

City of Albany

ADVISORY BODY HANDBOOK



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SECTION 1:

SERVING ON

CITY ADVISORY BODIES

(Boards, Commissions & Committees)

SECTION 1: SERVING ON CITY ADVISORY BODIES

A. ORIGIN OF ADVISORY BODIES

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

Board and Commission established by the Albany City Charter include:

- Planning & Zoning Commission
- Board of Police and Fire Pension Fund Commissioners (aka. Police & Fire Pension Board)

Advisory Bodies established by City Council action include:

- Arts Committee
- Climate Action Committee
- Financial Advisory Committee
- Parks, Recreation & Open Space Commission
- Policing Commission
- Racial Inclusivity & Social Equity Commission
- Transportation Commission

Limited tenure Advisory Bodies, often referred to as Task Forces, are created by the City Council for a specific purpose and limited period of time. In addition, City Council or Advisory Bodies can create subcommittees, referred to as "Ad Hoc Committees." An Ad Hoc Committee is composed of solely less than a quorum of the Body that created it and has a limited subject matter, specific purpose, and a limited timeline. Ad Hoc Committees are not subject to the Brown Act.

B. ROLE AND FUNCTION OF ADVISORY BODIES

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

Advisory (all groups):

Provide recommendations to the City Council regarding City policies and programs within the Advisory Body's specified scope of responsibility and expertise per City Council approved work plans.

Quasi-judicial (Planning & Zoning Commission):

Authority to grant or deny design reviews, variances, and use permits under the Zoning Ordinance.

Trustee (Board of Police and Fire Pension Fund Commissioners):

Administers the Albany Police & Fire Pension Fund, orders payments and reports annually (in June) to the City Council regarding the condition of the Pension Fund.

C. COUNCIL PHILOSOPHY ON ADVISORY BODIES

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

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

D. APPOINTMENTS

Per the City's Charter Section 3.23b, appointees to Advisory Bodies must be residents of the City of Albany with a few exceptions for non-resident membership as approved by City Council with an adopted resolution. The majority of appointments to Advisory Bodies are made by individual Council Members. In addition, particular Advisory Bodies include "Council as a Whole" appointments and appointments with recommendation from the Albany Unified School District Board of Education ("Board of Education"). Council Member appointments to the Financial Advisory Committee, Planning & Zoning Commission, and Policing Commission and appointment recommendations from the Albany Board of Education require ratification by the City Council. All vacancies to Advisory Bodies are posted on the [City's website](#) as well as the City's official posting locations (City Hall, Community Center, Senior Center). Per City Charter Section 3.23, appointment terms are generally two years in length, and the appointee is to serve the full term until the next general municipal election, except that appointees shall serve for an interim term of up to 45 days after certification of the election until reappointed or replaced, whichever is sooner.

Residents interested in serving on an Advisory Body must complete an application (available through the City Clerk's Office or on the [City's website](#)). Completed applications are submitted to the City Clerk's Office and are transmitted to the City Council Members. City Council Members notify the City Clerk of selected appointees, and new appointments

made by the City Council Members are listed on the next Council meeting agenda under the Consent Calendar. All Advisory Body appointments are listed as informational items except for appointments which require City Council ratification (appointments to the Financial Advisory Committee, Planning & Zoning Commission, and Policing Commission; recommendations for appointment to the “Council as a Whole” seat; and recommendations for appointment from the Board of Education).

Appointments by recommendation of the Board of Education to City Advisory Bodies shall coincide with the appointment schedule outlined in the City Charter, with the exception of the Board of Education student member appointment to the City’s Climate Action Committee.

The procedure for Board of Education appointments to the Climate Action Committee is as follows:

One youth member is recommended by the Board of Education to the Climate Action Committee. The student member appointment to the Climate Action Committee recommended by the Board of Education shall preferably be a junior and the term shall be in line with the academic school year. Students appointed must have a demonstrated interest in environmental sustainability.

Procedure:

1. Upon graduation or resignation of the previous student appointee, the City staff coordinates with the School District and the Albany High School Assistant Principal to determine a new student nominee.
2. The Board of Education approves a new student nominee (ideally over the summer, as student terms are in line with the academic year).
3. The Board of Education recommendation for the student member appointment to the Climate Action Committee is then added on the next City Council Meeting Agenda for Council ratification.
3. Student members serve until they graduate or resign.

The City will coordinate with the School District and will provide any applications pending appointment recommendations when available.

E. RESIGNATIONS AND REMOVALS

Appointees wishing to resign before the end of their appointed term should send a letter advising so, delivered to Albany City Hall and addressed to the City Clerk or send by email to cityclerk@albanyca.org. The City Clerk will forward copies to the City Council.

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

Vacancy (Maddy Act Notice) will be posted if such vacancies occur. Appointment can be made after 10 working days. No appointments will be made after November 1st in the second year of the two-year term per Resolution No. 2021-05.

F. ADVISORY BODY CONDUCT AND ADMINISTRATION

The City Council has adopted policies regarding City Advisory Bodies to provide for the effective and efficient operation of the City's Advisory Bodies in accordance with Albany City Charter Section 3.23, Albany Municipal Code, and Albany City Council Resolution Nos. 08-59, 2010-63, 2012-80, 2018-137, 2021-05, 2021-13, 2022-118, City Council Minutes Action November 15, 2021 (Land Acknowledgement Statement) and City Council Procedures & Policies (last updated by Resolution No. 2022-125 on December 6, 2022).

1. ATTENDANCE, ABSENCES, AND REMOVAL FOR EXCESSIVE ABSENCES
 - a. Members of an Advisory Body ("Members") are expected to attend all regular and special meetings of that Advisory Body. Regular attendance is necessary to ensure a quorum of members is present, to provide a full range of perspectives on matters before the Advisory Body, and to allow the opportunity for the Advisory Body to conduct business in a timely manner.
 - b. At times, a Member may be able to participate remotely via teleconference. This must be arranged with the Advisory Body Chair and staff liaison in advance of the posting of the Advisory Body meeting agenda so that the site from which the member will teleconference can be stated on the agenda, and to ensure that any necessary equipment is available. The teleconference site also needs to be publicly accessible and a copy of the agenda needs to be posted at the remote site, in accordance with the Brown Act, unless otherwise permitted by law.
 - c. Any Member unable to attend a scheduled meeting shall notify the Advisory Body Chair and the staff liaison a minimum of 24 hours in advance of the meeting. This action will result in an "excused" absence. Failure of any Member to notify the Advisory Body Chair and the staff liaison a minimum of 24 hours in advance of the scheduled meeting shall result in an "unexcused" absence.
 - d. Excessive absenteeism shall be cause for removal from an Advisory Body. Excessive absenteeism is defined as one of the following:

- 1) Unexcused absence from three consecutive regular meetings.
 - 2) For Advisory Bodies that meet regularly once a month, absence from four meetings in any twelve-month period, excused or unexcused.
 - 3) For Advisory Bodies that meet regularly more than once a month, absence from six meetings in any twelve-month period, whether excused or unexcused.
 - 4) For Advisory Bodies that meet regularly less than once a month (bi-monthly or quarterly), absence from three meetings in any twelve-month period, excused or unexcused.
- e. The Chair and/or staff liaison shall notify the City Clerk when a Member has excessive absences. The City Clerk shall notify the member and the appointing authority in writing that the member is removed due to excessive absenteeism. Before the action is final, the City Clerk may consider any evidence from the Member (provided within ten days of the notice) that the Member has not been excessively absent.

Chairs and staff liaisons are encouraged, but not required, to contact the Member, the City Clerk, and/or the appointing authority when a Member is close to being excessively absent or has been excessively tardy (30 minutes or more each time).

2. ESTABLISHED MEETING END TIME

All Advisory Bodies shall identify a mutually agreeable meeting end time. Establishment of a reasonable end time is intended to provide sufficient time for Advisory Bodies to conduct necessary business while also respecting the outside responsibilities of its Members. In general, it is recommended that Advisory Bodies consider an end time of not later than 9:30 p.m. (or within 2 - 2.5 hours of the regular meeting start time) unless unusual circumstances dictate an alternative ending time. In order to exceed the agreed upon meeting end time, a motion for extension of time shall be approved.

3. ROTATION OF CHAIRPERSON

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

4. SERVICE ON ADVISORY BODIES

To allow for the maximum amount of community engagement and participation on the City's Advisory Bodies, appointees of Advisory Bodies shall preferably serve on only one Advisory Body at any time. This policy is also intended to help minimize any potential conflict of interest issues that could arise by a member serving on multiple advisory bodies.

5. ADDRESS, PHONE NUMBER AND EMAIL POLICY

When an individual has been appointed to serve on an Advisory Body, the application they submitted (which includes their address, telephone number, and email address) becomes public record which may be subject to disclosure under the Public Records Act.

All Advisory Bodies have a group email address to which members of the public can send their comments and questions. Emails sent to the group email address will be forwarded by bcc to all members of the Advisory Body and the staff liaison to that Advisory Body. Advisory Body Members should refrain from emailing a quorum of their Advisory Body.

6. ANNUAL WORK PLAN

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

City Council Review of Work Plans

Work plans shall be presented to the City Council every two years. The Chair of the Advisory Body or a designee should attend the Council meeting to present and respond to any questions raised by the City Council regarding the work plan.

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

7. CHANGES/ADDITIONS TO ANNUAL WORK PLAN

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

requested by the Advisory Body at any time during the 2-year term by the affirmative vote of the majority of the members. Per City Council Policies, no changes can be made after November 1st in the 2nd year of the work plan.

8. MANNER FOR BRINGING ITEMS TO THE CITY COUNCIL

a. Matters Referred to the Advisory Body by the City Council

The City Council may refer items to the Advisory Bodies for further analysis, research, and discussion. Items referred by the City Council to an Advisory Body are to take priority. Advisory Body findings regarding these matters are to be presented back to the City Council, in accordance with any deadlines identified by the Council. 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 a designee is expected to attend the City Council meeting to present the item in coordination with the staff liaison.

b. Matters Included on the Advisory Body Work Plan

At times the Advisory Body may have updates, reports, or findings to present to the City Council on matters included as part of the Advisory Body Work Plan. The Advisory Body should include options for City Council consideration including pro/con analysis. The staff liaison to the Advisory Body will coordinate with the City Manager to schedule the item on a future City Council Agenda. It should be noted that the City Manager and/or the Mayor has the authority to prioritize items intended for the City Council agenda.

c. Other Matters

If other matters arise that are relevant to the charge of an Advisory Body that are not included within the Advisory Body Work Plan, and the Advisory Body agrees with the affirmative vote of the majority of the Body that the additional work item should be included as part of the work plan, the Advisory Body is to complete the "REQUEST FOR AMENDMENT TO ADVISORY BODY ANNUAL WORK PLAN" form for review by the City Council.

9. STAFF LIAISONS TO ADVISORY BODIES

The City Manager and/or the Director of a department assigns a staff liaison to each of the Advisory Bodies to the City Council. A good working relationship with the staff liaison will significantly improve the effectiveness of the Advisory Body. The staff liaison will assist the Chair in preparation and management of the meeting as well as follow-up on actions to be taken after the meeting. In addition, City staff with subject matter expertise may assist the Advisory Body with background information, professional analysis, and recommendations. In addition, consultants under contract to

the City may attend Advisory Body meetings. Consultants are often used by the City during times of peak workload, and to provide specialized expertise. Advisory Bodies should treat consultants as extensions of the City staff. Please note, however, that City staff and consultants report up through the City's organizational structure, ultimately to the City Manager. Prioritization of staff work is set by the City Manager and Department Directors, not the Advisory Bodies. There may be occasions that Advisory Body workloads may need to be adjusted due to staff availability.

