

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: November 1, 2021
Reviewed by: NA

SUBJECT: Appointing City Council Member's Emergency Standby Officers and Amending City Council Procedures & Policies for the Appointments by Council Resolution

REPORT BY: Anne Hsu, City Clerk

SUMMARY

On October 18, 2021, the Council approved a recommendation as submitted by Vice Mayor Jordan to direct staff to prepare a resolution to that will automatically designate each Council Member's emergency substitutes. This report is provided in follow up to this item to submit said resolution for adoption by the City Council and amend the City Council Procedures & Policies accordingly.

STAFF RECOMMENDATION

That the Council adopt Resolution No. 2021-108:

1. Appointing the positions listed below as each Council Member's standby officers to serve in their place in the event of an emergency in accordance with California Government Code Sections 8635 - 8644 in the following order:
 - No. 1 – Each Council Member's Planning & Zoning Commission appointee
 - No. 2 – Each Council Member's Transportation Commission appointee
 - No. 3 – Each Council Member's Parks, Recreation & Open Space Commission appointee
2. Amending Section C of the Administrative Policies within the City Council Procedures & Policies to designate City Council Members' emergency standby officers.

BACKGROUND/DISCUSSION

On October 18, 2021 the Council approved a recommendation as submitted by Vice Mayor Jordan to direct staff to prepare a resolution that will automatically designate each Council member's emergency alternates as their Planning and Zoning Commission appointee, Transportation Commission appointee, and Parks, Recreation, and Open Space appointee, in that order. If the Council so asks, and subsequently adopts the resolution, amend the Council Procedures & Policies accordingly.

Section C of the Administrative Policies within the City Council Procedures & Policies currently states as below with recommended additional language in **bold and underlined** as well as strikethrough language noted:

C. CITY COUNCIL MEMBER EMERGENCY SUBSTITUTES POLICY

*In accordance with California Government Code Section 8635-8644, each Council Member may 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. **Emergency standby officers are appointed in accordance with City Council Resolution No. 2021-108.***

~~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.

SUSTAINABILITY/SOCIAL EQUITY CONSIDERATIONS

N/A

CITY COUNCIL STRATEGIC PLAN INITIATIVE

Goal 5, which is “Facilitate Government Accountability”

FINANCIAL CONSIDERATIONS

N/A

Attachments

1. Resolution No. 2021-108
2. Exhibit A to Resolution – City Council Procedures & Policies
3. California Government Code Sections 8635 - 8644
4. Vice Mayor Jordan Memorandum from October 18, 2021 City Council Meeting

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RESOLUTION NO. 2021-108

**A RESOLUTION OF THE ALBANY CITY COUNCIL APPOINTING
EMERGENCY STANDBY OFFICERS FOR ALBANY CITY COUNCIL MEMBERS**

WHEREAS, Government Code Sections 8635 – 8644, entitled “Preservation of Local Government”, set forth a procedure for local governments to provide for the continued functioning of local government in the event of a state of war emergency, state of emergency or local emergency; and

WHEREAS, Government Code Section 8638 authorized the City Council to provide for the continuance of the City’s legislative and executive departments during a state of war emergency, state of emergency or local emergency by appointing standby officers for each member of the City Council; and

WHEREAS, pursuant to Government Code Section 8641, a standby officer is to fill the appointed post when the regular officer is unavailable, as defined in Government Code Section 8636, and is to serve in such a post until such time as the regular officer becomes available or a new regular officer is elected or appointed.

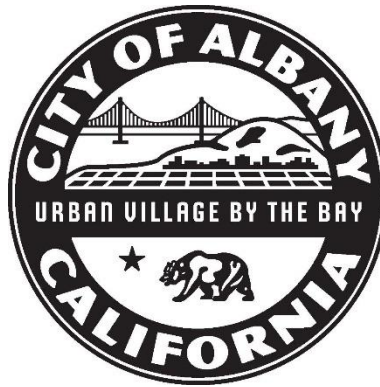
NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby resolve that the standby officers for each of the City Council Members, in the order listed below, shall be:

- No. 1 – Each Council Member’s Planning & Zoning Commission appointee
- No. 2 – Each Council Member’s Transportation Commission appointee
- No. 3 – Each Council Member’s Parks, Recreation & Open Space Commission appointee

FURTHER BE IT RESOLVED, that the City Council amend Section C of the Administrative Policies within the City Council Procedures & Policies to incorporate the terms within this resolution for standby officers.

GE’NELL GARY, MBA – MAYOR

ALBANY CITY COUNCIL PROCEDURES & POLICIES



ADOPTED BY RESOLUTION NO. 2012-65

REVISED BY RESOLUTION NO. 2014-8; 2017-71; 2018-42; 2019-3, 2019-56,
2021-13, 2021-44, 2021-xxx

UPDATED ~~October 4~~November 1, 2021
By ~~Council Minutes Action~~Resolution No. 2021-xxx

ALBANY CITY COUNCIL PROCEDURES & POLICIES

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H.	<u>INVESTMENT POLICY</u>
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RULES OF PROCEDURE/ORDER

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 7:00 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. The established regular meeting start time of 7:00 p.m. is included in City Council Resolution No.2021-13. 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 an alternative location as needed. 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.

The Mayor shall have the ability to reschedule a meeting for the purposes of holding an annual work session which may replace a regular meeting of the City Council.

The Mayor may also cancel a City Council meeting due to lack of quorum or lack of substantive agenda items. Notification of meeting cancellation shall be posted at all required posting locations.

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/email, 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/email, 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.

Light fare will be provided to Council Members in situations where special closed session meetings are held before the Regular Meeting time of 7:00 p.m. On occasion, food may also be provided at study sessions or other special meetings of the City Council.

Special meetings may also be in the form of a public workshop or study session on a matter that requires additional analysis, or that would benefit from a more informal meeting setting to allow for added dialogue on matters of community interest. The City Manager shall coordinate the with the Mayor regarding the planning and scheduling of any City Council public workshops/study sessions.

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, unless otherwise permitted by law. 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 absence.

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. If all members are absent, the Clerk may declare the meeting adjourned to a stated time and place and shall cause a written notice of the adjournment to be delivered personally or by mail/email to each Council Member at least twenty-four (24) hours before the time of the meeting as specified in the notice.

Three (3) affirmative votes are required to adopt any ordinance, resolution, orders for the payment of money, or claim against the City, unless otherwise required by law. 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. 09-1, 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 via email to the Council Members, and 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 City Manager shall coordinate with the Mayor regarding each City Council Agenda.

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 electronically 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 regular 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) that there is a need to take immediate action and that need for action came to the attention of the City subsequent to the agenda being posted.

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.

