting agendas and membership lists.

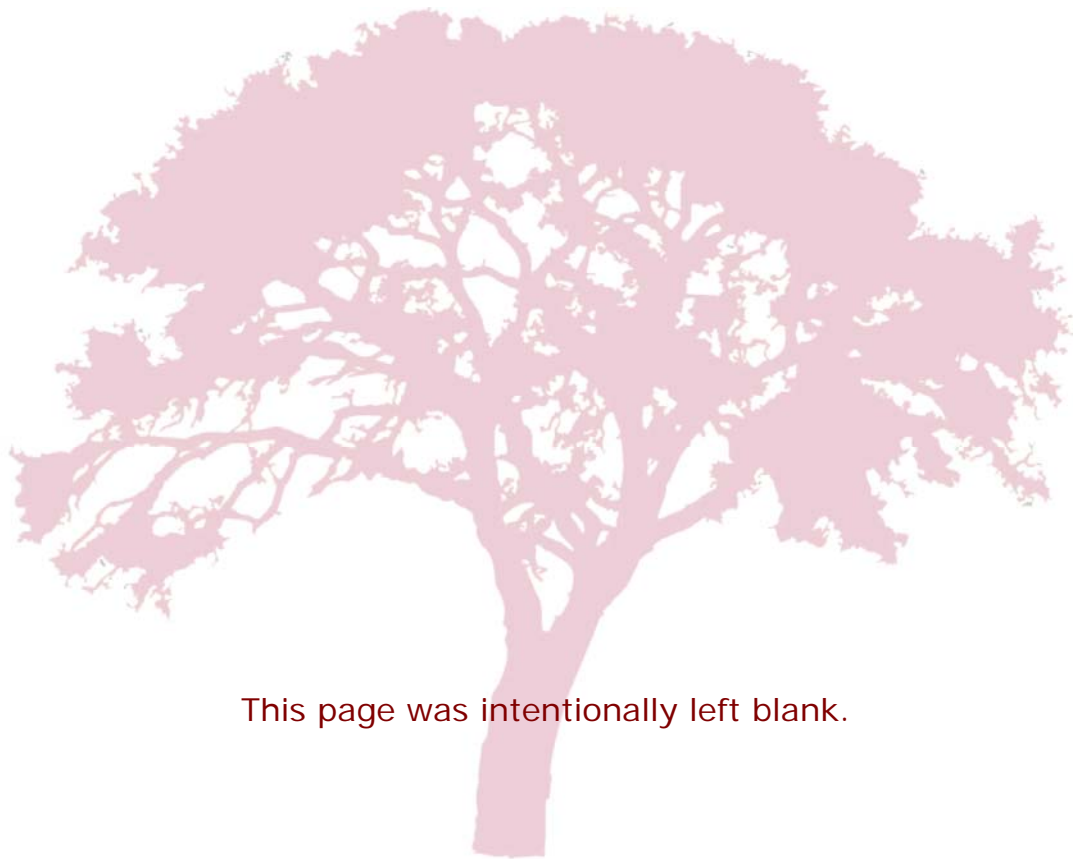
To determine whether or not the Measure Q Reserve Fund had been established as required by the Measure, the audit reviewed relevant provisions in Measure Q and obtained clarification from the Office of the City Attorney. The audit included interviews with officials from the City Administration's Budget Office, the Accounting Division and OPL, and review of April 2008 City Council Agenda Reports and the Adopted Policy Budget for FY 2009-11.

To establish whether or not the City Administration had implemented changes to the timeframe and the basis for Facilities Support Services charges, the audit included interviews with officials from the Budget Office and OPL.

The Office conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that the Office plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the audit findings and conclusions based on the audit objectives. The Office believes that the evidence obtained provides a reasonable basis for our findings and conclusions based on the audit objectives.

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<sup>3</sup> OPL provides funding codes to the Department of Information Technology, which processes purchases of computers and IT related items. OPL Management stated that it is developing purchasing procedures, which will include a description of its role in processing IT purchases.



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# CHAPTER 1

## THE CITY MET MEASURE Q'S FUNDING REQUIREMENTS, AND EXPENDITURES LARGELY COMPLIED WITH THE MEASURE'S OBJECTIVES

### Funding Requirements

According to the Office's review of the City's financial reports for FY 2007-08 and FY 2008-09, the City met Measure Q's funding requirements for OPL. Under Measure Q requirements, the City Council may only collect the parcel tax if the General Fund appropriation for library services is maintained at a level no lower than the General Fund appropriation for FY 2000-01 – which was \$9,059,989. The audit's review showed that the City received and appropriated parcel taxes in the amounts of \$11,825,369 and \$12,415,565 in FY 2007-08 and FY 2008-09, respectively. The City also appropriated from the General Fund \$12,909,819 and \$10,524,617, respectively, to library services. Therefore, the City complied with Measure Q's funding requirements for library services.

### Expenditures

The primary intent of Measure Q is to ensure that parcel tax proceeds are: (1) expended to facilitate the expansion of library services and programs and (2) maintain existing services and programs. The audit's review of OPL expenditures showed that OPL expended Measure Q funds for personnel, operations and maintenance, as well as programs and services in support of Measure Q's 12 objectives.