G. VACANCIES

Vacancies are filled by appointment of the City Council or recommendations from the Board of Education. Appointments made in the middle of a term are for the unexpired portion of that term. Per Resolution No. 2021-05, a replacement appointee to an Advisory Body to the City Council shall not be appointed after November 1st in the second year of the two-year term.

H. RECESS POLICY

Pursuant to Resolution No. 03-56, the Albany City Council and members of Advisory Bodies will recess during the month of August and between December 23rd and January 1st; unless the City Council or the City Manager determines that the importance of business requires convening a special meeting.

I. ADVISORY BODY TRAININGS

All appointed Advisory Body members are expected to attend training sessions as hosted by the City. Training sessions are intended to provide a review of roles and responsibilities and to provide information on changes in laws or policies that are relevant to the work of Albany's Advisory Bodies.

In addition, the City has developed a series of Advisory Body Training Videos that cover subject matters with regard to policy and procedure for Advisory Bodies. The training videos can be found online: <https://www.albanyca.org/government/boards-commissions-committees>

J. OATH OF OFFICE

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

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SECTION 2:

PUBLIC MEETINGS

SECTION 2: PUBLIC MEETINGS

The City Council and all Advisory Bodies created by the City Council of the City of Albany are governed by the rules of the Brown Act. The Brown Act (Gov. Code Section 54950 et seq.) is the State of California's Open Meetings Act. It is intended to ensure that the members of the public have adequate notice of what its elected and appointed local decision makers do, and that those decisions and the deliberations leading to them take place during an open and properly noticed meeting.

A. "LEGISLATIVE BODIES"

The Brown Act applies to any "legislative body", which includes the City Council and advisory bodies created by the City Council. In addition, every standing subcommittee of less than a quorum of a legislative body which either has a continuing subject matter jurisdiction, or has a meeting schedule fixed by charter, ordinance, resolution, or formal action of the legislative body, constitutes a legislative body.

B. "MEETINGS"

All "meetings" must be conducted in compliance with the Brown Act. Any contact between a quorum of a legislative body (either directly or through intermediaries) to "develop collective concurrence as to action to be taken" on any matter that is "within the subject matter jurisdiction" of the City, is a "meeting". "Meetings" can include retreats, forums, workshops, and similar types of events. A meeting can be in person, by telephone or other electronic medium, or through intermediaries.

1. BASIC REQUIREMENTS

All meetings must be properly noticed under the Brown Act. Meetings that are not properly noticed in compliance with the Brown Act are illegal. Study sessions and workshops are all included under the definition of "meeting". With limited exceptions, members of the public are allowed to be present at all meetings.

2. PROHIBITED SERIAL MEETINGS

Another type of illegal meeting is a "serial meeting". A serial meeting is one in which a quorum of a legislative body communicates with each other, directly or indirectly, through whatever medium, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of that legislative body. There are many means by which a serial meeting can take form, all of which are prohibited.

A literal “serial” meeting is one in which members of a legislative body constituting a quorum meet in smaller groups, serially; or a single member meet with enough other members to constitute a quorum individually, one after the other.

Another type of serial meeting can result from improper use of email. Email communication between a quorum of a legislative body to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the advisory body. To avoid this problem, members of legislative bodies should never use the “reply to all” function on an email that may be addressed to a quorum of the legislative body. Likewise, a serial meeting can occur from forwarding an email to a quorum of the body or from one member to the next, that member to another (and so on).

3. EXCEPTIONS – GATHERS THAT ARE NOT “MEETINGS”

Certain gatherings of a quorum of a legislative body are not considered meetings under the Brown Act; these include:

a. Attendance by One Legislative Body at a Meeting of Another

Attendance at a meeting of another advisory body or the City Council does not need to be separately noticed, provided that a quorum of the attending body does not discuss privately among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of that body. This exception includes noticed meetings of legislative bodies of other public bodies.

b. Conferences and Other Gatherings Open to Members of the Public

Attendance at a public conference is permissible as long as a quorum of the body do not discuss among themselves specific business that is within the subject matter jurisdiction of the agency.

c. Social or Ceremonial Occasions

Attendance at purely social or ceremonial occasions are not considered meetings as long as the participants do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the local agency.

C. MEETING NOTICES AND AGENDAS

1. REGULAR MEETINGS

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

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

For some agenda items, a public notice is required or desired to be sent to residents and property owners within a specified distance from the location of the matter under discussion. The mailing list for the public notice is available for public review. The notices are typically drafted by City staff two weeks or more before the meeting. Once a public notice is sent, every effort should be made by the Advisory Body to open the discussion and accept public comment as indicated in the notice. Following the public comment portion of the agenda item, the Advisory Body can deliberate and take action or can continue the discussion to a future meeting. If continued to a specified "date certain", no subsequent public notice will be sent for the future meeting. If the continuation is to a "date uncertain," a subsequent public notice will be sent. There is significant staff time and cost that goes into preparing and sending public notices. Thus, staff will make the final determination regarding the type of notice and area of coverage. If there is an error in the preparation or distribution of the public notice, the general practice is to not open the agenda item, and to reschedule the discussion of the item in its entirety to a future meeting date.

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

2. SPECIAL MEETINGS

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

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

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

D. LOCATION OF MEETINGS

Meetings of legislative bodies are generally held in public buildings. Meetings may be held in a privately owned building or facility provided that all Brown Act requirements for noticing and accessibility are met. In addition, no member of the public shall be required to make a purchase or meet any other requirement of the private establishment as a condition of attending and participating in the meeting. Meetings must be held within City limits unless the meeting falls within one of the exceptions, including:

- To inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.
- Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies.
- A legislative body may also meet outside the jurisdiction if it is unsafe to meet in the place normally designated by reason of fire, flood, earthquake, or another emergency.
- Virtual meeting by video/phone conference during a local declared "emergency" or a specified situation as deemed necessary and permissible by law (e.g. situation per Assembly Bill (AB) 2449).
- Other exclusions may apply. Consult the City Clerk and the City Attorney for additional information.

E. MEETING RULES AND PARLIAMENTARY PROCEDURE

1. QUORUM REQUIRED

In order for an Advisory Body to meet, conduct business and take action, a quorum of Members must be present. A quorum is generally defined as a majority of appointed members to the particular Advisory Body (50% + 1). However, the City's Municipal Code includes specific quorum requirements for the Parks, Recreation & Open Space Commission (four (4) members must be present for positive action) and the Planning & Zoning Commission (four (4) members required for amendments to the Zoning Ordinance and selection of officers and three (3) members required for all other matters).

2. STAFF PRESENTATION

For certain agenda items, staff will be prepared to make a brief presentation. The purpose of staff presentations is to summarize the key points of an agenda topic for the Advisory Body Members and members of the public. The staff presentation is also an opportunity to introduce supplemental materials that may have been received since the agenda was posted. Following the staff presentation, members of the Advisory Body are invited by the Chair to ask any questions of staff. As a courtesy to members of the public that wish to address the advisory body, it is important to limit this part of the agenda item to questions, and to not begin discussion of the substance of the agenda item until after public comment has been received. Advisory Body Members are encouraged to provide their questions to staff in advance of the meeting so that staff can be prepared to provide a comprehensive answer.

In many cases, a written staff report will be prepared, or background information provided, in advance of the Advisory Body meeting. The staff report will typically be posted as an attachment to the agenda. The purpose of the staff report is to provide the Advisory Body and interested members of the public background information and analysis. Advisory Body Members are to review all agenda materials provided in advance of the meetings. If Advisory Body Members have technical questions or would like additional information, you are encouraged to reach out to staff in advance so that staff can provide a complete response at the meeting. (Please note that to avoid potential Brown Act violations, care should be taken to communicate directly with staff, and not to all other members of the Advisory Body.)

3. PUBLIC COMMENT

Members of the public are always given the opportunity to comment on each item being considered both in writing in advance of the meeting and verbally at the meeting. City staff will make every effort to post written comments received in advance of the meeting with the agenda.

The purpose of taking public comment is to provide members of the public a chance to provide their perspective on the item under discussion and to provide additional factual information that staff or the Advisory Body may not be aware of. It is important that the Advisory Bodies be mindful that many stakeholders may not have the ability or comfort level to provide written or verbal comments, and thus there may be perspectives that are not represented. Thus, actions should not be based solely on comments received before or during the meeting.

In addition, State law requires that the public be provided an opportunity to address an Advisory Body on items of interest that fall within the scope of responsibility of that Advisory Body for matters not on the agenda as a “Good of the City/Public Comment” agenda item at a regularly scheduled meetings. Often during public comment period for non-agendized items, members of the public will ask questions or seek to engage in a dialogue. Public comment made for items not on an agenda may not be used to start a discussion between Advisory Body Members and the public or to take action in response to comments. Advisory Body Members should refrain from any back-and-forth communication with members of the public. Advisory Body Members are not to discuss matters raised under “Good of the City/Public Comment” beyond asking staff for clarification, to provide a quick response to the question, and/or requesting a future agenda item regarding the subject matter being raised by the public. In most cases, the best practice is to acknowledge the question, and at the end of the public comment, the appropriate person can provide answers or to refer the commenter to the appropriate Body for the matter raised.

The public comment period is not intended to be a public forum for dialogue. If a dialogue appears to be worthwhile, workshop or open house special meeting formats can be arranged.

Subject to the provisions of the section “Public Comment”, members of the public shall have the right to address the Advisory Body during consideration of items on the agenda, including the following headings of business:

- Study/Workshop Sessions
- Approval of Minutes
- Good of the City/Public Comment
- Consent Calendar
- Presentations
- Public Hearings
- Discussion & Possible Action on Matters Related to the Items
- New Business (for Planning & Zoning Commission only)
- Future Agenda Items

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

Per City Council Procedures & Policies, there is an up to three (3) minute time limit per speaker. The Advisory Body Chair may reduce the time limit per speaker depending on the number of speakers. Speaker may not yield time to another speaker. Any person desiring to address the Advisory Body shall wait to be recognized by the Chair or be called up to speak. All remarks and questions shall be addressed to the Advisory Body as a whole and not to any one member thereof and not to the people in the audience.

4. ACTION BY ADVISORY BODY

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

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

The vote on a motion shall take the form of a voice or roll call vote. The Brown Act prohibits voting or taking action by secret ballot. The votes shall be restated by the staff liaison or the Chair if technical difficulties prevented the votes from being heard.

Common motions include:

- Delay consideration: “I move to continue the item until (date specific, or date uncertain)”.
- End discussion – a motion to end discussion on an item is not subject to debate and must be voted on immediately. “I move to end discussion and call the question.”
- Close Debate: “I call for the question.”
- Limit or Extend Debate: “I move to limit or extend debate to...”
- Adopt a staff recommendation: “I move to adopt staff’s recommendation to...”
- Deny staff recommendation: “I move to deny staff’s recommendation to...”
- Modify motion: “I move to adopt the recommendation with the following modifications...”

F. MEETING DECORUM

All meetings are to be conducted in a professional and efficient manner. Members of the Advisory Body should not interrupt the proceedings and should work collaboratively in the decision making process. Discussion during the meeting includes the potential for disagreement, both among members of an Advisory Body and among members of the community. Although many of the issues the City faces are difficult, it is important for Advisory Body members to contribute a tone of mutual respect for people with different views. Suggestions for cultivating civility include: acknowledging people that have a different perspective than yours, explaining your reasoning, and focusing on solutions. In most cases, it is not necessary to publicly criticize ideas that you disagree with.

Advisory Bodies also need to be prepared for incidents of disruptive or abusive behavior during a meeting. Everyone attending a City meeting has a Constitutional right to free speech, even when such speech is offensive or disrespectful. There are actions, however, that can be taken to address a situation. A recommended first step in such an incident is for the Chair to call for a brief recess. If the nature of the incident was such that it will be difficult for the Advisory Body to concentrate on the matter before them, adjourning the meeting to a future date may be appropriate. If public safety is a concern, the staff liaison is trained on how to summon assistance. In addition, escorts out of the building can be arranged.

