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**RESOLUTION NO. 2012-65**

**A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING  
THE UPDATED AND REVISED CITY COUNCIL POLICIES AND  
RULES OF PROCEDURE AND ORDER**

**WHEREAS,** the City of Albany is a municipal government organization that desires to operate effectively and efficiently; and

**WHEREAS,** the Albany City Council recognizes the need for organizational policies and procedures; and

**WHEREAS,** Resolution No.96-3 established the City Council Policies and Administrative Procedures Manual; and

**WHEREAS,** the existing City Council Policies and Administrative Procedures Manual was last revised on August 23, 2000; and


**WHEREAS,** the City Council Policies have been updated to enhance the administration of City Council meetings including opportunities for public comment, meeting decorum and noticing; and

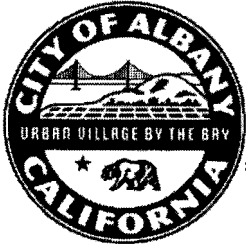
**WHEREAS,** the City Council wishes to incorporate all “City Council Policies and Rules of Procedure and Order”, into one document.

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Albany does hereby adopt the City Council Policies and Rules of Procedure and Order, dated December 3, 2012 from this day forward as the official administrative policy document for the City of Albany.

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**BE IT FURTHER RESOLVED** that the City Council Policies and Rules of Procedure and Order or provisions thereof may be modified or amended by resolution of the City Council as needed.

  
\_\_\_\_\_  
Mayor Farid Javandel



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • [www.albanyca.org](http://www.albanyca.org)

**RESOLUTION NO. 2012-65**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

The 3rd day of December, 2012, by the following votes:

AYES: Council Members Lieber Wile, Thomsen, Vice Mayor Atkinson and Mayor Javandel

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 4th

Day of December, 2012.

Eileen Harrington  
DEPUTY CITY CLERK

**ALBANY CITY COUNCIL RULES OF PROCEDURE AND ORDER**

**ADOPTED BY RESOLUTION NO. 2012-65**

**EFFECTIVE DATE: DECEMBER 3, 2012**

**ALBANY CITY COUNCIL RULES OF PROCEDURE AND ORDER**

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## **A. MEETINGS**

### **A-1. REGULAR MEETINGS**

#### **TIME AND LOCATION**

The City Council shall hold regular meetings the first and third Monday of each month at 7:30 p.m. in the Council Chambers of the City Hall, 1000 San Pablo Avenue, Albany, or at such other place within the city limits such as the City of Albany Community Center, 1249 Marin Avenue, Albany or alternative location as necessary. If by reason of fire, flood, or other emergency, it shall be unsafe to meet in the City Hall, the meetings may be held for the duration of the emergency at its designated alternative location, or such other place as is designated by the Mayor or by four (4) members of the City Council. When the day for any regular meeting falls on a legal holiday or an observed religious holiday, no meeting shall be held on such holidays; the meeting shall be moved to the following day, unless the City Council selects another day for the meeting during the week.

#### **COUNCIL CHAMBER CAPACITY**

City Council Chamber attendance shall be limited to the posted seating capacity thereof. Entrance to the City Hall will be appropriately regulated on occasions when the Council Chamber capacity is likely to be exceeded. While the Council is in session, members of the public shall not remain standing in the Council Chamber except to address the Council, and sitting on the floor shall not be permitted. The Council proceedings may be conveyed by loudspeaker or video screen to those who have been unable to enter the Council Chambers.

#### **ALTERNATE FACILITIES FOR COUNCIL MEETINGS**

In the event that there is reason to anticipate that the attendance for a meeting will be substantially greater than the capacity of the City Council Chambers and viewing area in the City Hall foyer, the Mayor in collaboration with the City Manager shall have the authority to authorize that a Council meeting be held at a facility other than the City Council Chambers.

Acceptable alternative meeting locations include but are not limited to the City of Albany Community Center at 1249 Marin Avenue.

**A-2. ADJOURNED MEETINGS**

Any meeting may be adjourned to a time, place and date certain. Once adjourned, the meeting may not be reconvened. The City Clerk shall post the meeting adjournment notice immediately following the action by City Council.

**A-3. SPECIAL MEETINGS**

Special meetings may be called at any time by the Mayor, or by three (3) members of the City Council, by delivering, personally or by mail, written notice to each Council Member and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered, personally or by mail, at least twenty-four (24) hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings.

**A-4. MEETINGS TO BE PUBLIC**

All regular, adjourned and special meetings of the City Council shall be open and public, provided, however, the City Council may hold executive sessions, for which the public may be excluded in accordance with State law. Some examples include:

- (a) Personnel Matters (Section 54957, Government Code) To consider appointment, employment, evaluation of personnel, or dismissal of a public employee or to hear complaints or charges brought against such employee by another person or employee unless such employee requests a public hearing. The Council may exclude from any such public or closed session, during the examination of a witness, any or all other witnesses in the matter being investigated.
- (b) Pending and Potential Litigation (Section 54956.9, Government Code) To confer with, or receive advice from, its legal counsel regarding pending litigation when discussed in open session concerning those matters which would prejudice the position of the City in the litigation. The City Council may also discuss in closed session threatened lawsuits where there are articulable facts justifying the belief that a

lawsuit may be filed against the City. The City Council may also discuss matters pertaining to the initiation of a lawsuit.

(c) Employee Matters (Section 54957.6, Government Code)

To consider the salaries, salary schedules, or compensation paid in the form of fringe benefits of the City's represented and unrepresented employees. The City Council may meet in closed session with its labor negotiator or other appropriate staff person.

(d) Real Property Negotiations (Section 54956.8, Government Code)

The Council may hold a closed session with its negotiator prior to the purchase, sale exchange, or lease of real property by or for the City of Albany to give instructions to its negotiator regarding the price and terms of payment for the purchase, sale, exchange or lease.

