



CITY OF ALBANY

CITY COUNCIL MANUAL

Updated by staff: October 2022

Endorsed by Council



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.

Table of Contents

Councilor Protocols	4
Albany’s Form of Government.....	5
Ethics.....	6
Roles and Communications.....	7
Mandatory Reporting.....	8
Albany’s Governing Documents	9
Public Meetings Law.....	10
City Council Basics.....	12
City Council Meetings.....	13
Parliamentary Basics.....	15
Public Hearing Basics	17
Meeting Records.....	18
Citizen Advisory Groups.....	19
Definitions	21
Additional Resources	23

Councilor 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.

Brevity

Council members will ensure their comments during meetings are succinct and relevant to the topic at hand.

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.

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.

Mayor's role

Council members recognize that the mayor's position requires balancing the important roles of facilitating meetings and contributing policy perspectives.

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.

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.

Staff communication

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.

Tolerance

Council members will endeavor to respectfully 'agree to disagree' in the event compromise is not possible.

Albany's Form of Government

The council-manager form of government is the most common form of local government in the United States.

The City of Albany adopted a council-manager form of government by charter on January 1, 1957. Under this form of government, the council is similar to the board of directors of a corporation, and the city manager fills the role of chief executive officer. The city manager serves at the pleasure of the council and is charged with administering the policies established by the council.

City Council

Councilors are elected on a nonpartisan ballot for four-year terms, with two members elected from each of the City's three wards. The council sets goals, enacts legislation, adopts a budget, develops policies, and determines the services the City provides. The council doesn't involve itself in the day-to-day operations of the city.

Mayor

The mayor, elected at large 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 is also the ceremonial head of the City and is frequently asked to preside at ceremonies and events.

City Manager

The council appoints a city manager who manages the city's staff and departments. The city manager implements the council's policies and strategic plan and manages the day-to-day operations of the City. The city manager hires department directors to help provide City services and enforce city council policies, resolutions, and ordinances.

Ethics

State law defines a code of ethics for public officials in ORS 244. Some of the state's requirements are summarized below. See the statute for complete information.

Use of office for financial benefit: Public officials may not use or try to use their public position to obtain a financial benefit that wouldn't otherwise be available to them. (This is sometimes called the "but for" clause.) Any opportunity that wouldn't be available but for the position held is prohibited. A financial benefit can be an opportunity to gain or an opportunity to avoid an expense. See ORS 244.040(2) for a list of financial benefits that are allowable.

Conflict of interest: Public officials must avoid conflicts of interest or even the appearance of a conflict of interest. Councilors should not vote in decisions where they may gain any kind of direct or indirect financial benefit. A conflict of interest may be *actual* or *potential*.

An actual conflict of interest happens when a decision to be made would result in financial gain or loss to the councilor, to a relative of the councilor, or to a business the councilor or a relative is associated with. In an actual conflict of interest, the councilor must declare the nature of the conflict, must not vote or participate in discussion, and must leave the dais (recusal).

A potential conflict of interest means a decision which *might* result in financial gain or loss. If there is a potential conflict of interest, the councilor must declare the nature of the conflict but may vote as usual.

Conflict of interest must be stated every time a conflict comes up. Failure to do so can result in personal liability.

Gifts: In some situations, public officials may accept gifts without violating ethics law. One important determining factor is whether the vote of the public official receiving the gift would have an economic impact on the giver. As a rule, gifts should be limited to a maximum of \$50. If you have any questions, ask the city attorney.

SEI Filing: ORS 244.050 requires certain public officials, including city councilors, to file a Statement of Economic Interest (SEI) with the Oregon Government Ethics Commission (OGEC) each year. The city clerk will provide councilor contact information to the OGEC, and they will contact councilors by email to explain the filing obligation. It is extremely important to file the SEI form by the April 15 deadline in order to avoid civil penalties.

Respectful Environment: City councilors are expected to adhere to City policies related to ethics, workplace discriminatory harassment, and workplace respect and code of conduct. For a councilor, "workplace" includes meetings of the council. The policies are available on the Human Resources page of the City's website.