Public members attending Advisory Body meetings shall observe the same rules of order. No person shall disrupt the orderly conduct of the meeting. Prohibited disruptive behavior includes but is not limited to: shouting, making disruptive noises (such as “boos” or hissing), 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, and approaching the Advisory Body without consent. When addressing divisive issues, often member(s) of the public will applaud or jeer comments made by others or by Advisory Body members. Many people find this behavior intimidating and decide not to provide their comments. It is the responsibility of the Chair to pause the proceedings and ask members of the public to stop the disruptive or intimidating behavior and call on everyone to show respect for differing views.

If decorum issues arise, the Chair has the authority to call for a recess. In rare circumstances, the Chair can clear the room and request the removal of disruptive members of the public as needed to maintain order and decorum. The Chair must allow members of the news media who have not participated in the disturbance to remain in the meeting room and observe the meeting.

G. RECORDS RELATED TO AGENDA ITEMS

All reports, motions, or other writings disseminated, by the Advisory Body or the staff to a majority of the members of the Advisory Body that relates to an agenda item for an open session, must be made available in the agenda packet or for public review at the meeting. If there are any comments or feedback from Advisory Body Members to such reports, motions, or other writings, it shall be discussed at the meeting when the item is scheduled on the agenda. Any matter disseminated to the Advisory Body at the meeting by other persons must be made available to the public after the meeting.

H. MINUTES

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

Recordings of public meetings can be found online at City's YouTube Channel www.YouTube.com/AlbanyKALB or City's website www.albanyca.org/meetings.

I. SUBCOMMITTEES

The Advisory Body may create special subcommittees of less than a quorum of the group who then may meet at their convenience to carry out the purpose of the subcommittee. Subcommittees are typically developed to conduct additional analysis of a particular subject matter. Subcommittee meetings typically can be scheduled at a time and place that is convenient to the member of the subcommittee. Subcommittees may not take action on any matter and must present all findings to its originating Advisory Body for deliberation at an open and public meeting.

Subcommittees, referred to as "Ad Hoc Committees," composed of solely less than a quorum of the Advisory Body that serve a limited purpose and have a limited timeline are not subject to the Brown Act. If the subcommittee has a continuing subject matter or a regularly scheduled meeting time, it may qualify as a Brown Act committee and all Brown Act regulations, including but not limited to public notice provisions, will apply.

Subcommittees may invite specific members of the public to a subcommittee meeting to provide subject matter expertise or advise on a particular matter but not join as a member of the subcommittee. Members of the public should not generically be allowed to attend meetings unless the meeting is open to all members of the public.

J. ROLE OF THE CHAIRPERSON

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

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

Responsibilities of the Chair include:

- Reviewing agendas prior to meetings.
- Starting the meeting on time.
- Managing time limits for agenda items.
- Deciding questions of agenda order.
- Ensuring the public understands the nature of the issues being discussed.
- Keeping discussions focused and fair.
- Soliciting opinions from all members.
- Ensuring the full range of alternatives have been addressed during discussion.
- Providing structure for addressing complicated issues.
- Attempting to reach decisions efficiently.
- Announcing decisions.

In the event of resignations or removal, the Advisory Body shall elect another member to serve as the Chair. During a temporary absence, the Vice-Chair shall preside. If the Vice-Chair is also absent, the Advisory Body may elect a Chair Pro Tem to conduct the meeting.

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SECTION 3:

ROLES AND RELATIONSHIPS

SECTION 3: ROLES AND RELATIONSHIPS

A. ROLE OF ADVISORY BODY MEMBERS

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

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

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

Advisory Bodies can maximize effectiveness by adhering to the following:

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

B. REPRESENTING THE ADVISORY BODY

Members should, if designated to do so, make every effort to represent the view of the Advisory Body as a whole when commenting on matters relating to the official capacity of the Advisory Body.

C. REPRESENTING THE ADVISORY BODY AT CITY COUNCIL MEETINGS

A designee from the Advisory Body should attend City Council meetings when the Advisory Body has an item on the City Council agenda. When addressing the City Council, it is important to speak as a Member of the Advisory Body as a whole. If individual viewpoints are raised, it is imperative that any such individual viewpoint is qualified, for the record, that the individual is not speaking on the behalf of the Advisory Body.

D. RELATIONSHIPS WITH OTHERS

- Fellow Advisory Body Members: communication (in person, email, phone, or other) outside of an open and public meeting of the Advisory Body with other Advisory Body Members should be limited to ensure compliance with the Brown Act, as discussed within Section 2 of this Handbook. If an individual Member of the Advisory Body wishes to present research and/or analysis of a particular subject, the Member should request that an item be placed on the agenda of a future meeting. Once scheduled on an agenda, that Member can then provide their research and analysis to the staff liaison who will attach to the agenda. The item can then be discussed during that meeting. If other Members of that Advisory Body would like to provide additional information, comments, or feedback, they should be prepared to discuss the item during the meeting that it is scheduled.
- Other Advisory Bodies: in areas of overlap it is important that cooperation be developed to provide consideration of the different viewpoints that may occur, and to minimize duplications or conflicts. Forming a joint subcommittee may be advantageous where two Advisory Bodies are addressing the same topic. Such a joint subcommittee shall be subject to the Brown Act. Again, Advisory Body Members must remain cognizant of the Brown Act regulations regarding communication outside of an open and public meeting.
- City Manager: like most California cities, the City of Albany maintains a Council-Manager form of government, with the City Council elected by the people and charged with setting policy. The City Manager is appointed by the City Council to manage the City's administrative responsibilities and day-to-day operations. As a general practice, all day-to-day communications between the City Council and members of City staff flow through the City Manager's office. All staff liaisons report directly, or indirectly through their Department Head, to the City Manager.
- Staff Liaison: the role of the staff liaison is to provide assistance in scheduling meetings, administering the agenda, and preparing meeting materials. Often, staff may also make recommendations to the Advisory Body on particular items under consideration based on adopted City policy, City Council direction, their professional expertise, and/or best practices in municipal government.

- General Public: Advisory Bodies should welcome community member input as it can be a valuable resource to understanding community concerns and interests. Advisory Bodies are also encouraged to identify opportunities for informal meeting formats in compliance with the Brown Act (such as holding a work session) to encourage public dialogue and communication.
- Press/Media: In the event of press/media inquiries, official City responses shall be coordinated by the City staff person that is designated as the Public Information Officer. If an Advisory Body Member seeks to talk with press/media representatives, it is important that the Advisory Body Member make clear that they are speaking for themselves, not as an official City spokesperson.

If making statements to the press/media, remember the following:

1. Indicate if Advisory Body actions are recommendations and, if so, that final action would need to be taken by the City Council.
2. Keep your comments factual and try to avoid giving “opinions.”
3. If you cannot answer a question, say so and refer the reporter to staff for an answer.
4. Be honest and positive in your comments and keep in mind your group’s goals.
5. Review comments with the reporter to ensure an accurate story. If the article is printed with serious errors, call the reporter so that a correction can be printed.
6. Remember that you do not have to talk if you do not want to, and that there is no such thing as “off the record.”

E. CONFLICT OF INTEREST PROHIBITIONS

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

The conflict of interest laws summarized below are only the minimum standards to which advisory body members are required to comply. Advisory Body Members should go above and beyond the requirements of the law and act in a manner that is in the best interests of the City. The League of California Cities has established “universal ethical values” that include trustworthiness, responsibility, respect, loyalty, compassion, and fairness. It also should be noted that City staff members that serve as staff liaisons may

be subject to professional code of ethics, standards, and best practices, which may impact the nature of their work with advisory bodies.

The Political Reform Act of 1974 ([California Government Code Section 87100 et seq](#)), prohibits financial conflicts of interest on the part of public officials. The Act provides that no local official, including board, commission, or committee members shall make, participate in making, or in any way attempt to use their official position to influence a City decision if the official knows, or has reason to know of a financial interest. The State Fair Political Practices Commission (FPPC) enforces the State Conflict of Interest Regulations. Albany Advisory Body Members may seek the advice of the City Attorney or the FPPC (advice@fppc.ca.gov or 1-866-ASK-FPPC) regarding conflict of interest issues and concerns; however, only a [formal advice letter from the FPPC](#) will insulate individuals from FPPC enforcement actions.

The Political Reform Act of 1974 includes requirements for filing of a periodic Statement of Economic Interest (FPPC Form 700) for members of the City Council and Planning & Zoning Commission. At the current time, no other City board, commission, or committee members are subject to State or local filing requirements. The City Clerk routinely advises the members of the Planning & Zoning Commission of filing requirements and deadlines and will inform other Advisory Body members of any changes that would affect them.

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

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

Code of Ethics

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

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

Golden Rules of an Effective Advisory Body Member

1. *Represent the Whole City*

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

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

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

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

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

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

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

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SECTION 4:

ADVISORY BODIES

ARTS COMMITTEE

Committee Origin:

City Council Minute Action April 29, 1974, Resolution Nos. 82-24, 82-56, 09-21, 2010-63, 2012-80, 2018-137, 2021-01, 2022-118.

Committee Purpose:

The Albany Arts Committee advises the City Council on cultural and artistic matters within the City including the acquisition and placement of public art. The Committee adheres to the Public Arts Master Plan, the Art in Public Places Ordinance and the Public Arts Project Plan in order to support, develop and promote art in Albany and increase the economic vitality of the City.

Committee Composition:

Seven (7) members. Each Council Member appoints one (1) member, one (1) Council as a Whole appointment, and one (1) member nominated by the Albany Board of Education. Members serve until the next Municipal Election (2 years).

Annually, the Committee Members select one (1) member to serve as Chair and one (1) member to serve as Vice Chair.

Meetings:

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

Responsible Department:

Administration

CLIMATE ACTION COMMITTEE

Committee Origin:

City Council Resolution Nos. 07-46, 2012-80, 2018-138, 2022-118.

Committee Purpose:

The purpose of the Climate Action Committee is to serve as a technical advisory committee regarding matters related to climate action, and to advise council on matters related to 1) reducing greenhouse gasses; and 2) adapting to climate change.

Committee Composition:

Seven (7) Members. Each Council Member appoints one (1) member and one (1) Council as a Whole appointment. The terms run until the next Municipal Election (2 years). Additionally, one (1) youth member (preferably a Junior) is nominated by the Albany Board of Education whose term is in line with school academic year and serves until they graduate or resign.

Annually, the Committee Members select one (1) member to serve as Chair and one (1) member to serve as Vice-Chair.

Meetings:

The Climate Action Committee meets the 3rd Wednesday of the month, 7:00 p.m., Albany City Hall, Council Chambers, 1000 San Pablo Avenue, Albany.

Responsible Department:

Community Development

FINANCIAL ADVISORY COMMITTEE

Committee Origin:

City Council Resolution Nos. 2020-12, 2022-136.

Committee Purpose:

The Financial Advisory Committee advises the City Council on financial matters including but not limited to budgeting, audits, long-term financial planning, and financial sustainability.

Committee Composition:

Five (5) Members. Each Council Member nominates one of the five (5) members for ratification by the City Council, as a whole. Members serve until the next Municipal Election (2 years).

Annually, the Committee Members select one (1) member to serve as Chair and one (1) member to serve as Vice-Chair.

Meetings:

There are eight (8) regular meetings held per year usually on the first Wednesday of the month (February, March, May, June, September, October, November, December), at 7:00 p.m. in the Albany City Hall, Council Chambers, 1000 San Pablo Avenue, Albany.

Responsible Department:

Finance

PARKS, RECREATION & OPEN SPACE COMMISSION

Commission Origin:

Albany Municipal Code, Section 2-17 (Ordinances No. 58-042, 75-04, 2019-02), Resolution No. 2022-118.

