

# Advisory Body Handbook

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1000 San Pablo Avenue  
Albany, CA 94706  
[www.albanyca.org](http://www.albanyca.org)  
[cityhall@albanyca.org](mailto:cityhall@albanyca.org)  
510.528.5710

## WELCOME

Welcome and thank you for your willingness to serve as a member of a City of Albany Board, Commission or Committee. Advisory Bodies play an important role in city governance by assisting the City Council in addressing specific issues in detail, lending professional expertise, and facilitating community discussion.

Making local government responsive and effective is everyone's responsibility. Serving on an Advisory Body is an excellent way to participate in local government and to make a personal contribution to the improvement of our community.

We hope this Handbook will assist you towards a satisfying and productive experience serving on an Advisory Body for the City of Albany. On behalf of the City, I thank each of you for your commitment. The vitality, strength and progress of our community results from the volunteer service you are providing.

Penelope Leach  
City Manager

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# ALBANY MUNICIPAL GOVERNMENT

## ALBANY MUNICIPAL GOVERNMENT

### A. MISSION STATEMENT

The Albany City Council adopted the following Mission Statement to express the purpose of its municipal government:

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.*

### B. CHARTER CITY AUTHORITY

Albany is a Charter City, having adopted its original Charter by a vote of the electorate in April, 1927. Since that time, Albany voters have amended the Charter many times, but the basic form and functioning of the City have remained essentially the same. As a Charter City, Albany exercises a broad scope of local authority per the City Charter. This is in contrast to a general law city, which is restricted to the exercise of powers specifically set forth in State general law.

### C. COUNCIL-MANAGER FORM OF GOVERNMENT

The City Charter establishes a City Council – Manager form of government. Under this form of government, the Albany City Council is the legislative body responsible for setting City policy and adopting the City budget. The Albany electorate elects the five (5) City Council Members at-large for four (4) staggered terms. Elections are held in even-numbered years, with three (3) Council Members elected in one cycle and two (2) Council Members elected in the alternate cycle. The City Charter limits City Council service to two (2) consecutive terms, but allows individuals to serve again following a lapse of two (2) years. The Charter also specifies that Council Members must be electors of the City and must have been a resident of the City for thirty (30) days immediately preceding nomination. Annually, the five (5) City Council Members select a Mayor and Vice-Mayor.

The City Council appoints a City Manager, who is the administrative head of the government. Department Heads including the City Clerk, Community Development Director, Finance & Administrative Services Director, Fire Chief, Police Chief, Public Works Director/City Engineer, and the Recreation & Community Services Director are appointed by the City Council upon recommendation of the City Manager. The City Council also appoints a City Attorney.

The Albany City Council holds regular meetings on the first and third Monday of each month at 7:30 pm in the City Council Chamber, 1000 San Pablo Avenue. The City

Council also calls special meetings, as necessary. All Council meetings are broadcast live on Cable Channel 33, and are streamed and archived on the City's website: [www.albanyca.org](http://www.albanyca.org).

#### D. ELECTED CITY OFFICIALS

In addition to the five (5) City Council Members, Albany voters elect the City Treasurer. The Treasurer is elected for four-year terms with no limitation to the number of terms he or she may serve.

#### E. CITY ORGANIZATION AND DEPARTMENTAL RESPONSIBILITIES

The City of Albany is organized into seven departments:

##### City Manager

- Serves as Chief Executive Officer responsible for policy implementation and management of the day-to-day operations of the City.
- Advises and makes recommendations to the City Council concerning any conditions or situations which require Council direction.
- Prepares the recommended budget for consideration and adoption by the City Council.

##### City Clerk

- Prepares City Council agendas, prepares minutes, processes all official documents
- Serves as the elections officer and as the Fair Political Practices Commission filing officer.
- Serves as the City's Public Information Officer (PIO) and maintains official records of the City.
- Serves as staff liaison to the Charter Review Committee.

##### Community Development & Environmental Resources

- Administers Planning (current & long range) and Building (compliance with building & housing codes).
- Maintains records of all permits, conducts building inspections and plan check services.
- Administers environmental programs (clean water, recycling and climate action).
- Provides staff support to the Planning & Zoning Commission, Sustainability Committee, and Waterfront Committee.

##### Finance & Administrative Services

- Administers fiscal operations (payroll, collections, accounts payable), processing of license and permits), long-term fiscal planning and implementation and development of administrative policies.
- Conducts budget forecasting and preparation, cost analysis, debt issuance, and capital budgeting and finance.

- Finance & Administrative Services also includes all human resources functions including labor relations, benefits administration and recruitment.

#### Fire Department

- Provides community response including fire suppression and rescue services, paramedic emergency medical response and ambulance transport, fire prevention services, and community education and disaster preparedness.
- Responsible for the City's Emergency Operation Center, which is the central operations point in the event of a major disaster.

#### Police Department

- Preservation of public peace, enforcement of laws and protection of life and property.
- Conducts police patrol, traffic control and enforcement, criminal investigation and the ongoing support functions of dispatch and records management.
- Focuses on crime prevention through an active community policing effort.
- Administers the Albany Police Athletic League (APAL).

#### Public Works Department

- Responsible for City engineering, transportation and capital improvement projects.
- Conducts maintenance of streets, sewers, storm drains, traffic signs and markings, parks, buildings, and other city facilities.
- Administers the Urban Forestry Program.
- Provides staff support to the Traffic & Safety Commission.

#### Recreation & Community Services

- Provides community programs including child care, teen programs, senior programs, recreation classes and activities, adult sports, civic arts, special events, and cable television.
- Manages and rents four facilities, including the Community Center, Senior Center, Ocean View Childcare Center and the Teen Center at Memorial Park, as well as tennis courts, athletic fields and picnic grounds.
- Provides staff support to the Park & Recreation Commission, Arts Committee and Community Media Access Committee, and serves as staff liaison to the Social & Economic Justice Commission.



**SERVING ON CITY BOARDS,  
COMMISSIONS & COMMITTEES**

## SERVING ON CITY BOARDS, COMMISSIONS & COMMITTEES

### A. BOARD, COMMISSION & COMMITTEE ORIGINS

Albany's existing Boards, Commissions, and Committees ("Advisory Bodies") originate from two sources: 1) The Albany City Charter and 2) City Council action through ordinances, resolutions and minute action.

Boards and Commissions established by the Albany City Charter include:

- Planning & Zoning Commission
- Civil Service Board
- Police and Fire Pension Fund Board

Advisory Bodies established by City Council action include:

- Albany Library Board
- Arts Committee
- Charter Review Committee
- Community Media Access Committee
- Park & Recreation Commission
- Social & Economic Justice Commission
- Sustainability Committee
- Traffic & Safety Commission
- Waterfront Committee

Limited tenure Advisory Bodies, often referred to as Task Forces, are created by the City Council for a specific purpose and limited period of time. Current Task Forces include:

- Homeless Task Force

### B. BOARD, COMMISSION & COMMITTEE ROLE AND FUNCTION

Albany's Advisory Bodies generally serve in one of three capacities: advisory, quasi-judicial, or trustee:

Advisory (all groups):

- Provide recommendations to the City Council regarding City policies and programs within their specified scope of responsibility and expertise.

Quasi-judicial:

- Civil Service Board: oversight regarding rules and regulations concerning employees in the Classified Service group (Police and Fire Departments)
- Planning & Zoning Commission: authority to grant or deny variances and use permits under the Zoning Ordinance

Trustee:

Police and Fire Pension Fund Board - administers the Albany Police & Fire Pension Fund, orders payments and reports annually in June to the City Council regarding the condition of the Pension Fund.

#### C. COUNCIL PHILOSOPHY ON BOARDS, COMMISSION & COMMITTEES

The primary purpose of Albany's Advisory Bodies is to provide judicious advice to the City Council. Advisory bodies can build community consensus for proposals or projects, review written materials, facilitate study of critical issues, guide the implementation of programs, and assess the alternatives regarding issues of community concern.

As the policy makers for the City, the City Council considers a variety of factors when acting on policy, program, and project comments from Advisory Bodies. To assist the City Council in its deliberations on matters brought to it by Advisory Bodies, the Council asks for reports that include options, and the pros and cons of those options. The City Council not only considers Advisory Body comments, but also those of staff, appointed City officials, members of the public, and more. There will be times when the City Council will not act upon advisory body input. It is important to recognize this not as a rejection of the integrity of advice, but as an inevitable part of the decision-making process.

#### D. APPOINTMENTS

The majority of appointments to Advisory Bodies are made by individual Council Members. In addition, particular Advisory Bodies include at-large appointments by the Council, and appointments by the Board of Education. Council Member appointments to the Planning & Zoning Commission require ratification by the City Council. All vacancies to Advisory Bodies are posted on the City's website as well as the City's official posting locations (City Hall, Community Center, Senior Center). Per the City Charter, appointment terms are two years in length, and the appointee is to serve the full term, which ends December 31<sup>st</sup>.

Residents interested in serving on an Advisory Body are encouraged to complete an application, available on the City's website or through the City Clerk's Office. Completed applications are submitted to the City Clerk's Office, and transmitted to the City Council Members. City Council Members notify the City Clerk of selected appointees, and new appointments made by the City Council Members are listed on the next Council agenda under the Consent Calendar as informational items. Appointees currently serving on an Advisory Body are to continue to serve until replaced and/or reappointed.

## E. RESIGNATIONS AND REMOVALS

Appointees wishing to resign before the end of their appointed term should forward a letter to that effect, addressed to the City Clerk. The City Clerk will forward copies to the City Council.

Per the City Charter, the position of any member is automatically vacated when the member ceases to meet the qualifications for office including failure to maintain a residence in Albany or conviction of a felony.