As detailed in Exhibit 1 below, during FY 2007-08 and FY 2008-09, 72 percent of the Measure Q funds were expended for personnel and 28 percent for operations and maintenance. There were no reported expenditures for overhead.

#### Exhibit 1: MEASURE Q EXPENDITURES FY 2007-08 AND FY 2008-09

Expenditure Category	FY 2007-08	FY 2008-09	Total	Percent of Total
Personnel	\$8,551,521	\$7,724,267	\$16,275,788	72%
Operations & Maintenance	\$3,142,712	\$3,126,020	\$6,268,732	28%
Overhead	\$0	\$0	\$0	0%
TOTAL	\$11,694,233	\$10,850,287	\$22,544,520	100%

Source: Oracle Financial Reports

OPL expenditures for personnel included payroll and benefits for librarians, as well as administrative and custodial staff at the Main Library and branch libraries. Although OPL eliminated 16 positions (five full-time and 11 part-time) dedicated to literacy or children's services during FY 2007-08 and FY 2008-09, OPL hired approximately 50 part-time, on-call library aides to carry out various assignments, including children's services for the same period. Since the Office's last audit, the job descriptions of OPL's employees have not changed. OPL's employees perform duties that are consistent with keeping the library open and providing library services, activities which are consistent with the intent of Measure Q. Thus, the audit concludes that OPL's personnel expenditures were appropriate and complied with the intent of Measure Q.

#### Operations and Maintenance (O&M) – Common Area Maintenance Fees

OPL's expenditures for Operations and Maintenance (O&M) included:

- Maintenance
- Purchases of books
- Supplies for children, youth, adult and family programs or activities
- Information technology (online databases, software/hardware)

OPL's O&M expenditures also included costs for common area maintenance (CAM) fees related to the operations of the Cesar Chavez Branch Library and charges for facilities support services. Among CAM fees are costs for cleaning, mechanical maintenance, elevator maintenance, security, insurance, utilities, and parking expense.

CAM fees charged to Measure Q totaled approximately \$145,000 and \$131,000 for FY 2007-08 and FY 2008-09, respectively. The audit found \$21,924 for each year was questionable. The Office's October 2008 audit report referred to the City Attorney's opinion that noted while some CAM fees were necessary to keep the Cesar Chavez Branch Library open, costs such as administration appeared to be distantly connected to the provision of library services. An OPL official stated that most CAM fees were necessary to provide library services, and that among these, the fees for administration appeared to be the only costs that were questionable.

In the Office's October 2008 audit report, the audit recommended that OPL research CAM fees to determine which fees were directly connected to library operations. OPL agreed to work with the Community and Economic Development Agency (CEDA) Real Estate office to review these fees. In response to the Office following-up on the recommendation during this audit, OPL officials stated several reasons why the recommendation had not yet been implemented:

- Neither CEDA Real Estate nor OPL were qualified to determine if any CAM fees were connected to the provision of library services
- OPL did not have the resources to conduct an investigation on CAM fees and to do so would not be cost-effective
- The City Administration negotiated the lease agreement, which contained CAM fee terms; OPL was required to accept the terms

To ensure that CAM fees are appropriate expenditures for Measure Q, the City Administrator's Office, CEDA, and OPL should work together to identify CAM fees that are not appropriate expenditures for Measure Q and devise a plan for charging such fees to the appropriate fund.

#### Operations and Maintenance (O&M) – Facilities Support Services Fees

OPL's O&M expenditures also included costs for facilities support services. These costs totaled over \$512,000 and \$483,000 in FY 2007-08 and FY 2008-09, respectively. Facilities support charges include costs for material and labor for custodial services, utilities, and building maintenance. These costs are appropriate expenditures and necessary to maintain and keep the libraries open.

The City's Public Works Agency (PWA) charges OPL and other City departments for facilities support costs at the beginning of the fiscal year and adjusts for the actual costs at the end of the fiscal year. The Office's October 2008 audit found that PWA over-charged the Measure Q Fund by \$60,537 for facilities support services and recommended that the City reimburse Measure Q funds for the overpayment. The audit's review confirmed that the City reimbursed Measure Q funds for the overpayment.

However, OPL underpaid PWA for facilities support services by \$79,736 and \$50,186, during FY 2007-08 and FY 2008-09, respectively. Although the City has continued to run negative balances for city-wide facilities support costs, a Budget Office official stated that OPL and other City agencies would need to reimburse the PWA over a ten-year period for the under-funded facilities support costs. The reimbursement would be charged to Fund 1010, not Fund 2240 (Measure Q). Therefore, there is no impact on Measure Q funds.

The Office's October 2008 audit report also recommended that the City establish a process to ensure that charges for facilities support services reflect only actual facilities support services costs. The audit confirmed that the Budget Office implemented the recommendation beginning in FY 2007-08 by incorporating Facilities Support costs into the proposed budget, based on the most recent prior year actuals.

## **Conclusion**

Except for CAM expenditures associated with the Cesar Chavez Branch Library, O&M expenditures were consistent with Measure Q's intent of supporting library-based programs for children, youth, and adults. The audit concludes that most of OPL's O&M expenditures were appropriate and complied with Measure Q's intent.