Procedure for Advisory Bodies Bringing Matters Before the City Council

Per City Council Administrative Policy, items authored by Advisory Bodies to the City Council (Boards/Commissions/Committees/Task Forces) shall be transmitted to the City Council in the following manner:

Advisory Body findings and/or recommendations are to be presented to the City Council, in accordance with any deadlines identified by the Council. Recommendations should be supported with data, pro/con analysis, or other relevant background material to help inform the City Council. When possible, the Advisory Body should include options for City Council consideration. The staff liaison to the Advisory Body will coordinate with the City Manager to schedule the item on a future City Council agenda. The Advisory Body Chair or designee is expected to attend the City Council meeting to present the item in coordination with the staff liaison.

It should be noted that as part of the decision-making process on any matter, the Council has the authority to select from any of the options available, or to take an entirely different course of action.

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 or elsewhere as permitted by law. 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 a motion and approval by three-fifth (3/5) of the Council, items may be taken up out of order. Changing of the Order of the meeting is a rare occurrence and should be done thoughtfully. Exceptions to the order may be made for circumstances pertaining to agenda items including but not limited to: 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.

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. (title headings order revised per adopted Resolution No. 2021-13 on 2/16/2021)

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.

CEREMONIAL MATTERS

Ceremonial matters include reading of proclamations, awards and special recognitions.

CITY MANAGER REPORT

The City Manager provides verbal and/or written reports regarding matters of interest to the Council.

GOOD OF THE CITY/PUBLIC COMMENT

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.

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.

Members of the Council and/or the public may pull a consent calendar item to ask questions and/or for further discussion. It should be noted that matters on the consent calendar are typically routine in nature, and as such, pulling of consent calendar items should be done infrequently in order to ensure efficient time management of the meeting.

PRESENTATIONS

Presentations on particular topics of interest to the Council will be provided on an as needed basis. The Council shall have the authority to take action regarding presentation matters as needed.

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, if applicable and applicant. The Presiding Officer will designate the time period for the presentations, which should be of comparable allowed time for the appellant, if applicable 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 all 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. Notwithstanding the above, the Presiding Officer shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the City Council, unless the City utilizes simultaneous translation equipment that allows the Council to hear the translated public testimony simultaneously.

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. **COUNCIL SUBCOMMITTEE REPORTS, COUNCIL MEMBER REPORTS ON APPOINTED REPRESENTATION OF ALBANY, AND OTHER MEETINGS AND EVENTS**

The agenda shall list Council Subcommittees and appointed representation of Albany to local, state, or regional government bodies and corresponding compositions. Reports may be included for:

City Council Subcommittees

City Council Appointed Representation of Albany

City Council Meetings and Events

Council Subcommittees report, if they have met, and Council Members provide reports on any local, state or regional government meetings at which they have represented the City of Albany. The Mayor may invite citizens who represent Albany at such meetings to report as well.

Council members may provide reports on any other meetings and/or community events and activities they have attended or plan to attend that they believe may be of interest to the Council, staff, or public.

Council Members are encouraged to provide staff with links and/or a written report of meetings attended in advance of the posting of the Council agenda to include with the agenda materials. The Council shall have the authority to take action regarding any agendaized written recommendations provided under this agenda category as needed.

FUTURE AGENDA ITEMS

Council Members and City Manager note upcoming agenda items that may be of interest to the Council, staff, or public. Council Member and member of the public may request, not discuss, that the Council place an item on a future agenda.

ANNOUNCEMENT OF CITY MEETINGS AND EVENTS

The City Council does not deliberate over these items and therefore there is no public comment on these items. This announcement of future City meetings and events shall consist of:

Upcoming City Events

Upcoming City Meetings

ADJOURNMENT

The meeting shall be adjourned when the Presiding Officer calls for adjournment after conclusion of businesses on the agenda. 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.

Statements by the Mayor

In the case of a serious event or matter of significant concern to the community of any kind that the Mayor deems to require reassurance to the residents of the City, the Mayor may prepare and issue a statement, which will also be read at the next scheduled City Council meeting. Any such statement should be consistent with the Council's adopted mission, vision and strategic goals, and any other related policy positions previously adopted by the current City Council. Whenever possible, the Mayor shall provide the statement to the City Clerk in advance of the Council meeting for inclusion in the agenda materials. All statements will be posted to the City's website.

Participation

The Presiding Officer may move, second, debate, and vote. They shall not be deprived of any of the rights and privileges of a Council member by reason of their acting as Presiding Officer.

Questions to be Stated

The Presiding Officer, or such member of the City staff as they 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 their discretion may publicly explain the effect of a vote for the audience, or they 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. They 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 their signature which were adopted in their presence unless they are unavailable, in which case an alternate Presiding Officer may sign such documents.

C-3. DUTIES OF COUNCIL MEMBERS

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

C-4. MOTIONS TO BE STATED BY THE PRESIDING OFFICER

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

C-5. 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 five 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 and posted on the website. Communications submitted at the Council meeting will be included in the public viewing binder, on the City's website to accompany the posted agenda, 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 and D-4, members of the public shall have the right to address the Council on each item on the agenda.

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

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, they may state their 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 except for reports for which the time period shall be one (1) minute primarily for the purpose of asking clarifying questions. 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.

Notwithstanding the above, the Presiding Officer shall provide at least twice the allotted time to a member of the public who utilizes a translator to ensure that non-English speakers receive the same opportunity to directly address the City Council, unless the City utilizes simultaneous translation equipment that allows the Council to hear the translated public testimony simultaneously.

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.

E. DEBATE AND DECORUM

E-1. GETTING THE FLOOR

Every Council Member desiring to speak shall first address and 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 their questions to the staff member. In the case of the City Manager, they shall be entitled either to answer the inquiry personally, or to designate a member of their 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, they shall cease speaking until the question of order is determined. If determined to be in order, they 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. They 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 their 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 them 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 their 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, clear the room, or remove members of the public who willfully interrupt the meeting to render the orderly conduct of such meeting unfeasible, as needed to maintain order and decorum as permitted under the Brown Act. The Sergeant-of-Arms shall provide assistance to effect orders by the Presiding Officer in the above courses of action.

Any person who willfully interrupts the City Council meeting so as to render the orderly conduct of such meeting unfeasible 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 any 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. SUBSTITUTE MOTION

A substitute motion may be made to replace the main motion. Any substitute motion shall require a second. In the event that a substitute motion is made and receives a second, the Presiding Officer will call for a vote on the substitute motion first, and, if the substitute motion is not approved, the Council will then vote on the original motion.

F-4. FRIENDLY AMENDMENT TO A MOTION

A “friendly” amendment to a motion may be proposed by a member of the Council. The Council Member who made the motion, and the one who seconded it, shall be asked whether they accept the friendly amendment. If both agree, then the amendment shall be incorporated into the motion.

