

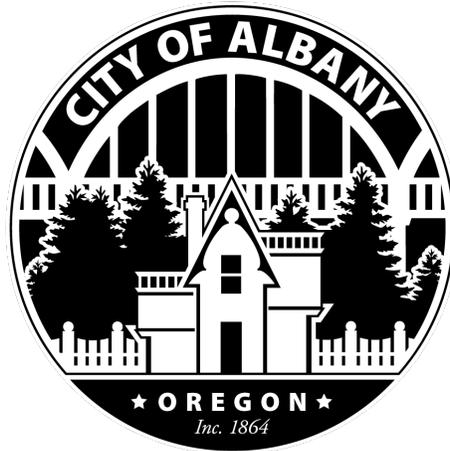


# City of Albany City Council Manual

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## OUR MISSION

Providing quality public services for a better Albany community.

## OUR VISION

A vital and diverse community that promotes a high quality of life, great neighborhoods, balanced economic growth, and quality public services.

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## General Information about Albany

**Founded in 1848**, incorporated in 1864, the City of Albany adopted a home rule charter in 1891. The current Albany City Charter became effective on January 1, 1957, and amendments were passed by the voters in May 2010. The home rule charter divides authority between the city manager and the city council. The city council is composed of a mayor and six councilors, with two councilors elected from each of three geographic wards. Each councilor serves a term of four years, and the mayor serves a term of two years.

The **Charter** creates the offices of city manager and municipal judge, both of whom are appointed by the council. The council holds regular meetings on the second and fourth Wednesdays of each month. Four members of the council constitute a quorum for business. Deliberations of the council are conducted in public.

## Albany's Form of Government

**Council/Manager System:** By charter, the City of Albany adopted a council-manager form of government on January 1, 1957. The charter provides that the city manager is the administrative head of the city, serves at the pleasure of the council, and is charged with administering the policies as established by the council.

**Mayor:** The mayor, elected for a two-year term, chairs the council and presides over deliberations. The mayor enforces the rules of the council, determines the order of business under the rules, and reads proclamations. The mayor has no vote except in the case of a tie vote. The mayor appoints the members of City of Albany boards, committees, and commissions, also known as citizen advisory groups (CAGs), unless other procedures are specified by law or council policy. The mayor is also the ceremonial head of the City, and is frequently asked to preside at ceremonies and events.

**City Council:** The mayor is elected on a nonpartisan ballot for a two-year term. Councilors are elected on a nonpartisan ballot for four-year terms, with two members elected from each of the three wards. The council sets goals, enacts legislation, adopts a budget, develops policies, and determines the services the city provides. Councilors have no authority as individuals but only as members of the collective legislative body.

**City Manager:** The Council appoints a city manager who manages the city's staff and departments. The city manager is responsible for implementing the council's policies and Strategic Plan, managing the day-to-day operations of the City, and hiring department directors to assist in providing city services and enforcing city council policies, resolutions, and ordinances.

## Documents on the City of Albany Website

The City's website, [www.cityofalbany.net](http://www.cityofalbany.net), provides many city documents for public information.

- The public meetings calendar is a link at the bottom of the home page:  
<https://www.cityofalbany.net/calendar>
- The adopted budget, comprehensive annual financial report (CAFR), and urban renewal district budgets are here:  
<https://www.cityofalbany.net/departments/finance/>

A budget is a financial plan that outlines revenues and expenditures. The budget process is one of the key ways that the city council sets policy because it translates public policy goals into actual expenditures and activities. All local governments in Oregon are required to have a budget committee. The City of Albany Budget Committee and Albany Revitalization Agency Budget Committee each receive the budget message, take public comment on the proposed budget, and approves a budget for adoption.