<b>MEASURE Q 12 OBJECTIVES</b>	<b>EXPENDITURES FOR PROGRAMS AND ACTIVITIES PROMOTE MEASURE Q'S 12 OBJECTIVES</b>
<p>Measure Q requires OPL to expend parcel tax proceeds for activities and programs in support of its 12 objectives.<sup>4</sup> OPL expended Measure Q funds to support or otherwise promote the 12 objectives described in Measure Q. Below are some examples of how the Library supported the 12 objectives of Measure Q.</p>	

**Objective 1** Requires OPL to expend Measure Q proceeds to keep neighborhood libraries open a minimum of six days per week as well as to increase weekend hours. During FY 2007-08 and FY 2008-09, all branch libraries operated on a six-day schedule, except for City holidays and mandatory business shutdown days.

**Objective 2** Requires OPL to expend Measure Q proceeds to retain the availability of library services at the Main Library seven days per week; OPL did so during FY 2007-08 and FY 2008-09.

**Objective 3** Requires OPL to expend Measure Q proceeds to enhance and expand library collections, including the acquisition of new books and materials. OPL enhanced or expanded its collections by acquiring books, periodicals, online databases, and materials during FY 2007-08 and FY 2008-09. For example, OPL expended \$922,481 and \$1,086,336, in FY 2007-08 and FY 2008-09, respectively, for books and materials. OPL also spent more than \$186,000 and \$280,000 in FY 2007-08 and FY 2008-09, respectively, for online databases and e-books.

**Objective 4** Requires expenditures of Measure Q proceeds to continue providing educational and cultural programs for youth in every library, including school tutoring as well as literacy and children's programs. The audit's review of OPL's branch management reports showed that 14 branch libraries provided cultural and educational programs or activities for youth during FY 2007-08 and FY 2008-09.

During FY 2007-08 and FY 2008-09, at the Main Library and branch Libraries, OPL supported tutoring in several ways. In FY 2007-08 and FY 2008-09, OPL offered computer tutoring. In FY 2008-09, OPL offered homework assistance for children through the Oakland Library After School (OLAS) program and homework assistance for teenagers during the school year. As part of its Second Start Adult Literacy Program, OPL offered free literacy and computer tutoring for adults, serving 234 students and 36 families in FY 2007-08, as well as 283 students and 38 families in FY 2008-09. Separately, OPL also offered tutoring for GED, ESL and basic literacy skills for adults in FY 2008-09.

For children's programs and activities, the audit's review of OPL's calendar of events showed that on average 15 libraries in OPL system, including the Main Library and the African-American Museum Library of Oakland, provided or supported children's programs during FY 2007-08 and FY 2008-09. The children's programs occurred on a weekly basis and included activities such as Early Literacy reading for children, wildlife presentations, puppet shows, arts and crafts, reading, kid's chess, quilting, clowns, music, preschool stories, songs, and other activities.

<sup>4</sup> On June 16, 2008, the City Attorney issued an opinion stating that Measure Q prescribes twelve different ways in which the proceeds of the parcel tax can be used for the purpose of retaining and enhancing library services and that these uses are expressed as objectives with no mandatory requirement.



- Objective 5** Requires OPL to expend Measure Q proceeds to expand library-based programs in support of literacy, lifelong learning, and information technology. The audit's review of OPL's calendar of events for FY 2007-08 and FY 2008-09 showed that the branch libraries and the Main Library offered weekly activities in support of adult education, literacy, and lifelong learning. On average in the OPL system, 11 libraries in FY 2007-08 and 13 libraries in FY 2008-09 offered activities in support of life-long learning, literacy, and information technology for adults. These activities included book clubs, literacy classes, GED classes, computer learning and tutoring, poetry reading, writers' workshops, local history lectures, knitting, and other activities. Additionally, OPL supported life-long learning in responding to more than 700,000 during FY 2007-08 and more than 600,000 reference questions during FY 2008-09. As stated above, OPL operated the Second Start Adult Literacy Program, which provided instruction for 234 and 283 adults, in FY 2007-08 and FY 2008-09, respectively.
- Objective 6** Requires OPL to expend Measure Q proceeds to operate an African-American museum and library program. OPL has been operating the African-American Museum and Library at Oakland (AAMLO) since 1994. AAMLO provides educational, cultural, and historical information on African Americans in California and the West. The AAMLO supported the objectives of Measure Q in several ways. For example, AAMLO conducted educational tours during FY 2007-08 and FY 2008-09, for three schools and seven schools, respectively. AAMLO offered other educational and cultural activities for adults, children, and youth, including films on Martin Luther King, an event on Children of the Movement, Black History Month activities, and an exhibit on African American Academic Surgeons.
- Objective 7** Requires expenditures of Measure Q proceeds to increase joint educational activities with local schools, including librarian services. The audit's review of management reports and events calendar showed that OPL supported multiple joint activities with Oakland Unified School District in FY 2007-08 and FY 2008-09. For example, branch librarians conducted story times for visiting classes, visited schools, and performed outreach to promote library activities like Family Reading Nights. For several months in both FY 2007-08 and FY 2008-09, OPL also provided drop-in homework help and enrichment activities at four branch libraries through its Oakland Libraries After School program (OLAS) for students in Kindergarten to 6<sup>th</sup> grade.
- Objective 8** Requires Measure Q proceeds be expended to retain children's librarians in every library facility. The audit's review of children's librarians showed that OPL employed children's librarians at each of the 15 branches and the Main Library during FY 2007-08 and FY 2008-09.
- Objective 9** Requires that expenditures of Measure Q proceeds be used to operate the new joint school-public library in East Oakland. In this regard, OPL used Measure Q proceeds and funding from other sources to construct the East Oakland Community Library. The East Oakland Community Library, which is scheduled to open in early 2011, is 95 percent complete. This new joint school-public library will include various areas, such as an area for story time and family reading, a children's multi-purpose room, teen services, preschool, an adult (quiet) reading room, an Internet Café, a community meeting room, and Library classroom.