F-5. 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-6. 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 Amendable: No, except to adjourn to another time is debatable and amendable 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 Amendable: Yes, but restricted to time or duration of recess

3. MOTION TO POSTPONE TEMPORARILY OR TO A DEFINITE TIME

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 Amendable: It is debatable, but not amendable.

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 Amendable: 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 Amendable: 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 Amendable: 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 Amendable: It is debatable, but not amendable.

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 Amendable: It is debatable, but not amendable.

9. MAIN MOTION

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

Debatable or Amendable: 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. Voting shall be in a randomized order. Motions may be passed by a simple majority of the members present at a meeting with a quorum. Two (2) votes are sufficient if only three (3) members are present, except that the following matters shall always require three (3) affirmative votes:

- (a) Adoption of ordinances
- (b) Resolutions
- (c) Orders for the payment of money

G-2. CHANGE OF VOTE

A member may change their vote only if they make 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 other members present may act for them. 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 themselves 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 their 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, unless a consent calendar item, and shall not 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 and the Council is unable to assemble a quorum, a random drawing will be conducted by the City Clerk to determine the minimum number of members required to 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 amendable and debatable. Such motion can be made by any Council Member regardless of how they 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

ORDINANCES

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 their 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 their 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 law 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 their 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 law 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 their observations of such outside evidence taken and they shall be subject to examination thereon by any interested person or their 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 and has not familiarized themselves with all of the material, including reviewing the audio/video recording of the meeting(s), or who, in the opinion of the City Attorney, has a substantial conflict of interest in the matter, shall, disqualify themselves from discussing or voting on said matter.

J-6. 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, unless required to be retained longer by law. 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 their 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-hour notice.

- K-2.** The Council should then consider the matter if the Council by 2/3 vote (or unanimous vote if less than 2/3 are present) makes the findings in K-1, in accordance with the provisions of the California Government Code.

L. CITY COUNCIL REORGANIZATION

The City Council shall conduct a yearly reorganization at its second meeting of December, unless otherwise designated by the City Council. On election years, the reorganization of the City Council shall occur at the same meeting that the Council certifies the election results. 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. The election of Mayor and Vice Mayor shall be placed at the end of the Agenda.

L-1. ELECTION GUIDELINES

The City Council shall use the following rules when electing the Mayor and Vice Mayor:

- (a) The Mayor and Vice-Mayor shall rotate every year.
- (b) A queue will be established to govern the selection of the Mayor and Vice Mayor upon adoption of the rules governing Mayor and Vice Mayor selection. Any order may be established upon initial adoption.
- (c) The first person in the queue will be the Mayor. The second person will be the Vice Mayor. The third person in the queue will be the next Vice Mayor at the next rotation.
- (d) Immediately after certification of the election, newly elected Council Members will be placed at the bottom of the queue in the order of the number of votes won in their election from most to fewest. If there is an appointment of Council Members instead of election, a random drawing will be held by staff to determine the order of placement in the queue.
- (e) Every year, in the second regular meeting in December, the third person in the queue will become Vice Mayor, the Vice Mayor will be selected as Mayor, and the Mayor shall be placed at the bottom of the queue.
- (f) In the event that the third person in the queue declines to become Vice Mayor, they will maintain their position and the next willing member in the queue will be appointed Vice Mayor.

- (g) In the event that the Vice Mayor declines to become Mayor, that person will be placed in the bottom of the queue.
- (h) Should all Council Members agree not to move up in the queue, then the Mayor and/or the Vice Mayor may maintain their positions. Should either decline to maintain their position, they will be placed at the bottom of the queue and the others moved up.
- (i) Should another situation arise which is not covered in the above rules, the Council will discuss and vote on the procedure to select the Vice Mayor and Mayor.

M. CITY COUNCIL APPOINTMENTS TO REGIONAL BODIES

In making appointments to regional bodies, Council Members shall use a consensus-based approach to fill the appointments, and take into account the following criteria:

- (a) Appointments should be spread as evenly as possible amongst the Council Members, if there is equal interest amongst the Council Members to represent Albany. This may mean the Mayor will serve only on the bodies they are required to serve on.
- (b) Appointments should be mostly considered to be two-year appointments until the next election, with possible shuffling occurring due to Mayoral rotation, or if there is significant contention for appointment to a certain body. In the latter case, Council Members may choose to take turns each year.
- (c) Seniority on the Council should be taken into consideration. For example, if a Council Member has not been able to serve on a body they wish to serve on, they should be given the opportunity before the end of their term.
- (d) Priority for appointment to a body shall be given to Council Members who are active members of their bodies, participating in meeting discussions, and reporting back substantively to the Council on important matters heard at the regional body.

ADMINISTRATIVE POLICIES

A. INTRODUCTION

The Albany City Council Policies are intended to govern the conduct of the City of Albany and its employees. For the sake of this document, a “Policy” is the protocol, principle or rule that guides City business and serves as a framework for the City Manager Administrative Policies, intended to carry out said Council policies. The City Council Policy Manual is approved and adopted by the Albany City Council and will be reviewed or updated on an as-needed basis. The City Manager is authorized to approve, administer and make changes to the City Manager Administrative Policies to achieve efficient and effective implementation of City Council Policies. The City Manager Administrative Policies describes the way in which the following Council Policies are to be carried out.

B. CITY COUNCIL EXPENSE REIMBURSEMENT POLICY

B-1. POLICY STATEMENT

The purpose of this policy is to define and clarify authorized reimbursable general business expenses in accordance with California Government Code Section 53232 et seq. This policy includes, but is not limited to, travel, business meals, lodging, conference expenses, professional memberships, and other related expenditures incurred by Council Members while conducting City business. This policy also establishes procedures for reimbursement of such expenses.

City Council members shall be entitled to reimbursement for their reasonable expenses associated with travel, meals, lodging and other actual and necessary expenses associated with attending professional conferences, seminars, meetings, and training in a manner and in the amounts as set forth in this policy.

This policy shall be formally adopted by the City Council and any changes thereto shall also be adopted by City Council.

B-2. AUTHORIZED EXPENSES

Government Code Section 53232.2(b) requires the local agency to specify the types of occurrences that qualify an official of a legislative body to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

- (a) Meetings with government and business leaders where a benefit to the City can be defined.
- (b) Conferences, training and educational trips, including visiting other governments to discuss and observe best practices where a benefit to the City can be defined.
- (c) Lobbying trips and business-related trips where a benefit to the City can be defined.
- (d) Participating in regional, state and national organizations whose activities affect the City's interests.

