

ORDINANCE NO. 5872

AN ORDINANCE AMENDING AMC 2.04.060 CONCERNING VOTING ~~ABSTENSIONS~~
ABSTENTIONS AT CITY COUNCIL MEETINGS, AND DECLARING AN EMERGENCY.

WHEREAS, Section 14 of the Albany Charter authorizes and directs the City Council to, "...adopt rules for the government of its members and proceedings;" and

WHEREAS, pursuant to the aforesaid charter authority, the City Council has adopted rules set forth at Chapter 2.04 of the Albany Municipal Code; and

WHEREAS, from time to time it is appropriate to review and revise Council's rules to deal with unforeseen circumstances and/or as necessary to promote the timely and efficient conduct of City business; and

WHEREAS, Section 18 of the Albany Charter provides, in part, that the Mayor shall have no vote, except in the case of a tie vote of the Councilors then voting and, Section 20 of the Albany Charter requires the concurrence of four members of the Council to decide any question before the Council; and

WHEREAS, given that Section 7 of the Albany Charter provides that the Mayor is also a member of the Council, the procedure historically employed by the City Council, in the event of a 3-3 tie vote is to then have the Mayor vote to break the tie as he or she determines to be in the best interest of the City. This procedure is necessary to allow the efficient and timely conduct of City business when four members of the Council agree on an item of City business; and

WHEREAS, the efficient and timely operation of the Council and the fundamental democratic ~~principal~~
principle of majority rule is frustrated if and when a member of the Council abstains and thereby prevents a 3-3 tie that would otherwise allow the Mayor to break the tie and the matter to be decided by four votes as called for in the Charter; and

WHEREAS, an abstention in the foregoing circumstance prevents the Mayor from voting and thereby frustrates the purpose and intent of the Charter, prevents the efficient and timely conduct of City business, leaves important pending City decisions unresolved, and frustrates the democratic ~~principal~~
principle of majority rule; and

WHEREAS, this amendment to AMC 2.04.060 is called for to address and remedy the foregoing concerns.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1 : AMC 2.04.060 is amended to read as follows:

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. ~~If In a member circumstance where the full Council states that he/she is not voting, his/her 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 is not against the motion. In all other circumstances, an announced abstention shall not be considered, either for or against the proposition.~~ Following ~~any~~ 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.

Section 6: Emergency Clause. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: July 27, 2016

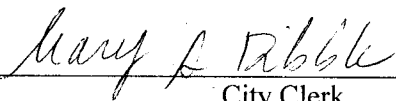
Approved by the Mayor: July 27, 2016

Effective Date: July 27, 2016



Mayor

ATTEST:



City Clerk