- Objective 10** Requires expenditures of Measure Q proceeds to upgrade and enhance information technology and improve access to computers and technology in the libraries. The audit found that all OPL libraries made computers available and accessible to the public. OPL's expenditures for information technology were used to enhance and upgrade information technology and make such technology more accessible to the public. OPL expended approximately \$256,000 and \$336,000 in FY 2007-08 and FY 2008-09, respectively, for computer hardware that supports information technology. Purchases to enhance information technology included computers, software, licensing, hardware, and online databases. During FY 2008-09, OPL completed its WiFi installation for all branch libraries, AAMLO and the Main Library, thus making WiFi available to the public.
- Objective 11** Requires expenditures of Measure Q proceeds to support after-school homework programs. According to OPL officials, during FY 2007-08 and FY 2008-09, OPL established new homework assistance programs for children and teens. The audit determined that during the school year at the Main Library and branch libraries, OPL offered computer tutoring and drop-in homework assistance for children in Kindergarten to 6<sup>th</sup> grade through the Oakland Library After School (OLAS) program.
- Objective 12** Requires expenditures of Measure Q proceeds to support teen programs. The audit's review of OPL's events calendar shows that, on average, nine of the libraries supported teen programs during FY 2007-08 and FY 2008-09. The teen programs covered activities, such as homework assistance, jewelry making, book clubs, movies and video games.
- Conclusion** **Since OPL's expenditures were made in support of the 12 objectives, the audit concludes that these expenditures complied with the intent of Measure Q.**

## CHAPTER 2

### THE CITY LACKS APPROPRIATE INTERNAL CONTROLS FOR MEASURE Q PURCHASES, CITIZEN OVERSIGHT OF EXPENDITURES, AND AN ESTABLISHED FINANCIAL RESERVE FUND

#### Purchasing Procedures Manual

OPL currently does not have a written procedures manual for processing purchases. In 2009, OPL established its Purchasing and Reimbursement Guidelines. However, OPL officials stated that staff was never formally trained on these guidelines. OPL officials explained that most of the staff does not engage in purchasing and that supervisors and certain staff, called selectors, are permitted to select books for purchase. Branch managers are given a budget to make purchases of books and are authorized to approve purchases of books.

An OPL official stated that OPL is currently revising its guidelines for processing purchases to comport with the City's new purchasing process. Thus, OPL lacks formal, written policies and procedures for purchases. The Office's October 2008 audit of Measure Q recommended that OPL develop and implement formal, written policies and procedures for processing purchases. The audit concludes that OPL has yet to develop a formal manual of policies and procedures for processing purchases over which OPL has authority to process.

The audit included a random sample of 30 purchases to verify whether or not OPL's informal procedures for obtaining approvals and receipts for purchases were followed and documented. The audit's random sample was selected from OPL's database of books, materials, periodicals, and computer-related items. As a result of the audit's review, it was confirmed that all 30 purchases sampled did have written, signed approvals for purchases, as well as stamped, signed invoices that indicated the purchase was received. However, because OPL's procedures are being revised, it is not certain if the procedures tested during the audit were complete or accurate, or whether or not additional procedures were otherwise required.

Written policies and procedures are an essential internal control activity to help ensure that management's objectives and directives are properly carried out. These objectives include ensuring assets are properly safeguarded and complying with regulations and laws. Without written procedures, management cannot assure that its purchase directives are properly followed. For example, written procedures that address segregation of duties in the purchase process are important internal control activities intended to prevent or reduce the occurrence of errors or fraud by ensuring that no single individual has control over all phases of a transaction. Written procedures that state which individuals are authorized to access records also help reduce the risk of errors, fraud, misuse, or unauthorized alteration. Thus, the lack of formal, written policies and procedures for making purchases precludes OPL from controlling or otherwise reducing the risk of error or loss from fraud in its purchasing process. To ensure that OPL has controls to reduce the risk of error and

## Library Advisory Commission

fraud over its purchasing process, OPL needs to develop, implement, and monitor a formal, written manual of policies and procedures for processing purchases for which OPL has the authority and responsibility.