Commission Purpose:

City Council Ordinance created the Parks & Recreation Commission to advise the City Council regarding all matters of public recreation and all matters pertaining to parks, open space including creeks, Albany Waterfront Park, and Albany Hill, street trees, parking strips, parkways, squares and similar area within the City. Such Commission shall endeavor to formulate a parks, recreation and open space master plan, select and propose to the Council sites for playgrounds, make recommendations for acquisition and maintenance of playgrounds for children and recreation centers for the public, and generally advise the City Council in matters connected with parks, recreation and open space in general. It shall be a function of the Parks, Recreation and Open Space Commission of the City to promote and encourage among various public and private agencies and individuals the development of such recreational facilities and programs as shall benefit all citizens of the City. In 2019, City Council adopted name change to Parks, Recreation & Open Space Commission.

Commission Composition:

Seven (7) Members. Each City Council Member appoints one (1) member and two (2) members are nominated by the Albany Board of Education. Commissioners serve until the next Municipal Election (2 years).

Annually, the Commission Members select one (1) member to serve as Chair and one (1) member to serve as Vice-Chair.

Meetings:

Regular meetings are held on the 2nd Thursday of the month, 7:00 p.m., Albany City Hall, Council Chambers, 1000 San Pablo Avenue, Albany.

Responsible Department:

Recreation & Community Services / Public Works

PLANNING & ZONING COMMISSION

Commission Origin:

Albany City Charter Section 3.16, Albany Municipal Code Section 2-18 (Ordinance 2012-02), Resolution No. 2012-27.

Commission Purpose:

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

Commission Composition:

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

Annually, the Commission Members select one (1) member to serve as Chair and one (1) member to serve as Vice-Chair.

Meetings:

Regular meetings are held on the 2nd & 4th Wednesday of the month, 7:00 p.m., Albany City Hall, Council Chambers, 1000 San Pablo Avenue, Albany.

Responsible Department:

Community Development

BOARD OF POLICE AND FIRE PENSION FUND COMMISSIONERS

(Also Known as Police & Fire Pension Board)

Board Origin:

City Charter, Section 9.01.

Board Purpose:

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

Board Composition:

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

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

Annually, the Board Members select one (1) member to serve as Chairperson, and one (1) member to serve as secretary and administrative assistant to the Pension Board.

Meetings:

The Pension Board meets quarterly on the 4th Tuesday of the month, 3:00 p.m., Albany City Hall, Council Chambers, 1000 San Pablo Avenue, Albany.

Responsible Department

Finance

POLICING COMMISSION

Commission Origin:

City Council Resolution Nos. 2021-100, 2022-31, 2022-118.

Commission Purpose:

Establishment of a Policing Commission is intended to further community participation and engagement regarding policing policy and procedure. The Commission may make policy recommendations to the City Council and receive all legally public complaints from the Albany Police Department to determine whether to recommend that such complaints be referred to an outside consultant for investigation consistent with California law.

Commission Composition:

Five (5) Members. Each Council Member nominates one of the five (5) members for ratification by the City Council, as a whole and two (2) Members are nominated by the Albany Board of Education. Commissioners serve until the next Municipal Election (2 years).

Annually, the Commission Members select one (1) member to serve as Chair and one (1) member to serve as Vice-Chair.

Meetings:

Regular meetings are held on the 3rd Thursday of the month, 7:00 p.m., Albany City Hall, Council Chambers, 1000 San Pablo Avenue, Albany.

Responsible Department:

Administration

RACIAL INCLUSIVITY & SOCIAL EQUITY COMMISSION

Commission Origin:

City Council Resolution No. 2023-17.

Commission Purpose:

The charge of the Commission is to advise the City Council on the citywide priorities of equity, diversity, accountability and inclusivity to address the broad spectrum of intersectional issues across race and social equity within the City of Albany. The RISE Commission shall also seek to develop positive relations through the Commission's regular monthly meetings as a space to facilitate greater respect and understanding between people, offering opportunities for cultural exchange and education, and promote tolerance and mutual respect between all members of the community.

For the purposes of meeting the requirements of the Sugar Sweetened Beverage (SSB) Tax, this Commission will serve as the Social & Economic Justice Commission in making recommendations to the City Council regarding the use of tax proceeds.

Commission Composition:

Seven (7) Members. Each Council Member appoints one (1) Member, two (2) Council as a Whole appointments (student member attending a high school within the City of Albany & another student member or adult member affiliated with students within the City of Albany). Commissioners serve until the next Municipal Election (2 years).

Annually, the Commission Members select one (1) member to serve as Chair and one (1) member to serve as Vice-Chair.

Meetings:

The Racial Inclusivity & Social Equity Commission meets on the 1st Tuesday of the month, 7: 00 p.m., Albany City Hall, Council Chambers, 1000 San Pablo Avenue, Albany.

Responsible Department:

Administration

TRANSPORTATION COMMISSION

Commission Origin:

Albany Municipal Code, Section 2.20 (Ordinance No. 06-010, 71-024, 2020-02)

Commission Purpose:

The Transportation Commission was created by City Council Ordinance to advise the City Council on transportation policy and project planning and design on City-owned right-of-way.

Commission Composition:

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

Annually, the Commission Members select one (1) Member to serve as Chair and one (1) Member to serve as Vice Chair.

Meetings:

The Transportation Commission meets the 4th Thursday of the month, 7:00 p.m., Albany City Hall, Council Chamber, 1000 San Pablo Avenue, Albany.

Responsible Department:

Community Development

ATTACHMENTS

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RESOLUTION NO. 08-59

A RESOLUTION OF THE ALBANY CITY COUNCIL PROVIDING FOR AN ORDERLY TRANSITION OF COMMISSION/COMMITTEE/BOARD MEMBERS.

WHEREAS, the people of the City of Albany approved changes to the Charter regarding the appointment process for Commission/Committee/Board Members; and

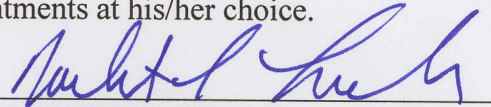
WHEREAS, the current language states that members shall serve for a term lasting until the next General Municipal Election, unless reappointed; and

WHEREAS, if approved by the voters at the November, 2008 election language would allow for the appointees to serve for an interim term of up to 45 days after certification of the election until reappointed or replaced, whichever is sooner; and

WHEREAS, staff recommends having a smooth transition in place to avoid confusion and disruption in who will be voting members of Commissions, Committees, and Boards in December so as to properly attend to City business,

NOW THEREFORE, BE IT RESOLVED, that in order to provide for a smooth transition of Commission/Committee/Board Members, Council Members will submit all names for reappointment or replacement to the City Clerk and provide that the reappointments or new appointments would commence their terms no sooner than January 1 after the certification of the election held for the election of Council Members in November.

BE IT FURTHER RESOLVED, that notwithstanding the foregoing a Council Member, who wishes to make appointments effective at an earlier date following certification of the election, may make such appointments at his/her choice.



ROBERT S. LIEBER
MAYOR

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3 **RESOLUTION NO. 2010-63**

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

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

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

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

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

14 1. Discontinues the at-large appointments of the City Council to the Charter
15 Review Committee and Waterfront Committee.

16 2. Discontinues the at-large appointments of the Albany Unified Board of
17 Education to the Social & Economic Justice Commission and reduces its at-large
18 appointment to the Arts Committee from two to one. The Board at-large seats on the
19 Parks & Recreation Commission remain.

20 3. Add two seats nominated by the Albany Board of Education for
21 appointment by the City Council to the Community Media Access Committee (These
22 seats may be held by students).

23 4. Discontinues the Youth Task Force, with future task forces to be
24 established on topics as needed.

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

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

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

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

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

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

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

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

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

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

Leggy J. Hansen
MAYOR

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Task Force Policies and Procedures

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

Advisory Body Recommendations

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

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3. A training on, meeting rules, decorum, and administration shall be provided to all advisory body members at the beginning of each appointment term, as well as training specific to the roles of Chair and Vice Chair as these positions generally rotate among advisory body members on an annual basis.



ROCHELLE NASON, MAYOR

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RESOLUTION NO. 2021-13

**A RESOLUTION OF THE ALBANY CITY COUNCIL REMOVING
THE RECITAL OF THE PLEDGE OF ALLEGIANCE FROM CITY PUBLIC
MEETINGS AND CHANGING THE ORDER OF THE AGENDA AND START
TIME OF REGULAR MEETINGS OF THE CITY COUNCIL TO 7:00 P.M.**

WHEREAS, the City Council initiated a review of City Council policies on February 1, 2021, and the Council expressed interest in the removal of the Pledge of Allegiance, and changing the order of the agenda and the start time of City Council meetings; and

WHEREAS, Albany City Charter Section 2.04 states that the regular meetings of the City Council shall be held at a time set by resolution or ordinance passed by the City Council; and

WHEREAS, the Albany City Council adopted Resolution No. 09-01 setting the start time for City Council meetings at 7:30 p.m. and the conclusion of the meeting at 10:30 p.m. unless a motion is made and approved by the Council to extend the meeting past 10:30 p.m.; and

WHEREAS, the reordering of the City Council agenda and the start time of 7:00 p.m. are intended to facilitate participation in City Council meetings by the community.

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

- (a) removes the recital of the Pledge of Allegiance from City public meetings; and
- (b) changes the order of the City Council regular meeting agenda as detailed in Exhibit A to this Resolution; and
- (c) changes the start time of regular meetings of the City Council to 7:00 p.m.

BE IT FURTHER RESOLVED, that the City Council continues to uphold the language within City Council Resolution No. 09-01 with regard to the conclusion of the meeting at 10:30 p.m. unless a motion is made and approved by the Council to extend the meeting past 10:30 p.m.



GE'NELL GARY, MAYOR

RESOLUTION NO. 2022-118

**A RESOLUTION OF THE ALBANY CITY COUNCIL ESTABLISHING
A POLICY REQUIRING CITY COUNCIL RATIFICATION OF NOMINATIONS
MADE BY THE BOARD OF EDUCATION TO CITY COUNCIL ADVISORY BODIES**

WHEREAS, several of the advisory bodies to the City Council include seats that are appointed by the Albany Unified School District Board of Education; and

WHEREAS, it is advised that the City Council ratify the nominations made by the Board of Education so that those appointed to advisory bodies to the City Council are effectively appointed by the City Council; and

WHEREAS, City Council ratification of nominations made by the Board of Education to City Advisory Bodies aligns with the City Charter, Section 3.23 – Appointee Procedures, as well as the Albany Municipal Code Section 2-1.2 – Powers of Appointment.

NOW, THEREFORE, BE IT RESOLVED, that the City Council does hereby adopt this Resolution, establishing a policy requiring the City Council to ratify all nominations made by the Board of Education to serve on advisory bodies to the City Council. The policy will be incorporated into the City Council Procedures & Policies as Administrative Policies Section “S” – City Council Ratification of Nominations made by the Board of Education to advisory bodies of the City Council which shall read as follows:

The City Council has established that the Albany Unified School District Board of Education provide nominations to serve on certain advisory bodies to the City Council. All nominations made by the Albany Unified School District Board of Education to City Council Advisory Bodies are subject to ratification by the City Council.


PRESTON JORDAN, MAYOR

EXCERPT FROM CITY COUNCIL PROCEDURES & POLICIES
PERTAINING TO ADVISORY BODIES

B. AGENDA

B-1. PREPARATION OF 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.

JJ. ELECTRONIC MEDIA, WEBSITE AND SOCIAL MEDIA POLICY

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."