Roles and Communications

Council: Councilors have authority only as members of the collective legislative body. A single councilor or a group of councilors smaller than a quorum cannot speak for the council as a whole. Councilors bring their constituents' needs and concerns to the council, which makes decisions for the good of the entire city. To keep the council functioning smoothly and efficiently, councilors must be respectful and courteous toward other councilors, the mayor, and other participants in a meeting. Under no circumstances should a councilor engage in back-and-forth discussion with an audience member. Councilors may not task staff members except through the city manager and should include the city manager when communicating any requests for information to staff.

Mayor: In the council-manager form of government, the mayor is the leader of the city council but has no greater official authority than any other council member. The mayor runs meetings on behalf of the council, acting as a facilitator to help the council hold fair discussions and make good decisions. The mayor announces the agenda items and recognizes councilors who want to speak. If any participant in the meeting breaks the rules, the mayor may correct them. The mayor may not task staff directly but should relay any requests through the city manager.

City Manager: The city manager is the chief executive officer of the City, with direct responsibility for its staff and resources. The city manager, through directors and supervisors, manages the staff's workload to implement the council's goals as expressed in the strategic plan and council requests. The city manager directs preparation of the city's budget and presents it (as approved by the budget committee) to the council. The city manager directs requests from the council to the staff best able to respond. The city manager is hired by the council and continues in employment at their pleasure.

Staff: At the city manager's direction, staff provide information and recommendations from their areas of expertise to the council. They implement the council's decisions as they affect their departments or work groups. Staff are employed by the City, not by the council. They act at the direction of supervisors and directors. Staff should not accept tasking directly from single councilors or the mayor. Staff should communicate clearly and respectfully with the council, who don't necessarily share their expertise in their field.

Citizens: Oregon statute requires that citizens be allowed to attend meetings but does not require that they have an opportunity to speak. Albany's City Council has historically been open to comments from citizens at public meetings, when appropriate. Citizens as well as councilors should understand that the council meeting is a meeting of the council, to deal with council business related to city operations, that happens to take place in public. Citizens attending meetings must refrain from making comments from the floor, applauding, arguing, or otherwise disrupting the council in its effort to do business. If a citizen becomes disruptive, councilors and staff should not engage with the disruption. The council has a "sergeant-at-arms" present at all meetings whose job it is to maintain order so the meeting can proceed.

Mandatory Reporting

City employees and elected city officials are mandatory reporters under Oregon law:

ORS 419B.010 DUTY OF OFFICIALS TO REPORT CHILD ABUSE; EXCEPTIONS;
PENALTY.

(1) Any public or private official having reasonable cause to believe that any child with whom the official comes in contact has suffered abuse or that any person with whom the official comes in contact has abused a child shall immediately report or cause a report to be made in the manner required in ORS 419B.015.

Albany's Governing Documents

Besides state and federal law, Albany is governed by its charter (adopted in 1957 and amended by Albany voters) and its municipal code (adopted and amended by ordinance). Various City departments also manage codes and master plans that guide their actions, most notably the development code (Planning Division), the building code (Building Division), and the fire code (Fire Department). The Public Works Department maintains and updates the Capital Improvement Program, which outlines a long-term plan for street, water, and sewer projects. The Finance Department produces a balanced biennial budget, which allots available funds to expenses and lays out a plan for spending money most effectively.

The Charter sets out the organization of the city government at its most basic level: the form of government, the operation of the council, how city elections are to be conducted, etc. In some cases when the Charter conflicts with state regulations, the Charter supersedes.

The Albany Municipal Code (AMC) is a compilation of City law, made by ordinance. Among other things, it regulates the organization of citizen advisory groups, the keeping of animals, the responsibility for City infrastructure, the issuance of building permits, and parking on public streets, among other things.

The Strategic Plan was first adopted in 2004 and has been reviewed and readopted periodically since. In 2022 it underwent a complete revisioning, which reaffirmed its value as a guide for goal-oriented governing. Departments use the strategic plan to develop their budgets and measure progress toward its goals. The council is instrumental in developing the strategic plan, and uses it to guide policy and select priorities for City time, effort, and funding.