## F. ADVISORY BODY CONDUCT AND ADMINISTRATION

The City Council has adopted policy regarding City Advisory Bodies to provide for the effective and efficient operation of the City's Advisory Bodies in accordance with Albany City Charter Section 3.23, and Albany City Council Resolution No. 2010-63, 2012-74, and 2014-7.

### 1. ATTENDANCE, ABSENCES, AND REMOVAL FOR EXCESSIVE ABSENCES

- a. Members of Advisory Bodies (Members) are expected to attend all regular and special meetings of their respective Advisory Body. Regular attendance is necessary to ensure a quorum of members is present, to provide a full range of perspectives on matters before the Advisory Body, and to allow the opportunity for the Advisory Body is to conduct business in a timely manner.
- b. At times, a Member may be able to participate remotely via teleconference. This must be arranged with the Advisory Body Chair and staff liaison in advance of posting of the agenda so that the site from which the member will teleconference can be stated on the agenda, and to ensure necessary equipment is available.
- c. Any Member unable to attend a scheduled meeting shall notify the Advisory Body Chair and/or the assigned staff liaison a minimum of 24 hours in advance of the meeting. This action will result in an "excused" absence. Failure of any Member to notify the Advisory Body Chair or the assigned staff liaison a minimum of 24 hours in advance of the scheduled meeting shall result in an "unexcused" absence.
- d. Excessive absenteeism shall be cause for removal from an Advisory Body. Excessive absenteeism is defined as one of the following:
  - i. Unexcused absence from three consecutive regular meetings
  - ii. With the exception of advisory bodies that meet regularly more than once a month (e.g. Planning & Zoning Commission), absence from four

meetings in any twelve month period, excused or unexcused. For advisory bodies that meet regularly more than once a month, excessive absenteeism in a twelve month period shall be defined as six absences from regular meetings, whether excused or unexcused.

- e. The Chair and/or staff liaison shall notify the City Clerk when a Member has excessive absences. The City Clerk shall notify the member and the appointing authority in writing that the member is removed due to excessive absenteeism. The City Clerk may consider any evidence from the Member provided within ten days of the notice that he/she has not been excessively absent before the action is final.

Chairs and staff liaisons are encouraged, but not required, to contact the Member, the City Clerk, and/or the appointing authority when a Member is close to being excessively absent.

## 2. ESTABLISHED MEETING END TIME

All Advisory Bodies shall identify a mutually agreeable meeting end time. Establishment of a reasonable end time is intended to provide sufficient time for Advisory Bodies to conduct necessary business while also respecting the outside responsibilities of Members. In general it is recommended that Advisory Bodies, with the exception of the Planning & Zoning Commission, consider an end time of 9:30 p.m. unless unusual circumstances dictate an alternative ending time. In order to exceed the agreed upon meeting end time, a motion for extension of time shall be approved.

## 3. ROTATION OF CHAIR PERSON

To provide the opportunity for all Members of Advisory Bodies to hold a leadership role, the position of Chair Person and Vice Chair shall be rotated on an annual basis in January or February. Although not recommended, if the Advisory Body agrees that there is a strong preference to continue with the existing Chair and/or Vice Chair, they may serve for a maximum of two consecutive years in the role.

## 4. SERVICE ON ADVISORY BODIES

To allow for the maximum amount of community engagement and participation on the City's Advisory Bodies, appointments to Committees/Commissions/Boards shall preferably serve on only one Advisory Body at any one time. This policy is

also intended to help minimize any potential conflict of interest issues that could arise by a member serving on multiple advisory bodies.

#### 5. ADDRESS, PHONE NUMBER AND EMAIL POLICY

When an individual serves on an Advisory Body, his/her address, telephone number and email will be public record.

#### 6. MANNER FOR BRINGING ITEMS TO THE CITY COUNCIL

Items authored by Advisory Bodies to the City Council (Boards/Commissions/Committees/Task Forces) shall be transmitted in the following manner:

- i. Advisory Body takes action to approve item for City Council, including options for the Council and pro/con analysis.
- ii. Staff liaison to Advisory Body submits item including pro/con analysis as developed by the Advisory body to the City Manager.
- iii. City Manager provides item to City Council via memorandum.
- iv. City Council Members may request item be placed on a future City Council Agenda for discussion. Note: if the item is placed on a future agenda the City Clerk will alert the Advisory Body staff liaison. The Advisory Body Chair or designee should attend the Council meeting to respond to any questions from the City Council.

#### 7. ANNUAL WORK PLAN

All standing Advisory Bodies shall develop an annual work plan for submittal to the City Council. The work plan should be reviewed by the Advisory Body annually in January. Advisory Bodies are encouraged to focus on a reasonable number of work plan items to accomplish in a given year, recognizing the potential workload associated with each item. Additionally, Advisory Body work plans are to focus on furthering the Strategic Plan Goals identified by the City Council.

##### City Council Review of Work Plans

Work plans shall be presented to the City Council annually in February. At times, some work plans may be presented to the Council in March if an additional meeting of the Advisory Body is necessary to finalize the work plan prior to submittal to the Council. The Chair of the Advisory Body or a designee should attend the Council meeting to respond to any questions raised by the City Council regarding the work plan.

The Council may choose to revise work plans as necessary to ensure Advisory Bodies remain focused on their respective charge and on implementation of City Council Strategic Plan goals.

8. CHANGES/ADDITIONS TO ANNUAL WORK PLAN

Any changes or proposed additions to the annual work plan must be submitted by the Advisory Body to the City Council for review. The submittal shall be prepared using the attached form “REQUEST FOR AMENDMENT TO ADVISORY BODY ANNUAL WORK PLAN”.

9. STAFF LIAISONS TO ADVISORY BODIES

A staff liaison is assigned to each of the Advisory Bodies to the City Council. The role of the staff liaison is to support the Advisory Body by preparing the agenda in coordination with the Advisory Body Chair, preparation of action minutes, and transmittal of items from the Advisory Body to the City Manager or other entity. Advisory Body members are to take the lead in conducting research, preparation of written materials, and other items that may come before the Advisory Body.

G. VACANCIES

Vacancies are filled by appointment by the Council. Appointments made in the middle of a term are for the unexpired portion of that term.

H. RECESS POLICY

Pursuant to Resolution No. 03-56, the Albany City Council and members of Advisory Bodies will recess during the month of August and between December 23<sup>rd</sup> and 31<sup>st</sup>; unless the City Council, City Manager or Chair determines that the importance of business requires convening a meeting.

I. BI-ANNUAL ADVISORY BODY TRAINING

All appointed Advisory Body members are expected to attend a bi-annual training session hosted by the City. The training is intended to provide a review of roles and responsibilities, and provide information on changes in laws or policies that are relevant to the work of Albany’s Advisory Bodies.

J. OATH OF OFFICE

All members of Boards and Commissions must take the Oath of Office administered by the City Clerk prior to officially serving on an Advisory Body.

# MEETINGS



## MEETINGS

### A. OPEN TO THE PUBLIC

All Advisory Body meetings are open and public, and all persons have the right to attend these meetings. All meetings are conducted in compliance with the Ralph M. Brown Act, which is the State of California open meetings law (California Government Code Sections 54950 to 54962, inclusive). It is the intent of the law that all actions be taken and conducted openly.

All regular meeting agendas must provide the opportunity for members of the public to speak on any item of interest that falls within the scope of responsibility of the particular Advisory Body. Members of the public are always given the opportunity to comment on each item being considered at the meeting. In addition, if after receiving public comment, the Advisory Body identifies an idea/action that the public did not have a chance to comment on, it is recommended the Advisory Body utilize flexibility and allow further public comment to ensure public interests are fully expressed.

### B. MEETING NOTICES AND AGENDAS

The Brown Act includes requirements regarding public notice and meeting agendas. All meetings of Albany's Advisory Bodies must be in compliance with these provisions.

For all regular meetings, an agenda must be posted at least 72 hours in advance of the meeting at the City's three official posting locations (City Hall, Community Center and Senior Center), and the City's website. Agendas are typically prepared by the staff liaison in consultation with the Chair. Advisory Body Members may place items of business on an agenda with advance notice, consultation of the Chair, and subject to availability of time.

Full agenda packets are prepared by staff and provided to Advisory Body members prior to the meeting for their review. In preparing for the meeting, members should carefully read the information included in the agenda packet.

### C. SPECIAL MEETINGS

Special meetings may be called by the Advisory Body chair or by a majority of members. Notice of such meetings must be posted at least 24 hours in advance of the meeting and sent to all members, as well as to the local media. In these situations, the meeting notice constitutes the agenda, which must include the time and place of meeting, as well as a listing of all business to be transacted.

The Brown Act prohibits legislative bodies from taking action on any item that is not included on the meeting agenda except in specific situations. These situations include the following:

- When a majority of the members decide there is an emergency situation, as defined by the Brown Act.
- When two-thirds of the members determine that there is a need for immediate action, which came to the attention of the local agency subsequent to the agenda being posted.
- When an item appeared on the agenda of a meeting held not more than five (5) days earlier and was continued from that meeting.

#### D. MEETING RULES AND PARLIAMENTARY PROCEDURE

In order for an Advisory Body to meet, conduct business and take action, a quorum must be present. A quorum is generally defined as a majority of appointed members to the particular advisory body. However, the City's Municipal Code includes specific quorum requirements for the Parks & Recreation Commission (four (4) members must be present for positive action) and the Planning & Zoning Commission (four (4) members required for amendments to the Zoning Ordinance and selection of officers and three (3) members required for all other matters).