SS. CITY COUNCIL RATIFICATION OF NOMINATIONS MADE BY THE BOARD OF EDUCATION TO ADVISORY BODIES OF THE CITY COUNCIL
[\(Resolution No. 2022-118\)](#)

The City Council has established that the Albany Unified School District Board of Education provide nominations to serve on certain advisory bodies to the City Council. All nominations made by the Albany Unified School District Board of Education to City Council Advisory Bodies are subject to ratification by the City Council.

LAND ACKNOWLEDGEMENT STATEMENT

The following Land Acknowledgement Statement shall be read at the beginning of each City Council meeting and Advisory Body meeting per Albany City Council Minute Action, November 15, 2021.

“The City of Albany recognizes that we occupy the land originally protected by the Confederated Villages of Lisjan. We acknowledge the genocide that took place on these lands and must make strides to repay the moral debt that is owed to this indigenous people, specifically the Ohlone Tribe. We thank them for their contributions which have transformed our community, and will continue to bring forth growth and unity. The City of Albany commits to sustaining ongoing relationships with the Tribe and together build a better future for all that now make this their home.”

AB1234: ETHICS TRAINING FOR LOCAL OFFICIALS

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

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

Other boards, commissions, committees, particularly the Chair, and new members and staff are encouraged to spend 15 minutes to read through the material. The second course, entitled "Government Transparency and Fair Processes" include a good guide to the basic Brown Act requirements. Go directly to page 3 of this document "Conducting the Public's Business in Public" to understand the basics for serial meetings; (e-mail, phone) closed sessions, posting and following agendas, the public's right to be heard and fair process laws.

Ethics Info: [FPPC](#), [State of California Attorney General](#), [Institute for Local Government](#)

Annual Board, Commission, Committee Training

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

Oath of Office

All members of City Advisory Bodies must take the Oath of Office prior to officially serving on an advisory body.

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

The Ten Commandments of the Brown Act

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

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

TIPS FOR COMMISSION EFFECTIVENESS

Tips for Effectiveness:

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

Ten ways to offend your colleagues on the Commission:

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

Robert's Rules of Order

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

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

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

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

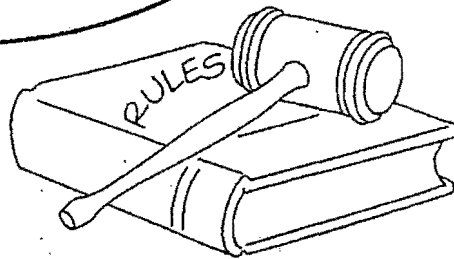
In addition, the practice of "friendly amendments," which are offered to the maker of the motion, and which, if accepted by the maker and the seconder, effectively amend the motion without the formality of a separate motion.

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

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

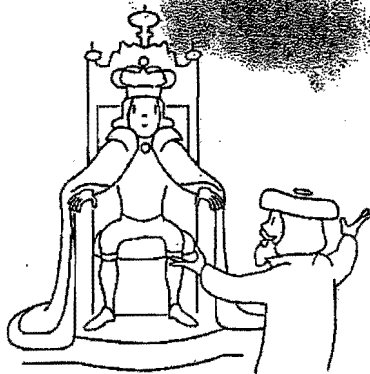
WHAT IS PARLIAMENTARY PROCEDURE?

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

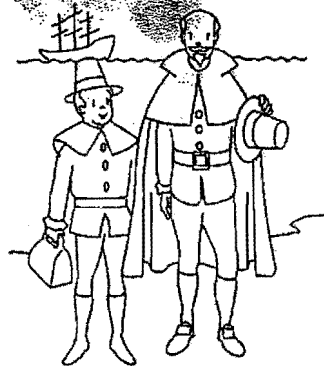


PARLIAMENTARY PROCEDURE HAS A LONG HISTORY

IT ORIGINATED
in the early English
Parliaments.

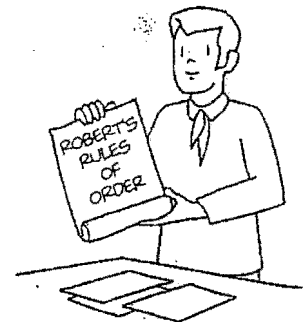


IT CAME TO AMERICA
with the first
European settlers.

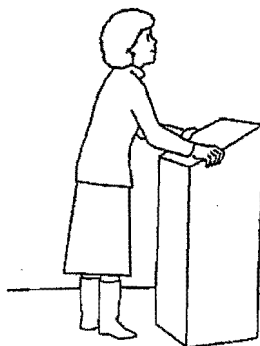


IT BECAME UNIFORM

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

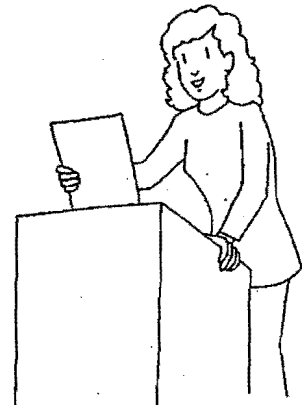


Today, *Robert's Rules of Order Newly Revised*, 10th Edition, is the basic handbook of operation for many clubs, organizations and other groups.



A FIXED AGENDA,

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



1. CALL TO ORDER

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

2. MINUTES

The secretary reads a record of the previous meeting.

3. OFFICERS' REPORTS

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

4. REPORTS OF SPECIAL COMMITTEES

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

5. SPECIAL ORDERS

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

6. UNFINISHED BUSINESS

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

7. NEW BUSINESS

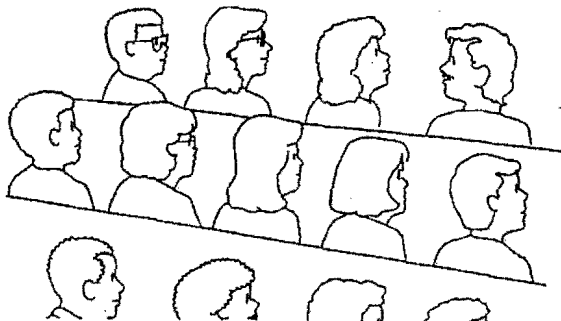
New topics are introduced.

8. ANNOUNCEMENTS

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

9. ADJOURNMENT

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



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

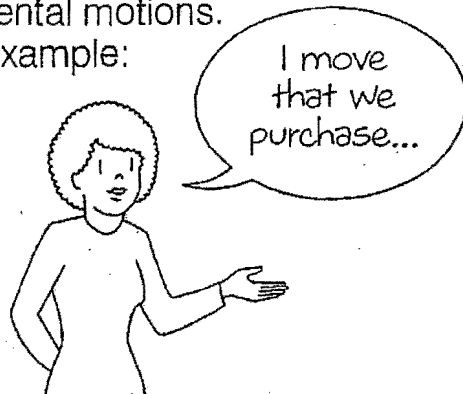
Note: Some assemblies may hold electronic meetings, such as videoconferences or teleconferences. These assemblies may need to modify some rules for obtaining the floor,

THERE ARE 5 GENERAL TYPES OF MOTIONS

① MAIN MOTIONS

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

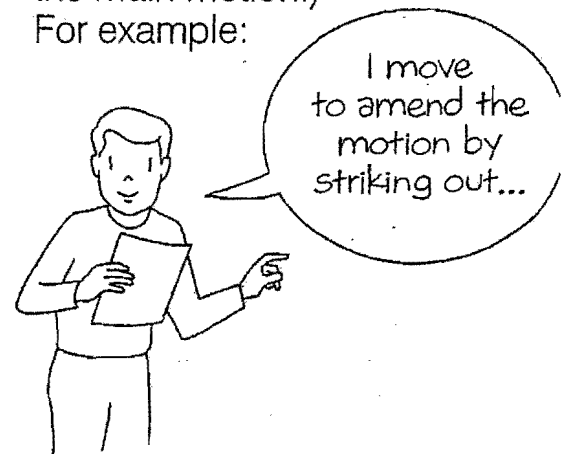
For example:



② SUBSIDIARY MOTIONS

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

For example:



③ PRIVILEGED MOTIONS

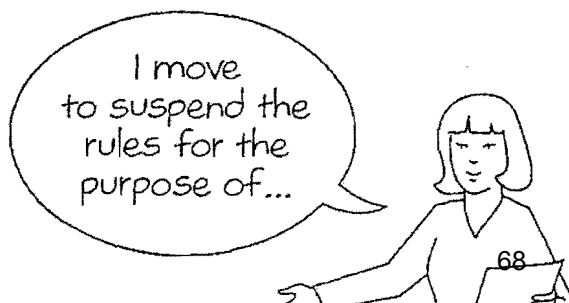
These concern special or important matters not related to pending business. In general, they are considered before other types of motions.

For example:



④ INCIDENTAL MOTIONS

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



⑤ MOTIONS THAT BRING A QUESTION AGAIN BEFORE THE ASSEMBLY

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

For example:



SOME QUESTIONS RELATING TO MOTIONS:

IS IT IN ORDER?

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

MAY I INTERRUPT THE SPEAKER?

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

DO I NEED A SECOND?

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

IS IT DEBATABLE?

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

CAN IT BE AMENDED?

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

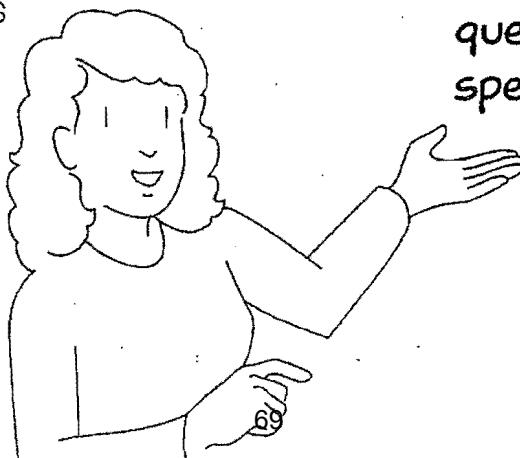
WHAT VOTE IS NEEDED?

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

CAN IT BE RECONSIDERED?

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

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



③ YOU WAIT FOR A SECOND

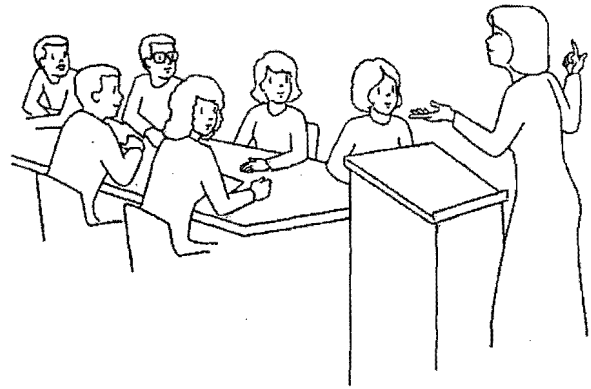
- Another member will say, "I second the motion."
- Or, the chair will call for a second.
- If there is no second, your motion will not be considered.

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



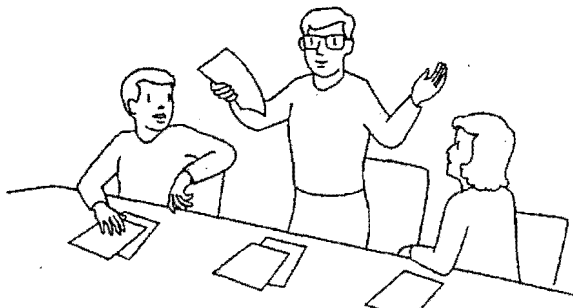
④ THE CHAIR STATES YOUR MOTION

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



⑤ YOU EXPAND ON YOUR MOTION

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



⑥ THE CHAIR PUTS THE QUESTION

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



MORE ABOUT VOTING



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

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

The main motion is always the last voted on.