B-3. UNAUTHORIZED EXPENSES

Expenditures incurred by City Council members must be only those incurred in the course and scope of their official duties. The City shall not reimburse:

- (a) The personal portion of any trip.
- (b) Political, religious or charitable contributions or events.
- (c) Family expenses, including those of a partner when accompanying Council member on official business, child or pet care.
- (d) Entertainment Expenses, including theatre, shows, movies, sporting events, golf, spa treatments, etc.
- (e) Non-mileage personal automobile expenses including repairs, insurance, gasoline, traffic citations.
- (f) Personal losses incurred while on City business.

B-4. CITY COUNCIL SALARIES

City Council members shall receive a salary for their performance of official duties, in accordance with the City of Albany Charter, Section 2.08, "Council Compensation".

B-5. TRAVEL

The most economical mode and class of transportation reasonably consistent with scheduling needs should be used, using the most direct and time-efficient route. Officials shall use government and/or group rates offered by a provider of transportation when available. The following transportation modes may be employed for the purpose of traveling on City business:

- (a) **Air Travel** - All officials shall utilize coach or tourist class accommodations when traveling by commercial airline. Reservations, where possible, should be made at least **fourteen (14)** or more days in advance to take advantage of all available discounts. Increased fees related to late booking may be disallowed without a sound business reason. Officials may at their own expense pay to upgrade their airline accommodations.
- (b) **Alternate Travel Methods** - Officials who use alternative travel methods, such as such as commercial bus or train for travel to and from designated places on City business outside the City will be reimbursed for the actual expense of the alternative travel method, not to exceed coach or tourist class airfare.
- (c) **Personal Automobile** - Officials who use their personal vehicle for travel to and from designated places on City business outside the City will be reimbursed for mileage at the rate established by the Internal Revenue Service in Publication 463, or any successor publication. These rates are designed to compensate the driver for gasoline, insurance, maintenance and other expenses associated with operating the vehicle.
- (d) **Other Personal Automobile Reimbursements (Non-Mileage Based)** - The IRS rate described in section B above does not include bridge and road tolls or parking and storage of personal or City vehicles may be authorized. Detailed receipts should be provided to obtain reimbursement.
- (e) **Vehicle Rentals, Taxi, and Transit Fare** - Out of town expenses for such transportation may be authorized where reasonable and necessary to conduct City business. Receipts must be provided to obtain reimbursement. When vehicle rental is chosen over taxi or shuttle service, there should be a business reason or economic benefit to support the rental decision.

B-6. LODGING

Lodging expenses will be reimbursed or paid for when travel on official City business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. Travelers must request government rates, when available. If the group rate is not available, the Council member shall be entitled to reimbursement for actual costs of lodging that is comparable in location and quality.

B-7. MISCELLANEOUS EXPENSES

City Council members shall be entitled to reimbursement for miscellaneous expenses incurred in the performance of their duties and in the course and scope of

their activities as Council members and which are reasonably related to City business including:

- (a) Actual cost of telecommunication and fax charges when Council members are away from City Hall.
- (b) Other miscellaneous charges reasonably related and necessary to the activity, including gratuities, parking, shuttle and taxi charges.

B-8. MEALS

City Council members shall be entitled to reimbursement for meals and associated gratuities in an amount not to exceed the per diem rate as established by the United States General Services Agency. The per diem rate shall be the designated per meal cost. In addition, based on State law Council Members shall be required to submit actual receipts documenting the expense as set forth below. Alcoholic beverage expenses shall not be reimbursed.

Where Council members are attending a conference or other organized educational activity, and a meal or meals are provided as part of the activity, Council members shall not be reimbursed for any separate meal unless dietary needs require that the Council member purchase a different meal and/or city-related business necessitates that the Council member miss the hosted meal.

B-9. EXPENSE REPORTS

In order to receive reimbursement Council members shall complete and submit a Travel and Expense Claim Form and Report to the Finance Department within a reasonable time after incurring the expense and no later than 60 days after the event. The expense report shall be accompanied by all detailed receipts documenting each expense, including those acquired from the use of a City credit card. This expense report shall be included in the Council agenda packet as part of the item for Ratification of Bills, Claims and Demands. The Council member shall verify that the expenses for which reimbursement is sought were incurred on behalf of the City in the performance of official duties and that they are in compliance with this policy.

Council members shall provide a brief report on meetings attended at the expense of the City at the next regular meeting of the Council. If multiple Council members attended the same event, a joint report may be made. All documents related to reimbursable expenditures, including but not limited to the Expense Report and actual receipts are public records subject to disclosure under the California Public Records Act. Any personal information including credit card numbers contained on any receipts may be redacted before publicly releasing such records.

C. CITY COUNCIL MEMBER EMERGENCY SUBSTITUTES POLICY

In accordance with California Government Code Section 8635-8644, each Council Member may 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. Emergency standby officers are appointed in accordance with City Council Resolution No. 2021-xxx.

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.

D. CITY COUNCIL RULES OF CONDUCT POLICY

D-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.

(d) City Council Members shall coordinate communication regarding City administration through the City Manager

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

D-3. City Council Members shall not make any statement that they are representing official policy of the entire City Council unless the statement has been approved by the City Council.

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

- D-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. Council Members shall refrain from participating in meetings of City Committees/Boards/Commissions, with the occasional exception of providing technical information to the advisory body if necessary. Council Member attendance at Committees, Boards and Commission meetings shall be limited.
- D-6.** The City Manager shall report to the City Council any violations of the above rules which come to their attention.

E. CITY COUNCIL STRATEGIC PLAN POLICY

The purpose of the City Council Strategic Plan is to identify key issues, develop City Council direction, establish priorities, and set goals and objectives to best focus changes to the use of the City's limited resources and capacity over the course of the 2-year plan period. The mandated obligations of local government remain the core function of the City and need not be fully detailed in the Strategic Plan, including but not limited to: public infrastructure, public safety, governmental transparency, financial accountability, and implementation of regulations.

CONTENT

A strategic plan should start with a review of the City's mission and vision. Based on the mission and vision, a realistic number of goals and objectives should be established that build on the organization's strengths and take advantage of the emerging opportunities available to the City. The goals and objectives also should reflect the realities of the City's limited organizational capacity.

The broad themes embodied in the goals and objectives are most critical to the effectiveness of the strategic plan. Individual implementing actions should be expected to be refined over time and the timing of implementation should be expected to change over time in response to changing opportunities and constraints.

POLICY

The City Council develops a Strategic Plan every two years to identify goals and priority projects for the City. Each Strategic Plan is intended to cover a two-year period, in coordination with the City's budget cycles. Periodic status updates are provided on the Strategic Plan by staff to the Council.