Advisory Body action is taken by motion. Motions go through the following general steps:

1. The member making the motion asks to be recognized by the chair.
2. The member makes the motion ("I move...").
3. Another member seconds the motion (if there is no second the motion dies).
4. The chair restates the motion.
5. The chair asks for discussion.
6. The chair determines when there has been sufficient discussion and closes the debate.
7. The chair puts the motion to a vote.

The vote on a motion may take the form of a "no objection" vote, in which the chair states that, if there is no objection, the motion passes unanimously. If members prefer, the vote may take the form of a voice or roll call vote. The Brown Act prohibits voting or taking action by secret ballot.

Common motions include:

- Delay consideration: "I move to continue the item until (date specific, or date uncertain)".
- End discussion – a motion to end discussion on an item is not subject to debate and must be voted on immediately. "I move to end discussion and call the question."
- Close Debate: "I call for the question."

- Limit or Extend Debate: “I move to limit or extend debate to...”
- Adopt a staff recommendation: “I move to adopt staff’s recommendation to...”
- Deny staff recommendation: “I move to deny staff’s recommendation to...”
- Modify motion: “I move to adopt the recommendation with the following modifications...”

#### E. MINUTES

All advisory bodies, with the exception of the Planning and Zoning Commission, will use action or concise summary minutes that record motions and votes with little commentary. When a body acts in a quasi-judicial proceeding (public hearings), a summary of testimony should be made.

#### F. SUBCOMMITTEES

The Advisory Body may create special subcommittees of less than a quorum of the group who then may meet at their convenience to carry out the purpose of the subcommittee. Subcommittees are typically developed to conduct additional analysis of particular subject matters. If the subcommittee has a continuing subject matter or a regularly scheduled meeting time, it may qualify as a Brown Act committee and public notice provisions will apply. To avoid Brown Act issues, it may be beneficial to assign individual members of the Advisory Body to research items of interest to the group and return with research findings.

#### G. ROLE OF THE CHAIR

The chair is responsible for overseeing the public debate in a manner that encourages input while facilitating the decision-making process. The chair should limit the discussion and debate to the particular scope of responsibility of the group and should ensure that all individuals have the opportunity to speak.

The chair should expedite the business of the Advisory Body by making sure that the discussion stays focused. Time limits should be imposed on speakers in order to allow multiple speakers to comment on an issue within the timeframe of the agenda.

Responsibilities of the Chair Person include:

- Reviewing or preparing agendas prior to meetings.
- Starting the meeting on time.
- Assigning time limits for agenda items.
- Deciding questions of agenda order.
- Ensuring the public understands the nature of the issues being discussed.
- Keeping discussions focused and fair.

- Soliciting opinions from all members.
- Ensuring the full range of alternatives have been addressed during discussion.
- Providing structure for addressing complicated issues.
- Attempting to reach decisions efficiently.
- Announcing decisions.

In the event of resignations or removal, the Advisory Body shall elect another member to serve as chair person. During a temporary absence, the vice-chair person shall preside. If he or she is absent, the Advisory Body may elect a chair pro tem to conduct the meeting.

# ROLES AND RELATIONSHIPS

## ROLES AND RELATIONSHIPS

### A. ROLE OF ADVISORY BODY MEMBERS

Upon appointment to an Advisory Body it is recommended that the new appointee:

- Learn about the group's scope of responsibility and general operating procedures.
- Schedule an appointment with the appropriate City staff member and/or Advisory Body Chair prior to attending their first meeting.

Each Advisory Body member is responsible for considering the issues, as they relate to and impact the Albany community as a whole. It is important that members be able to set aside personal biases in an effort to understand how policies will affect all segments of the City. Members should use individual experiences and knowledge of the community to facilitate wider public participation and lead the process of reaching a consensus that will best serve the City of Albany.

Advisory Bodies can maximize effectiveness by adhering with the following:

- Prepare for meetings by thoroughly reviewing the agenda packet
- Maintain an objective, balanced and receptive attitude
- When analyzing an issue, it will be helpful to ask yourself:
  - What is the history behind this item?
  - What are the benefits and drawbacks?
  - What are the alternatives?
  - What have you heard from residents?
  - What are your specific concerns?
  - What are we trying to accomplish?
  - What are the long-range interests of the City?
  - What guidance can be found in City policies, plans, and other foundational documents?

### B. REPRESENTING THE ADVISORY BODY

Members should make every effort to interpret and represent the view of the whole group when commenting on matters relating to the official capacity as an Advisory Body member.

### C. REPRESENTING THE ADVISORY BODY AT CITY COUNCIL MEETINGS

A designee from the Advisory Body should attend City Council meetings when the Advisory Body has an item on the City Council agenda. When addressing the City Council, it is important to speak as a member of the Advisory Body as a whole. If individual viewpoints are raised, it is imperative that the statement be qualified for the record.

#### D. RELATIONSHIPS WITH OTHERS

- Fellow Advisory Bodies: in areas of overlap it is important that cooperation be developed to provide consideration of the different viewpoints that may occur, and to minimize duplications or conflicts. Forming a joint subcommittee may be advantageous where two bodies are addressing the same topic.
- City Staff: the role of the staff liaison is to provide assistance in scheduling meetings, administering the agenda and meeting materials. At times, staff may also make recommendations to the Advisory Body on particular items under consideration. Research and analysis of items on the agenda should be conducted by the Advisory Body members.
- General Public: Advisory Bodies should welcome citizen input, as a valuable resource to the group, to understand community concerns and interests. Advisory Bodies are also encouraged to identify opportunities for informal communication with the public including variations to the standard meeting format such as holding a work session to encourage public dialogue and face to face communication.
- Media: the Advisory Body generally should defer to the Chair to speak on behalf of the group, and/or the Chair should work with the City Clerk and staff liaison regarding media inquiries. If you are contacted by the media, please recognize the important role the press plays in informing the public.

If making statements to the press, remember the following:

1. Indicate if Advisory Body actions are recommendations and, if so, that final action would need to be taken by the City Council.
2. Keep your comments factual and try to avoid giving “opinions”.
3. If you cannot answer a question, say so and refer the reporter to another group member or to staff for an answer.
4. Be honest and positive in your comments and keep in mind your group’s goals.
5. Review comments with the reporter to ensure an accurate story. If the article is printed with serious errors, call the reporter so that a Correction can be printed.
6. Remember that you do not have to talk if you do not want to, and that

there is no such thing as “off the record”

#### E. CONFLICT OF INTEREST PROHIBITIONS

Members of Albany’s Advisory Bodies should be aware of the need to avoid instances of conflict of interests. Conflict of interest, as included in common law, statute and local policy, are generally applicable to all boards, commissions and committees. Additionally, certain boards and commissions are subject to filing requirements regarding economic interests.

The Political Reform Act of 1974 (California Government Code Section 87100 et seq), prohibits financial conflicts of interest on the part of public officials. The Act provides that no local official, including board, commission and committee members shall make, participate in making, or in any way attempt to use his or her official position to influence a City decision if the official knows, or has reason to know, that the decision will have a material financial effect on his or her interests or those of his or her family. The State Fair Political Practices Commission (FPPC) enforces the State conflict of interest regulations. Albany board, commission and committee members may seek the advice of the City Attorney or the FPPC regarding conflict of interest issues and concerns; however, only a formal advice letter from the FPPC will insulate individuals from FPPC enforcement actions.

The Political Reform Act of 1974 includes requirements for filing of periodic statements of economic interest for members of the Planning and Zoning Commission. At the current time, no other City board, commission and committee members are subject to State or local filing requirements. The City Clerk routinely advises the members of the Planning & Zoning Commission of filing requirements and deadlines and will inform other advisory board members of any changes that would affect them.

Government Code Section 1090, which is a separate law from the Political Reform Act provisions, states that any City officer or employee (which includes appointees of the City) shall not be financially interested in any contract made by any body or board of which they are a member.

A conflict of interest may also exist under common law doctrines. The common law doctrine against conflict of interest prohibits public officials from placing themselves in a position where their private/personal interest may conflict with their official duties. The Political Reform Act focuses on financial conflict of interest. Decisions which your board, commission, committee make are expected to be the result of disinterested and unbiased decision makers.



## CODE OF ETHICS

The Albany City Council has adopted a Code of Ethics to guide its own conduct. This Code can provide guidelines to Advisory Bodies regarding the City Council's expectation of conduct. Applicable portions of the City Council Code of Ethics are included below.

1. **City Policies**  
Stand behind the Advisory Body's spokesperson and leadership. Minority opinions and viewpoints should be honored. Individuals may speak or write individually, but should note that they are speaking or writing on their own behalf.
2. **Build Teamwork**  
Be open with ideas, feelings and attitudes. Gain an honest evaluation of your ideas and recruit assistance in implementing them.
3. **Show Respect, Effective Communication and Leadership**  
Respect your colleagues. For criticism to be effective, it is best to be constructive. Embarrassing a colleague or staff in public will likely be counter productive. Follow legitimate channels of communications with the staff.  
Remember that staff performance is a reflection of your leadership abilities. Work together. Treat staff with respect. Do not criticize staff at public meetings.
4. **Try to Reach Decision by Consensus**  
A level of consensus can make better decisions. Openly voice your individual goals and work to draft a solution to meet the largest number of goals.
5. **Value Your Vote**  
You were appointed to express your opinion by voting on matters. Vote with the Albany community and your conscience in mind. If there are conflicting goals, vote for the higher purpose. If you have a conflict of interest, abstain from voting.
6. **Give Political Assent; Do Not Misrepresent the Group**  
Accept the results of a board, commission or committee vote. Respect the decision of the group. Do not use your official capacity, unless specifically designated and authorized by your advisory body, to represent yourself as speaking or writing on behalf of a board, commission or committee. Do not suggest you represent the group (such as using the name of the board, commission or committee) or use your appointed status as a means of attempting to create an impression or influence others.
7. **Respect non-Partisanship**

The strength of local government in California is that it is non-partisan; be dedicated to the preservation of this system.