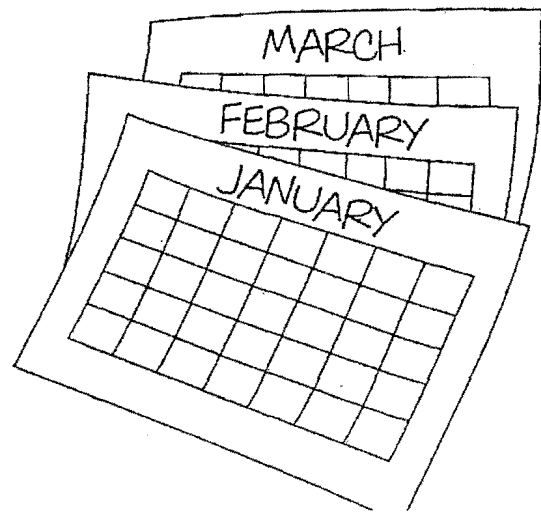
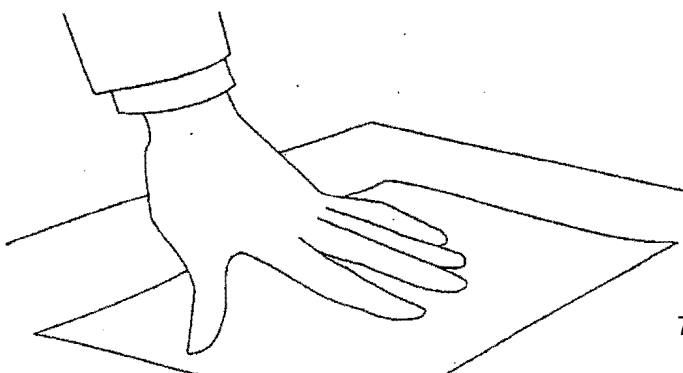
A MOTION TO LAY ON THE TABLE

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

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

A MOTION TO POSTPONE INDEFINITELY

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



So--

PARLIAMENTARY PROCEDURE HELPS GET THINGS DONE

✓ **MAKE MOTIONS**
that are in order.

✓ **OBTAIN THE FLOOR**
properly.

✓ **SPEAK**
clearly and concisely.

✓ **OBEY**
the rules of debate.

And, most of all,
be courteous.



That's
always in
order!

ALBANY CALIFORNIA



CITY OF ALBANY
1000 SAN PABLO AVENUE
ALBANY, CA 94706
www.AlbanyCA.org

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

Dealing with Emotional Audiences

www.ca-ilg.org/EmotionalAudiences

October 2009

Question: *We have a controversial development proposal coming up for decision and we are expecting a difficult public hearing. In particular, we are expecting many of those who are opposed to the development to be quite emotional about what they perceive as negative effects of the development. There are of course countervailing positive effects.*

As decision-makers, what can we do to keep the tone of the hearing civil and focused on the merits (and demerits) of the proposal?

Answer: There are a number of strategies that leaders can employ to maximize the likelihood that public meetings will involve constructive exchanges that contribute to the best decision being made. These strategies are most successful, however, as sustained, long-term efforts to meaningfully engaging a wide spectrum of the community in the decision-making process. As such, they involve acting on certain values as leaders and decision-makers. This relationship to values is the connection between ethics and leadership.

Resources Available through the Institute

The Institute's Meeting Resource Center aims to help local officials and agency staff make the most of meeting time.

www.ca-ilg.org/meeting-resource-center

Understanding the Sources of Public Emotion

You indicate that the people at the hearing are likely to be “emotional” about the proposal. In your own desired to be calm and civil in your own responses to what might occur at the hearing, it can be helpful to understand *why* people get emotional in situations like you describe.

In their book, *Dealing with an Angry Public*, Lawrence Susskind and Patrick Field note that people can get emotional—angry—in three situations:

1. When people have been hurt;
2. When people feel threatened by risks not of their making; and
3. When they believe their fundamental beliefs are being challenged.

They note that anger can be intensified when people feel:

- Weak or powerless in the face of others who have power;
- Treated unfairly, disrespectfully or dishonestly; or
- Anger is a helpful way of rallying the troops, demonstrating one's own power, or bullying others into accepting their point of view.

They note that while understanding discrete sources of anger can be helpful, most situations involve a combination of causes.¹

It sounds like the people concerned about the proposed development could be feeling threatened by the risks they perceive the development poses to them. Perhaps they are worried that the development will hurt their property values or other qualities of their neighborhood that they like. There may be public health and safety concerns.

Of course, as decision-makers, you have power to ultimately decide what happens with the proposal. Moreover, there may be the perception that the project proponent has political clout and extensive resources with which to pursue approval of a project. Members of the community they may be worried decision-makers don't care about their concerns and won't take their interests into account in making a decision.

Compounding their frustration and anxiety may be the fact that concerned residents may not understand the decision-making process or how to be effective advocates of their interests. They may feel showing their anger is the only way to underscore the depth of their concerns and get decision-makers' attention. They may also not have all the information that would be helpful to them in understanding both the downsides and the upsides of a particular project.²

Leading by Values

With power comes responsibilities that are linked to core values. As mentioned previously in this column, research by the Institute for Global Ethics indicates that humans all share common core values irrespective of religious faith, culture or nationality. These include the values of trustworthiness, fairness, responsibility, compassion, respect and loyalty.³

For example, a central *responsibility* for public officials is to make decisions that are in the community's interests. This is the essence of leadership in a representative democracy. It may not always be clear what course of action is in a community's best interests; reasonable people can earnestly disagree.

Moreover, with net benefits can also come costs. Another hallmark of values-based leadership is working to assure that certain neighborhoods don't bear *unfair* burdens associated with achieving those community-wide benefits. If those burdens are not avoidable, then a leader looks for ways that those burdens can be counterbalanced with corresponding benefits to those neighborhoods.

Another important responsibility for public decision-makers is stewardship of the decision-making process. This involves making sure that the process is *fair* and that all points of view are treated with *respect*. Another responsibility is making sure that participants in the process have *trustworthy* information about the impacts—both positive and negative—about a proposal. And of course, leaders themselves need to be trustworthy. This, among other things, means telling the truth, acknowledging mistakes and being guided by what serves the community's interests—not leaders' personal or political interests.

The Public Is Skeptical, If Not Downright Distrustful

The unfortunate reality is that polling data is replete with examples of the public thinking that government is generally controlled by a few big interests looking out for themselves⁴ and skepticism about whether one can trust government to do what's right. Fortunately, the public tends to have more faith in local government,⁵ but the general lack of trust in government means that it doesn't take much for residents to question whose interests are being served in a given situation. The media and bloggers frequently stand ready to encourage that kind of thinking.

Campaign finance and financial interest disclosure requirements enable the media and public to know whether the project proponent has engaged in efforts to curry favor with decision-makers. Disqualification requirements help protect the public's trust by requiring decision-makers to step aside from the decision-making process if they or those with whom they have a financial relationship could be financially affected by approval or rejection of the project. Open meeting and fair process laws also assure the public that decisions have not been made in advance of public meetings, with the concomitant expectation that public officials will hear and consider the public's views in making their decision on a matter.

These laws create minimum standards for protecting the public's trust and confidence in the integrity of the decision-making process; public officials can and do set their sights higher than these minimum requirements. From a public trust and confidence standpoint, it is necessary but not sufficient to faithfully comply with these transparency and disqualification requirements.

A Leadership Strategy

Assuming that there aren't conflict of interest or other issues that might cause the public to question the underlying motivation for decisions, the next question is how to build trust in the decision-making process in general. Susskind and Field recommend a strategy that focuses on building and maintaining a *long-term* relationship of trust between your agency and the community it serves.

This involves, among other things, being willing to 1) share information, 2) listen to people's concerns and 3) learn what steps might be taken to address those concerns.⁶

- ✓ **Sharing Information:** This means that the agency and the project proponent must share all information—the good, bad and the ugly. If indeed the project will or could have negative effects, whitewashing that fact will not help build trust in the long run since the agency is likely to be in for a big “we told you so” when those negative effects start occurring after the project is in place. Moreover, after the project is approved, the project proponent is not likely to have the same if any incentives to address those effects.

The agency also should share information about how the decision-making process will work, so concerned residents know how to participate effectively. This also underscores that the public agency is genuinely interested in their concerns.

- ✓ **Listening:** Acknowledging concerns is very important. It demonstrates that the agency and its leaders care about its residents and are willing to explore solutions to the problems that the project may create. Active listening means reiterating what has been heard to make sure 1) those sharing their concerns understand that their message is being heard, and 2) those receiving the information understand accurately the concerns that are being expressed. Then, as Susskind and Henry note, following up with questions to probe underlying assumptions and concerns is critical.⁷ The goal is to get to the root of the concerns (“We understand that you want us to turn this project down; what specific impacts are you concerned about and how will these impacts affect you and your neighbors?”).

This may mean decision-makers will have to work hard to listen past the expressions of anger and fear that might occur, especially if these expressions are less than civil.

- ✓ **Learning.** Once core concerns have been identified, the process of addressing those concerns can begin. Leaders can ask the project proponent and concerned residents what steps might minimize the impacts that are of concern. Leaders can share their own ideas and seek reactions or refinements.

A challenge is that traditional public hearing formats tend to be ill-suited to this kind of dialogue. This is why public agencies are well-advised to encourage project proponents to meet with concerned residents in advance of public hearings.

Skilled public agency staff can play an important role in making sure these meetings are bona fide exchanges of information as opposed to merely a one-way sales pitch. Encouraging staff to help the public frame their questions and get answers can help concerned residents feel that the public agency does indeed care about their concerns. Letting staff know that you appreciate their efforts to independently apply the agency’s standards and get answers for questions that decision-makers and the public are likely to have can also pay big dividends in making sure decision-makers themselves have full information on which to exercise their judgment.

Smart project proponents also understand that it’s in their long-term interest to share, listen and learn as well. This includes offering commitments to minimize knowable impacts and offer benefits that may counterbalance impacts that cannot be minimized or

avoided. For those impacts that are feared but may not occur, the project proponent may be able to offer commitments to address those impacts if indeed they do occur. Interestingly, Susskind and Field's book is just as much addressed to the private sector as it is to the public sector.

The Mutual Gains Approach to Resolving Disputes

In *Dealing with an Angry Public*, Susskind and Field advocate what they call the "mutual gains" approach to dealing with an angry public. This involves using processes that adhere to six key principles.

1. Acknowledge the concerns of the other side
2. Encourage joint fact finding
3. Offer contingent commitments to minimize impacts if they do occur; promise to compensate knowable but unintended impacts
4. Accept responsibility, admit mistakes and share power
5. Act in a trustworthy fashion at all times
6. Focus on building long-term relationships⁸

The authors explain each of these principles and illustrate them in their book (by examples of where these principles have worked and examples of where pursuing the opposite approach led to sometimes disastrous results).

Bottom Line: No Magic Wands

It may or may not be possible to address residents' concerns about the proposed project. There are limits to what a local agency can legally require a project proponent to do and it may be that the current standards of the community need to be updated to reflect the community's concerns about a given type or project. If so, that's something leaders need to be forthright about and the task becomes one of figuring out a better set of standards and processes for the future.

Ultimately, it will be the frequently difficult task of decision-makers to decide whether the project makes sense for the community under current circumstances. If decision-makers decide it does, there still may be people who disagree and are disappointed (and yes, angry) with that decision. If decision-makers decide the project does not make sense, then there are likely to be members of the community that are disappointed (and again, possibly angry) with that decision as well.

As leaders and decision-makers, your collective goal is to have as many people possible feel heard and that their input made a difference. Another goal is for the project proponent and opponents alike to feel that the process was fair and their leaders behaved in a trustworthy manner.

As writer Lewis Lapham noted, “Leadership consists not in degrees of technique but in traits of character; it requires moral rather than athletic or intellectual effort, and it imposes on both leader and follower alike the burdens of self-restraint.”