Measure Q requires the Oakland City Council designate a body comprised of Oakland citizens to make recommendations and review the expenditures of the Measure's funds. To implement this portion of the Measure, the City Council passed an enabling ordinance, which specified, among other things, that the Commission shall be comprised of 15 members and that eight members of the Commission shall constitute a quorum. To become members of the Library Advisory Commission (LAC), individuals are recommended by the Mayor and City Council.

The City Council designated LAC to oversee Measure Q expenditures and make recommendations. The audit's review of LAC found that during FY 2007-08 and FY 2008-09, LAC has never been comprised of 15 members, as required by the City Council's enabling ordinance. During most of FY 2007-08 and FY 2008-09, the membership of LAC varied but, in general, was comprised of 11 members, according to the LAC meeting agendas. In June 2008, the City Council approved a reduction in the frequency of LAC meetings from every month to every other month; the City Attorney indicated that LAC meetings should be canceled when LAC fails to have a quorum. During FY 2007-08 and FY 2008-09, LAC held 12 meetings, but, during this time period, LAC did not reach a quorum at 5 of these meetings. Although meetings were conducted despite the lack of quorum, LAC could not effectively perform its citizen oversight role.

The audit also found that the appointments to LAC continue to be slow. For example, one LAC member resigned in August 2007 and two in November 2007; appointments to fill these three vacancies were, however, not made until March 2008.

An OPL official gave reasons why it was difficult to obtain enough citizens to participate as members on LAC including:

- LAC is advisory and does not have any binding authority
- The 15-member size of LAC is too large as compared to other large cities, such as San Francisco that has 10 members

The Office's October 2008 audit report recommended that OPL should work with the Mayor and City Council to comply with the enabling ordinance, which requires 15-members; it also recommends that the Mayor and City Council improve the timeliness of appointments to LAC. The Mayor and City Council, who have authority to recommend and appoint members for LAC, have not complied with the enabling ordinance to appoint 15 members to LAC. Further, the reduction in the frequency of meetings, together with the lack of quorums at several of the meetings, precludes LAC from effectively carrying out its oversight role, as required by Measure Q. To ensure that LAC is able to perform its citizen oversight role in an effective manner, the Mayor and City Council should investigate alternatives to facilitate appointments to LAC and determine what constitutes a reasonable membership size for this body.

## Reserve Fund

Measure Q requires that the City establish and maintain a Reserve Fund in the amount of five percent (5%) of the total parcel tax collected by the City in the previous fiscal year. According to the clarification the Office received from the Office of the City Attorney, the City Administration is responsible for establishing and maintaining the Measure Q Reserve Fund.

An official from the Budget Office acknowledged that the Reserve Fund had not been established. The Budget Office did not set up a project fund to deposit five percent of the parcel tax proceeds for the Measure Q reserve fund and stated that the Controller's Office was responsible for establishing the Measure Q Reserve Fund. The audit found, however, that it is the Budget Office staff's responsibility to establish a reserve fund. Therefore, the responsibility for creating the Measure Q Reserve Fund is with for the Budget Office – not the Controller's Office.

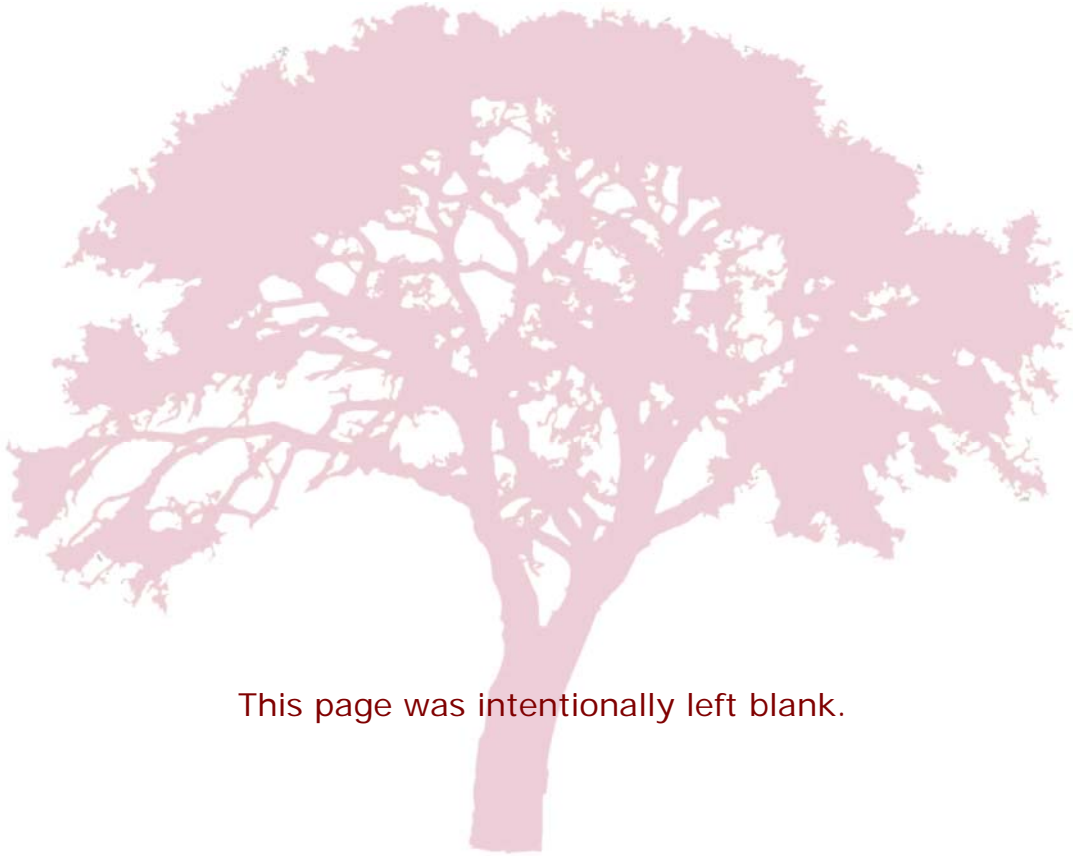
Without the Measure Q Reserve Fund in place, according to the Budget Office official, the requirement to reserve five percent of the audited actual parcel tax proceeds was met by keeping the five percent in the Measure Q Fund (Fund 2240) itself. The audit found Fund 2240 commingled appropriations and other funds. This official also stated that the Measure Q fund balance is not allowed to go below the five percent level when accounts are closed at the end of the fiscal year. The audit confirmed that at the end of FY 2007-08 and FY 2008-09, the Measure Q Fund balance was five percent or greater of the total parcel taxes collected in the prior year. However, though the Measure Q Fund balance did not end below the five percent level, the reserve funds had not been segregated or separately established, as required by Measure Q.