**A-5. ATTENDANCE**

Council Members are expected to attend all meetings of the City Council. Should a circumstance arise to which a Council Member must teleconference, the location from which the Council Member is teleconferencing from shall be clearly denoted on the posted meeting agenda. Council Members unable to attend any meeting should notify the City Clerk as far in advance of the meeting as possible. Such notification shall constitute an excused absenced.

**A-6. QUORUM**

Three (3) members of the Council shall constitute a quorum and shall be sufficient to transact regular business. If less than three (3) Council Members appear at a regular meeting, the members present may adjourn the meeting to a stated day and hour. The Clerk shall cause a written notice of the adjournment to be delivered personally to each Council Member at least three (3) hours before the adjourned meeting.

Three (3) affirmative votes are required to adopt any ordinance, resolution, or claim against the City. But a majority suffices for a motion (G-I), and an Urgency Ordinance takes four (4) affirmative votes.

**A-7. ADJOURNMENT**

Per City Council Resolution No. 2009-01, no Council meeting shall continue past 10:30 p.m. unless a two-thirds majority of the Council votes to extend the meeting to discuss specified items; and any motion to extend



the meeting beyond 10:30 p.m. shall include a list of specific agenda items to be covered. Any items not completed at a regularly scheduled Council meeting shall be continued to the next regular meeting or by a two-thirds majority vote of the Council to an adjourned regular meeting.

**A-8. RECESS PERIOD**

A recess period shall be in effect during the month of August of each year and between December 23 and 31, unless the need for meeting to consider time sensitive matter(s) arises, as determined by the Mayor, City Manager, or majority of City Council Members.

The City Manager shall be granted discretion to act on matters related to City Council during the course of said recess period. The City Manager shall report on any such matters at the first regular meeting following the recess.

**B. AGENDA**

**B-1. PREPARATION OF AGENDA**

An agenda shall be prepared for each regular meeting containing the specific items of business to be transacted and the order thereof.

The Clerk shall prepare the agenda. Each item on the agenda shall contain a brief description of the issue and action to be taken. Whenever feasible, each item on the agenda should contain a staff recommendation and/or a recommendation from a City Council advisory body.

The agenda, together with all reports pertaining thereto, should be delivered to the Council Members prior to 5:00 p.m. on the Wednesday preceding the regular meeting. Exceptions may be made when the regular meeting falls on a Tuesday, or the City Manager and/or Mayor determine an additional day is needed to compile the necessary information. The agenda for regular meetings shall be made available to the public as soon as practical, but no later than 72 hours in advance of the meeting. No matters other than those listed on the agenda shall be finally acted upon by the Council, provided, however, that matters not on the agenda, but deemed to be of important or urgent nature by any Council Member, the City Manager or the City Attorney, may be submitted for Council consideration and action by 2/3 vote (or unanimous vote if less than 2/3 are present).

### Procedure for Bringing Matters Before the City Council

Any Council Member may request items of business for the City Council agenda, and the Mayor shall accommodate the requests subject to the timing of availability of space on Council agendas. Items of business may also be placed on the agenda by the City Manager or the City Attorney.

The City Council Member requesting an agenda item shall provide the Mayor and City Manager written materials on the background of the agenda item and recommended action. Council Member requests for agenda items and associated written materials are to be submitted to the Mayor and City Manager by the Friday before the Wednesday posting of the agenda.

Items authored by Boards/Commissions/Committees shall be transmitted to the City Council Members. Placement of those matters on the City Council agenda are subject to the above protocol.

#### **B-2. ORDER OF BUSINESS**

At the time set for each regular meeting, the Council Members, City Clerk, City Manager, City Attorney and such department heads as have been requested to be present shall take their regular places in the Council Chamber. The Mayor shall call the meeting to order and the business of the Council shall be taken up for consideration and disposition in the order set forth in Section B-3, except that, with the consent of the majority of the Council, items may be taken up out of order.

#### **B-3. CONTENTS OF AGENDA**

The agenda shall contain the title headings and shall be conducted in the order and manner as set forth below. Exceptions to the order may be made by the Mayor for circumstances pertaining to agenda items such as number of interested parties anticipated to attend, costs to the City for persons waiting for the agenda item, attendance by other agency representatives or other interested parties, and other situations at the Mayor's discretion.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance shall be led by the Mayor or a recognized designee.

## **ROLL CALL**

The City Clerk shall call the roll of the Council Members, and the names of those present shall be entered into the Minutes.

## **CONSENT CALENDAR**

Shall consist of:

Approval of Minutes: The Council shall consider the correction, if necessary, and approval of the minutes of the previous meetings. A full reading of the minutes shall not be required unless requested by a majority of the Council. It shall be the City Clerk's goal to bring forth the approval of minutes of regular meetings of the City Council no later than the next regular meeting.

Approval of Expenditures: A copy of the current voucher register shall be furnished to each Council Member with the agenda. The Council shall consider the correction if necessary and approval of the current payroll register and current check register.

The Consent Calendar may also include any other matter of a routine or administrative nature.

## **GOOD OF THE CITY/PUBLIC FORUM**

The Council shall consider all written and oral communications from the public. All written and oral communications shall be subject to the provisions of Sections D-1 through D-6.

## **PUBLIC HEARINGS**

In general, a public hearing is an open consideration within a regular meeting of the City Council, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.

Public hearings may be required by State or local law, i.e., public hearings are required for zoning changes, some annexations, weed abatement items, etc. For specific requirements, refer to the specific subject in the California Codes. In some cases, specific notice of the public hearing is required. For instance, zoning changes require that property owners within a 300 foot radius of the project property be notified of the date, time, place

and reason for the public hearing. These requirements are also included in procedures within the California Codes.

Public hearings may also be held before a hearing officer or board designated by the City Council.

For quasi-judicial and quasi-administrative hearings see Section J.

