

# *City of Albany*

## ADVISORY BODY HANDBOOK



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## INTRODUCTION

Congratulations and Welcome – to being appointed as a member of the Advisory Body to the City Council.

The City of Albany currently has 8 Advisory Bodies to the City Council. The primary purpose of Albany's Advisory Bodies is to provide advice and recommendations to the City Council on a wide variety of subjects and policy matters that align with the adopted City Council Strategic Plan goals and are important to the Albany community.

Serving on an Advisory Body to the City Council is an excellent way to participate and engage in the local government. The purpose of this handbook is to provide information on the City's government and advisory body structure, and to introduce the roles, responsibilities, and relationships to the City government as a member of the Advisory Body.

Thank you for your service, commitment, and volunteer effort to the City of Albany. The City looks forward to an effective collaboration in the upcoming two-year term, and hoping that this will be a positive and rewarding experience.

## LIST OF ADVISORY BODIES

<b>Advisory Body</b>	<b>Meeting Frequency</b>	<b>Member Composition</b>	<b>Purpose</b>
Arts Committee	2 <sup>nd</sup> Monday of each month* at 7 PM	7 Members Quorum: 4	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.
Climate Action Committee	3 <sup>rd</sup> Wednesday of each month* at 7 PM	7 Members Quorum: 4	Advises the City Council regarding matters related to climate action and to advise council on matters related to reducing greenhouse gasses; and adapting to climate change.
Housing Advisory Commission	1 <sup>st</sup> Wednesday of each month* at 7 PM	5 Members Quorum: 3	Advises the City Council on policies and strategies for implementation of the Housing Element programs related to tenant protections, fair and equitable access to housing, housing programs, rent review, and other related programs.
Parks, Recreation & Open Space Commission	2 <sup>nd</sup> Thursday of each month* at 7 PM	7 Members Quorum: 4	Advises the City Council on public recreation, parks, open spaces, street trees, parking strips, parkways, squares, and similar areas within the City of Albany.
Planning & Zoning Commission	2 <sup>nd</sup> & 4 <sup>th</sup> Wednesday of each month* at 7 PM	5 Members Quorum: 3 Quorum: 4 (Per AMC Sec. 2-18.4f)	Makes recommendations to the City Council regarding all provisions of the General Plan, advises the City Council regarding the physical development of the City, and exercises functions with respect to land subdivisions, planning, and zoning as specified by Planning and Zoning Code and as set forth in the State Government Code and by the California Environmental Quality Act.
Board of Police and Fire Pension Fund Commissioners	Quarterly, 4 <sup>th</sup> Tuesday of the month at 3 PM (Jan/Apr/July/Oct)	5 Members Quorum: 3	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.
Racial Inclusivity & Social Equity Commission	1 <sup>st</sup> Thursday of each month* at 7 PM	7 Members Quorum: 4	Advises 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.
Transportation Commission	4 <sup>th</sup> Thursday of each month* at 7 PM	7 Members Quorum: 4	Advises the City Council on transportation policy and project planning and design on City-owned right-of-way.

\* Albany City Council and all City Advisory Bodies recess in the month of August.

## MEETING PROCEDURES FOR TYPICAL ADVISORY BODY AGENDAS

### 1. CALL TO ORDER / ROLL CALL / LAND ACKNOWLEDGEMENT

- Chair calls meeting to order.
- Staff Liaison calls the roll.
- A Member of the Advisory Body reads the Land Acknowledgement Statement.
- The Commission Purpose is noted on each agenda for information and may be read at the meeting.

### 2. APPROVAL OF MINUTES:

- The Advisory Body shall consider corrections, if any, and approval of the minutes of the previous meetings.
- Public comments may be taken, if any, allowing up to 1 minute per speaker. Each speaker may only speak once.
- A motion and a second should be made to approve the minutes as presented or to approve the minutes with corrections (note the corrections).

### 3. PUBLIC COMMENT

- Chair opens the floor for members of the public to speak on items that are not on the agenda, allowing up to 3 minutes per speaker. Each speaker may only speak once.
- The Advisory Body should not engage in a back-and-forth conversation during the comment period.
- The Advisory Body should not be discussing the issues brought up during public comment and only a 1-2 sentences response can be provided if necessary.
- If the Advisory Body is interested in taking up the issue as a discussion item, they should be referred to a future agenda.

### 4. PRESENTATIONS - or -

#### DISCUSSION AND POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS

- 1) Chair opens the item.
- 2) City staff, consultants, or Advisory Body Member (if Member is the one who brought forward the item) may present/report on the item.
- 3) After the reporting/presentation, Chair seeks questions from Advisory Body Members.
- 4) After questions, Chair opens the floor for public comment (allowing up to 3 minutes per speaker, each speaker may only speak once per agenda item). The Advisory Body should refrain from engaging in a back-and-forth conversation with the speakers, allowing the speakers to finish all

questions/comments before responding to all speakers/questions at the end of the public comment period for the particular item.