- City Council work session and regular session materials are located here:  
<https://www.cityofalbany.net/city-council/meeting-agendas-minutes-and-video>
- Resolutions and ordinances are uploaded shortly after approved by the council:  
<https://www.cityofalbany.net/city-council/meeting-agendas-minutes-video/resolutions> and  
<https://www.cityofalbany.net/city-council/meeting-agendas-minutes-video/ordinances>.
- The Strategic Plan is here:  
<https://www.cityofalbany.net/images/stories/citymanager/coa-strategicplan.pdf>

Albany's Strategic Plan translates our mission and vision statements into purposeful action. The plan, which was drafted in 2004 and has been updated periodically since, specifies clear goals and actions to move Albany toward a desired future. The Strategic Plan guides the development of the budget.

- The financial Dashboard program is here:  
<https://www.cityofalbany.net/city-data/city-data-home-page>
- The City Charter and the Albany Municipal Code are here:  
<https://www.cityofalbany.net/city-council/charter-link> and <http://www.cityofalbany.net/city-council/municipal-code>.
- Council policies, categorized in a simple and intuitive manner, are here:  
<https://www.cityofalbany.net/city-council/council-policies>

## City Council Protocols

The following protocols were developed at an Albany City Council training session held on January 16, 2018. They are intended to set expectations for members of the Albany council and provide a model to guide the conduct and working relationships of council members. While some protocols relate specifically to council meetings, others are meant to apply broadly to the full scope of council members' official interactions. The list is not intended to be exhaustive, and may be augmented or amended by future action of the council.

- Respect:** council members agree to use respectful speech and positive body language when interacting with each other, staff, and the public, and will follow meeting procedures/protocols as established by the council.
- Civility:** council members agree to demonstrate civility in their professional interactions, both within and outside of the City organization. Comments during meetings will remain thoughtful and measured, avoiding exaggerated, provocative, or personal remarks.
- Compromise:** Open-mindedness and active listening will be practiced by council members during deliberations in an effort to pursue compromise whenever possible.
- Tolerance:** council members will endeavor to respectfully 'agree to disagree' in the event compromise is not possible.
- Brevity:** council members will ensure their comments during meetings are succinct and relevant to the topic at hand.
- Public Unity:** Out of respect for the institution and the process through which policy is made, council members will refrain from publicly denigrating council decisions once they are made.
- Mayor's role:** council members recognize that the mayor's position requires balancing the important roles of facilitating meetings and contributing policy perspectives.
- Liaison role:** council members serving as City liaisons to external boards, commissions, committees, and organizations will be responsible for sharing important news and pertinent developments with the council at regular meetings.
- Communications with staff:** council members will keep the city manager informed of communications they may have with staff, including copying the city manager on any emails to staff.

January 19, 2018

# City Council Meeting Procedures

## Regular Sessions

The city council holds regular sessions on the second and fourth Wednesdays of every month. Most final decisions of the council are deliberated and voted on at regular sessions. Regular sessions are subject to Oregon public meetings law.

## Work Sessions

Council work sessions are scheduled on a regular basis, generally on the second and fourth Mondays of every month, although a work session may be scheduled on any Monday. Work sessions are designed to allow the council to gain more in-depth knowledge of a particular subject and to have a chance to debate many of the pros and cons of an issue without coming to resolution or a decision on a matter. The council may make decisions at work sessions; in some instances, action may be necessary in order to meet a deadline. Public hearings are generally not scheduled at work sessions. Council work sessions are subject to Oregon public meetings law.

## Quorum of the Council

Four members of the council constitute a quorum for business.

## Decisions of the Council

A concurrence of at least four councilors is necessary to decide any question before the council.

## Powers of the Mayor

The mayor is chair of the council and presides over deliberations. The mayor enforces the rules of the council and determines the order of business under the rules, and has no vote, except in the case of a 3-3 tie. The mayor appoints members of CAGs, unless other procedures are specified by law or council policy.

## Officers of the Council

Apart from the mayor, the city council has only one additional officer. A president of the council is provided under the charter, and a council president is elected at the first meeting of each calendar year. The president of the council presides over the council meetings and performs the duties of the mayor in the absence of the mayor. The president of the council is entitled to vote as a councilor even when presiding over the council.