Those public hearings set by the City Council may be cancelled only by vote of the City Council. Public hearings may be continued to a date certain without re-noticing upon majority vote of the City Council.

#### Public Hearings for Land Use and Zoning Matters

The City Council, in setting the time and place for a public hearing, may limit the amount of time to be devoted to the public presentations. Staff shall introduce the public hearing item and present their comments.

The staff presentation is followed by presentations each by the appellant and applicant. The Presiding Officer will designate the time period for the presentations, which should be of comparable allowed time for the appellant and applicant, if different. Whenever possible, the time period should not exceed five (5) minutes. The Presiding Officer may request that persons wishing to speak indicate their intention by raising their hands so as to determine the number of anticipated speakers. The Presiding Officer may adjust the speaking time for individual speakers or the overall public comment time. If it appears that all the speakers can be accommodated in the time period available for the public hearing, and there are no extenuating circumstances to the contrary, the time period allowed for each speaker shall be three (3) minutes. The Presiding Officer may reduce the time period for each speaker to less than three minutes for reasons such as allowing more speakers to make comments in the time period available for the hearing, the length of the agenda, there has been a prior public hearing or similar opportunity for public comment on the same subject, or other reasons at the discretion of the Presiding Officer.

Speakers are not permitted to yield their time to another speaker. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

### **UNFINISHED BUSINESS**

The Council shall consider items of business previously under consideration at a meeting within one (1) year of the present meeting and which have been either (a) continued to the present meeting; or (b) tabled or postponed indefinitely and now requested placed on the agenda by a majority of the Council. The Mayor shall also have discretion for placing items previously considered by the Council in this section of the agenda.

### **NEW BUSINESS**

The Council shall consider items of business which have not been considered at a meeting of the Council within one (1) year of the present meeting.

### **OTHER BUSINESS, REPORTS ON MEETINGS ATTENDED, ANNOUNCEMENT OF EVENTS/FUTURE AGENDA ITEMS**

Council Members report on outside meetings they have attended including regional/agency meetings in which they represent the City. Council may also note future agenda items and any upcoming events or other activities of note to the community.

### **ADJOURNMENT**

The meeting shall be adjourned after a motion to adjourn has been made and carried. The Council may adjourn the meeting in memory of a recently deceased member of the community.

## **C. CONDUCT OF MEETING**

### **C-1. PRESIDING OFFICER**

The Mayor shall preside at the meetings of the Council and shall preserve strict order and decorum at all regular and special meetings of the Council. In the absence of the Mayor, and the Vice Mayor, the City Clerk shall call the Council to order, whereupon a temporary Presiding Officer shall be elected by the Council Members present to serve until the arrival of the Mayor, or Vice Mayor, or until adjournment.

### **C-2. POWERS AND DUTIES OF THE PRESIDING OFFICER**

The Presiding Officer shall state every question coming before the Council, announce the decision of the Council on all subjects, and decide all questions of order, subject, however, to an appeal to the Council, in

which event a majority vote of the Council shall govern and conclusively determine such question of order.

#### Participation

The Presiding Officer may move, second, debate, and vote from the Chair. He/she shall not be deprived of any of the rights and privileges of a Council member by reason of his/her acting as Presiding Officer.

#### Questions to be Stated

The Presiding Officer, or such member of the City staff as he/she may designate, may verbally restate each question immediately prior to calling for the vote. Following the vote, the Presiding Officer shall announce whether the question carried or was defeated. The Presiding Officer in his/her discretion may publicly explain the effect of a vote for the audience, or he/she may direct a member of the City staff to do so before proceeding to the next item of business.

#### Maintaining Order and Decorum

The Presiding Officer shall be responsible for the maintenance of order and decorum at all meetings. He/she shall decide all questions of order subject, however, to an appeal of the Council.

#### Signing of Documents

The Presiding Officer shall sign all ordinances, resolutions, contracts, deeds, bonds, and other documents necessitating his/her signature which were adopted in his/her presence unless he/she is unavailable, in which case an alternate Presiding Officer may sign such documents.

### **C-3. DUTIES OF COUNCIL MEMBERS**

Promptly at the hour set by law on the date of each regular meeting, the members of the Council shall take their regular stations in the Council Chambers and the business of the Council shall be taken up for consideration and disposition.

### **C-3. MOTIONS TO BE STATED BY CHAIR**

When a motion is made, it may be stated by the Chair or the City Clerk before debate.

#### **C-4. REQUESTS FOR TECHNICAL ASSISTANCE**

A majority vote of the Council shall be required to direct staff to provide technical assistance, develop a report, initiate staff research, or respond to requests for information or service generated by an individual Council Member.

### **D. ADDRESSING THE COUNCIL**

#### **D-1. WRITTEN CORRESPONDENCE**

The City Clerk is authorized to receive and open all mail addressed to the City Council and shall give it immediate attention to the end that all administrative business referred to in said communication, and not necessarily requiring Council action, may be disposed of provided that communications and actions taken pursuant thereto shall be reported to the City Council Members. Communication requiring Council action shall be placed upon the Council agenda, together with a report and recommendation by the City staff. All correspondence shall be answered, or acknowledged as soon as possible.

Interested parties or their authorized representatives may address the Council by written communications in regard to matters of concern to them.

Communications received by the City Clerk prior to noon on the day of a Council meeting shall be duplicated by the City Clerk and submitted to the City Council at the meeting if related to an item which is on the agenda for that meeting.

Communications submitted at the Council meeting will be included in the public viewing binder and in the Clerk Department the day following the meeting.

Communications from Advisory Bodies shall be handled as described above in B-1.

#### **D-2. RIGHT TO ADDRESS COUNCIL**

Subject to the provisions of Sections D-3, D-4, and D-5, members of the public shall have the right to address the Council during consideration of items under the following headings of business:

##### Public Hearings

Interested persons may address the Council while a matter is open to public hearing, in regard to remarks or questions relevant to the matter under consideration.