- 5) Chair closes public comment period for the item and returns the item back to the Advisory Body for comments/discussion.
- 6) The Advisory Body may choose to take action on the items on the agenda under PRESENTATION or DISCUSSION AND POSSIBLE ACTION as permitted per the Brown Act. At times, PRESENTATION may be items that are for informational purposes only. Similarly, DISCUSSION AND POSSIBLE ACTION items are for obtaining feedback from the Advisory Body. In either case, these informational or feedback items do not require an action.
- 7) Chair seeks a motion and a second from Advisory Body Members. With a motion and a second, the Chair or staff liaison will conduct roll call votes of the Advisory Body Members and confirm the action taken before moving on to the next item.

#### 5. SUBCOMMITTEE UPDATES

(This item is only on the agenda for those Advisory Bodies that have formed Ad Hoc Committees with specific subject matter and with a limited timeline. There are currently no Standing Committees formed for Advisory Bodies)

- Chair opens the item for Advisory Body Members to provide written or verbal updates on work/meetings of each of the formed Ad Hoc Committees (if available). These are brief updates and not intended for in-depth discussion.
- Chair opens up for members of the public to ask clarifying questions only (if any) allowing up to 1 minute per speaker. Each speaker may only speak once.
- No action shall be taken for updates under SUBCOMMITTEE UPDATES. If the Advisory Body is interested in any discussion or action based on the issues reported in the update, they shall be referred to a future agenda to be placed under DISCUSSION AND POSSIBLE ACTION.

#### 6. ANNOUNCEMENTS

- Chair opens the item for staff and Advisory Body Member to make announcements of interest and related to the charge of the Advisory Body (if any) and/or requests for future agenda items.
- Public Comments may be taken from members of the public to ask clarifying questions regarding the announcements (up to 1 minute and one time per speaker).
- No detailed discussion of the request shall be included.

#### 7. ADJOURNMENT

- Chair adjourns the meeting. No motion is needed to adjourn the meeting.



## 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.

**SECTION 1:**

**SERVING ON**

**ADVISORY BODIES**

**TO THE CITY COUNCIL**

**(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 (also known as: Police & Fire Pension Board)

Advisory Bodies established by City Council action include:

- Arts Committee
- Climate Action Committee
- Housing Advisory Commission
- Parks, Recreation & Open Space 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" or "Standing Committees" (See Section 2.I on pages 29-30).

### **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 the Advisory Body's purpose and charge.

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. APPOINTMENTS

Per [City 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 (for example: seat for high school students and/or seat for adults affiliated with Albany students). Council Member appointments to the Planning & Zoning Commission and the Housing Advisory Commission, and appointment recommendations for “Council as a Whole” seats 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). Appointment terms are generally two years in length (January of odd-numbered year to December of even-numbered year). In addition, per [City Charter Section 3.23a](#), 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 for consideration. The City Clerk’s Office will inform applicants when they have been recommended and/or appointed. Those not appointed will also be notified and their application will be kept for one year if an unscheduled vacancy should occur.

## D. RESIGNATIONS, REMOVALS, AND VACANCIES

Appointees wishing to resign before the end of their appointed term should send in writing or an email advising so to the City Clerk [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org) and the staff liaison. The City Clerk will forward copies to the City Council.

Per [City Charter Section 3.23b](#), 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, excessive absenteeism, or conviction of a felony.

Vacancy (Maddy Act) Notice will be posted if such unscheduled vacancies occur. Vacancies are filled by appointment or recommendation of the City Council. Appointment can be made after 10 working days from posting of the Vacancy Notice. Appointments made in the middle of a term are for the unexpired portion of that term. No appointments will be made after November 1<sup>st</sup> in the second year of the two-year term per [Resolution No. 2021-05](#).

## E. 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, Albany Municipal Code, Albany City Council Resolutions, City Council Minutes Action November 15, 2021 (Land Acknowledgement Statement), and City Council Procedures & Policies.

### 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 allowed per the "traditional rules" of the Brown Act. This must be arranged with the Advisory Body 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. A quorum of the Members must be physically present at City meeting location or participate from locations within the City's jurisdiction.
- c. Other times, a member may participate remotely via teleconference for "Just Cause" or due to "Emergency Circumstances" reasons allowed under AB2449 if qualified and the conditions below are met:
  - Members must notify the Advisory Body and the staff liaison at the earliest opportunity possible, including at the start of the meeting, and give a general description of the circumstances of why they need to participate remotely.
  - Cannot be used more than two meetings per year for most of the Advisory Bodies
  - Camera must be on the Member at all times
  - If an individual 18 years or older is in the room at the remote location, the relationship with that individual must be disclosed publicly
  - All votes must be by roll call
  - If a disruption to the City's online meeting occurs, the Advisory Body cannot take any further action until the online meeting is restored
  - Only less than a quorum can participate remotely per meeting using AB2449 (a quorum of the Members must be physically present at City meeting location)

Advisory Body Member shall not participate in a public meeting remotely (all or part of the meeting) unless the remote participation meets the requirements of the state laws. All questions regarding remote participation should be directed to the Advisory Body staff liaison and/or the City Clerk's Office.