The Albany Development Code (ADC) regulates land use and development in the City. It is administered by the Planning Division. Land use is a complicated area of expertise governed by state laws developed to promote the best use of available lands. Land-use cases may be referred to the council by the planning commission. Such cases are often "quasi-judicial," requiring the council to make a legal decision under fairly stringent legal requirements.

The Capital Improvement Program (CIP) is a five-year plan for funding capital projects. It identifies projects and funding sources for street, water, and sewer construction and repair. The first two years of the current plan are the basis of the capital improvements portion of the biennial City budget.

The City Budget is proposed and adopted biennially (every two years). The City's budget officer (finance director) is required to submit a balanced budget to the budget committee for approval and then to the city council for adoption. City budgeting is complex and heavily regulated by law, and the final document can be nearly 700 pages. The council sets funding priorities but doesn't involve itself in item-by-item discussion.

Public Meetings Laws

ORS 192.630, OPEN MEETINGS:

- (1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.
- (2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

Oregon law requires that the public be allowed access to all meetings, with very few exceptions (called “executive sessions”). In addition to in-person attendance, the City of Albany provides virtual attendance and the ability to testify virtually during a meeting. On request, the City can also provide translators (including ASL), hearing assistance, or closed captioning.

The ability to communicate electronically brings new challenges. “Meeting in private” means more than withdrawing to another room to discuss an issue. A quorum of councilors using the chat function during a public meeting are holding a private meeting, because the public doesn’t have access to their discussion. Text or email messages can also quickly become private meetings. If Councilor A emails Councilor B about an issue, and then emails Councilor C and Councilor D, a quorum of the council has now discussed the issue without public access. This is called a “serial meeting” – it may take place over hours or even days.

Other opportunities for unintentional private meetings include any function where a quorum of the council is present, such as four councilors staying in the room after a meeting has adjourned and discussing council business; or a visit to the new composting facility where four or more councilors attend. By itself, a quorum of the council in the same place isn’t a violation. The violation is a quorum of the council discussing council business. When an activity is planned where a quorum may be present, the city clerk usually issues a “media advisory” to inform the public about the event and state that no council business will be discussed.

While the ORS requires that the public be allowed to attend meetings, it does not require that the public be allowed to speak, except during some types of public hearings. As a courtesy, our council offers citizens the opportunity to bring their concerns to the council during the agenda item called “Business from the Public.” This is not the time for councilors to engage citizens in discussion. The council meeting is time set aside for the council to discuss scheduled items and make decisions. If the council wishes to hear more on a topic brought up under “business from the public,” the best procedure is to ask that the topic be scheduled on a future agenda.

ORS 192.640, NOTICE:

The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings.

All meetings of the council (and citizen advisory groups) must be noticed, so that the public can attend. City policy is to notice meetings 3-7 days in advance, by publishing the place and time of the meeting and the agenda of items that will be discussed.

ORS 192.650, MINUTES:

The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings.

The City of Albany provides digital broadcast and recording (sound and video) of all council and citizen advisory group meetings, as well as written minutes. Because the recordings are complete records, the City provides "summary" minutes that meet the requirements of the state statute as well as providing some context for the decisions made. Minutes must be an impartial record, so the recorder is trained to write objectively. Written minutes capture who attended the meeting, the council's decisions, and brief discussion of the major arguments made.

The city clerk submits draft minutes to the council for approval before they are considered official records. The clerk has prepared the minutes carefully, checking notes and the recording, and submitting the draft for review by directors and the city manager. However, mistakes do occasionally slip through. Councilors may, by motion and majority vote, request factual corrections to the draft minutes. The requested changes should be stated clearly in the motion to amend.

Video of council meetings is provided by links on the City's website and includes all of the discussion and arguments, unedited. Unprofessionalism in a meeting becomes public record in the meeting video.

ORS 192.660, EXECUTIVE SESSIONS

ORS 192.610 (Definitions for ORS 192.610 to 192.690) to 192.690 (Exceptions to ORS 192.610 to 192.690) do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization.

The council may hold executive sessions for certain types of discussions specified in the ORS. Although the public may not attend executive sessions, they must be noticed just like regular meetings. The City of Albany usually holds executive sessions during regular meetings. No decisions may be made during an executive session, so recessing from a regular meeting offers the ability to reconvene and act on executive session topics without scheduling and noticing an additional meeting.