Once interested persons have addressed the Council during the public comment period for said item, those parties may not speak to the item again.

#### Public Comment

Interested persons may address the Council on any issue concerning City business during the period assigned to Public Comment.

### **D-3. MANNER OF ADDRESSING COUNCIL**

Any person desiring to address the Council shall stand and wait to be recognized by the Presiding Officer. After being recognized, he/she may state his/her name and address for the record and proceed to address the Council. All remarks and questions shall be addressed to the Council as a whole and not to any member thereof. No question shall be asked of a Council Member or a member of the City staff without first obtaining permission of the Presiding Officer.

### **D-4. TIME LIMITATION**

It is the intent of the City Council to hear various perspectives on matters on its agenda. Generally speaking, the time period for public comment on items on the agenda shall be three (3) minutes. In some instances, the number of people who wish to speak, the number of other items on the agenda, and the time available on the agenda may cause the Presiding Officer to limit the time period for public comment.

The Presiding Officer has the discretion to limit the overall time period for public comments and limit the time allowed per speaker. The overall time period that the Presiding Officer may set shall be reasonable for the subject matter at hand and allow for a variety of perspectives to be expressed. A typical time limit may be in the range of one to two hours. In addition to or in replacement of an overall time limit on public comment, the Presiding Officer may limit each public comment to less than three (3) minutes. The Presiding Officer will endeavor to allow up to two (2) minutes per speaker, but there may be circumstances in which in the judgment of the Presiding Officer, the City Council would be better served setting a limit of one (1) minute per speaker in order to hear from more speakers. Speakers are not permitted to yield their time to any other speaker. When any group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesperson be chosen to represent the group so as to avoid unnecessary repetition.

The Presiding Officer may allocate a block of time to organized parties to an issue, with consideration for equal time to issues with opposing sides. A typical



time limit for such presentations is five (5) to fifteen (15) minutes. The allocation and length of a block of time shall also consider whether it will contribute to Council's intent to hear various perspectives on an issue, provide relevant expertise, and be an efficient use of Council meeting time.

**D-5. IMPROPER REMARKS**

Any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the Council shall be called to order by the presiding Officer and, if such conduct continues, the Presiding Officer shall order him/her barred from further audience before the Council during that meeting as further detailed in E-8.

**E. DEBATE AND DECORUM**

**E-1. GETTING THE FLOOR**

Every Council Member desiring to speak shall first address the Chair, gain recognition by the Presiding Officer, and shall confine remarks to the question under debate.

**E-2. QUESTIONS TO STAFF**

Every Council Member desiring to question the City Staff shall, after recognition by the Presiding Officer, address his/her questions to the staff member. In the case of the City Manager, he/she shall be entitled either to answer the inquiry personally, or to designate a member of his/her staff for that purpose.

**E-3. INTERRUPTIONS**

A Council Member, once recognized, shall not be interrupted when speaking, unless called to order by the Presiding Officer, unless a point of order or personal privilege is raised by another Council Member. If a Council Member, while speaking, is called to order, he/she shall cease speaking until the question of order is determined. If determined to be in order, he/she may proceed. Members of the City staff, after recognition by the Presiding Officer, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Presiding Officer.

**E-4. POINTS OF ORDER**

The Presiding Officer shall determine all points of order subject to the right of any Council Member to appeal to the Council. He/she may request an opinion of the City Attorney in making such determination. If an appeal is taken, the questions

shall be, "Shall the decision of the Presiding Officer be sustained?" Council decision shall conclusively determine such question of order.

**E-5. POINT OF PERSONAL PRIVILEGE**

The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character or motives are questioned or where the welfare of the Council is concerned. A Council Member raising a point of personal privilege may interrupt another Council Member, who has the floor, subject only to the power of the Presiding Officer to call him/her out of order.

**E-6. REMARKS OF COUNCIL MEMBERS AND SYNOPSIS OF DEBATE**

Any Council Member shall have the right of having an abstract of his/her statement and/or a synopsis of the debate on any subject under consideration by the Council entered in the minutes. Such right shall be exercised by specific direction to the City Clerk at the Council meeting.

**E-7. COUNCIL AND CITY STAFF DECORUM AND ORDER**

While the Council is in session, the Council Members and City staff shall preserve order and decorum. A member shall neither by conversation or otherwise delay or interrupt the proceedings or the peace of the Council, nor disturb any member while speaking or refuse to obey the directives of the Presiding Officer.

**E-8. AUDIENCE DECORUM AND ORDER**

Public members attending Council meetings shall observe the same rules of order and decorum applicable to the Council Members and staff. No person shall disrupt the orderly conduct of the Council meeting. Prohibited disruptive behavior includes but is not limited to shouting, making disruptive noises such as boos or hisses, creating or participating in a physical disturbance, speaking out of turn or in violation of applicable rules, preventing or attempting to prevent others who have the floor from speaking, preventing others from observing the meeting, entering into or remaining in an area of the meeting room that is not open to the public, or approaching the Council without consent. Any message to or contact with any member of the Council while the Council is in session shall be through the City Clerk.

(a) Enforcement of Decorum

A law enforcement officer may serve as Sergeant-at-Arms of the Council meeting. Said officer may carry out instructions by the Presiding Officer,

City Manager, or Police Chief for the purpose of maintaining order and decorum at the Council meetings.

The Presiding Officer shall have the authority to call for a recess, clearing of the room, or for the removal of unruly members of the public as needed to maintain order and decorum. The Sergeant-of-Arms shall provide assistance to effect orders by the Presiding Officer in the above courses of action.

Any person making impertinent and slanderous remarks, or who becomes boisterous while addressing the Council, or while attending the Council meeting, may be removed from the room if the sergeant-at-arms is so directed by the Presiding Officer, and such person may be barred from further audience before the Council during that meeting.