To make certain that Measure Q's required Reserve Fund is established, the City Administrator's Office should direct the Budget Office to establish and maintain the Reserve Fund.

## Conclusion

The Office's audit of Measure Q found that OPL expended over \$22.5 million in Measure Q funds during FY 2007-08 and FY 2008-09. Except for questionable expenditures for common area maintenance fees at the Cesar Chavez Branch Library, most of the expenditures were made in accordance with Measure Q. Though the expenditures were largely consistent with Measure Q's intent, several issues identified in the Office's 2008 audit report have not been addressed.

OPL should improve internal controls by developing and implementing a written manual of policies and procedures for processing purchases. The Library Advisory Commission, which has oversight of Measure Q expenditures, continued to operate with fewer than the required 15 members; reduced participation at meetings undermined citizen oversight and the original intent of the Measure. The Mayor and City Council need to find ways to increase participation in the Commission. Finally, the City Administrator's Office should work with the Budget Office to establish and maintain a separate reserve fund, as required by Measure Q.



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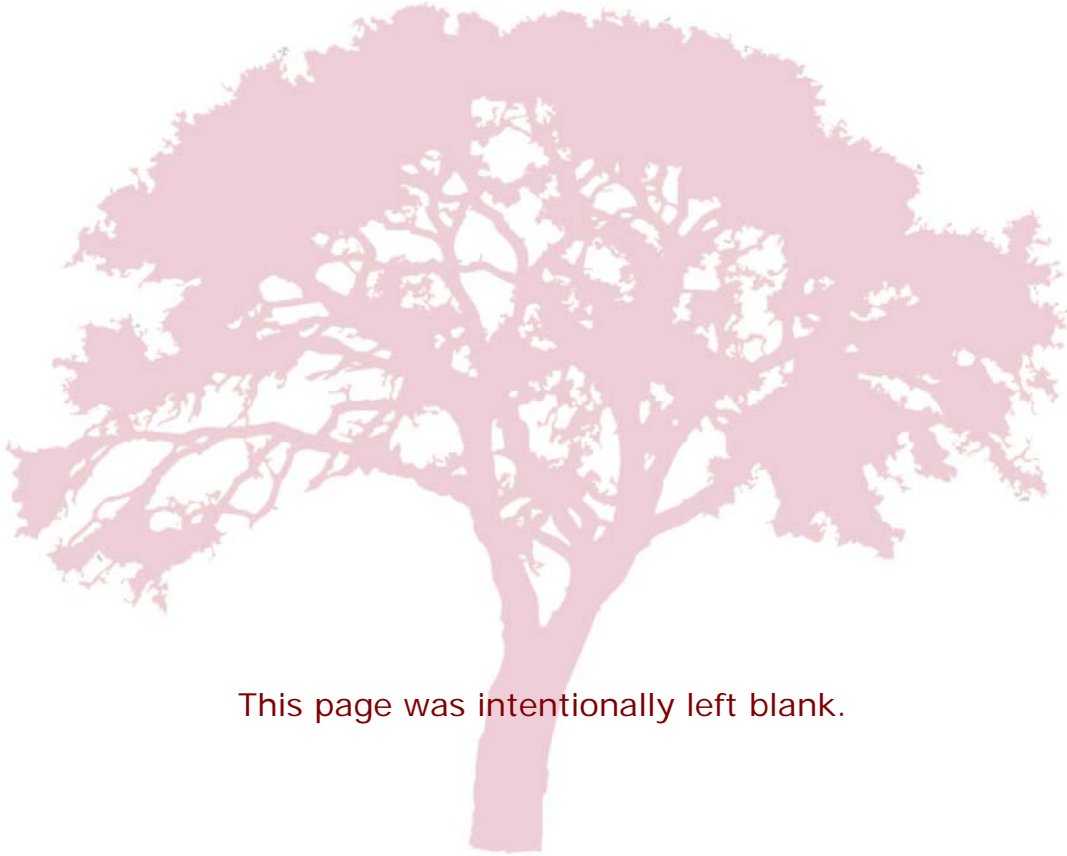
## Exhibit 2: RECOMMENDATIONS