8. Brown Act

Be forthright in support and adherence to the Brown Act.

9. Conflict of Interest

If disqualified by reason of any conflict of interest in any matter, do not participate in any discussion in any way or comment on any matter in any way to any person including any other commission member, council member or staff and do not vote on such a matter.

## FIVE GOLDEN RULES OF AN EFFECTIVE ADVISORY BODY MEMBER

1. *Represent the Whole City*

The questions, “What is best for the entire Albany community?” should take precedence over “What is best for my special interest group?”

2. *Keep the Lines of Communication Open*

As an Advisory Body member, you are in the unique position of serving as a liaison between the City and its citizens. You are encouraged to explain and promote policies and programs established by the City Council within the scope of interest of your group, and transmit back the reactions and opinions of the citizens.

3. *Do Your Homework and be Thorough in Making Recommendations*

Be prepared to discuss the issues that are on the meeting agenda. In addition to reading the agenda packet and materials, your preparation may include discussions with staff, visiting the location of the proposed project or reviewing prior City Council actions. Remain objective during the fact-finding phase and thoroughly evaluate all aspects of an issue before making a recommendation.

4. *Be Conscious of the Relationship with the City Council and City Staff*

Successful relationships with the City Council and City staff are basic for the successful operation of any advisory body. It is important that you respect the authority of those who, in the end, will be charged with the responsibility for actions taken by the City.

5. *Establish a Good Working Relationship with Other Members*

As described in detail in a previous section, a positive relationship among all of the members of an Advisory Body will help to ensure the success of the group.

# ADVISORY BODIES

## **ARTS COMMITTEE**

### **Committee Origin:**

City Council Resolution No. 82-24, No. 82-56 and No. 2010-63

### **Committee Purpose:**

The Albany Arts Committee has the following scope of responsibilities:

- Advise the City Council on cultural and artistic activities within the City.
- Sponsor art programs and activities, as well as fundraising events to Support these programs.

### **Committee Composition:**

Seven members. One appointee per Council Member, one appointee at-large by the City Council, and one appointee at-large by the Board of Education.

The Committee Members select one (1) member to serve as Chair.

### **Meetings:**

Regular meetings are held on the second Monday of each month, at 7:00 p.m. in the Council Chambers, City Hall, 1000 San Pablo Avenue, Albany.

### **Responsible Department:**

Recreation & Community Services.

## **CHARTER REVIEW COMMITTEE**

### **Committee Origin:**

City Council Minute Action, May 6, 1974, Resolution No. 2010-63

### **Committee Purpose:**

The Charter Review Committee advises the City Council on proposed changes to the City Charter. These proposed changes may be generated by the City Council or by the Charter Review Committee.

### **Committee Composition:**

Five (5) members. Each Council Member appoints one (1) member whose term runs until the next Municipal Election (2 years).

The Committee Members select one Member to serve as Chair.

### **Meetings:**

Meetings are held, as needed, on the 4<sup>th</sup> Monday of every other month, 7:30 p.m. in the Conference Room, City Hall, 1000 San Pablo Avenue, Albany.

### **Responsible Department:**

City Clerk

## **CIVIL SERVICE BOARD**

### **Board Origin:**

Albany City Charter, Section 8.01

### **Board Purpose:**

The Civil Service Board was created by the City Charter with the following scope of responsibilities:

- Formulate rules and regulations governing the selection, promotion, reinstatement, reemployment and transfer of those employees in the Classified Service of the City (most employees in the Police and Fire Departments) in accordance with ordinances adopted by the City Council.
- Hold written, oral and any necessary examinations for the fair selection and promotion of personnel in the Classified Service of the City.

### **Board Composition:**

Five (5) Members, with one member appointed by each Council Member whose term runs until the next Municipal Election (2 years). No officer, employee or member of another Board, Commission or City Council shall be eligible for appointment to the Civil Service Board.

The Civil Service Board Members choose one (1) Member to serve as Chair.

### **Meetings:**

Regular meetings are held, as needed, on the first Monday of odd numbered months, 6:00 p.m., Conference Room, City Hall, 1000 San Pablo Avenue, Albany.

### **Responsible Department:**

Finance Department

## **COMMUNITY MEDIA ACCESS COMMITTEE**

### **Committee Origin:**

City Council Resolution No. 08-7. The City Council shall review the need for continuation of this Committee, or revision to its composition and charge, in 2013, and at no less than five-year intervals thereafter.

### **Committee Purpose:**

Council Resolution created the Community Media Access Committee with the following scope of responsibilities:

- Prepare five-year operation plans for KALB
- Advise City on change to the Cable TV Access Policy
- Evaluate current goals, create new goals and suggest timeline for all goals
- Oversee funds that are spent on cable-related activities
- Encourage alternative funding sources for equipment and staff
- Provide video production training opportunities for Albany residents
- Create Albany-based programming for the channel
- Post KALB programming schedules in cable television guide channel and in other media
- Coordinate and recruit volunteers to participate in cable-related activities
- Recommend the allocation of funds from the new State Franchise 1% PEG Support fee
- Promote and publicize KALB

### **Committee Composition:**

Five (5) Members, with one (1) member appointed by each Council Member whose term runs until the next Municipal Election (2 years). Two (2) members appointed by the Albany Board of Education, which may be held students.

### **Meetings:**

Regular meetings are held on the 4<sup>th</sup> Monday of each month, 6:00 p.m., Council Chambers, 1000 San Pablo Avenue, Albany.

### **Responsible Department:**

Recreation & Community Services Department



## **LIBRARY BOARD**

### **Board Origin:**

City Council Resolution No. 94-16.

### **Board Purpose:**

The Library Board advises the City Council on matters relating to the Albany Branch of the Alameda County Public Library.

### **Board Composition:**

Five (5) Members. Each Council Member appoints one (1) Member whose term runs until the next Municipal Election (2 years).

The Board Members select one (1) Member to serve as Chair.

### **Meetings:**

Regular meetings are held on the 4<sup>th</sup> Wednesday of odd numbered months, 7:00 p.m., Edith Stone Room, Albany Library, 1247 Marin Avenue.

### **Responsible Department:**

City Manager or his/her designee

## **PARKS & RECREATION COMMISSION**

### **Commission Origin:**

Albany Municipal Code, Section 2-17 (Ordinances No. 58-042 & No. 75-04).

### **Commission Purpose:**

City Council Ordinance created the Parks & Recreation Commission with the following scope of responsibilities:

- Advise the City Council on all matters of public recreation, public park Facilities and public landscaping (including street trees and parkways) in the City.
- Formulate (review) the Master Plan for recreation.
- Make recommendations to the City Council regarding acquisition and maintenance of parks, playgrounds and recreation centers.
- Promote recreation and encourage public agencies and private parties to develop recreational facilities and programs that benefit the citizens of Albany.

### **Commission Composition:**

Seven (7) Members. Each City Council Member appoints one (1) member whose term runs until the next Municipal Election (2 years). Two (2) Members are appointed by the Board of Education. Such Members serve for two-year terms.

Annually, the Commission Members select one (1) Member to serve as Chair and one (1) to serve as Vice-Chair, as well as any other officers as the Commission may deem necessary.

### **Meetings:**

Regular meetings are held on the 2<sup>nd</sup> Thursday of the month, 7:00 p.m., Albany City Council Chambers, 1000 San Pablo Avenue. The Chair or a majority of the Members of the Commission may call special meetings.

### **Responsible Department:**

Recreation & Community Services.

## **PENSION BOARD**

### **Board Origin:**

City Charter, Section 9.01.

### **Board Purpose:**

The Pension Board shall have charge and administer the Albany Police & Fire Pension Fund, order payments and report annually in June to the City Council the condition of the Pension Fund.

### **Board Composition:**

Five (5) Members. The Mayor of the City, City Treasurer, City Clerk and one (1) Pension Plan Member, active or retired from the Police & Fire Department.

The City Council shall appoint another member to serve as alternate for the Mayor. The City Council shall appoint alternates for the City Treasurer and City Clerk, after recommendations from the City Treasurer and City Clerk. Alternates for the Police & Fire Members are to be appointed by the Mayor upon recommendation of the Pension Plan Members.

### **Meetings:**

The Pension Board meets the last Tuesday of the month, 10 a.m. Conference Room, City Hall, 1000 San Pablo Avenue, Albany.

### **Responsible Department**

City Treasurer

## **PLANNING & ZONING COMMISSION**

### **Commission Origin:**

Albany City Charter, Section 3.16, Ordinance 2012-02, Resolution No. 2012-27

### **Commission Purpose:**

The Planning & Zoning Commission was created by the City Charter to make recommendations to the City Council regarding all provisions of the General Plan, to advise the City Council regarding the physical development of the City and to exercise functions with respect to land subdivisions, planning and zoning, as specified by City Council ordinance. The scope of authority of the Planning & Zoning Commission has been further clarified by City ordinance to include actions prescribed by the State Government Code and the California Environmental Quality Act.

### **Commission Composition:**

Five (5) Members. Each Council Member nominates one of the five (5) Commissioners for ratification by the City Council, as a whole. Commissioners serve until the next Municipal Election (2 years). Annually the Commissioners select a Chair and Vice-Chair.

### **Meetings:**

Regular meetings are held on the 2<sup>nd</sup> & 4<sup>th</sup> Wednesday of the month, 7:00 p.m. Council Chamber, 1000 San Pablo Avenue, Albany.