Any person who violates the order and decorum of the meeting and fails to cooperate with the orders of the Presiding Officer or the Sergeant-at-Arms may be placed under arrest and prosecuted under provisions of applicable law. Aggravated cases shall be prosecuted on appropriate complaint signed by the Presiding Officer or a Council Member.

#### **E-9. FAILURE TO OBSERVE RULES OF ORDER**

Rules adopted to expedite the transaction of the business of the Council in an orderly fashion are deemed to be procedural only and in the failure to strictly observe such rules shall not affect the jurisdiction of the Council or invalidate any action taken at a meeting that is otherwise held in conformity with the law.

### **F. MOTIONS**

#### **F-1. PRESENTATION OF MOTIONS**

A motion is the formal statement of a proposal or question to the Council for consideration and action. Every Council Member has the right to present a motion.

#### **F-2. SECOND**

A second to a motion is required. The Presiding Officer may second a motion in order to facilitate the debate.

**F-3. PRECEDENCE OF MOTIONS**

When a main motion is before the Council, no motion shall be entertained except the following which shall have precedence, one over the other, in the following order:

- (1) Adjourn
- (2) Recess
- (3) Postpone temporarily or definitely (table)
- (4) Previous question
- (5) Limit or extend debate
- (6) Refer to committee or staff
- (7) Amend
- (8) Postpone indefinitely

The above order of preference is subject to the following restrictions:

- (a) A motion shall not be repeated without intervening business or discussion
- (b) A motion shall not be in order when the previous question has been ordered.
- (c) A motion shall not be in order while a vote is being taken.

**F-4. PARTICULAR MOTIONS, PURPOSE AND CRITERIA**

The purpose and salient criteria of the above listed motions is as follows:

(1) MOTION TO ADJOURN

Purpose: To terminate the meeting

Debatable or Amenable: No, except to adjourn to another time is debatable and amenable as to the time to which the meeting is to be adjourned.

(2) MOTION TO RECESS

Purpose: To permit an interlude in the meeting and to set a definite time for continuing the meeting.

Debatable or Amenable: Yes, but restricted to time or duration of recess

(3) MOTION TO POSTPONE INDEFINITELY

Purpose: To set aside, on a temporary basis, a pending main motion provided that it may be taken up again for consideration during the current meeting or at the next regular meeting. It is also referred to as a motion to “lay on the table”.

Debatable or Amenable: It is debatable, but not amenable.

(4) MOTION FOR PREVIOUS QUESTION

Purpose: To prevent or stop discussion on the pending question or questions and to bring such question or questions to vote immediately. If the motion fails, discussion shall continue. If the motion passes, a vote shall be taken on the pending motion or motions.

Debatable or Amenable: No.

(5) MOTION TO LIMIT OR EXTEND DEBATE

Purpose: To limit or determine the time that will be devoted to discussion of a pending motion or to extend or remove limitations already imposed on its discussion.

Debatable or Amenable: Not debatable; amendments are restricted to the period of time of the proposed limit or extension.

(6) MOTION TO REFER TO COMMITTEE OR STAFF

Purpose: To refer the question before the Council to a committee or to the City staff for the purpose of investigating or studying the proposal and to make a report back to the Council. If the motion fails, discussion or vote on the question resumes.

Debatable or Amenable: Yes.

(7) AMEND

Purpose: To modify or change a motion that is being considered by the Council so that it will express more satisfactorily the will of the members. If the motion fails, discussion or vote on the main motion resumes. If the motion passes, then the main motion should be voted as amended.

Debatable or Amenable: It is debatable, but not amenable.

(8) POSTPONE INDEFINITELY

Purpose: To prevent further discussion and voting on the main motion. If the motion fails, discussion and voting on the main motion resumes. If it passes; the subject of the main motion shall not be brought up again for the remainder of the meeting or the next regular meeting.

Debatable or Amenable: It is debatable, but not amenable.

(9) MAIN MOTION

Purpose: The primary proposal or question before the Council for discussion.

Debatable or Amenable: Yes.

**G. VOTING**

**G-1. VOTING PROCEDURE**

When any motion is in order for the question, a vote thereon shall be taken by voice or roll call and entered in full upon the record. Motions may be passed by a simple majority of the members present at a properly quoromed meeting (two (2) votes sufficient only if three (3) members present), except that the following matters shall always require three (3) affirmative votes:

- (a) Adoption of ordinances
- (b) Resolutions

**G-2. CHANGE OF VOTE**

A member may change his/her vote only if he/she makes a timely request to do so immediately following the announcement of the vote by the City Clerk and prior to the time that the next item in the order of business is taken up.

**G-3. FAILURE TO VOTE**

Every member should vote unless disqualified for cause accepted by vote of the Council, or by opinion of the City Attorney. Self-disqualification, without approval, which results in a tie vote shall be avoided as thwarting Council action; but no Council Member shall be forced to vote. A Council Member who abstains shall, in effect, consent that a majority of the quorum may act for him/her. Tie votes shall be lost motions and may be reconsidered.

#### **G-4. CONFLICT OF INTEREST**

Any Council Member who has a direct personal financial interest in any matter coming before the Council shall disclose said interest and shall disqualify himself/herself from discussing or voting on said matter. Where it is not clear whether such interest is of a disqualifying nature, the Council Member may contact the City Attorney to seek his/her opinion, but neither the City nor the City Attorney are responsible for any such opinion or advice. Council Members are encouraged to contact the California Fair Political Practices Commission for advice on conflicts of interest.

#### **VOTING DISQUALIFICATION**

No member of the Council who is disqualified due to a conflict of interest shall vote upon the matter on which the member is disqualified. Any member shall openly state or have the presiding officer announce the fact and nature of such disqualification in open meeting, and shall not be subject to further inquiry.