## Council Delegates

The city council is represented on several community boards. Council members are appointed by the mayor to serve as delegates of the council.

# City Council Agenda

City council meeting agendas are posted to the website prior to the meeting in accordance with public meetings law. The times at which meetings are called to order can be set by ordinance or resolution. The time at which the meetings adjourn can be set by the mayor.

In general, the regular session agenda contains the following items:

➤ **Introductory Business:**

This includes the call to order, flag salute, and roll call.

➤ **Special Presentations/Proclamations:**

The council receives and takes any necessary action on special presentations it has received. The mayor reads any proclamations.

➤ **Scheduled Business:**

Public Hearings. Public hearings provide a chance for citizens to express their opinions and help the council explore the pros and cons of particular issues. The public can submit written material or register to speak at the public hearing. Time limits may apply. Directions are available on the city's website.

Business from the Public. The city council may provide time for citizens to raise issues that they would like the city council to consider. The council may ask staff to investigate issues raised under business from the public but does not typically discuss them at the meeting. The public can submit written material or register to speak under business from the public. Time limits may apply. Directions are available on the city's website.

Readings and/or Adoption of Ordinances. Ordinances must be read two times in title only before adoption. The council can take both readings at the same council meeting with a unanimous vote of the council. After both readings in title only occur, a motion can be made for adoption.

Adoption of Resolutions. Resolutions are used, among other things, to express general council policy, to fulfill conditions of an ordinance, to authorize spending, and to award contracts.

Adoption of the consent agenda. The consent agenda includes minutes and noncontroversial items. All items are passed with a single motion and vote. To debate an item on the consent agenda, a councilor must remove the item from the consent agenda before a vote to adopt has been taken.

Reports. Staff often forwards information to the city council and requests further guidance for action before a particular decision is put before the council.

Executive Sessions. Occasionally, the council agenda may include an executive session, which can only be held for specific reasons outlined in ORS 192.660 (2). During this portion of the meeting, the public exits the meeting. The council can give staff direction in an executive session, but formal action, such as a motion, can take place only after the council reconvenes to the regular session, and the public rejoins.

➤ **Business from the Council:**

Council members can raise specific issues that concern them for council discussion or for staff direction.

➤ **Adjournment:**

The mayor adjourns the meeting.

## Boards, Committees, and Commissions

The City of Albany has several standing advisory boards, committees, and commissions, called CAGs. These advisory groups provide guidance and expertise on important policy issues that affect the community and city government. CAGs are key liaison groups between city government and the community. They develop in-depth knowledge about important issues. State law governs some CAGs; for example, the City is required to maintain a planning commission, budget committee, parks & recreation commission, and library board.

The mayor and members of the city council share in making appointments to the standing committees. The city manager's office maintains a list of current members.

### Special Ad Hoc Citizen Advisory Committees

The council may create special ad hoc citizen advisory committees for a particular assignment. Committees may make recommendations on proposed programs, services, ordinances, and resolutions within their area of responsibility before the council takes action. Once an ad hoc committee's assignment is completed, the committee is disbanded.

## Parliamentary Procedure

Albany has charter and AMC regulations related to parliamentary procedure. In addition, AMC 2.04.050 states that the council is guided by Robert's Rules of Order.

### Meeting Basics

The mayor is the chair of the council and presides over its deliberations (charter, section 18). The mayor is responsible to conduct the meeting as follows:

**Call to Order** – The mayor calls the council meeting to order.

**Recognition** – Councilors will address the mayor and await recognition before speaking. No persons other than councilors and the person having the floor shall enter into any discussion without the permission of the mayor.

**Motions** – The mayor should restate the motion and ask if the minutes taker is ready for the vote.

**Vote** – The mayor will ask all those in favor to say aye and all those opposed to say nay. If unclear, the mayor, any councilor, or the minutes taker may ask for a roll call vote. Secret votes are not allowed.