### **Responsible Department:**

Community Development

## **SOCIAL & ECONOMIC JUSTICE COMMISSION**

### **Commission Origin:**

City Council Resolution No. 05-15, No. 05-21 and No. 2010-63

### **Commission Purpose:**

The charge of the Commission shall be to research, analyze, discuss and evaluate a broad range of data and opinions on social and environmental issues affecting the welfare of the residents of Albany, as inhabitants of both a local and a global community, and make recommendations to the City Council on positions and/or actions to take to address these issues.

Recommendations to the City Council shall state the relevance, importance and/or particular impact that the issue has on the welfare of the residents of Albany.

### **Commission Composition:**

Five (5) Members. Each Council Member appoints one (1) Member until the next Municipal Election (2 years).

The Commission Members select one (1) Member to serve as Chair and one (1) Member to serve as Vice-Chair.

### **Meetings:**

The Social & Economic Justice Commission meets on odd months on the 1<sup>st</sup> Tuesday of the month, 7: 30 p.m. in the City Council Chamber, 1000 San Pablo Avenue, Albany.

### **Responsible Department:**

City Manager or his/her designee

## **SUSTAINABILITY COMMITTEE**

### **Committee Origin:**

City Council Resolution No. 07-46.

### **Committee Purpose:**

The Sustainability Committee is established to advise the City Council on policies, programs and issues promoting environmental sustainability in the City of Albany.

To provide leadership, technical assistance, education and outreach to members of the public, schools, local businesses and City agencies on innovative programs to promote environmental sustainability through energy conservation, solid waste reduction and recycling, water conservation, pollution prevention, transportation efficiency and other means.

### **Committee Composition:**

Seven (7) Members. Each Council Member appoints one (1) Member and, one (1) at-large Member is appointed by the Council. Additionally, one (1) member (student or adult) is appointed by the Board of Education. The terms run until the next Municipal Election (2 years).

### **Meetings:**

The Sustainability Committee meets the 3<sup>rd</sup> Wednesday of the month, 7:30 p.m., Council Chamber, City Hall, 1000 San Pablo Avenue, Albany.

### **Responsible Department:**

Community Development

## **TRAFFIC & SAFETY COMMISSION**

### **Commission Origin:**

Albany Municipal Code, Section 2.20 (Ordinance No. 06-010 & No. 71-024)

### **Commission Purpose:**

The Traffic & Safety Commission was created by City Council Ordinance to advise the City Council on matters relating to traffic flow, traffic safety and transportation policy within the City of Albany.

### **Commission Composition:**

Five (5) Members. Each Council Member appoints one (1) Member, whose term runs until the next Municipal Election (2 years). The Police Chief, Fire Chief and City Engineer serve as ex-officio Members of the Traffic & Safety Commission.

The Commission members select one (1) Member to serve as Chair.

### **Meetings:**

The Traffic & Safety Commission meets the 4<sup>th</sup> Thursday of the month, 7 p.m., Council Chamber, City Hall, 1000 San Pablo Avenue, Albany.

### **Responsible Department:**

Public Works Department

# ATTACHMENTS



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**RESOLUTION NO. 2010-63**

**A RESOLUTION OF THE ALBANY CITY COUNCIL REVISING COMPOSITION AND MODIFYING PROTOCOLS FOR CITY COMMISSIONS/COMMITTEES/BOARDS.**

**WHEREAS**, the Albany City Council hired an Intern to prepare a study on various aspects of the City's advisory bodies; and

**WHEREAS**, in July, 2010, the City Council reviewed the recommendations and referred them to all the advisory bodies for their comments; and

**WHEREAS**, in November, 2010, the City Council considered comments from the advisory bodies,

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby:

1. Discontinues the at-large appointments of the City Council to the Charter Review Committee and Waterfront Committee.
2. Discontinues the at-large appointments of the Albany Unified Board of Education to the Social & Economic Justice Commission and reduces its at-large appointment to the Arts Committee from two to one. The Board at-large seats on the Parks & Recreation Commission remain.
3. Add two seats nominated by the Albany Board of Education for appointment by the City Council to the Community Media Access Committee (These seats may be held by students).
4. Discontinues the Youth Task Force, with future task forces to be established on topics as needed.

**BE IT FURTHER RESOLVED** that the City Council makes the following clarifications and/or revisions to advisory body protocols to establish expectations for both appointees and staff:

1. Any member of a commission, committee or board may request an item be placed on an upcoming agenda, with scheduling subject to availability of meeting time.

1           2.       Commissions, committees and boards should be cognizant of and prudent  
2 with the use of staff time. Examples include members performing research and preparing  
3 minutes or expecting brief minutes whenever feasible. Appointees to committees are  
4 asked to work directly on projects, programs, community outreach, or other aspects of the  
5 committee's work plan.

6           3.       Except as otherwise provided for (e.g. Planning & Zoning Commission),  
7 regular meetings of the advisory bodies shall occur no more frequently than monthly.  
8 Special meetings and subcommittee meetings may be scheduled from time to time, with  
9 staff in attendance on an as-needed basis. The regular meeting schedule of the Social &  
10 Economic Justice Commission shall be quarterly.

11          4.       Items referred to advisory bodies by the City Council shall take priority  
12 over other business.

13          5.       To provide the City Council with a full picture of issues, reports from  
14 advisory bodies should include alternatives, advantages and disadvantages, and other  
15 analysis.

16          6.       Advisory bodies may request the Council to agendaize issues, ideas and  
17 recommendations.

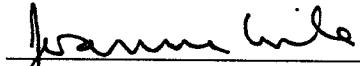
18          7.       Advisory bodies are encouraged to present issues or items to the Council  
19 that they are considering in advance of extensive analysis or development of  
20 recommendations. In this way, the Council has the opportunity to provide direction on its  
21 interest, ideas, and concerns before completion of the body's work.

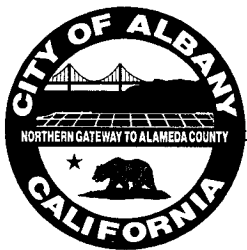
22          8.       Regular meetings of advisory bodies shall not be scheduled to conflict  
23 with one another. While special meetings may conflict from time to time, efforts should  
24 be made to minimize those conflicts, especially on issues of significant community  
25 interest.

26          9.       The City Council will review the advisory body composition and protocols  
27 in two years (2012).

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29

1 **BE IT FURTHER RESOLVED**, that a copy of this Resolution is to be  
2 sent to the staff liaisons to be distributed to all the advisory bodies and to be included in  
3 the Commission/Committee/Board Handbook.  
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8 Joanne Wile  
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# City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

**CITY ADMINISTRATOR**

PH. (510) 528-5710  
FAX (510) 528-5797

**CITY ATTORNEY**

PH. (510) 524-9205  
FAX (510) 526-9190

**CITY CLERK**

PH. (510) 528-5720  
FAX (510) 528-5797

**CITY COUNCIL**

PH. (510) 528-5720  
FAX (510) 528-5797

**COMMUNITY DEVELOPMENT & ENVIRONMENTAL RESOURCES**

- Building
- Engineering
- Environmental Resources
- Maintenance
- Planning

PH. (510) 528-5760  
FAX (510) 524-9359

**FINANCE & ADMINISTRATIVE SERVICES**

**CITY TREASURER**  
PH. (510) 528-5730  
FAX (510) 528-2743

**FIRE & EMERGENCY MEDICAL SERVICES**

PH. (510) 528-5771  
FAX (510) 528-5774

**PERSONNEL**

PH. (510) 528-5714  
FAX (510) 528-5797

**POLICE**

PH. (510) 525-7300  
FAX (510) 525-1360

**RECREATION & COMMUNITY SERVICES**

1249 Marin Avenue  
PH. (510) 524-9283  
FAX (510) 528-8914

- Friendship Club/ Childcare Program  
PH. (510) 524-0135
- Senior Center  
PH. (510) 524-9122  
FAX (510) 524-8940
- Teen Center  
PH. (510) 525-0576

**RESOLUTION NO.** 2010-63

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

this 6th day of December, 20<sup>10</sup>, by the following votes:

AYES: Council Members Atkinson, Javandel, Lieber, Thomsen & Mayor Wile

NOES: None

ABSENT: None

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 7th  
day of December, 20<sup>10</sup>.

  
JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community, and providing a safe, healthy environment now and in the future.*



PRINTED ON RECYCLED PAPER



*Leggy J. Hansen*  
MAYOR

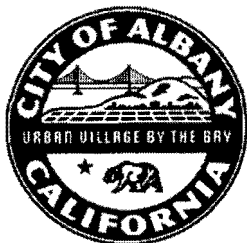
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Task Force Policies and Procedures

1. The City Council may establish Task Forces by minute action or resolution.
2. The City Council shall designate the purpose of the Task Force, the issue(s) to be considered; frequency and format for reporting back to the City Council; the number of members and appointing authority; the target conclusion date; and any other direction to bring clarity to Council's purpose and expectations.
3. Unless time is of the essence, in order to allow interested and informed members of the public the opportunity to apply to serve, there shall be at least ten days between the establishment of the Task Force and appointments by City Council Members or other appointing authority.
4. Task Forces may begin to meet after a majority of appointments have been made, but consideration shall be given to conducting the first meeting when most or all the appointments are in place, when feasible.

Advisory Body Recommendations

The City Council is the policy making body of the City. Policy recommendations from commissions, committees or boards to the City Council should be made in the form of options, their "pros and cons," and other considerations that are relevant to the Council policy decision. The exception would be those matters for which Council has requested an alternative approach, or if the City Charter or Municipal Code otherwise provide.



# City of Albany

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

**RESOLUTION NO. 2012-80**

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

The 17th day of December, 2012, by the following votes:

AYES: Council Members Atkinson, Maass, Vice Mayor Wile & Mayor Thomsen

NOES: Council Member Barnes

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 18th  
Day of December, 2012.