A member who is disqualified by conflict of interest in any matter shall not remain in the Chamber during the debate and vote on such matter, but shall request and be given the presiding officer's permission to absent themselves.

Should the situation arise where a majority of Council Members are disqualified from debate and vote on a particular matter, a drawing will be conducted by the City Clerk to determine who may participate in the debate and vote, the remaining Council Members that have a conflict of interest shall be disqualified.

#### **G-5. RECONSIDERATION AND RESCISSION OF PRIOR ACTION**

After motion and vote by the Council, such action may be reconsidered or rescinded only in the following manner:

##### RECONSIDERATION

A motion to set aside a vote (to reconsider) on a main motion shall always be in order at the same meeting. The motion to reconsider is amenable and debatable. Such motion can be made by any Council Member regardless of how he/she previously voted on the matter. If the motion to reconsider passes, the effect thereof is to over-rule and cancel the prior action.

##### RESCISSION

A motion to rescind (repeal, cancel, nullify) prior Council action on a main motion shall be in order at any meeting of the Council. The effect of rescinding prior Council actions shall operate prospectively only and not retroactively to the

date of the original action. That is, it shall not operate to adversely affect intervening legal rights which create an estoppels situation.

### LOST MOTIONS

A lost motion is one that fails to receive the necessary number of votes to carry. Tie votes result in a lost motion. Lost motions may be renewed at any subsequent Council meeting. To revive a lost motion at the same meeting, the proper action is a motion to reconsider, as discussed above.

## **H. MINUTES**

### **H-1. PREPARATION OF MINUTES**

The minutes shall consist of a clear concise statement of each and every Council action, including the motions made at the vote thereon. Minutes shall serve as a summary of the meeting, and shall not be verbatim. Reasons for making a motion, or voting, Council debate, and audience reaction, are generally irrelevant for purposes of the minutes. Such items may be included if considered to be particularly relevant or otherwise necessary by the City Clerk in the first instance and by the Council in the final instance. The City Clerk shall have exclusive responsibility for preparation of the minutes, and any directions for changes in the minutes shall be made only by action of the City Council.

### **H-2. MINUTES OF HEARINGS**

Whenever the Council acts in a quasi-judicial proceeding, such as hearings as defined in Section J-1, the minutes shall contain a synopsis of all evidence considered in the hearing, including statements of persons addressing the Council.

### **H-3. READING OF MINUTES**

Unless the reading of the minutes of a Council meeting is ordered by a majority vote of the Council, such minutes may be approved on the Consent Calendar if the City Clerk has previously furnished each Council Member with a copy.

## **I. ORDINANCES, RESOLUTIONS AND CONTRACTS**

### **I-1. PREPARATION OF ORDINANCES, RESOLUTIONS AND CONTRACTS**

All ordinances shall be prepared or reviewed by the City Attorney and shall be presented to the Council only when ordered by the Council, or requested by the



Mayor, or City Manager, or prepared by the City Attorney on his/her own initiative.

### RESOLUTIONS

Resolutions shall be prepared by City staff and reviewed by the City Manager and/or City Attorney. Development and presentation of a resolution may also be conducted by individual Council Members for review by the Council. All resolutions shall be submitted to the City Council for action. In matters of urgency, a resolution may be presented verbally in motion form together with instructions for written preparation for later execution.

### CONTRACTS

All contracts shall be prepared or reviewed by the City Attorney and shall be presented to Council only when ordered by the Council, or submitted by the Mayor, City Manager or City Attorney.

## **I-2. PRIOR APPROVAL BY ADMINISTRATIVE STAFF**

All ordinances, resolutions and contract documents shall, before presentation to the Council, have been approved as to form and legality by the City Attorney and shall have been examined for administration by the City Manager or his/her designee, where there are substantive matters of administration involved.

## **I-3. ENACTMENT OF ORDINANCES**

### INTRODUCTION

Ordinances shall be introduced for first reading by motion. A proposed Ordinance may be amended or modified between the time of its introduction and the time of passage, providing its general scope and original purpose is retained. Corrections or typographical or clerical errors are not considered alterations.

### ADOPTION

Ordinances shall be adopted (second reading) by motion and roll call vote. Ordinances shall not be adopted within five (5) days of their introduction, nor at other than a regular or adjourned regular meeting.

### READING

Except when, after reading the title, further reading is waived by regular motion adopted by vote of the Council Members present, all Ordinances shall be read in full either at the time of introduction or passage.

## URGENCY ORDINANCE

An urgency Ordinance is an Ordinance for the immediate preservation of the public peace, health or safety of the City. It may be passed immediately upon introduction and either at a regular or special meeting. It must declare the facts constituting the urgency and it shall be passed by four (4) affirmative votes.

## PUBLICATION

Within fifteen (15) days after its adoption, the City Clerk shall cause a summary of each Ordinance to be published at least once in a newspaper of general circulation or posted at three (3) public places within the City.

## EFFECTIVE DATE

Ordinances take effect thirty (30) days after their final passage. An Ordinance takes effect immediately if the Ordinance is an emergency measure for preserving the public peace, health or safety, and containing the reasons for its urgency. It may be introduced and passed at one and the same meeting; and if passed by a four-fifths (4/5) vote.

### **I-4. ADOPTION OF RESOLUTIONS**

Resolutions may be adopted by motion on the date they are first presented to the Council. It is not required that resolutions be read, either in full or by title only.

## **J. HEARINGS**

### **J-1. APPLICATION AND DEFINITION**

The following procedural rules shall apply to all hearings before the City Council. As used herein, the term "hearing" shall include all hearings, quasi-judicial hearings or quasi-administrative hearings required by State law or City Ordinance, for matters pertaining to employee disciplinary proceedings for the granting, revocation, suspension or reinstatement of permits, licenses and franchises.