**Adjournment** – The mayor will adjourn the meeting at a time set by the agenda.

## Parliamentary Procedure Basics

**Motion:** “I move that . . .” or “I move to . . .” not “so moved.”  
Once made, a motion belongs to the whole council.

**Vote:** “aye” means **yes**  
Silence means **yes**

**Abstain:** councilor announces the reason, stays in the meeting, and does not vote. The status of the abstention is determined after all councilors have voted.

**Recuse:** councilor announces conflict, leaves the meeting, and does not vote.

**Amend a motion:** needs a second  
can be debated  
can be amended  
must be voted on before the main motion can be addressed.

**Table a motion** (usually to a certain date):  
To put something aside temporarily until the council has dealt with another item  
needs a second  
cannot be debated  
cannot be amended

**Postpone a motion indefinitely:**  
needs a second  
can be debated  
cannot be amended

**Withdraw a motion:** if no objections, a motion can be withdrawn.  
if any councilor objects, withdrawal requires a vote.

**Call the question:** A request to stop debate and vote immediately on the pending motion.  
needs a second  
cannot be debated  
cannot be amended  
requires 2/3 vote to pass

**Point of order:** A claim that something procedural is being done wrong.  
does not need a second  
no debate  
no amendment  
**no vote.** The presider rules on points of order.

# City of Albany Voting Rules\*

*\*This document is a reference tool. For legal interpretation refer to authoritative document and city attorney.*

## QUORUMS

Charter Section 15: Council can compel a member to attend (i.e. by phone).

AMC 2.04.030: if no quorum is present members may adjourn to a later time.

Automatic first read: Did the city attorney read ordinance in title only?

**YES**

Was a motion made to read for a second time in title only, and did it pass unanimously?

**YES**

The ordinance comes back to the next meeting for an automatic second reading.

**NO**

After read twice in title only, councilor can make motion to adopt.

Announced abstention: Is the full Council present?

**YES**

Will the motion fail because it didn't get four votes?

**YES**

Abstention = no.  
Mayor votes to break the tie.

**NO**

Abstentions are counted neither for nor against.

## VOTING

Charter Section 19: President does not lose vote by assuming duties of the mayor.

Charter Section 20: Four votes required to decide any question.

Charter Section 37: First and second reading of ordinance in title only allowed in same meeting if there is a unanimous vote of all councilors.

Charter Section 38: Mayor's veto.

AMC 2.04.050:  
Guided by Robert's Rules.

AMC 2.04.060:  
Silence equals yes.

AMC 2.04.060:  
Abstentions with full council and with less than full council.

Res. No. 2598: if motion fails for lack of four votes, it automatically comes back to next meeting.

## Public Meetings Laws

**Notice of Meetings:** Oregon law requires that the City provide public notice of all meetings. City policy and public meetings law require that committees provide at least 24-hour notice to the news media and interested persons before conducting a meeting. If 24-hour notice cannot be provided, the meeting should be rescheduled.

Governing bodies may hold, in rare circumstances, an emergency meeting without providing 24-hour notice. This may be done only in a genuine emergency and with the knowledge and concurrence of the city manager.

**Agendas:** Agendas are posted to the website at least 24 hours prior to the meeting.

**Minutes/Public Records:** All minutes and audio recordings are considered public records subject to disclosure, except for executive session audio and attachments.

Oregon law requires that minutes contain the following information:

- Names of all members of the governing body present;
- all motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- the results of votes;
- the substance of discussion on any matter; and
- a reference to any document discussed at the meeting.

Discussion and materials distributed during public meetings are public record. Any materials distributed at a meeting that are not included in the agenda packet must be provided to the minute taker to be preserved for the public record.

Councilors may by motion make correction(s) to the proposed minutes in order to conform to fact. The changes shall be outlined in the minutes of the meeting at which the correction was proposed.