Eileen Harrington  
DEPUTY CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambiance, responding to the needs of a diverse community, and providing a safe, healthy and sustainable community.*



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**RESOLUTION NO. 2014-20**  
**A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING**  
**CHANGES TO THE SOCIAL & ECONOMIC JUSTICE COMMISSION**  
**AND SUNSETTING OF THE WATERFRONT COMMITTEE**

**WHEREAS**, the City conducted a comprehensive review of the City’s Advisory Bodies in 2010, adopting Resolution No. 2010-63 to change the composition and other structural features of the various advisory bodies, and called for a follow-up review in two years; and

**WHEREAS**, in December 2012, Council approved the continuation of reviewing advisory bodies every two years as well as a review of the Social and Economic Justice Commission (SEJC) in one year; and

**WHEREAS**, per Council direction City staff has reviewed the composition, purpose, meeting schedule, and related structural features of the advisory bodies, focusing on the effectiveness and productivity of the advisory bodies, and has recommended changes to the Social & Economic Justice Commission and the sunsetting of the Waterfront Committee.

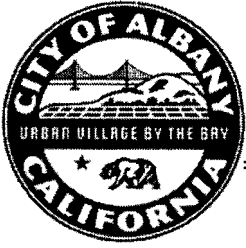
**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Albany hereby:

1. Modifies the Social & Economic Justice Commission as follows:
  - a. Assigns the Community and Human Services Manager as staff liaison
  - b. Continues meeting every other month unless more frequent meetings are needed for the press of business in accordance with Resolution No. 2010-63
  - c. Moves from summary minutes to action minutes in line with the practice of all other Advisory Bodies per Resolution No. 2010-63
2. Sunsets the Waterfront Committee, effective May 2014.

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**BE IT FURTHER RESOLVED**, that the City Council shall utilize a number of groups to advise the Council on matters related to the waterfront and to provide a public forum for the community following the sunseting of the Waterfront Committee including but not limited to creation of ad-hoc committees/work groups to focus on particular issues related to the waterfront and/or transition of the Albany Bulb and Neck as needed, and the City’s Planning & Zoning Commission, Park & Recreation Commission, and Sustainability Committee on matters related to the waterfront that fall under the respective purview of these advisory bodies.

  
\_\_\_\_\_  
PEGGY THOMSEN, MAYOR



# City of Albany

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

**RESOLUTION NO. 2014-20**

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

The 3rd day of March, 2014, by the following votes:

AYES: Council Members Atkinson, Barnes, Maass, Vice Mayor Wile & Mayor Thomsen

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 4th  
day of March, 2014.

*Eileen Harrington*

Eileen Harrington  
DEPUTY CITY CLERK

## **AB1234: ETHICS TRAINING FOR LOCAL OFFICIALS**

On October 7, 2005 the Governor signed Assembly Bill No. 1234. This law requires (among other things) that all agencies that provide compensation, salary or stipend to, or reimburses the expenses of, members of a legislative body must provide ethics training to local agency officials by January 1, 2007, and every two years thereafter. This potentially applies to all appointed members of a board, commission and committees.

AB1234 requires elected and appointed officials to take *two hours* of ethics training if they receive compensation for their service or if they are reimbursed for their expenses. For Albany, this applies to new members of *City Council, the City Attorney, the City Treasurer and the Planning & Zoning Commission*. The simplest way to comply is to complete the self-study at the following link and send in the test for scoring, as described in the link. The City will reimburse the application fee. The link to the self-study course is: [www.ca-ilg.org/AB1234selfstudy](http://www.ca-ilg.org/AB1234selfstudy). The Two self-study courses are short (less than 10 pages) and reading the material should take about 15 minutes.

Other boards, commissions, committees, particularly the Chair, and new members and staff are encouraged to spend 15 minutes to read through the material. The second course, entitled "Government Transparency and Fair Processes" include a good guide to the basic Brown Act requirements. Go directly to page 4 of this document "Conducting the Public's Business in Public" to understand the basics for serial meetings, (e-mail, phone) closed sessions, posting and following agendas, the public's right to be heard and fair process laws.

### **Annual Board, Commission, Committee Training**

All appointed board, commission, committee members are expected to attend an annual training session conducted by City staff. Training will provide a review of roles and responsibilities, and will provide information on changes in laws or policies that are relevant to the work of Albany's advisory bodies.

### **Oath of Office**

All members of City boards and commissions must take the Oath of Office prior to officially serving on an advisory body.

The City Clerk issues the Oath of Office and once you are appointed the City Clerk will notify you to schedule an appointment for you to come into the Office so that the Oath could be administered.

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### **The Ten Commandments of the Brown Act**

1. You shall only hold meetings which are properly noticed and open to the public, unless you have the written concurrence of the city attorney.
2. You shall not discuss with each other or make decisions outside of a public meeting by use of telephone, faxes, e-mail, etc.
3. You shall not discuss or make decisions about public business while attending a social or ceremonial event.
4. With limited exceptions, you shall hold all meetings within the city limits.
5. You shall post an agenda of your regular meetings at least 72 hours in advance.
6. You shall mail a notice of your meeting and any written agenda materials to anyone who requests it.
7. You shall allow all people to speak at your meeting about any topic within your subject matter jurisdiction, but you shall not take action unless the matter is posted on the agenda.
8. You shall allow the public to have a copy of all written material related to your meeting and shall post such materials to the web site, including materials received up to and during the meeting.
9. You shall hold special meetings only after posting an agenda 24 hours in advance and after concurrence from the city attorney. Emergency meetings (in the event of a disaster) need only 1 hour notice.
10. You shall add items to your agenda at your meeting only if there is a 2/3 vote determining that there is an immediate need to take action and that the need was learned after the posting of the agenda. You shall be very careful when applying this rule.

**IMPORTANT:** This is a very brief synopsis of the government code. If you have any questions regarding the Ralph M. Brown Act, please contact the city attorney.

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## DEFINITIONS OF BOARD, COMMISSION, COMMITTEE AND TASK FORCE

**Task Force.** A temporary grouping of individuals and resources for the accomplishment of a specific objective.

**Committee.** A group of people officially delegated to perform a function, such as investigating, considering, reporting or acting on a matter.

**Ad Hoc.** Committees established for a specific purpose. Formed for or concerned with one specific purpose for the particular end or case at hand without consideration of wider application; formed or used for specific or immediate problems or needs; often improvised or impromptu; contrived purely for the purpose in hand rather than planned carefully in advance.

**Commission.** A group of people officially authorized to perform certain duties or functions with certain powers or authority granted; the act of granting certain powers or the authority to carry out a particular task or duty:                      and powers so conferred.

**Board.** A group of persons having managerial, supervisory or advisory powers. In parliamentary law, a board is a form of deliberate assembly and is distinct from a committee, which is usually subordinate to a board or other deliberative assembly and having greater autonomy and authority.

## **TIPS FOR COMMISSION EFFECTIVENESS**

### **Tips for Effectiveness:**

1. Do your homework! Read your packet before the meeting. Visit the sites.
2. Raise questions with staff before the meeting. Avoid surprises.
3. Remember you are a commission for the “whole.”
4. Watch out for “bumping” into another advisory body, and resolve it early on if you think you might.
5. For quasi-judicial bodies, keep staff and the City Attorney advised of applicant contacts and ethical concerns.
6. Actively participate in all advisory body matters, not just the ones you’re most interested in.
7. In making recommendations to Council, think through long-term and “ripple” effects.
8. Treat everyone, public, each other and staff with respect.
9. Praise staff and each other in public – criticize in private.
10. Participate in training opportunities when available.

### **Ten ways to offend your colleagues on the Commission:**

1. Not show up!
2. Failure to prepare.
3. Dominate or pontificate.
4. Appeal to the audience or media.
5. Cut off or interrupt others.
6. Amend a motion to soften it and then not vote for it.
7. Commit to a position before the meeting.
8. Pressure your colleagues to take a position before the meeting.
9. Tell others they are wrong.
10. Criticize staff in public.

## Robert's Rules of Order

The City of Albany, like most agencies throughout the United States, follows the basic tenets of Robert's Rules of Order, Newly Revised (RRONR) in the conduction of meetings. RRONR provide a useful set of rules of conduct of meetings. The goal of the rules is to permit each member of the body an opportunity to be heard and to provide an orderly process for decision-making. A brief description of the parliamentary process used by RRONR follows.

A MOTION is a proposal that the body take a certain action or "go on the record" as having taken a certain stand on an issue. Motions need to be concise and should be stated positively (e.g. I move to deny... that than I move to not approve...) the motion needn't contain its rationale. Sometimes makers of motions give their reasons for the proposal as if it were part of the motion. The integration of debate into the motion tends to confuse the proceedings.

Once a motion is made, it must be SECONDED. If it is not seconded, it dies without any debate. If seconded, the motion may be DEBATED, unless there is not debate or it is a type of motion, which is not subject to debate. Finally, following debate (if any), the motion is subjected to a VOTE.

A motion must be in ORDER for the body to entertain it. That means that the motion must relate to the business at hand and be presented at the appropriate time.

In addition, the practice of "friendly amendments," which are offered to the maker of the motion, and which, if accepted by the maker and the seconder, effectively amend the motion without the formality of a separate motion.

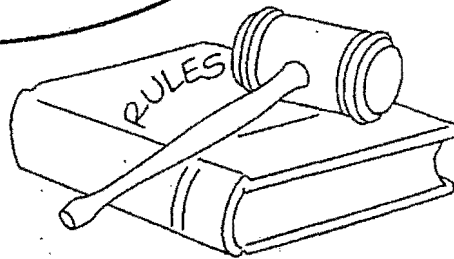
The most important element in the RRONR may be that everyone know and understand the rules in advance. After all, rules of procedure are intended to facilitate, not complicate, the transaction of business.