The provisions of this section are not intended to apply to Public Hearings pertaining to legislative acts or matters of general interest, admissible over objection in civil actions. The rules of privilege shall be effective to the extent they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

## **J-2. PRESENTATION OF EVIDENCE**

### **(a) Oral Evidence:**

All oral statements which are relevant to the subject matter of the hearing may be considered by the Council. Oral evidence may be taken on oath of affirmation, at the request of any interested party or his/her authorized representative.

### **(b) Exhibits and Documents:**

Exhibits and documents used by City staff and persons participating in the hearing may be considered as evidence.

### **(c) Communications and Petitions:**

All communications and petitions concerning the subject matter of the hearing shall be read aloud either in full or by synopsis thereof, provided that a reading in full shall be had at the request of any Council Member. All such communications and petitions may be considered as evidence by the Council.

### **(d) Staff Reports:**

Whenever practicable a written staff report shall be prepared and a synopsis read aloud as part of the staff presentation. Said report shall be considered as evidence.

### **(e) Large Maps and Displays:**

Large size maps and displays presented for use at the hearing shall, whenever practicable, be displayed in full view of the participants and the audience. Said maps or displays, or authentic reductions thereof, may be considered as evidence.

### **(f) Admissible Evidence:**

The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a decision unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the extent that they are otherwise

required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

**J-3. EVIDENCE OUTSIDE THE HEARING**

Any evidence taken outside the Council Chambers such as field trips, views of the premises, and discussions with individuals, shall not be considered by the Council in reaching its decision except under the following circumstances:

- (a) When, during the hearing, the meeting is adjourned to a date, place and time certain for the specific purpose of taking visual or demonstrative evidence, such evidence may be considered; or
- (b) Individual members of the Council may take visual or demonstrative evidence outside of the Council Chambers, provided, that, each Council Member shall orally report his/her observations of such outside evidence taken and he/she shall be subject to examination thereon by any interested person or his/her authorized representative.

**J-4. CONTINUANCES**

Any hearing being held or noticed, or ordered to be held by the Council, may by minute action be continued to any subsequent regular or adjourned meeting of the Council, provided that if the hearing is continued to a time less than twenty-four (24) hours after the time specified in the order on the notice of hearing, a copy of the order or notice of continuance shall be posted outside of the Council Chambers forthwith following the meeting at which the order of continuance was made.

**J-5. DECISION**

The Council shall consider all evidence properly presented in accordance with the rules stated herein and, unless otherwise provided by law, shall render a decision or determination on the matter within forty (40) days of the close of the hearing or as prescribed by Ordinance or Charter. Said decision or determination shall be by motion made and action taken thereon at a regular meeting of the Council. Any Council Member who was not present during the entire hearing, or who, in the opinion of the City Attorney, has a substantial conflict of interest in the matter, shall, disqualify himself/herself from discussing or voting on said matter.

**J-3. RECORD OF HEARING**

A verbatim mechanical recording shall be made of the oral evidence presented at the hearing. Said recording, together with all documents, maps, exhibits and

displays admitted into evidence, shall be retained by the City Clerk for a period of one (1) year from the date of the close of the hearing. In lieu of retaining said recording, the City Clerk may prepare a typewritten transcript thereof which shall be retained for the same period of time. Said recordings or transcript and evidentiary documents shall be made available for public inspection and use at reasonable times and under such reasonable conditions as may be prescribed by the City Clerk.

#### **K. URGENCY MATTERS AT CITY COUNCIL MEETINGS**

**K-1.** If the City Manager, City Attorney, or a Council Member desires a matter be taken up that has not been noticed as an agenda item, then the person making such a request should provide:

- a. A detailed account that the need to take action came to his/her attention subsequent to the agenda being posted.
- b. Sufficient information which sets forth why there is a need to take immediate action at the particular meeting rather than at a future meeting when it can be agendized with 72 hours notice.

**K-2.** The Council should then consider the matter, and may take action by 2/3 vote (or unanimous vote if less than 2/3 are present), in accordance with the provisions of the California Government Code.

#### **L. CITY COUNCIL REORGANIZATION POLICY**

The City Council shall conduct a yearly reorganization at its second regular meeting of December, unless otherwise designated by the City Council. At the time of the yearly reorganization of the City Council, the City Council shall elect one of its members to serve one year as Mayor and one of its members to serve one year as Vice Mayor. In making the selections, the City Council will consider the principle of rotation to allow each of its members an opportunity to serve as Mayor.

#### **M. CITY COUNCIL RULES OF CONDUCT POLICY**

**M-1.** City Council Members shall not interfere with the powers and duties of the City Manager

- a. City Council Members shall not attempt to interfere with the intentional operations of any City Department.
- b. The City Council as a body and individually, will exercise its authority in personnel matters through the City Manager.
- c. City Council Members shall not enter the unoccupied offices or unattended files of any City employee without the expressed consent of the City Manager.

**M-2.** City Council Members shall keep confidential such matters as are properly before the City Council in Executive Session.

**M-3.** City Council Members shall not make any statement that he/she is representing official policy of the entire City Council unless the statement has been approved by the City Council.

**M-4.** City Council Members shall not attempt to usurp the independent judgment and function of employees.

**M-5.** City Council Members shall permit Committees, Boards and Commissions to function independently so that recommendations coming from such Boards and Commissions reflect the thinking of the appointed members.

**M-6.** The City Manager shall report to the City Council any violations of the above rules which come to his/her attention.

## **N. CITY COUNCIL TRAVEL/CONFERENCE POLICY**

**N-1.** Each Council Member shall be authorized up to one-fifth (1/5) of the amount allocated each year to line item 102-56003 of the City's budget for conference, travel expenses, and to purchase memberships in non-profit organizations which provide educational materials and information on issues related to municipal interests.

**N-2.** Council Members who request the City to purchase memberships in such organizations shall make all materials available to fellow Council Members and City Staff.