ORS requires that members of the news media be allowed to attend most executive sessions. Since the media is assumed to be a protector of the public interest, this helps to ensure that business is not conducted "in secret." The council is allowed, however, to specify that some information discussed in executive session may not be disclosed. The mayor reads the rules of an executive session before opening it, so that they are clear to everyone present.

City Council Basics

CHARTER SECTION 14, MEETINGS.

The council shall hold a regular meeting at least twice each month at a time and at a place in the City which it designates.

Regular sessions: The city council generally holds regular sessions at 6 p.m. on the second and fourth Wednesdays of every month. Most council actions and decisions are made in regular sessions. Meeting length varies depending on the agenda, but meetings rarely last beyond 9 p.m. and are often shorter.

Work sessions: Work sessions are usually scheduled at 4 p.m. on the Mondays before Wednesday meetings. 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 to meet a deadline. Public hearings are generally not scheduled at work sessions. Work sessions often don't have business from the public on the agenda.

CHARTER SECTION 18, MAYOR'S FUNCTIONS AT COUNCIL MEETINGS.

The mayor shall be chair of the council and preside over its deliberations. The mayor shall have authority to preserve order, enforce the rules of the council and determine the order of business under the rules of the council. The mayor shall have no vote, except in case of a tie vote of the councilors then voting.

CHARTER SECTION 19, PRESIDENT OF THE COUNCIL.

At its first meeting, after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council shall elect a president from its membership. In the mayor's absence from the council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of the mayor's office, the president shall act as mayor. The president shall not lose any voting rights by reason of assuming the duties of the mayor.

Quorum: Four members of the council constitute a quorum for business. If fewer than four members are present (including the mayor), no meeting can be held, and no business can be conducted.

Decisions: Four votes in favor or opposed are also required for the council to take any action. The mayor only votes in the case of a tie vote of the six councilors.

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 Meetings

For regular meetings of the city council, agendas are posted to the City's website late in the week before the meeting, in accordance with public meetings law. The agendas include all of the materials the councilors will need to review before the meeting.

The Mayor

The mayor is the chair of the council and presides over its deliberations (Charter, Section 18). The mayor calls the meeting to order and adjourns the meeting when business is finished.

Councilors should address the mayor and wait to be recognized before speaking.

The mayor should restate each motion before the vote.

The mayor, any councilor, or the minutes-taker may ask for a roll call vote.

The Agenda

Introductory business

Introductory business includes the call to order, the flag salute, and roll call.

Proclamations

Proclamations or special presentations.

Public hearings

Public hearings provide a chance for citizens to express their opinions on matters before the council. Land-use public hearings must be conducted according to strict rules to ensure that the decision process is fair and impartial. Non-land use public hearings are less formal, although citizens who speak are subject to a three-minute time limit and are expected to be civil.

Business from the public

This is time for citizens to raise issues they would like the council to consider. The public may submit written material before the meeting, if they wish the council to review it, or during the meeting for the record. Citizen speakers are subject to a three-minute time limit and are expected to be civil. The council may ask staff to investigate issues raised under business from the public but does not typically discuss them at the same meeting.

Business from the public comes *after* public hearings when there are any hearings on the agenda, to ensure that all applicable testimony is heard within the public hearing.

Adoption of resolutions

Resolutions express general council policy, authorize spending, and accept easements, among other things. Resolutions that aren't expected to need explanation or discussion may be placed on the consent agenda and adopted as part of the motion adopting the agenda.

Reading and adoption of ordinances

Ordinances must be read (only the title) twice before adoption. After the first reading, the council votes on whether to have the ordinance read a second time. If the vote is unanimous, the ordinance may be read a second time in title only, and then adopted. If the vote for a second reading is not unanimous, the ordinance must come back to the next council meeting, where it will receive an automatic second reading and may be adopted.

Adoption of the consent agenda

The consent agenda includes minutes and appointments for approval and other items that are not expected to need discussion. All of the items are passed with a single motion and vote. To discuss an item on the consent agenda, a councilor must request to remove the item before the vote to adopt the whole agenda has been taken.

Reports

Staff often bring information to the council and request further guidance for action before asking the council for a decision on the matter.