You can’t control others’ behavior, but you can determine the traits of character you bring to your own role in the decision-making process. You can also encourage your agency to apply values and character traits to the decision-making process. Although it requires work, the potential payoff is a long-term relationship of trust and confidence with the community that will likely pay big dividends in terms of the agency’s efforts to address the difficult issues of the time.

About the Institute for Local Government

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For more information and to access the Institute’s resources on ethics visit www.ca-ilg.org/ethics-transparency. If you would like to access this resource directly, go to www.ca-ilg.org/document/dealing-emotional-audiences.

The Institute welcomes feedback on this resource:

- *Email:* ethicsmailbox@ca-ilg.org Subject: *Dealing with Emotional Audiences*
- *Mail:* 1400 K Street, Suite 205 ▪ Sacramento, CA ▪ 95814

References and Resources

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration). (kj)

¹ Lawrence Susskind and Patrick Field, *Dealing with an Angry Public: The Mutual Gains Approach to Resolving Disputes*, (The Free Press: 1996) at 16-17.

² *Id.* at 28.

³ Rushworth Kidder, *How Good People Make Tough Choices: Resolving the Dilemmas of Ethical Living* (Fireside: 1995) at 13-49.

⁴ See August 2008 Public Policy Institute of California (finding 67% percent of respondents believe that the state is run by a few big interests as opposed to 24 percent believing that government is run for the benefit of all the people), available at http://www.ppic.org/content/pubs/survey/S_808MBS.pdf (see question 23). See also **Council for Excellence in Government poll** conducted in mid 1999 (giving special interests top billing in answer to what’s wrong with government today), available at www.pollingreport.com/institut.htm.

⁵ In a September 2008 Gallup poll, 72 percent of respondents said that they have either a great deal or fair amount of trust in local government. See www.gallup.com/video/110461/Americans-Trust-Local-Govt-Much-More-Than-National.aspx.

⁶ *Angry Public*, at 229-231.

⁷ *Id.* at 231.

⁸ *Id.* at 37-38.

Tips for Promoting Civility in Public Meetings

www.ca-ilg.org/PromotingCivility

December 2011

What is Civility?

In the context of democratic debate, civility is about how people treat each other. Civility involves the display of respect for those who have positions with which one disagrees.

Even though disagreement plays a necessary role in governance and politics, the issue is *how* one expresses that disagreement. The key is to focus on the strengths and weakness of proposed solutions to community problems—not to engage in personal attacks against those who favor different solutions.¹ An even more powerful leadership strategy is to listen for the concerns and values that underlie people's diverse perspectives to try to identify points of agreement and common ground.

Specific Strategies

- **Embrace Diverse Points of View.** Local officials are grappling with difficult policy challenges. Bringing as many perspectives on what might be the best solution to a given problem increases the likelihood that the solution will indeed be successful and enduring. A goal is to create a culture of tolerance for differing points of view that credits everyone with having the best interests of the community in mind.
- **Everyone Gets a Chance to Share Their Views.** Voltaire said "I may not agree with what you say, but I will fight to the death for your right to say it." Everyone's right to have their view heard is a central democratic value. Conversely, a strategy that relies on drowning other perspectives out usually results in a turning up of the volume and corresponding decreases in civility in discussions.

Related Resources from the Institute

This tip sheet is a distillation and update of the Institute for Local Government's 2003 whitepaper called *Promoting Civility at Public Meetings: Concepts and Practice*, available at www.ca-ilg.org/civility.

Additional resources from the Institute include:

- *Dealing with Emotions at Public Hearings*, available at www.ca-ilg.org/respondingtoconflict and
- *A Leader's Role When Tragedy Strikes*, available at www.ca-ilg.org/tragedy
- ILG's Meeting Resource Center, available at www.ca-ilg.org/MeetingResourceCenter

- **With Rights Come Responsibilities.** For there to be time for everyone to weigh in on an issue, there may need to be reasonable time limits on how long individuals speak. The goal is to create a culture in which as many people as possible (including decision-makers) are respectful of other people’s time in attending and participating in the meeting.
- **Avoid Debates and Interruptions.** Interruptions should be discouraged so that individuals have the opportunity to complete their thoughts. A good practice for everyone participating in the conversation is to make a note of a question or different point of view that occurs to you when someone is speaking and then address that issue when it is one’s turn to speak. This is an especially important approach for decision-makers to model.
- **Reduce Uncertainty.** Assuring people they will be allowed to share their views and how can reduce concerns that they will not be allowed to be heard. Explaining the process to be used to allow all views to be heard at the outset of a meeting or discussion item can reduce tension levels.
- **The Importance of Listening.** Listening is an important sign of respect, as is giving others the opportunity to listen. Decision-makers’ active interest in what people are saying is vital. Repeating back core points that a speaker makes reassures the speaker that their message has indeed been heard—even if one does not necessarily agree with it. The mood turns ugly if the public thinks the matter has already been decided, decision-makers don’t care about public input, or decision-makers are being impolite or disrespectful of the public they serve. Everyone attending a meeting should respect other attendees’ right to both listen and be heard. One person should talk at a time, any private conversations should be taken outside or deferred, and smart phones should be turned off (texting and emailing should not occur during the meeting).
- **Be Compassionate About the Fear Factor/ Heckling and Applause Not Allowed.** Polls suggest many people fear public speaking.² This fear can come from concerns about being judged negatively or having ideas that people will ridicule or reject. Allowing cheering and booing or other forms of heckling discourages people from sharing their views (even silence or no applause can be perceived as rejection). It also runs the risk that those that do speak will focus more on getting applause than moving the conversation towards addressing difficult issues. (Eye-rolling and grimacing can be non-verbal forms of heckling and also have no place in communities that value mutual respect.)

Agenda Guidance

Some local agencies include language to the following effect on their agendas:

- Free expression of all points of view is an important democratic value in this community.
- To allow all persons to speak who may wish to do so, each speaker is allowed a maximum of __ minutes. An effective approach is to lead with your key point or concern and then explain the reasons underlying it.
- If others have already expressed your views, you may simply indicate that you agree with the previous speaker. If appropriate, a spokesperson may present the views of a group.
- To encourage and respect expression of all views, meeting rules prohibit clapping, booing or shouts of approval or disagreement from the audience.

- **Separate People from The Problem.** Personal attacks or questioning people’s motives or character rarely moves the conversation forward to a solution of a problem. In the book about effective negotiating called *Getting to Yes*,³ the authors encourage negotiators to attack the problem, not the people involved in the problem. Anything that approaches name-calling should be off limits.
- **Consider Using Titles.** Referring to each other by title and last name (Supervisor Hassan, Council Member Lee, Board Member Aviña) can serve as a way of showing respect that an individual has been elected and is participating in the conversation in that capacity. Using similar forms of respect for members of the public (Mr., Ms, Sir, Madam) when speaking can also reinforce the notion that everyone is engaged in a special kind of discussion. Community norms vary, however, and in some communities this may be perceived as an affectation.
- **Take a Break.** If conversations get heated, consider taking a break. As one veteran observer of public meetings noted “time can be an anti-inflammatory agent” that can give people a chance to calm down and restore order.⁴
- **Ejection a Last Resort.** If a recess does not work to restore order and other techniques are not successful, calling in the sergeant of arms is a last resort. A good practice is to create a record that disruptor was given ample warnings and opportunity to leave or reform their behavior voluntarily. If selective removal of one or more disruptors does not restore order, state law does allow clearing the room with the media allowed to remain⁵ (as an even more last resort).

A Note on Civility and Staff

Staff plays a critical role in providing service to the agency and the public the agency serves. An agency’s ability to attract and retain capable and motivated staff is an important determinant of how satisfied the public is likely to be with the agency’s performance and that of its elected officials.

An old management saw counsels those with oversight responsibilities to praise in public and criticize in private. That advice is sound for those in public service.

If an elected official has concerns about a staff member’s performance or actions, a good practice is to make the top administrative official of the agency aware of those concerns.

Similarly, if a member of the public raises concerns about the performance of a public agency employee, refer it to management with a request for follow up.

If the communication is more in the nature of a personal attack, try to identify the underlying concern and respond to that. Encouraging the person to focus on the issue and avoid personal attacks. Separating people from the problem can be just as valuable a strategy when it comes to staff.

- **Walk the Talk.** For civility to be a regular part of community discourse, community leaders must set the standard. Scholars are concerned—and the data seems to demonstrate—that public officials’ incivility to one another contributes to voter alienation and antipathy toward public officials and public agencies.⁶

A good approach is to treat people how you would like to be treated. This includes a) limiting one’s statements in discussions to those that move the conversation forward, b) keeping one’s remarks brief, to the point and non-repetitive of comments others have made (other than to note one’s agreement), c) avoiding personal attacks (in public and private) and d) otherwise adhering to the strategies described above.

Parliamentary Procedure and Civility

Rules of parliamentary procedure are another tool to encourage civility and decorum at meetings. The most famous source of parliamentary procedure is Robert’s Rules of Order. A good starting point is www.robertsrules.com/ (the “survival tips” page is especially helpful).

A former mayor and county supervisor (and now judge) has created a simplified version for use at the local level. Called “Rosenberg’s Rules,” the text and an explanatory video are accessible from the Institute’s website at www.ca-ilg.org/rosenbergsrules.

The following is an excerpt from Rosenberg’s Rules on about courtesy and decorum:

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before proceeding to speak.

The Chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The Chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions.

Note that the chair may have greater latitude in enforcing decorum among decision-makers than between the public and decision-makers.

Conclusion

How a community conducts its public meetings is a reflection of the community and its values. As Dr. Martin Luther King's observed:

In a neighborhood dispute there may be stunts, rough words, and even hot insults; but when a whole people speaks to its government, the dialogue and the action must be on a level reflecting the worth of that people and the responsibility of that government.⁷

Dr. King's admonition to his listeners to set their standards of discourse high--irrespective of how others behave--is consistent with the quote from Gandhi to his followers that "you must be the change you wish to see in the world."

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Sample Codes of Civility

Drafting Note: A threshold issue is whether an agency's code will be positive or negative. In other words, will the code describe conduct that is prohibited or describe the kind of conduct it desires to be the norm. Describing the kind of conduct that is preferred has the advantage of being more instructive in setting the goal and encouraging people to meet that goal.

Commitment to Civil Behavior

To maintain a cohesive, productive working environment, the members of the San Diego County Water Authority Board of Directors commit to:

1. Support the Authority's mission.
2. Bring Authority related concerns, issues, and conflicts to the Authority Board for discussion.
3. Offer alternative solution(s) when addressing a problem or issue.
4. Show respect to each other as appointed representatives of their member agencies.
5. Promote civility during Board meetings and tolerate nothing less.
6. Maintain the confidentiality of material discussed during closed Board meeting sessions. Similarly, not to disclose the content or substance of confidential or privileged communications relating to Authority business.
7. Limit the length of comments during Board meetings to three minutes per Director per item and not repeat points that already have been stated by other Directors.

Pledge of Civility

1. The manner in which we govern ourselves is often as important as the positions we take.
2. The organization's collective decisions will be better—and truer to our mission—when differing views have had the opportunity to be fully vetted and considered.
3. All those who appear before the organization's board and committees have the right to be treated with respect, courtesy, and openness. We value all input.

Accordingly, we commit to conduct ourselves at all times with civility and courtesy, to both those with whom the Board interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.⁸

Resources and References

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration).

¹ Burgess, Guy and Heidi, *The Meaning of Civility*, Conflict Research Consortium at www.colorado.edu/conflict/civility.htm.

² www.gallup.com/poll/1891/Snakes-Top-List-Americans-Fears.aspx (fear of public speaking ranks second to fear of snakes).