**N-3.** Each Council Member's one-fifth (1/5) share of line item 102-56003 shall operate as a draw account. Any request by a Council Member for reimbursement of expenses from this account shall be submitted to the City's Finance & Administrative Services Director. Reimbursement of a trip may be made in advance of the trip, after documentation of such said expense has been submitted. A Council Member may request up to \$125.00 per day for "lost wages" as part of his/her conference allowance when the

city-related conference requires use of a day of leave from paid work or self-employment. Reimbursement for lost wages shall be accounted for in the individual Council Member's one-fifth (1/5) share.

**N-4.** In lieu of submitting receipts for meals, a Council Member shall be entitled to a per diem based on current per diem rate per State guidelines while on overnight travel.

**N-5.** Each Council member shall be authorized to request reimbursement from line item 102-56003 for mileage incurred on all City business.

**N-6.** If there is a question regarding travel expenses or a conference, the City Council shall decide on the matter.

## **O. DISCLOSURE OF EMPLOYEE FAMILY RELATIONSHIP POLICY**

All City Council Members will disclose any family or blood relationship, or any relationship that is comparable to a family or blood relationship, concerning any person considered for employment, appointment, or contractual obligation.

## **P. GIFT POLICY**

**P-1.** The City Council retains the authority to accept or reject any and all gifts offered to the City.

**P-2.** The City Manager has the authority to accept or reject gifts of \$100 in value or less, or gifts of food, beverages, and supplies for City events, activities, and programs.

**P-3.** When the City Council receives donated money or a gift for a specific purpose, the Council will deposit the donation as revenue in an existing fund that most nearly corresponds to the wishes of the donor. The creation of new funds will be avoided if at all possible.

**P-4.** If the money is donated for a non-specified purpose, it will be deposited in the Gift Fund as revenue.

**P-5.** Where names and addresses are available, receipt of gifts of twenty-five dollars or more shall be acknowledged, if requested by the donor, to a second party, or the family of a deceased person, in whose honor the gift has been made. For this purpose, the staff may prepare or procure for letters or cards that shall be signed by an appropriate City official.

**P-6.** When the City receives a conditional bequest for a citizen, prior to the acceptance of the gift, the City will determine the following (1) if the acceptance of the gift is in the City's best interest; and (2) if the City can reasonably fulfill the conditions of the bequest.

**P-7.** Where applicable, memorial gifts and other gifts to the City shall follow the Facility Naming Policy adopted by Resolution No. 2012-04.

## **Q. COUNCIL MEMBER EMERGENCY SUBSTITUTES**

In accordance with the City's Management Operations Plan, California Government Code Section 8635-8644, each Council Member shall appoint standby officers to serve in the event of an emergency should a Council Member become unable to attend meetings and otherwise perform their duties.

Each Council Member shall appoint three standby officers. Standby officers shall be designated Nos. 1, 2, and 3, as the case may be. Council Members should carefully consider the qualifications of potential standby officers, while also giving thought to places of residence and work to allow for the greatest accessibility in the case of an emergency.

Each standby officer shall take the oath of office required for the officer occupying the office for which they standby. The City Council Members shall have the authority to remove or replace standby officers at any time with or without cause.

## **R. SOCIAL MEDIA GUIDELINES**

The following best guidelines are provided to help outline the roles, responsibilities, and best practice recommendations for the use of social media by Elected Officials and individuals appointed to City Committees, Boards, and Commissions. The guidelines are intended to help raise awareness of potential issues relating to the utilization of social media and offer practical guidelines for consideration by elected officials and appointees who may choose to engage in social media.

The guidelines below pertain to posting on City of Albany Social Media sites, but their principles are applicable to posting on other social media sites. Social media is an evolving communications tool for which legal, practical, political, and policy considerations overlap and may conflict. It is the policy of the City that elected and appointed officials should err on the side of caution, in the spirit of the best practices outlined below, in posts that they make on social media sites.

### **Definitions**

Social Media is defined as the use of third-party hosted online technologies that facilitate social interactions and dialogue. Such third-party hosted sites include but are not limited to:



social networking sites (MySpace, FaceBook, Linked-In), micro-blogging tools (Twitter, RSS feeds), audio-visual networking sites (YouTube, Flickr), blogs, etc.

### **Best practices when posting to a City of Albany Social Media Site**

1. **Be Cautious:** if you are about to post information that makes you even the slightest bit uncomfortable, pause and think about it. Be smart about protecting sensitive information as well as maintaining your own privacy. Remember that what is posted via social media is widely accessible, not easily retractable, subject to scrutiny, and will be around for a long time.
2. **Stick to the Facts:** Post information that is based on your knowledge, rather than your opinion. Whenever possible, reference information that is available on the City's website or is otherwise easily accessible.
3. **Think twice before posting:** Privacy does not exist in the world of social media. Search engines can turn up posts years after they are created, and comments can be forwarded or copied. If you would not say it at a conference or to a member of the media, consider whether you should post it online.
4. **Remember your audience:** Your presence in the social media world is available to the public at large. This includes prospective City employees, current employees, colleagues, and peers. Consider this before publishing to ensure the post will not alienate, harm, or provoke any of these groups.
5. **Personal or Political Activities:** Elected officials should be aware of the restrictions of using public resources for either personal or political purposes. Per State law, elected officials may not use public resources for "personal or campaign purposes".
6. **Open Meeting Laws:** Conversations on the Internet among Elected Officials and their appointees can constitute an unlawful "meeting" as defined in the Brown Act.
  - Avoid discussing anything that may come under the subject jurisdiction matter of the elected or appointed body. The Brown Act prohibits decision-makers from "using a series of communications of any kind, directly or indirectly or through intermediaries, to discuss, deliberate or take action on any item of business that is within the subject matter jurisdiction of the legislative body."