Each Strategic Plan that is developed will consider the previous Strategic Plan to determine if any goals and objectives have not been fully implemented and require inclusion in the updated plan.

The Strategic Plan may be updated as needed throughout each two-year cycle, typically occurring during a work session of the City Council at the beginning of each calendar year.

F. CITY COUNCIL SUBCOMMITTEE POLICY

The Council may establish a subcommittee of the Council, comprised of no more than two Council Members, to conduct additional outreach or research regarding a matter of interest to the Council. Subcommittees shall be designated by the Council, including a description of the study area for the subcommittee. Subcommittees are to report back to the Council with any findings or recommendations at least quarterly.

G. CODE OF ETHICS POLICY

G-1. CITY COUNCIL CODE OF ETHICS

1. City Policies

Stand behind the City's spokesperson and leadership. Press releases should be from the Council, about the Council or regarding a Council consensus. However, 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 reflects your leadership abilities; work together.

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 elected 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 Council vote and an election. Respect the decision of the group.
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 the City Council's support and adherence to the Brown Act.

G-2. FOR CITY EMPLOYEES AND VOLUNTEERS

In addition to the City Council Code of Ethics (Section G-1), it is the policy of the Council to recognize the Code of Ethics for all City employees and volunteers. The City of Albany and its Council believe that adherence to these principles by all City employees and volunteers is fundamental to building and maintaining public trust which enables government to function effectively and responsibly.

1. Be dedicated to the concepts of effective, democratic local government and recognize that the chief function of local government is to serve the best interests of all the people.
2. Affirm the dignity and worth of the services rendered by government. Maintain a constructive, creative and practical attitude toward public service and a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships so that you may merit the respect and confidence of your co-workers, the City Council and the public.
4. Make decisions with fairness, impartiality and respect for the people involved.
5. Provide friendly and courteous service to the public; seek to improve the quality and image of public service; and keep those members of the community with whom you interact informed about City affairs.
6. Support the City by upholding and implementing municipal policies as adopted.
7. Recognize that the City Council, elected to represent the people, is entitled to the credit for the establishment of municipal policies; responsibility for implementing policies rests with City staff and volunteers.

8. Refrain from all political activities which would impair or bring into question performance as a City employee.
9. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public facilities, equipment, time or office is dishonest.

H. CUSTOMER SERVICE STANDARDS POLICY

It is the policy of the Albany City Council that residents and other interested parties be treated with respect, and that inquiries to the City be responded to in as timely a manner as is feasible. The procedures laid out in the City Manager Administrative Policies establish standards for serving the public, other agencies, and other persons outside the City of Albany organization in are respectful, courteous, friendly, professional, and efficient manner.

I. 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.

J. ELECTRONIC MEDIA, WEBSITE AND SOCIAL MEDIA POLICY

The use of Electronic Media (i.e. voicemail, e-mail, and the internet), City Website (www.albanyca.org), and Social Media (Facebook, Twitter, Youtube, etc.) may be used by City of Albany employees and City Officials for City purposes. Use of these tools is intended to further enhance communications with the community in support of City goals and objectives.

The use of voicemail, e-mail, the internet, and social networking may raise issues of privacy, liability and records retention, and users are advised to use caution when utilizing these media tools. City employees shall also act in accordance with the Electronic Media, Website, and Social Media Procedures, as established by the City Manager, to ensure all employees follow proper rules of conduct when using electronic technology. Use of electronic technology is additionally governed by the City's Management of Public Records Policy and many records must be retained. Due to constantly evolving technology, the City Council encourages the City to utilize new opportunities for engaging the community, while being sensitive to records retention, confidentiality, anti-harassment,

open meeting laws, etc. Use of social media by elected and appointed officials are also subject to City Council policy for such officials and the Brown Act.

The Council shall also adhere to the **Social Media Guidelines** included as discussed below.

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 (e.g. FaceBook, Linked-In), micro-blogging tools (e.g. Twitter, RSS feeds), audio-visual networking sites (e.g. Instagram, Snapchat, YouTube), blogs, etc.

Best practices when posting to any 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. Council Members should not like or comment on posts made by other Council Members. 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.”

K. EMAIL AND OTHER COMMUNICATION TO CITY COUNCIL POLICY

Community Members may contact the Albany City Council by utilization of established communication methods including but not limited to:

Email to the entire City Council at: citycouncil@albanyca.org. This email account has been established to allow emails to reach all five Council Members directly and City Administration staff; email to individual Council Member’s email addresses as posted on the City’s website www.albanyca.org; individual City Council Member’s voicemail boxes as posted on the City’s website; or via mail addressed to the City Council Member, c/o Albany City Hall, 1000 San Pablo Avenue, Albany CA, 94706.

All correspondence received is a matter of public record. Albany City Government is open and transparent. Communications to the City Council are public record and will become part of the City’s electronic records. To send in a comment regarding a matter that is on a City Council agenda, please be sure it’s received prior to 5 PM of the Council meeting day via one of the contact methods listed on the City’s website to ensure the communication is included as part of the agenda record. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, the information will become part of the public record.** If an individual does not want their e-mail address or any other contact information to be made public, the communication may be delivered via U.S. Postal Service or in person to City Hall at 1000 San Pablo Avenue, Albany. **If one does not want contact information included in the public record, one should not include that information in the communication.**

Council members shall be clear in communications with the public when the opinions and positions they convey are their own individual positions and when they have been authorized by the Council to speak for the Council as a whole. To coordinate relations between the Council and City staff for the benefit of both citizens and City government, it is also recommended that Council Members share communications regarding City administration with the City Manager, particularly when communication received requires factual information and/or follow up from staff. Emails received to all City Council at citycouncil@albanyca.org will also be reviewed by the City Manager. When follow up is required by staff, the City Manager (or their designee) shall reply to the sender and copy the City Council to ensure all Council Members are provided the same information.

To ensure emails are retained in compliance with the City's records retention schedule, replies to citycouncil@albanyca.org emails by City Council Members must include a copy to: councilresponses@albanyca.org. Council members and/or a member of the public may request email records at any time as a matter of public record.

L. FINANCIAL REPORTS, BUDGET AND FEES POLICY

Prior to adoption of the budget, the City Council will receive a financial report from the City's Finance and Administrative Services Director. This report will contain revenue and expenditure projections, projected fund balances and fund transfer information. Budget revisions or updates will occur at approximately six-month intervals, if necessary. The City Council must approve all budget revisions that change the initial fund appropriations. In addition, staff will present quarterly budget updates to the City Council. All fees will be assessed and collected by the City Staff, in accordance with the most current Master Fee Schedule as adopted by the City Council.