³ Fisher, Roger and Ury, William L., *Getting to Yes: Negotiating Agreement Without Giving In* (1991).

⁴ See Vermont Institute for Government, *Born to Chair: An Introduction to the Science and Art of Chairing a Board Meeting* (1998), available at www.sec.state.vt.us/municipal/pubs/chair.pdf and <http://crs.uvm.edu/citizens/chair.pdf>, page 3.

⁵ See Cal. Gov't Code § 54957.9, which provides:

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

⁶ Carter, Stephen L., *Civility: Manners, Morals and the Etiquette of Democracy* (1998) at 9.

⁷ *From the March on Washington for Jobs, Peace and Freedom, 1963.*

⁸ Adapted from the Pledge of Civility adopted by the California Public Employee Retirement System Board.

Understanding the Role of Chair

Meetings are central to the local agency decision-making process. Through public meetings, elected and appointed officials come together to receive public input, discuss, deliberate and decide issues on behalf of the public. Such decisions typically require support of a majority of the decision-making body.

All members of the decision-making body usually have the same voting power. The meeting chair, however, plays a special role in helping the group reach wise decisions. The following tip sheet offers suggestions for performing that role well.

Goal of Meeting Discussions

The usual goal of any discussion at a public agency meeting is for decision-makers to:

- Receive and share information, so everyone can make informed choices;
- Share thoughts and perspectives on what decision best serves the public's interests and other community values; and
- Reach a decision on what the best option is.

Another goal is for the group to reach decisions in a way that builds and maintains relationships as well as promotes trust in both decision-makers and the decision-making process.

Everyone's Role

All participants in the decision-making process are responsible for working towards achieving these meeting goals. Moreover, everyone has a shared stake in having an opportunity to be heard and being treated fairly. Thus, all officials have an interest in supporting the chair's efforts to conduct the meeting effectively and fairly

The Chair's Role

The chair's role includes:

- Helping the group determine whether it has all the information necessary and available to make a decision;

- Encouraging decision-makers to share multiple points of view;
- Actively listening to determine potential points of agreement and testing those points for actual agreement;
- Managing any conflicts that may arise during the discussions;
- Keeping the discussion on topic;
- Ensuring that clear decisions are made;
- Sticking to the agenda; and
- Getting through the agenda items in a timely manner.

As a result, the role of the chair can be understood as:

- A team captain who leads by example and helps the group function as a team;
- A coach who encourages participants to perform at their best, including as it relates to principles of fair play and sportsmanship; and
- A referee who has authority to stop the action and apply the rules of play.¹

For the chair to play the role of referee effectively, the chair needs the group's trust and respect. To earn this trust and respect, the chair needs to conduct the meeting fairly. This means applying the group's agreed upon standards in an impartial manner. If one's colleagues understand that the chair's goal is to be an impartial facilitator to help the group achieve consensus, the group will be more inclined to act in ways that support the chair's efforts and achieve the meeting's goals.

To achieve both the perception and the reality of impartiality, it can be helpful for the chair to hold off expressing his or her views on a matter and not engage in debate.

Strategies for Success

At the Beginning of the Meeting

- **Welcome and Introductions.** It can be helpful for the public (particularly first-timers) to know who is sitting at the dais, what opportunities there will be to provide input, and how they can understand what is going on (for example, if translation equipment/service is available, where people can pick up the equipment). This can communicate decision-makers' earnest desire to both receive public input and have the public understand what is going on.
- **Agenda Overview.** A brief statement of the major sections of the agenda can remind both decision-makers and the public of the scope of what needs to be accomplished during the meeting.
- **Aspirational Statement on Decorum.** If the body has adopted a guidelines and goals for civility, a brief reminder to that effect can help set the tone for both decision-makers' interactions and encouragement for other meeting participants' conduct.

As the Body Moves to New Agenda Sections/Items

- **Agenda Sections.** Different agenda sections are sometimes subject to different procedures. For example, a consent agenda usually is a group of items that are routine and non-controversial and are taken up as a group.

Conversely, other items are taken up one by one. Sometimes certain items are subject to special procedures (for example, public hearings). It can be helpful for the chair to briefly note these differences, as a reminder to new decision-makers and first time attenders at the meeting.

Example: Chair: “Now we are at the public hearing portion of the agenda. To be respectful of the rights and interests of all involved, there will be three stages to our consideration of each item:

1. *Facts and Evidence:*
 - a. *First staff will summarize their analysis of the issue before us.*
 - b. *Then, the applicant will be given a chance to explain, based on facts and evidence, how the applicant has met standards necessary for us to approve the application.*
 - c. *Next the public will be given an opportunity to offer their thoughts and evidence on the merits of the application. This can include any suggestions or questions that the public thinks we should ask of the applicant.*
 - d. *We will then ask any questions of the applicant.*
2. *Law and Analysis:*
 - a. *After listening to and considering both the applicant’s and the public’s information, it becomes our turn to discuss among ourselves what we have learned based on what has been presented.*
 - b. *Once it appears that a consensus is developing, we may ask questions of staff on what kinds of findings need to be made to explain our decision based on the information we have received.*
3. *Decision:*
 - a. *The chair will entertain a motion to make a decision and adopt findings consistent with that decision.*
 - b. *If the motion receives a second, we’ll vote to see if a majority of us can agree.”*

- **Being Clear on the Issue to Be Resolved.** In addition to calling the agenda item, it can be helpful to identify the issue to be resolved.

Example: Chair: “The issue before us is whether the application to engage in X enterprise meets the standards in our zoning code for such activities.”

When Consensus is not Immediately Forthcoming

If the conversation does not seem to be coalescing into a consensus or even a majority position, one technique for non-time sensitive matters is to refer the matter back to staff for further work. Staff will then have time to craft a decision that endeavors to take into account as many of the concerns expressed as possible.

This reminds staff, decision-makers, the applicant and the public the standard which needs to be focused on. In addition, for complex or divisive items, sometimes participants can lose sight of the issue to be decided. A helpful role the chair can play in getting the discussion to a point of resolution is to remind participants of the issue to be resolved (or ask staff to state the issue to be resolved).

- **Note about Technical Language.** Public agency decisions sometimes involve special terminology, jargon and acronyms. This can lead to confusion and misunderstanding, which in turn, can take the discussion in unproductive directions. Another important role of the chair is to make sure the conversation occurs at a level that everyone can understand. The chair can ask speakers to define unfamiliar terms and explain unfamiliar concepts.

Fostering Discussion and Decision

- **Opening up the Issue for Discussion.** Having stated the issue and heard staff and the public's information on it, ask for decision-makers' thoughts. To enable the chair to be a fair guider of the discussion, the chair will typically refrain from offering their thoughts at the beginning.
- **Who Speaks When and to Whom.** At this point in the meeting, the discussion is among decision-makers and therefore decision-makers should be speaking to each other in an effort to come to a decision, not the public.

Staff can be a Resource

Depending on the nature of the topic under discussion, agency staff and legal counsel can sometimes assist the chair in listening for consensus or clarifying misunderstandings that are impeding the effort to reach consensus.

Where staff sits can determine how helpful they can be in this role. Being able to signal or make eye contact with the chair is one issue. Many agencies have key staff (attorney and chief administrative official) sit at the dais with the body.

An important role of the chair is to make sure only one person speaks at a time, so both the public and decision-makers can understand and follow the discussion. A typical approach is for each decision-maker to offer their thoughts and then listen to other decision-makers' thoughts in turn.

If it appears multiple people want to talk at once, the chair has the option of asking people to raise their hands to be recognized before speaking. The chair can keep a list of who has asked to be heard, to call on each person to speak in sequence. Everyone who wants to speak should know that they are on the list and their turn is coming.

- **Keeping Discussion Participation Balanced.** Some bodies have a norm that each person will take a turn in asking all their questions and sharing their thoughts. Others find that such a restriction interferes with dialogue and the deliberative process. If a person seems to be repeating him or herself or otherwise dominating the discussion to the exclusion of others, one approach is for the chair to acknowledge that the individual's perspective has been heard.

Example: Chair *“We have heard that Supervisor Nasirian feels strongly that fixing our roads is an urgent priority. What are others’ thoughts?” or “Is there anyone who hasn’t spoken yet who would like to share their thoughts?”*

The chair can also give preference to those who haven’t spoken.

Example: Chair *“I see your hand up Council Member Cooke and we’ll get to you in a moment; I am going to recognize Council Member Suarez first since she hasn’t yet spoken.”*

- **Avoiding Interrupting one Another.** When people are passionate or otherwise convinced of the correctness of their position or information, they will sometimes jump in to respond to what a colleague is saying. A chair’s role is to intervene to protect the person’s ability to finish their thought. (*“Let’s let Director Feliciano finish his thought; you’ll have an opportunity to share your perspectives.”*)
- **Dealing with Conflict.** Differing perspectives is inherent in a group decision-making process and healthy. However, if the discussion gets particularly heated among two or more decision-makers, a helpful device is to have people address their remarks to the chair. Another is to summarize the points of disagreement and then move the discussion away from those who are in conflict by asking others how they see the issue. If the conversation turns personal, the chair can ask the group to keep the discussion focused on the problem at hand, not underlying motivations or personalities. If these techniques are unsuccessful, calling a recess can be helpful to enable people to step away from the conflict and reflect on how to move the discussion forward. *See also Dealing with Emotional Audiences (www.ca-ilg.org/dealing-emotional-audiences).*
- **Actively Listening for Signs of Consensus.** The chair’s role is to listen for points of agreement and possible consensus and then test the chair’s sense of where people are leaning. Tools the chair has to help the group get to a decision point include:
 - *“It sounds like Supervisor Rodriguez and Supervisor Ifill are both concerned about the impact of the proposed use, even with the proposed conditions on the permit, on surrounding neighbors. Am I understanding your concerns? Would either of you like to move that the application be denied?”*
 - *Thank you Council Member Chen for sharing that view; would you like to make a motion to that effect?”*
 - *“It sounds that there are two views on the board: [state the two views]. Which strikes people as having more advantages for our community? “What’s the group’s pleasure? The question before us is [restate the issue before the group].”*
- **Motion and Second.** Once a motion is made, the chair asks for a second. A second to the motion indicates that at least one other person agrees with the maker of the motion.
 - If no one seconds the motion, the chair can note that the motion is appearing to die for lack of a second. The chair can ask if someone else wants to make a different motion.
 - If the group seems ambivalent, the chair can ask if someone wants to second the motion for purposes of discussion. Through that discussion, an approach at least a majority can agree on may emerge, in which case the chair may want to ask whether there’s a friendly amendment to the original motion or a substitute motion.

- **Vote.** It's helpful for the chair to re-state the motion on which the group is voting.

At the End of the Meeting

- **End on an Upbeat Note.** If at all possible, end the meeting on a positive note and thank everyone for their contributions to the meeting and their participation.
- **Explain Next Steps.** Note that the actions taken at the meeting are being recorded through meeting minutes, which will be reviewed at the next meeting. Note when the next meeting will be.

If at First You Don't Succeed

People can take a while to get used to the norms associated with group decision-making. If an approach doesn't work perfectly the first time, don't give up. Think about what worked and what didn't and consider whether persistence might help get the group to a better place. Many agencies have key staff (attorney and chief administrative official) sit at the dais with the body.

More Resources

Dealing with Emotional Audiences

www.ca-ilg.org/EmotionalAudiences

Codes of Conduct for Elected Boards

www.ca-ilg.org/CodesOfConduct

ILG's Meeting Resource Center

www.ca-ilg.org/meeting-resource-center

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References

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration).

¹ See Vermont Institute for Government, *Born to Chair: An Introduction to the Science and Art of Chairing a Board Meeting* (1998), available at www.sec.state.vt.us/municipal/pubs/chair.pdf and <http://crs.uvm.edu/citizens/chair.pdf>.