### We recommend that the City Administration:

Recommendation #1	Direct the Community and Economic Development Agency and Oakland Public Library to work together to identify what Common Area Management fees are not appropriate expenditures for Measure Q and devise a plan for charging such fees to Fund 1010 or the appropriate fund.
Recommendation #2	Direct the Oakland Public Library to develop a formal, written manual of policies and procedures for processing purchases for which OPL has the authority and responsibility, thereby reducing the risk of error and fraud in its purchase process.
Recommendation #3	Direct the Budget Office to establish the Measure Q Reserve Fund, as required by Measure Q, and to obtain OPL's input in doing so.

### We recommend that the Mayor and City Council:

Recommendation #4	Investigate alternatives to facilitate appointments to Library Advisory Commission and determine what constitutes a reasonable membership size for LAC.
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# CITY OF OAKLAND



CITY HALL • 1 FRANK H. OGAWA PLAZA, 3<sup>rd</sup> FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Administrator  
Dan Lindheim  
City Administrator

(510) 238-3301  
Fax (510) 238-2223

September 13, 2010

To: Courtney Ruby, City Auditor

From: Dan Lindheim, City Administrator

Re: Response to Final Draft Measure Q Audit Findings and Recommendations  
For Fiscal Years 2007-08, and 2008-09.

I have reviewed the August 27, 2010 Preliminary Draft Measure Q Performance Audit report and am pleased that the City Auditor has confirmed that the City has expended Measure Q funds in accordance with the provisions of the ballot measure.

Responses to the four recommendations included in the Audit Report are provided below.

## **Recommendation No.1:**

Direct the Community and Economic Development Agency (CEDA) and the Oakland Public Library (OPL) to work together to identify what Common Area Management (CAM) fees are not appropriate expenditures for Measure Q and devise a plan for charging such fees to Fund 1010 or the appropriate fund.

## **Response:**

Since the City Auditor has now identified \$21,924 in annual CAM charges that it has determined should not be paid from Measure Q, the Library will work with the City Finance and Management Agency to repay those expenses to Fund 2240 and charge them to Fund 1010. In addition, the Library will utilize the City Auditor's findings to ensure that those items identified are correctly charged to Fund 1010 in the future. This action will be completed by November 30, 2010.

## **Recommendation No.2:**

Direct the Oakland Public Library to develop a formal, written manual of policies and procedures for processing purchases for which OPL has the authority and responsibility, in order to reduce the risk of error and fraud in its purchase process.

**Response:**

The Library Department's Fiscal and Accounting Services Unit will design a Purchasing Policy and Procedure Manual based on current practices and routines. This manual will be completed by November 1, 2010.

**Recommendation No.3:**

Direct the Budget Office to establish the Measure Q Reserve Fund, as required by Measure Q, and obtain OPL's input in doing so.

**Response:**

My office will direct the Budget Office to work with Library Staff to establish a reserve fund; however I cannot provide a deadline at this time.

**Recommendation No.4:** The last recommendation is directed to the Mayor and City Council: Investigate alternatives to facilitate appointments to Library Advisory Commission (LAC) and determine what constitutes a reasonable membership size for the LAC.

**Response:**

Library staff concurs with this recommendation, and I am directing the Library Director to provide a report and recommendation to the City Administrator's Office regarding this issue. It is my understanding that over the past year, the LAC has welcomed 4 new members, bringing the total number of Commissioners to 11, and has conducted regular bi-monthly meetings, with a quorum, during the last fiscal year. This report will be completed by November 19, 2010.

In summary, I am pleased that the audit determined that "except for CAM expenditures associated with Cesar Chavez Branch Library," the Measure Q expenditures – both O&M and Personnel – were consistent with Measure Q's intent. Additionally, the recommendation for written policies and procedures relative to the purchasing of books and other information materials will continue to ensure that Measure Q funds are used in accordance with the intent of Measure Q.