- d. Any Member unable to attend a scheduled meeting shall notify the Advisory Body staff liaison as soon as possible, preferably in advance of the posting of the agenda (agenda posted typically the Friday before the meeting). Notifying a minimum of 24 hours in advance of the meeting will result in an "excused" absence. Failure of any Member to notify the Advisory Body staff liaison a minimum of 24 hours in advance of the scheduled meeting shall result in an "unexcused" absence. In addition, to respect everyone's time, any Member who will be late to a scheduled meeting shall notify the Advisory Body staff liaison as soon as possible, even if the Member will only be a few minutes late.
- e. 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 meetings per any 12-month period.
  - 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.
- f. 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 9:00 p.m. - 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 and stating the items remaining to be discussed shall be approved by the Body.

## 3. ROTATION OF CHAIR

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.

Should a Member wish to provide reference information to the Advisory Body, the information should be sent to the staff liaison for transmittal to the advisory body. Note: information shared with the Advisory Body will also be shared with the public.



## 6. ANNUAL STATUS REPORT

All standing Advisory Bodies shall provide an annual status report to the City Council. The status report will provide a summary of the items that the advisory body: 1) has accomplished/completed, 2) are underway towards accomplishment/completion. Advisory Bodies are encouraged to focus on a reasonable number of items accomplishable within a given year, recognizing the potential workload associated with each item. Additionally, Advisory Bodies are to focus on furthering the Strategic Plan goals identified by the City Council whenever applicable.

### City Council Review of Annual Status Report

This report shall be reviewed and approved by the Advisory Body and submitted to the City Council at the end of each year (November/December).

The Council may choose to provide additional guidance to the Advisory Bodies as necessary to ensure Advisory Bodies remain focused on their respective charge and on implementation of City Council Strategic Plan goals.

## 7. WORK PLAN FOR NEW ADVISORY BODIES

All newly established/transitioned Advisory Bodies or an Advisory Body whose purpose and charge has been modified shall create a work plan based on its new purpose and charge to be submitted to the City Council within the first six months of starting its first meeting. Advisory Bodies shall focus on a reasonable number of work plan items, accomplishable within a two-year term, recognizing the potential workload associated with each work plan item. Additionally, Advisory Body work plans are to focus on furthering the Strategic Plan goals identified by the City Council.

New Advisory Bodies or Advisory Bodies with a revised purpose and charge shall also submit an annual status report. See Section 6 above.

## 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.

### b. Other Advisory Body Matters

If other matters arise that 1) are relevant to the purpose and charge of an Advisory Body, 2) that align with the City Council Strategic Plan goals, and 3) for which the Advisory Body agrees with the affirmative vote of the

majority of the Body to discuss and make recommendation(s) to the City Council, the Advisory Body shall submit a memo/report to the staff liaison making such recommendation(s) addressed to the City Council.

c. When Presenting to the City Council

As the policy makers for the City, the City Council considers a variety of factors when acting on policies, programs, and project items from Advisory Bodies. To assist the City Council in its deliberations on matters brought to it by Advisory Bodies, the Council asks for a memo/report addressed to the City Council (except for matters brought to the Advisory Body by City staff). This memo/report shall include the following for City Council consideration: the proposed recommendation(s), background information, discussion/analysis (include pro/con analysis), sustainability considerations, social equity and inclusivity considerations, how this recommendation relates/furtheres the City Council Strategic Plan Goals, financial impact/consideration, and any supporting references/attachments (contact the staff liaison for a template of the memo/report to City Council). 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.

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.

When considering an item, 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.

## 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.

#### F. 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 23<sup>rd</sup> and January 1<sup>st</sup>; unless the City Council or the City Manager determines that the importance of business requires convening a special meeting.

#### G. 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 resources that cover subject matters with regard to policy and procedure for Advisory Bodies. The training resources can be found online: <https://www.albanyca.org/government/boards-commissions-committees>

#### H. 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.

#### I. ETHICS

All Advisory Body Members must review the video and the presentation slides of the Brown Act Training. All Members must read the Advisory Body Handbook and adhere to the Code of Ethics (page 9) and the Golden Rules of an Effective Advisory Body Member (page 10).