Executive sessions

The mayor announces that the council will recess to executive session, and the public leaves the meeting. When the executive session is over, the mayor reconvenes the council into regular session. Note that the council can give direction to staff in an executive session, but formal action can only take place after the regular session has been reconvened and the public has rejoined the meeting. Executive sessions are scheduled infrequently.

Business from the council

This is an opportunity for councilors to raise issues for council discussion or staff direction.

City manager's report

The city manager may report to the council on matters that may be of concern or about which they should be informed.

Adjournment

The mayor adjourns the meeting.

Parliamentary Basics

AMC 2.04.050, PROCEDURE

The Council shall be guided by Robert's Rules of Order. No action of the Council shall be rendered invalid for failure to comply with Robert's Rules of Order.

The council is guided, but not bound, by Robert's Rules (Robert's). That means that when procedure is in doubt, the council may fall back on Robert's without fear of invalidating any actions by failing to comply with some minor point. Robert's is a time-tested method for conducting meetings effectively and fairly, and the council actually uses it in all its meetings, when a councilor states, "I move that . . ." or the mayor asks for all in favor to say "aye."

Motions

The person making a motion should state the motion clearly. Say, "I move to . . ." or "I move that . . ." Using "so moved" opens up the likelihood that at least one councilor, staff member, or member of the public will misunderstand what action is actually meant.

Seconding a motion

All of the motions the Albany council uses most often require a second. The seconder should speak up and speak clearly. Remember, your answer must register with everyone in the room and on the recording. Once a motion is made and seconded, it "belongs" to the whole council, and the whole council must decide what to do with it.

Amending a motion

A motion to amend a motion already before the council must clearly state the amendment to be made. The amending motion requires a second and can be debated. The amending motion must be passed, defeated, or withdrawn before the council can take action on the main motion.

Withdrawing a motion

Withdrawing a motion isn't a motion in itself. It does not require a second, although it needs the agreement of anyone who seconded the motion to be withdrawn. If any councilor objects to withdrawing a motion, the withdrawal requires a vote.

Motion to table an item

An agenda item may be tabled, to be acted on later. Robert's says it isn't correct to "table" an item, but the Albany council (guided, not bound) uses a motion to table occasionally: for instance, until after another item on the agenda or expected to come to the council is dealt with. A motion to table requires a second, but isn't debatable and cannot be amended, except as to the date or time to bring the item back.

Motion to postpone an item indefinitely

This motion is similar to the motion to table, but when postponing, no date is stated for bringing the item back. The motion to postpone indefinitely requires a second, and is open to debate, where a motion to table an item is not.

Call the question

Calling the question is a request to stop debate and vote immediately on a pending motion. It requires a second and a 2/3 vote to pass. 2/3 of a 6-member council is 4, the same as is required for any other council action.

Point of order

A point of order is a claim that something procedural is being done wrong. Points of order are decided directly by the mayor (presider), without a second or debate.

Voting

All councilors are expected to vote every time a vote is called unless they have a conflict of interest.

When a voice vote is taken, the mayor should call for the ayes and then separately for the noes. State statute requires the meeting record (minutes) to list who voted yes and no on each issue. Historically, Albany recorders have listed only the noes, since that information, combined with the roll call and abstentions, also reveals who voted in favor.

If a councilor doesn't vote either way on any motion, and also doesn't announce an abstention, their silence counts as a yes.

Recusal

Recusal is used when a committee member believes they have an actual or potential conflict of interest in casting a vote on an issue. In this case, the member must announce the conflict and leave the meeting until after the issue has been dealt with.

Abstention

At its most basic, to abstain means a councilor declines to vote on an issue. Without a conflict of interest, the councilor can remain in the meeting and take part in discussion, but must declare the abstention. The abstention doesn't count as either for or against the motion. Albany's City Council has a unique abstention rule: when the full council is present and a motion fails because it doesn't have four votes in favor, (that is, a 3-2 vote, with one abstention), the abstention is counted as a vote against, forcing the mayor to break the tie.