Thank you,

Dan Lindheim

cc: Carmen Martinez  
Walter Cohen  
Cheryl Taylor  
Joe Yew

## Analysis and Summary of Actions Necessary to Close the Report

We provided a final draft audit report to the City Administrator’s Office, the Budget Office, and the Oakland Public Library for review and comment. The City Administrator’s Office and the Oakland Public Library’s response describes their actions taken or plans for implementing our recommendations. The Analysis and Summary of Actions Necessary to Close the Report summarizes our analysis of the agreements among the Office of the City Auditor, the City Administrator’s Office, and the Oakland Public Library necessary to close the report. The status of each of the five recommendations at the time of publication for this audit is resolved or partially resolved.<sup>5</sup>

<p>Recommendation #1</p>	<p><b>Resolved</b> – The City Administration agreed that OPL will work with the City Finance and Management Agency to reimburse Fund 2240 for CAM fees in the amount of \$21,924 and charge these funds to Fund 1010. Additionally, the City Administration agreed that OPL will ensure that CAM items identified as inappropriate charges for Measure Q will be correctly charged to Fund 1010 in the future. The City Administrator stated that these actions are to be completed by November 30, 2010.</p> <p><b>To close this recommendation, the City Administration should provide documentation to show that annual CAM fees of \$21,924 for FY 2007-08 and FY 2008-09 were charged to Fund 1010. Additionally, OPL should develop the criteria and procedure to correctly charge Fund 1010 CAM fees that are not appropriate expenditures for Measure Q in the future. These actions should be completed by November 30, 2010.</b></p>
	<p>The Office followed-up on three October 2008 Measure Q audit recommendations related to facilities support charges and CAM fees:</p> <p><b>Closed</b> (Recommendation #1) - In response to the audit’s findings, the Public Works Agency reimbursed the Measure Q Fund \$60,537 in overcharges for General Facilities Support services, and in the future, will assess Fund 1010 for General Facilities Support charges that exceed budgeted costs for General Facilities Support Services.</p> <p><b>Closed</b> (Recommendation #2) - In response to the audit’s findings, the Budget Office established a baseline budget that incorporated General Facilities Support charges based on the most recent prior fiscal year actuals.</p> <p><b>Resolved</b> (Recommendation #3) – Implementation of the new Recommendation #1 will also close the Recommendation #3 on CAM fees from the previous report.</p>

<sup>5</sup> Unresolved status indicates no agreement on the recommendation or the proposed corrective action. Implementation of proposed corrective action is directed in the City Auditor’s Analysis and Summary of Actions Necessary to Close the Report. Partially Resolved status indicates partial agreement on the recommendation or the proposed corrective action. Implementation of the proposed corrective action is clarified in the Analysis and Summary of Actions Necessary to Close the Report. Resolved status indicates agreement on the recommendation and the proposed corrective action. Implementation of the proposed corrective action forthcoming from the auditee. Closed status indicates the agreed upon corrective action is complete and the impact of the action will be reviewed during future audit recommendation follow-up.

<p>Recommendation #2</p>	<p><b>Resolved</b> – The City Administration agreed that OPL’s Fiscal and Accounting Services Unit will design a Purchasing Policy and Procedure Manual based on current practices and routines and stated that these actions are to be completed by November 1, 2010.</p> <p><b>To close this recommendation, OPL should provide the completed Purchasing Policy and Procedure Manual and a training schedule for employees who will be making OPL purchases to the Office of the City Auditor by November 30, 2010. The Manual should include procedures on reducing the risk of error and potential fraud in the purchasing process.</b></p>
<p>Recommendation #3</p>	<p>The Office followed-up on two October 2008 Measure Q audit recommendations related to Measure Q purchases and the purchasing process:</p> <p><b>Resolved</b> (Recommendations #4 and #5) – Implementation of the new Recommendation #2 will also close Recommendations #4 and #5 on Measure Q purchases and purchasing processes from the previous report.</p>
	<p><b>Resolved</b> – The City Administration agreed that the Budget Office will work with OPL staff to establish a Measure Q reserve fund.</p> <p><b>To close this recommendation, the City Administration should provide documentation to show that a separate Measure Q Reserve Fund was established. The documentation should show that the Budget Office, in conjunction with OPL, developed procedures for calculating Measure Q’s required reserve amounts each fiscal year, identified staff responsible for monitoring the Fund, and described how appropriations from the Fund will be processed. These actions should be completed and documentation provided to the Office of the City Auditor by November 30, 2010.</b></p>
	<p>The Office followed-up on two October 2008 Measure Q audit recommendations related to the Measure Q reserve fund requirement:</p> <p><b>Resolved</b> (Recommendations #6 and #7) – Implementation of the new Recommendation #3 will also close Recommendations #6 and #7 on the Measure Q reserve fund from the previous report.</p>

**We recommend that the Mayor and City Council:**

Recommendation #4

**Partially Resolved** – The City Administration agreed that the OPL Director will provide a report and recommendation to the City Administrator's Office regarding the appointments to the LAC and that this report would be provided by November 19, 2010.

**To close this recommendation, the City Administration should provide documentation to show that OPL reported on its recommendations for the LAC. OPL's recommendations should address the appropriate size of the LAC and alternatives to facilitate appointments to the LAC to ensure that the LAC operates as an effective citizen oversight committee. These actions should be completed and documentation provided to the Office of the City Auditor by November 30, 2010. Additionally, the City Administration should prepare a report for the City Council to identify options for improving LAC citizen oversight proposed by the OPL Director by December 31, 2010.**

The Office followed-up on one October 2008 Measure Q audit recommendation related to the Library Advisory Commission:

**Partially Resolved** (Recommendation #8) – Implementation of the new Recommendation #4 will also close Recommendation #8 on the Library Advisory Commission from the previous report.