## Ethics and Conflicts of Interest

**Ethics:** State law defines a code of ethics for public officials, including conflicts of interest, in ORS 244. A link to the Ethics Manual is provided under “Additional Resources” on the last page.

**Conflict of Interest:** Councilors must avoid a conflict of interest or the appearance of a conflict of interest. In general, councilors should not vote whenever they may derive any kind of direct or indirect financial benefit in the action or recommendation proposed. State law stipulates that public officials may not use their position for financial gain.

**Respectful Environment:** City councilors are expected to adhere to City policies related to ethics (HR-ER-04), workplace discriminatory harassment (HR-ER-05), and workplace respect and code of conduct (HR-ER-20).

## Statement of Economic Interest (SEI) Forms

ORS 244 requires certain public officials to file a Statement of Economic Interest (SEI) with the Oregon Government Ethics Commission (OGEC) by April 15 of each year. City councilor information will be provided to the OGEC and they will contact councilors via email to explain filing obligations. It is extremely important for councilors to file the SEI form by the April 15 deadline in order to avoid civil penalties. The form can be filled out and filed electronically.

The OGEC has prepared an instructional handout and on their website: [Statement of Economic Interest \(SEI\) Filer Handbook/Guide](#).

Questions regarding the SEI filing can be directed to the OGEC at 503-378-5105 or [ogec.mail@oregon.gov](mailto:ogec.mail@oregon.gov).

## Mandates

Mandates are laws, regulations, and standards that higher levels of government impose on other governments. Both federal and state governments have passed many mandates on to local governments, and many of these mandates come without funds to pay for the programs that must be created at the local level in order to comply.

The goals of many federal and state mandates are laudable, and support from the national and state governments is necessary to achieve many important social goals. However, mandates pose problems for local governments such as the City of Albany for the following reasons:

- Mandates tend to be “one-size-fits-all.” They often do not recognize the differences in regions of the country, state, or among various communities. In many cases, local governments waste energy and money when they are forced to comply with regulations that are designed to solve problems that do not exist in their jurisdiction.
- Mandates do not change based on a local government’s need, capacity, or financial resources.
- Mandates restrict a local government’s ability to set local priorities. Unfunded mandates are a particular problem because the federal or state government has decided how local resources will be spent. That means that mandates can squeeze out programs that may be a higher priority in a community such as Albany.

## Additional Resources

- The Guide for Public Officials is posted on the state of Oregon’s website:  
<https://www.oregon.gov/ogec/Pages/Guide-for-Public-Officials.aspx>
- ORS 192 – Records; Public Records and Meetings:  
<https://www.doj.state.or.us/oregon-department-of-justice/public-records/public-records-and-meetings-law/>
- ORS 244 – Government Ethics: [https://www.oregonlegislature.gov/bills\\_laws/ors/ors244.html](https://www.oregonlegislature.gov/bills_laws/ors/ors244.html)
- ORS 260.432 – Restrictions on Political Campaigning for Public Employees:  
<https://www.oregonlegislature.gov/hayden/Documents/Restrictions%20on%20Political%20Employees%20and%20Campaigning.pdf>
- Robert’s Rules of Order: [www.robertsrules.com](http://www.robertsrules.com)
- City policies related to ethics (HR-ER-04), workplace discriminatory harassment (HR-ER-05), or workplace respect and code of conduct (HR-ER-20), are available on the human resources department webpage at <https://www.cityofalbany.net/departments/human-resources/policies>.
- League of Oregon Cities Training Videos (<https://www.orcities.org/education/training/elected-essentials>):
  - Roles & Authority of a High Functioning Council
  - Public Meetings in Oregon – Legal Requirements & Best Practices
  - Ethics Awareness – Understanding Your Legal Obligations
  - Public Records in Oregon – What City Officials Need to Know
  - Legal Powers & Impediments Affecting Elected Officials