AMC 2.04.060, VOTING ABSTENTIONS

Unless a member of the Council states that he/she is not voting, his/her silence shall be recorded as an affirmative vote. In a circumstance where the full Council is present and where a motion, properly

before the Council, fails for want of the concurrence of four City Councilors, an abstention shall be deemed a vote against the motion. In all other circumstances, an announced abstention shall not be considered, either for or against the proposition. Following the vote, the City Clerk shall announce the vote count. If the Recorder's count is disputed by any Council member, a roll call shall be taken to decide the issue.

Proxy Votes

Voting by proxy is not allowed.

Public Hearing Basics

The council holds three kinds of public hearings. In the simplest kind, the mayor opens the hearing, a staff member makes a report, testimony is heard (if anyone wishes to speak), and the hearing is closed. The other types of public hearings are directed by rules of testimony and evidence. They most often are connected with land-use cases.

Legislative public hearings

In a legislative public hearing, such as a proposed change to the development code, the council acts as lawmaker, making its decision based on existing City law. Legislative decisions apply to the whole city, and decision criteria are limited to general compliance with the Comprehensive Plan. Oregon's public meeting laws apply, but objective fairness in the ability to present and comment on testimony isn't required.

Quasi-judicial public hearings

In a quasi-judicial public hearing, such as a request for a conditional use, the council acts as judge, basing its decision on City law but able to exercise some discretion. A quasi-judicial decision requires testimony procedures to be objectively fair. This means that councilors may consider only the evidence presented at the hearing(s) and may not discuss the case with anyone outside of the hearings (*ex parte* contact).

The general procedure for a legislative or quasi-judicial public hearing is:

- The mayor opens the public hearing.
- Staff presents a report summarizing the application, the noticing procedures followed, and any comments received.
- The applicant presents their application and answers questions from the council.
- Those attending who are in favor of the application are called upon to speak.
- Those attending who are opposed to the application are called upon to speak.
- Those who are neutral are called on to speak.
- The applicant is allowed to rebut any statements made in others' testimony.
- Staff is allowed to respond to testimony.
- The mayor asks if anyone has procedural questions.
- The mayor declares the public hearing closed.
- The council discusses the case.

Note that once the public hearing has been closed, questions should not require introducing new testimony. The council must make its decision based only on information presented during the hearing.

Meeting Records

Retention and disclosure

All public records are subject to retention (state law requires the City to keep them for a certain amount of time) and most are subject to disclosure (if someone asks for them we have to release them). Most of the documents and other media associated with council meetings are public records.

Agendas

The meeting agenda packet is our record of all hard-copy information the council used to make its decisions during the meeting. The city clerk keeps meeting agendas permanently, per state law.

Recording

The meeting recording documents not just what happened, but also information presented to the council that wasn't in the agenda packet or able to be presented that way. The meeting recording is a public record and is posted on the City's website indefinitely. We don't edit or redact meeting recordings.

Notes

A councilor's notes jotted on the agenda are also public record. The reasoning is that notes made during a meeting could reveal or explain an important part of the decision-making process. As a public record, notes have to be retained for five years, and must be released if requested. Councilors are the custodians of their own notes. If a councilor scribbles, jots, or even makes highlighter marks on an agenda, they must keep it for five years somewhere where they can find it if called on to produce it.

Summary minutes

The city clerk takes "summary" minutes of council meetings. The meeting recording preserves all of the discussion and action, so the written minutes don't need to be verbatim. Minutes are an objective, factual report of the council's actions and the main points of the discussion that led to the actions.

Amending minutes

The clerk submits draft minutes to the council for approval before they are signed and archived. The minutes for approval are listed on the consent agenda. Councilors who wish to point out factual errors in the draft minutes should pull them from the consent agenda the same way other items are pulled for discussion. Minutes cannot be corrected to add opinions, give background, explain what a speaker "really meant," or to add irrelevant information.

Citizen Advisory Groups

The City of Albany has several standing citizen advisory groups (CAGs). CAGs are key liaison groups between city government and the community. They develop in-depth knowledge about important issues and advise the council on policy. State law governs some CAGs; for example, the City is required to maintain a planning commission, budget committee, parks and recreation commission, library board, and landmarks commission. Other CAGs are governed by the Albany Municipal Code or by the resolutions that established them.