Every year, the City shall receive an Annual External Audit. The Finance and Administrative Services Director will schedule this audit as an agenda item for City Council review and acceptance. The Finance and Administrative Services Director or designee will submit a staff report summarizing the auditor's findings and the general financial condition of the City for the audit period.

City staff shall make every effort to collect all City fees. However, on rare occasion, waiver of a fee for hardship, miscommunication or to rectify a problem may be necessary. The City Manager, Finance & Administrative Services Director and Community Development Director or their respective designees may waive fees including penalties and interest (if applicable) up to \$1,000 provided that a written explanation as to why the fee is being waived is submitted to the Finance and Administrative Services Department. Fee Waivers in excess of \$1,000 require approval by both the City Manager and the Finance & Administrative Services Director in the manner outlined above.

M. PURCHASING POLICY

1. Purchases up to \$250 may be made from a department's petty cash fund. Purchases up to \$2,500 do not require a purchase order. In the event that a vendor requires a purchase order for goods or services with a value of \$2,500 or less, the standard procedures for issuance and approval of purchase orders shall be followed.
2. All purchases in the total amount of \$2,500 to \$10,000 shall be made using a purchase order approved by the Finance & Administrative Services (F&AS) Director. The Department Head is responsible for ensuring that the materials and services purchased are competitively priced so that City funds are expended appropriately and in a cost-efficient manner.
3. For purchases in the total amount of \$10,001 to \$25,000, the Department Head shall obtain bids or price quotations from a least three (3) qualified vendors of the materials, equipment or service required. Documentation of the bids or price quotations shall be submitted with the purchase order at the time the purchase order is presented for approval by the F&AS Director or the City Manager. A determination by a Department Head that solicitation of bids or price quotations from three (3) vendors is not feasible must be approved by the F&AS Director or the City Manager.
4. Cost of Living Adjustment. All referenced dollar amounts pertaining to this purchasing policy shall be reviewed by the F&AS Director at the beginning of each fiscal year. Upon the City Manager's approval, all referenced dollar amounts may be adjusted to reflect general inflation of prices that has occurred subsequent to the last previous adjustments of the dollar levels referenced.
5. Unless waived by the City Council, formal bids will be required for submission to the City Clerk and approval by the City Council for all purchases of goods or services for a cost in excess of \$25,000. Exemptions to this policy are as follows (as described in Section 2-27.2 of the Albany Municipal Code):
 - (a) The bidding procedures for public works projects as set forth in Section 4.03 of the City Charter shall be followed to the exclusion of the procurement procedures specified herein. In general, this section defines "public project" as it applies to the City of Albany, provides direction for competitive bidding notification, and allows for Council discretion in accepting or rejecting bids.
 - (b) Service contracts requiring individuals or firms possessing a high degree of skill and knowledge and sole source contracts are exempt from the bidding policy. An

individual or firm may be considered sole source because of, but not limited to, shipping costs, time considerations, service availability, or established expertise in the desired field. The Department Head shall submit a memorandum to the F&AS Director documenting the reasons for awarding a contract or purchase order on a sole source basis. The sole source request must be approved by the City Manager prior to the issuance of a purchase order or the signing of a contract.

- (c) In the event that purchases for equipment or vehicles are part of a major government purchasing contract (generally in conjunction with the State of California) that would generate the lowest per unit cost, competitive bids are not required.
 - (d) Purchases of equipment, materials, supplies, or services determined by the City Manager or their designee to be necessary to meet an emergency which threatens the public's health, safety or welfare, may be made without competitive bidding, and without Council approval. In the event of a declaration of a local emergency by the City Manager, Department Heads may exceed expenditure limits for purchase of materials and goods, contracts for services, or public works projects and improvements necessary to protect the safety of persons or property. Discretion should be exercised by all staff involved in the purchasing of materials and services to ensure that City funds are expended appropriately and in a cost-efficient manner. All expenditures in excess of standard authority shall be reported to the City Council at the earliest possible date at a regular meeting of the City Council.
6. When City funds are used to contract for services, such contracts should demonstrate an effort to consider Living Wage standards and promote an employment environment that enhances the general quality of life within the community and maximizes the productive effect of the City's limited resources (as described in Section 2-26 of the Albany Municipal Code.
7. The following policies are also described in the Albany Municipal Code (Sections 2-27, 2-32, 2-33)
- (a) Periodically, generally in concert with a contracted auction service, each department shall submit to the F&AS Director in such form as that office shall prescribe, a report showing all supplies, materials, and equipment that are no longer used or that have become obsolete. Prior to disposal of these items, the F&AS Director or their designee shall prepare a report to the City Manager requesting authorization to dispose of these items.
 - (b) Any officer or employee of the City who violates the above policies, except for purchases from petty cash or emergency purchases, may be subject to disciplinary action, including termination, by the City. Any purchases, contracts or obligations to pay, made contrary to these policies, shall be null and void.

- (c) In the case of a purchase or public project financed in whole or in part by public gifts to which are attached conditions relating to special items to be purchased or special contracts to perform the work, such purchases or special projects are exempt from the above policies, provided that the City Council approves the projects and the exemption.
 - (d) Subject to restrictions under existing law, any employee of the City soliciting contract proposals or procurement of goods shall afford maximum opportunity to Albany, minority or women-owned business enterprises when competing for the City's business. This shall be done when after evaluation of all factors, including professional qualifications, proven expertise, and quality of proposal and price, the services to be provided are judged equal to those of competitors.
8. The City shall give preference to environmentally preferable products that minimize environmental impacts, toxics, pollution and hazards to worker and community safety to the greatest extent practicable. Prior to purchasing products, the purchaser shall consider the following items:
- (a) Whenever feasible, identify opportunities to reduce waste and purchase fewer products.
 - (b) Identify whether there are comparable products made from recycled content, are energy/water/resource efficient, and/or made from non-toxic materials.
 - (c) Consider the feasibility of purchasing environmentally preferable products, and determine whether the products are both cost competitive and attainable within a reasonable period of time.

N. RECOGNITION OF PERSONNEL POLICIES AND REGULATIONS POLICY

In accordance with Resolution #01-59 (in 2001), it is the policy of the City Council to recognize the City of Albany Personnel Rules and Regulations, amended and ratified by the City Council on July 16, 2001. This document encompasses all personnel-related policies and procedures for employees of the City of Albany. This document may be modified or amended by resolution of the City Council.

O. RISK MANAGEMENT/INSURANCE POLICY

The City Council recognizes it is necessary to utilize procedures to respond to risk management situations. The City Manager is authorized to settle liability or worker's

compensation insurance claims up to \$25,000. The City Manager, in consultation with the City Attorney, has authority to reject any and all claims.