The City strongly recommends all Advisory Body Members to take the "Local Officials Ethics Training Course" provided by the California Fair Political Practices Commission, free of charge (link below). Upon completion of the 2-hour training, a Certification of Completion will be provided. Copies of the Certificate of Completion may be forwarded to the City Clerk's Office [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org).

<https://www.fppc.ca.gov/learn/public-officials-and-employees-rules-/ethics-training.html>

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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 the Advisory Bodies created by the City Council. In addition, every "standing committee" 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 and must be accessible to people with disabilities. 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 or social media. 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).

As a reminder, should a Membre wish to provide reference information to the Advisory Body, the information should be sent to the staff liaison for transmittal to the advisory body. Note: information shared with the Advisory Body will also be shared with the public.

### 3. EXCEPTIONS – GATHER 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

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.

A meeting agenda must be posted at least 72 hours in advance of the regular meeting (24 hours in advance for a special meeting) at the City's three official posting locations (City Hall, Community Center, and Senior Center), and the City's website. Brief version of the meeting agenda is also posted at the Solano Kiosk (Solano Avenue/Curtis Street) as a courtesy. Agendas are typically prepared by the staff liaison in coordination with the Chair. Advisory Body Member 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.

## 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 the few exceptions as permissible by law (for example: normal meeting location is unsafe; remote teleconference locations allowed under AB2449 or agendaized per the Brown Act).



Albany Advisory Body meetings are typically conducted in person at City Hall Council Chambers. As a courtesy, and technology permitting, members of the public may participate virtually. However, the City cannot guarantee that the public's access to teleconferencing technology will be uninterrupted, and technical difficulties may occur from time to time. Unless required by the Brown Act, Advisory Body meetings will continue despite technical difficulties for participants using the teleconferencing option.

## 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 members to the particular Advisory Body (50% + 1) as defined below:

- Advisory Body with 7 member seats: quorum = 4 members
- Advisory Body with 5 member seats: quorum = 3 members

In addition, 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). The start of a meeting must be delayed until a quorum of the body is present. Unless otherwise recommended by the staff liaison, the meeting may be cancelled if there is a lack of a quorum. To respect everyone's time, any Member who will be late for a scheduled meeting shall notify the Advisory Body staff liaison as soon as possible, even if the Member will only be a few minutes late. If the meeting is cancelled after the agenda is posted, Members of the Advisory Body (constituting a quorum) shall not discuss the agenda items outside of the public meeting.

### 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 other members (constituting a quorum) 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/City Department for the matter raised.

The public comment period is not intended to be a public forum for dialogue. If a dialogue is deemed to be appropriate by City staff or the City Council, a workshop or open house special meeting format may 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)
- Subcommittee Updates (if provided)
- Announcements (up to 1 minute limit for clarifying questions)

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/discussion.
- 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.

For additional roles of the Chair, please see Section 3.B (pages 33-34).

## 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, Housing Advisory 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](http://www.YouTube.com/AlbanyKALB) or City's website [www.albanyca.org/meetings](http://www.albanyca.org/meetings).

## I. SUBCOMMITTEES (STANDING COMMITTEES / AD HOC COMMITTEES)

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 that is convenient to the member of the subcommittee. Subcommittees must present all findings to its originating Advisory Body for deliberation at an open and public meeting.

An **Ad Hoc Committee** (often referred to as a “Subcommittee of the Advisory Body”), is composed of solely less than a quorum of the Advisory Body that created it and has a limited subject matter, specific purpose, and a limited timeline (usually for less than one year). Ad Hoc Committees are not subject to the Brown Act and may not take action on any matter. Ad Hoc Committees may invite specific members of the public to an Ad Hoc meeting to provide subject matter expertise only, but not join as a member of the Ad Hoc Committee and are not there to attend as a member of the public. Members of the public should not generally be allowed to attend an Ad Hoc Committee meeting unless the meeting is open to all members of the public.

A **Standing Committee** is also composed of less than a quorum of the Advisory Body that created it and has a continuing subject matter (different than an Ad Hoc Committee) or a regularly scheduled meeting time. Standing Committee meetings shall be open to all members of the public at a scheduled time and place. They qualify as a Brown Act committee and must adhere to all Brown Act regulations, including but not limited to public notice provisions.

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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?
  - How does the agenda item under discussion or action of the Advisory Body help in furthering the City Council Strategic Plan goals?
  - 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. ROLE OF THE CHAIRPERSON**

The Chair is responsible for overseeing the public discussion 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 has been addressed during discussion.
- Providing structure for addressing complicated issues.
- Attempting to reach decisions efficiently.
- Announcing decisions.

In the event of resignations or removals, 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.

#### C. 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.

#### D. 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 (see additional information in Section 1.F.8 on page 17-18). 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.

#### E. 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.

- 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.
- 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.
- 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.
- 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.
- 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.”

## F. 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](mailto: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.