Unlike other CAGs, the Planning Commission and Landmarks Commission are tasked by Oregon statute with making decisions relating to city codes and development requests. They and the Budget Committee are the only regularly meeting groups who hold public hearings. Because of their roles in making legal decisions, Planning and Landmarks commission members are required to file a Statement of Economic Interest with the Oregon Government Ethics Commission.

The council may create special citizen advisory committees for a particular assignment (ad hoc committees). 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.

CAG members are appointed according to council policy or specific law. The mayor and members of the council share in making appointments. Applications are available on the City's website year-round for anyone interested in serving on an advisory group.

Definitions

Abstain: to decline to vote on an issue.

Ad hoc: created for a particular purpose

Albany Comprehensive Plan: a state-required plan that maps future land uses for the city.

Albany Development Code (ADC): the City's regulations for development and land use.

Albany Municipal Code (AMC): a codification of Albany's laws by ordinance.

Capital Improvement Program: a master plan for funding capital projects in the next five years.

Charter: Albany's founding document outlining the principles, functions, and organization of the city.

Conflict of interest, actual: a decision to be made would result in financial gain or loss to a councilor voting on the decision.

Conflict of interest, potential: a decision to be made *might* result in financial gain or loss to a councilor voting on the decision.

Consent agenda: includes items that are not expected to need discussion and can be passed with a single motion and vote.

Council-manager: the city manager directs the operation of the City according to the policies established by the elected council.

Ex parte: improper contact with one party in a quasi-judicial matter.

Executive session: a private meeting of the city council under authority of Oregon law to discuss a specific subject.

Mandatory reporter: a person required by law to report suspected child abuse.

Non-partisan: not affiliated with or elected from any political party.

Ordinance: enacted by the city council, ordinances are legislative decisions affecting the entire city.

Public Hearing, legislative: a public hearing where the council acts like legislators, establishing or amending law.

Public Hearing, quasi-judicial: a public hearing conducted like a court proceeding, with the council as the judge. Quasi-judicial hearings must follow strict standards of fairness.

Public notice: Legally required notice of public meetings “reasonably calculated to give actual notice” to interested parties. The City gives notice by publishing the place and time of the meeting and the agenda of items that will be discussed.

Public record: a public record is information relating to the conduct of the City’s business, regardless of format (PDF, recording, hand-written notes, etc.).

Quorum: the number of members required to be present in order to conduct business.

Recuse: to decline to participate in discussion and decision-making due to a conflict of interest.

Resolution: resolutions are motions in written form. They are administrative decisions related to a particular situation.

Retention: keeping a record for a required period of time according to a legal schedule.

Robert’s Rules of Order: the authoritative reference for conducting meetings effectively and efficiently.

Statement of Economic Interest (SEI): the state-required public disclosure of personal assets and income that could be materially affected by a councilor’s official acts.

Strategic Plan: Albany’s strategic plan sets overarching goals for the City and identifies specific actions to move toward those goals.

Wards: political divisions in the city of Albany. Albany has three wards with approximately equal population.

Work session: a council meeting primarily for discussion and information-gathering, rather than for taking action.

Additional Resources

Guide for Public Officials, Oregon Government Ethics Commission:

<https://www.oregon.gov/ogec/Pages/Guide-for-Public-Officials.aspx>

Information about ORS 192 – Records; Public Records and Meetings:

<https://www.doj.state.or.us/oregon-department-of-justice/public-records/public-records-and-meetings-law/>

Oregon Revised Statutes 192, 2021 edition:

https://www.oregonlegislature.gov/bills_laws/ors/ors192.html

ORS 244 – Government Ethics:

https://www.oregonlegislature.gov/bills_laws/ors/ors244.html

Restrictions on Political Campaigning for Public Employees, ORS 260.432:

<https://sos.oregon.gov/elections/Documents/restrictions.pdf>

Robert’s Rules of Order:

<https://www.robertsrules.com>

League of Oregon Cities Training Videos:

<https://www.orcities.org/education/training/elected-essentials>

City policies:

Ethics ([HR-ER-04](#))

Workplace discriminatory harassment ([HR-ER-05](#))

Workplace respect and code of conduct ([HR-ER-20](#))



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