P. SPECIFIC AND MASTER PLANS POLICIES

The City Council recognizes that the City has adopted several Specific and Master Plans that govern the procedures associated with particular subject matters or areas of the City. These include, but are not limited to, the Active Transportation Plan, Climate Action Plan, Park Master Plan, Albany Hill Master Plan, Watershed Master Plan, and Traffic Management Plan. The Council recognizes that all current Specific or Master Plans and any which may be adopted in the future, should be considered during the course of Council actions and City projects, as relevant.

Q. STATEMENTS REGARDING PENDING LEGISLATION/REGULATORY ACTIONS BY OTHER GOVERNMENTAL BODIES

Q-1. POLICY STATEMENT

The purpose of this policy is to outline the procedures for the issuance of City Council statements of support/opposition to pending legislation or regulatory actions by other governmental bodies.

Q-2. PROCEDURE

When a Member of the City Council wishes to bring a request for a letter of support/opposition regarding pending legislation or regulatory actions by other governmental bodies, the individual bringing the request shall prepare a memorandum specifying the request and identifying the possible impact of the legislation/regulatory action on the City. The letter of support/opposition shall be attached to the memorandum. The memorandum and letter of support/opposition should be provided to the City Clerk at least three working days in advance of the date of issuance of the Council agenda packet at which the proposal is to be considered. The requestor should not expect staff assistance with research or preparation of the memo (except to the extent the proposal might directly impact City of Albany business).

The memorandum should be placed on the consent calendar for the City Council meeting, unless the requestor or staff anticipate controversy regarding the matter, whereby the memorandum would then be included under the category of New Business on the Council agenda.

If an urgent request is received, that could not have been considered in the ordinary course of Council business, and is too late for timely Council consideration, that the City take a position on a piece of legislation that the Mayor deems to be of direct importance to the welfare of the City, the Mayor may take action on their own initiative to transmit a letter of support/opposition. Any such letter of support/opposition should be consistent with the mission, vision and strategic goals of the Council as well as any other related policy positions adopted by the current City Council. The letter shall be distributed to the City Council, and placed on the consent calendar at the next regularly scheduled City Council meeting.

All letters of support/opposition to pending legislation/regulatory actions by other governmental bodies shall be posted to the City's website.

R. USE OF PUBLIC RESOURCES POLICY

R-1. POLICY STATEMENT

The purpose of this policy is to define procedures for the use of public resources by Members of the City Council for purposes other than City Council meetings or other official City business. Public resources include but are not limited to City facilities, staff time, equipment and City technological resources (e.g. website/ social media sources and email systems). This policy does not prohibit individual City Council Members from renting meeting space in City facilities under the same terms and conditions as are available to members of the general public.

R-2. CITY COUNCIL AUTHORIZATION REQUIRED

Requests for use of a City facility by a Council Member for a community meeting, gathering or similar event shall be reviewed by the City Council. Use of public resources to support such events shall be prohibited unless the City Council has expressly approved the event as a City-sponsored or co-sponsored event.

R-3. BROWN ACT COMPLIANCE

In situations where the City Council has taken action to sponsor or co-sponsor a community meeting, the meeting shall be conducted in accordance with the Brown Act. This includes posting an agenda for the City Council and any City Advisory Bodies that may have a majority of their members attending the meeting.

R-4. PERSONAL PURPOSES OR CAMPAIGN ACTIVITIES

Use of public resources for any personal purpose or campaign activities shall be prohibited in accordance with Government Code Sections 8314 and 54964.

ALBANY CALIFORNIA



CITY OF ALBANY
1000 SAN PABLO AVENUE
ALBANY, CA 94706
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: _____

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

HOW WILL THE EXTRA WORK LOAD BE MANAGED? _____

NOTE: Changes to a work plan may be requested at any time during the 2-year term by the affirmative vote of the majority of appointees. No changes can be made after November 1 in the second year of the work plan.

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:

PLEASE PROVIDE PRO/CON ANALYSIS REGARDING THE PROPOSED AMENDMENT:

RECORD OF COUNCIL ACTION

ACTION TAKEN: _____

ATTEST: _____ DATE: _____
CITY CLERK

CITY COUNCIL CODE OF ETHICS

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6. **Give Political Assent; Do Not Misrepresent the Group**
Accept the results of a Council vote and an election. Respect the decision of the group.
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 the City Council's support and adherence to the Brown Act.



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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 1. GENERAL [8000 - 8899.72] (Division 1 enacted by Stats. 1943, Ch. 134.)

CHAPTER 7. California Emergency Services Act [8550 - 8669.7] (Chapter 7 added by Stats. 1970, Ch. 1454.)

ARTICLE 15. Preservation of Local Government [8635 - 8644] (Article 15 added by Stats. 1970, Ch. 1454.)

8635. The Legislature recognizes that if this state or nation were attacked by an enemy of the United States, many areas in California might be subjected to the effects of an enemy attack and some or all of these areas could be severely damaged. During such attacks and in the reconstruction period following such attacks, law and order must be preserved and so far as possible government services must be continued or restored. This can best be done by civil government. To help to preserve law and order and to continue or restore local services, it is essential that the local units of government continue to function.

In enacting this article the Legislature finds and declares that the preservation of local government in the event of enemy attack or in the event of a state of emergency or a local emergency is a matter of statewide concern. The interdependence of political subdivisions requires that, for their mutual preservation and for the protection of all the citizens of the State of California, all political subdivisions have the power to take the minimum precautions set forth in this article. The purpose of this article is to furnish a means by which the continued functioning of political subdivisions will be assured. Should any part of this article be in conflict with or inconsistent with any other part of this chapter, the provisions of this article shall control.

Nothing in this article shall prevent a city or county existing under a charter from amending said charter to provide for the preservation and continuation of its government in the event of a state of war emergency.

(Amended by Stats. 1974, Ch. 595.)

8636. As used in this article, "unavailable" means that an officer is either killed, missing, or so seriously injured as to be unable to attend meetings and otherwise perform his duties. Any question as to whether a particular officer is unavailable shall be settled by the governing body of the political subdivision or any remaining available members of said body (including standby officers who are serving on such governing body).

(Added by Stats. 1970, Ch. 1454.)

8637. Each political subdivision may provide for the succession of officers who head departments having duties in the maintenance of law and order or in the furnishing of public services relating to health and safety.

(Added by Stats. 1970, Ch. 1454.)

8638. To provide for the continuance of the legislative and executive departments of the political subdivision during a state of war emergency or a state of emergency or a local emergency the governing body thereof shall have the power to appoint the following standby officers:

- (a) Three for each member of the governing body.
- (b) Three for the chief executive, if he is not a member of the governing body.

In case a standby office becomes vacant because of removal, death, resignation, or other cause, the governing body shall have the power to appoint another person to fill said office.