The table below is meant for easy reference. The first nine motions set forth below are in their order of precedence. They are enumerated for easy identification. The remaining motions have no precedence and are taken in the order they are offered. The table also addresses these five basic questions for each motion: (1) may one interrupt the speaker to make a motion? (2) does the motion require a second? (3) is the motion subject to debate? (4) is the motion subject to amendment? And (5) what vote is required for the motion to pass.



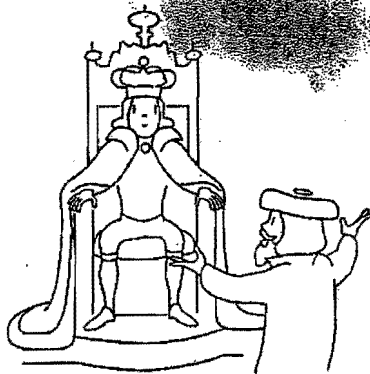
# WHAT IS PARLIAMENTARY PROCEDURE?

It's a set of rules for conducting business at meetings and public gatherings.

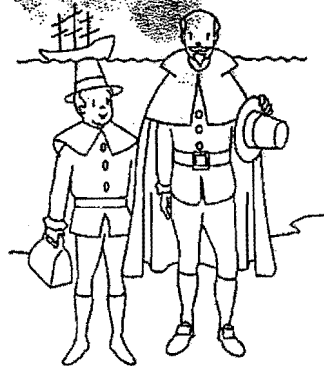


## PARLIAMENTARY PROCEDURE HAS A LONG HISTORY

**IT ORIGINATED**  
in the early English  
Parliaments.

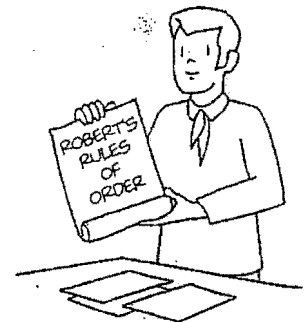


**IT CAME TO AMERICA**  
with the first  
European settlers.

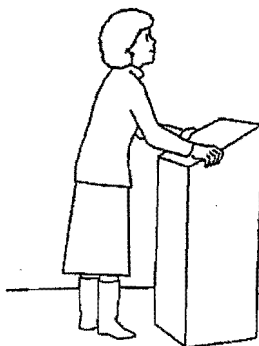


**IT BECAME UNIFORM**

in 1876, when  
Henry M. Robert  
published his manual  
on Parliamentary Law.

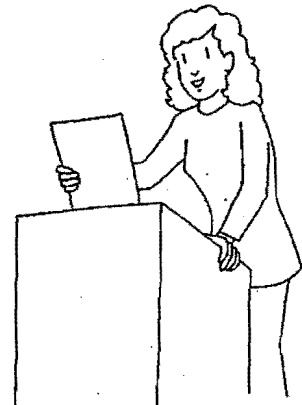


Today, *Robert's Rules of Order Newly Revised*, 10th Edition, is the basic handbook of operation for many clubs, organizations and other groups.



# A FIXED AGENDA,

or order of business, is generally followed by organizations using parliamentary procedure. Here's a typical example:



## 1. CALL TO ORDER

If a quorum\* is present, the chair (the person conducting the meeting) says, "The meeting will come to order."

## 2. MINUTES

The secretary reads a record of the previous meeting.

## 3. OFFICERS' REPORTS

Officers and standing (permanent) committees may report on their activities. Some only report at annual meetings.

## 4. REPORTS OF SPECIAL COMMITTEES

Special (temporary) committees report on the tasks for which they were created.

## 5. SPECIAL ORDERS

This is important business previously designated for consideration at this meeting.

## 6. UNFINISHED BUSINESS

This is business that has come over from the previous meeting.

## 7. NEW BUSINESS

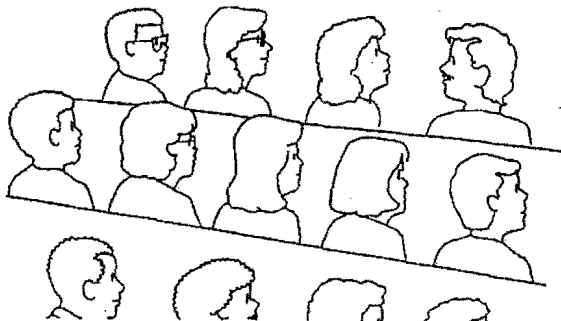
New topics are introduced.

## 8. ANNOUNCEMENTS

These inform the assembly (the people at the meeting) of other subjects and events.

## 9. ADJOURNMENT

The meeting ends by a vote or by general consent (or by the chair's decision if the time of adjournment was prearranged by vote).



\*A quorum is the number or percentage of members that must be present for business to be conducted legally. The actual number is usually stated in the bylaws.

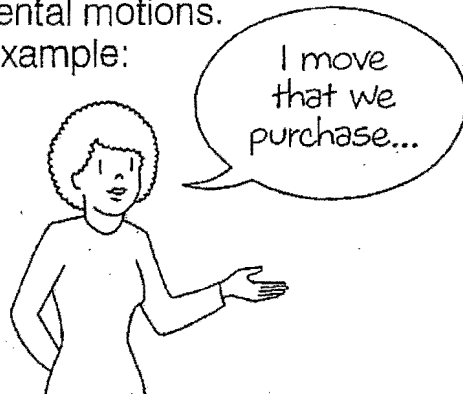
Note: Some assemblies may hold electronic meetings, such as videoconferences or teleconferences. These assemblies may need to modify some rules for obtaining the floor,

# THERE ARE 5 GENERAL TYPES OF MOTIONS

## ① MAIN MOTIONS

These introduce subjects for consideration. They cannot be made when another motion is before the assembly. They yield to privileged, subsidiary and incidental motions.

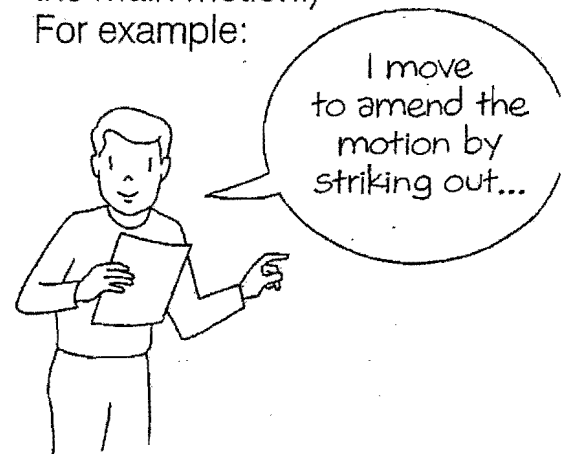
For example:



## ② SUBSIDIARY MOTIONS

These change or affect how the main motion is handled. (They are voted on before the main motion.)

For example:



## ③ PRIVILEGED MOTIONS

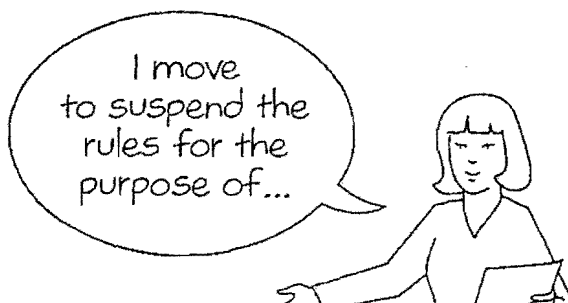
These concern special or important matters not related to pending business. In general, they are considered before other types of motions.

For example:



## ④ INCIDENTAL MOTIONS

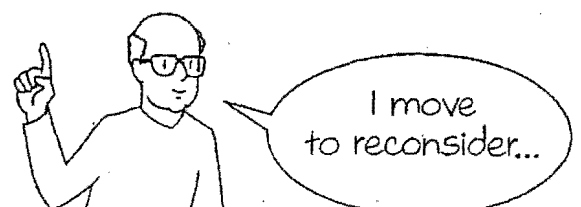
These are questions of procedure that arise out of other motions. They must be considered before the other motion. For example:



## ⑤ MOTIONS THAT BRING A QUESTION AGAIN BEFORE THE ASSEMBLY

These enable certain items to be reconsidered. In general, they are brought up when no business is pending.

For example:



## SOME QUESTIONS RELATING TO MOTIONS:

### IS IT IN ORDER?

Your motion must relate to the business at hand and be presented at the right time. It must not be obstructive, frivolous or against the bylaws.

### MAY I INTERRUPT THE SPEAKER?

Some motions are so important that the speaker may be interrupted to make them. The original speaker regains the floor after the interruption has been attended to.

### DO I NEED A SECOND?

Usually, yes. A second indicates that another member would like to consider your motion. It prevents spending time on a question that interests only one person.

### IS IT DEBATABLE?

Parliamentary procedure guards the right to free and full debate on most motions. However, some subsidiary, privileged and incidental motions are not debatable.

### CAN IT BE AMENDED?

Some motions can be changed by striking out or inserting wording, or both. Amendments must relate to the subject as presented in the main motion.

### WHAT VOTE IS NEEDED?

Most require only a majority vote (more than half the members present and voting). But, motions concerning the rights of the assembly or its members need a  $\frac{2}{3}$  vote to be adopted.

### CAN IT BE RECONSIDERED?

Some motions can be debated again and revoted to give members a chance to change their minds. The motion to reconsider must come from the winning side.

The table on pages 8 and 9 answers these questions for some specific motions.