Standby officers shall be designated Nos. 1, 2, and 3 as the case may be.

(Amended by Stats. 1974, Ch. 595.)

8639. The qualifications of each standby officer should be carefully investigated, and the governing body may request the Director of Emergency Services to aid in the investigation of any prospective appointee. No examination or investigation shall be made without the consent of the prospective appointee.

Consideration shall be given to places of residence and work, so that for each office for which standby officers are appointed there shall be the greatest probability of survivorship. Standby officers may be residents or officers of a political subdivision other than that to which they are appointed as standby officers.

8640. Each standby officer shall take the oath of office required for the officer occupying the office for which he stands by. Persons appointed as standby officers shall serve in their posts as standby officers at the pleasure of the governing body appointing them and may be removed and replaced at any time with or without cause.

(Added by Stats. 1970, Ch. 1454.)

8641. Each standby officer shall have the following duties:

(a) To inform himself or herself of the duties of the office for which the officer stands by. Officers and employees of the political subdivision shall assist the standby officer and each political subdivision shall provide each standby officer with a copy of this article.

(b) To keep informed of the business and affairs of the political subdivision to the extent necessary to enable the standby officer to fill his or her post competently. For this purpose the political subdivision may arrange information meetings and require attendance.

(c) To immediately report himself or herself ready for duty in the event of a state of war emergency or in the event of a state of emergency or a local emergency at the place and in the method previously designated by the political subdivision.

(d) To fill the post for which he or she has been appointed when the regular officer is unavailable during a state of war emergency, a state of emergency or a local emergency. Standby officers Nos. 2 and 3 shall substitute in succession for standby officer No. 1 in the same way that standby officer No. 1 is substituted in place of the regular officer. The standby officer shall serve until the regular officer becomes available or until the election or appointment of a new regular officer.

(Amended by Stats. 1992, Ch. 1020, Sec. 1.7. Effective January 1, 1993.)

8642. Whenever a state of war emergency a state of emergency or a local emergency exists the governing body of the political subdivision shall meet as soon as possible. The place of meeting need not be within the political subdivision. The meeting may be called by the chief executive of the political subdivision or by a majority of the members of the governing body. Should there be only one member of the governing body, he may call and hold said meeting and perform acts necessary to reconstitute the governing body.

(Amended by Stats. 1974, Ch. 595.)

8643. During a state of war emergency a state of emergency or a local emergency the governing body shall:

(a) Ascertain the damage to the political subdivision and its personnel and property. For this purpose it shall have the power to issue subpoenas to compel the attendance of witnesses and the production of records.

(b) Proceed to reconstitute itself by filling vacancies until there are sufficient officers to form the largest quorum required by the law applicable to that political subdivision. Should only one member of the governing body or only one standby officer be available, that one shall have power to reconstitute the governing body.

(c) Proceed to reconstitute the political subdivision by appointment of qualified persons to fill vacancies.

(d) Proceed to perform its functions in the preservation of law and order and in the furnishing of local services.

(Amended by Stats. 1974, Ch. 595.)

8644. Should all members of the governing body, including all standby members, be unavailable, temporary officers shall be appointed to serve until a regular member or a standby member becomes available or until the election or appointment of a new regular or standby member. Temporary officers shall be appointed as follows:

(a) By the chairman of the board of supervisors of the county in which the political subdivision is located, and if he is unavailable,

(b) By the chairman of the board of supervisors of any other county within 150 miles of the political subdivision, beginning with the nearest and most populated county and going to the farthest and least populated, and if he is unavailable,

(c) By the mayor of any city within 150 miles of the political subdivision, beginning with the nearest and most populated city and going to the farthest and least populated.

(Added by Stats. 1970, Ch. 1454.)

ALBANY CALIFORNIA



CITY OF ALBANY
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ALBANY, CA 94706
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28 September 2021

MEMORANDUM

To: Albany City Council Members

From: Vice Mayor Jordan

Re: Automatic emergency substitute designation

RECOMMENDATIONS

That the Council ask staff to prepare a resolution that will automatically designate each Council member's emergency alternates as their Planning and Zoning Commission appointee, Transportation Commission appointee, and Parks, Recreation, and Open Space appointee, in that order. If the Council so asks, and subsequently adopts the resolution, amend the Council Procedures & Policies accordingly.

BACKGROUND

Section C. of the Council's Administrative Policies regards designation by each Councilmember of three emergency substitutes in order of succession. These substitutes are to serve in place of the Councilmember in the event the member is not available to meet during a declared emergency.

DISCUSSION

As of the writing of this memo, four Councilmembers have not appointed their emergency substitutes. This creates governance risk for the City.

This risk would be mitigated by the automatic appointment of substitutes for each Councilmember from among their advisory body appointees. This has the additional advantage of the substitutes having knowledge of and experience with governance procedures and City staff, and more detailed knowledge of the City. It also has the advantage of the City knowing how to contact these individuals as a matter of course.

I suggest the Planning and Zoning Commissioner nominated by each Councilmember as the first substitute. Commissioners are used to operating in a quasi-judicial, meaning consequentially binding, capacity. This provides the most similar experience of service to being on the Council of

any of the advisory bodies. Each Planning and Zoning Commissioners is also appointed by the entire Council, which is unique among all the advisory bodies.

I suggest the Transportation Commissioner appointed by each Council member as the second substitute. These Commissioners make decision on matters of safety on a regular basis.

I suggest the Parks, Recreation, and Open Space Commissioner appointed by each Council member as the third substitute. This body makes the next most consequential decisions among the bodies.

In addition, service on each of these bodies results in knowledge of the physical configuration of the City, which is germane in the likeliest emergencies in which a substitute may serve, post-earthquake and during and post-fire among them. These three bodies were also each established more than 60 years ago, more than a decade prior to the next oldest bodies. This suggests they are the least likely to be eliminated by the Council. This is also their advising on core functions of City government.

SUSTAINABILITY CONSIDERATIONS

The recommended action does not have an apparent nexus with sustainability.

SOCIAL EQUITY AND INCLUSIVITY CONSIDERATIONS

The recommended action does not have an apparent nexus with social equity and inclusivity other than to the extent these are implemented by each Councilmember's three advisory body nominees/appointees.

CITY COUNCIL STRATEGIC PLAN INITIATIVES

The recommended action has a nexus with Goal 5, which is "Facilitate Government Accountability." A failure to appoint emergency substitutes, let alone qualified substitutes, could result in a lack of representative legislative body in the event of an emergency. This would leave the government without the mechanism for being accountable to the people.

FINANCIAL CONSIDERATIONS

The main cost of the recommended action is that for City Attorney services preparing the appropriate resolution.