### ③ YOU WAIT FOR A SECOND

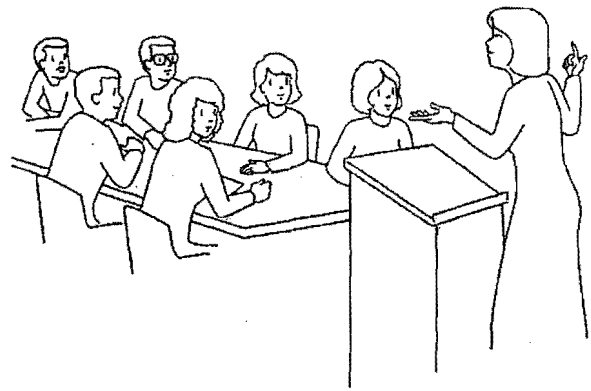
- Another member will say, "I second the motion."
- Or, the chair will call for a second.
- If there is no second, your motion will not be considered.

Motions made at the direction of a board or committee (of more than one person) do not require a second.



### ④ THE CHAIR STATES YOUR MOTION

- The chair must say, "It is moved and seconded that we..."
- After this happens, debate or voting can occur.
- Your motion is now "assembly property," and you can't change it without consent of the members.



### ⑤ YOU EXPAND ON YOUR MOTION

- As the person who made the motion, you are allowed to speak first.
- Direct all comments to the chair.
- Keep to the time limit for speaking.
- You may speak again after all other speakers are finished.
- You may speak a third time by a motion to suspend the rules with a  $\frac{2}{3}$  vote.

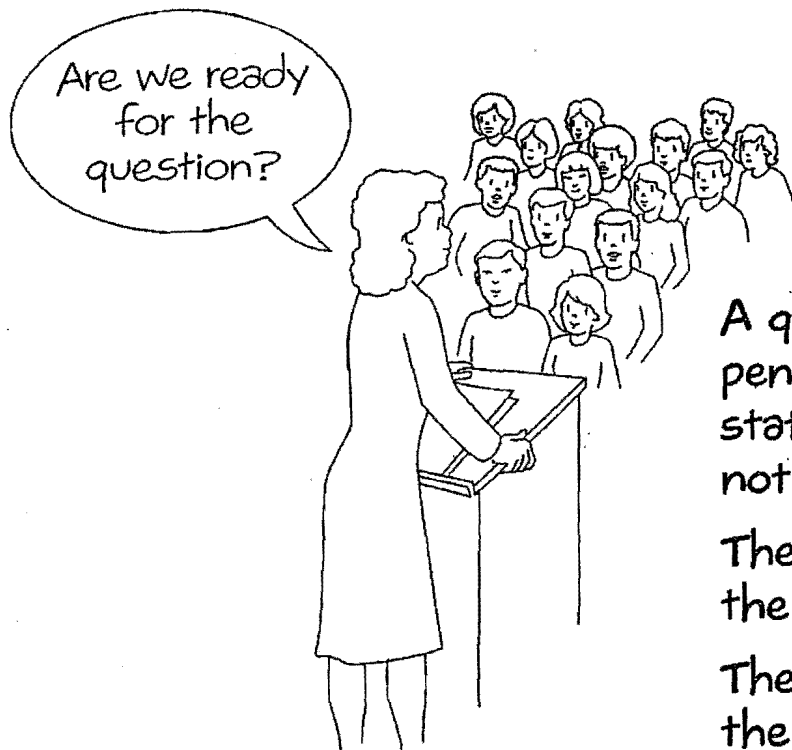


### ⑥ THE CHAIR PUTS THE QUESTION

- The chair asks, "Are you ready for the question?"
- If there is no more debate, or if a motion to stop debate is adopted, a vote is taken.
- The chair announces the results.



# MORE ABOUT VOTING



A question (motion) is pending when it has been stated by the chair but not yet voted on.

The last motion stated by the chair is the first pending.

The main motion is always the last voted on.

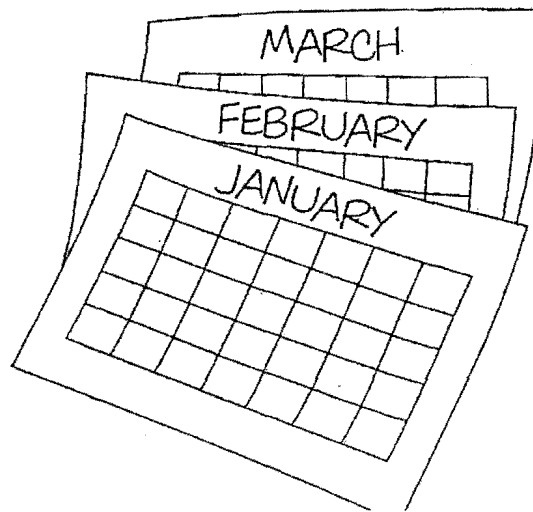
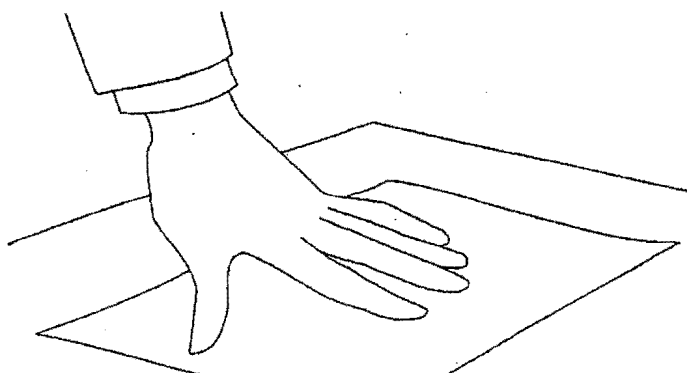
## A MOTION TO LAY ON THE TABLE

This motion is used to lay something aside temporarily to take care of a more urgent matter. It should not be used to prevent debate or to kill a question.

Members can "take from the table" a motion for reconsideration. This must happen by the end of the current or next session (depending on how soon the next session is scheduled).

## A MOTION TO POSTPONE INDEFINITELY

This is parliamentary strategy. It allows members to dispose of a motion without making a decision for or against. This is useful in case of a badly chosen main motion for which either a "yes" or "no" vote would have undesirable consequences.



So--

# PARLIAMENTARY PROCEDURE HELPS GET THINGS DONE

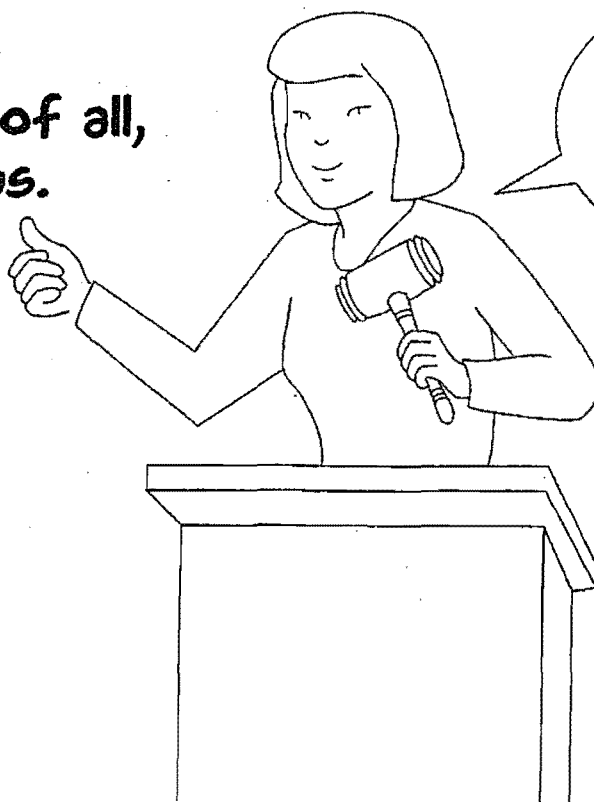
✓ **MAKE MOTIONS**  
that are in order.

✓ **OBTAIN THE FLOOR**  
properly.

✓ **SPEAK**  
clearly and concisely.

✓ **OBEY**  
the rules of debate.

And, most of all,  
be courteous.



That's  
always in  
order!

# ALBANY CALIFORNIA



CITY OF ALBANY  
1000 SAN PABLO AVENUE  
ALBANY, CA 94706  
[www.AlbanyCA.org](http://www.AlbanyCA.org)

## REQUEST TO AMEND ADVISORY BODY WORK PLAN FORM

INSTRUCTIONS: ADVISORY BODIES ARE REQUIRED TO COMPLETE FORM  
AND SUBMIT TO THE CITY COUNCIL VIA THE STAFF LIAISON

Attach additional pages as needed

**DATE:** \_\_\_\_\_

**ADVISORY BODY:** \_\_\_\_\_

**STAFF LIAISON:** \_\_\_\_\_

**PROPOSED AMENDMENT TO WORK PLAN:** \_\_\_\_\_

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**DOES THE PROPOSED AMENDMENT ADD TO THE ADVISORY BODY'S  
OVERALL WORK LOAD?** \_\_\_\_\_

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**HOW WILL THE EXTRA WORK LOAD BE MANAGED?**

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**WHAT IS THE ANTICIPATED TIMEFRAME FOR COMPLETION OF THE PROPOSED ITEM?** \_\_\_\_\_

\_\_\_\_\_

**EXPLAIN HOW THE AMENDMENT IS IN LINE WITH THE ADVISORY BODY'S ROLE AS DEFINED BY THE CITY COUNCIL:**

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**PLEASE PROVIDE PRO/CON ANALYSIS REGARDING THE PROPOSED AMENDMENT:**

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\_\_\_\_\_

**RECORD OF COUNCIL ACTION**

ACTION TAKEN: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ATTEST: \_\_\_\_\_ DATE: \_\_\_\_\_

CITY CLERK