

Albany Common Council Rules of Procedure



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Contents

ARTICLE I. RULES GENERALLY	1
SECTION 1.01 RULES OF THE COUNCIL	1
SECTION 1.02 COUNCIL LEADERSHIP	1
SECTION 1.03 CONDUCT BEFORE THE COUNCIL	2
SECTION 1.04 PUBLIC HEARINGS	3
SECTION 1.05 PUBLIC COMMENT PERIODS	3
SECTION 1.06 COUNCIL FLOOR AND PRESS	4
SECTION 1.07 SUSPENSION OF RULES	4
SECTION 1.08 COMPELLING ATTENDANCE OF ABSENT MEMBERS	5
SECTION 1.09 DISCIPLINE OF MEMBERS	5
ARTICLE II. REGULAR AND SPECIAL MEETINGS	7
SECTION 2.01 REGULAR MEETINGS	7
SECTION 2.02 SPECIAL MEETINGS	7
SECTION 2.03 QUORUM – REGULAR AND SPECIAL MEETINGS	7
SECTION 2.04 PUBLIC ATTENDANCE	7
SECTION 2.05 ORDER OF BUSINESS	7
SECTION 2.06 MEETING REPORTING	8
ARTICLE III. STANDING COMMITTEES, JOINT COMMITTEES, AND AD-HOC COMMITTEES.....	9
SECTION 3.01 COMMITTEES GENERALLY	9
SECTION 3.02 QUORUM – STANDING COMMITTEES AND Ad-HOC COMMITTEES	9
SECTION 3.03 JOINT COMMITTEES GENERALLY	9
SECTION 3.04 QUORUM – JOINT COMMITTEES	9
SECTION 3.05 COMMITTEE MEETING NOTICES	9
SECTION 3.06 PUBLIC ATTENDANCE	10
SECTION 3.07 STANDING COMMITTEES.....	10
SECTION 3.08 Ad Hoc COMMITTEES.....	11
SECTION 3.09 OTHER POWERS ASSIGNED.....	11
SECTION 3.10 POWERS NOT ASSIGNED	11
SECTION 3.11 COMMITTEE REPORTING.....	11
ARTICLE IV. INTRODUCTION OF LEGISLATION.....	12
SECTION 4.01 LEGISLATION GENERALLY	12
SECTION 4.02 EMERGENCY LEGISLATION	12
SECTION 4.03 SUPPORTING MEMORANDUM.....	12
SECTION 4.04 STRUCTURE OF LEGISLATION – ORDINANCES AND RESOLUTIONS.....	13
SECTION 4.05 STRUCTURE OF LEGISLATION – LOCAL LAWS	13
SECTION 4.06 COUNCIL AGENDA	14
SECTION 4.07 LEGISLATIVE PROCEDURES.....	14
ARTICLE V. MOTIONS	17
SECTION 5.01 MOTIONS GENERALLY	17
SECTION 5.02 CONSIDERATION OF MOTIONS	17
SECTION 5.03 STANDARD MOTION LANGUAGE.....	17
ARTICLE VI. MISCELLANEOUS PROVISIONS	19
SECTION 6.01 POSTAGE AND MAILINGS	19
SECTION 6.02 TRAVEL GUIDELINES.....	19
APPENDIX A. TRAVEL REIMBURSEMENT FORM	21

Article I. Rules Generally

Section 1.01 Rules of the Council

- (a) The Rules of Order and Procedure governing the meetings, public hearings, and all other business of the Albany Common Council shall be and may hereafter be determined by resolution and shall be exercised and interpreted by the President of the Common Council. The Common Council also follows the basic operating procedures set forth in the Code of the City of Albany and the NYS Open Meetings Law. Rules of parliamentary procedure shall be governed by the current edition of *Robert's Rules of Order, Newly Revised*, which shall be advisory but not binding on the proceedings of the Common Council.
- (b) The President of the Common Council shall have general control of the Council Chambers. In case of any disturbance, trespass, or disorderly conduct in the chamber, the President shall have the power to order the expulsion of any person or persons creating such disturbance or trespass therein.
- (c) Any ruling or decision of the President with respect thereto shall be appealable by motion from the floor at the meeting where the ruling or decision was made. A motion to appeal a ruling cannot be considered after the vote.

Section 1.02 Council Leadership

- (a) Council President
 - (i) *The Council President is elected by the city-at-large to preside over meetings of the Common Council and exercise those powers granted by these Rules of Operation and Procedure, the Charter and Code of the City of Albany, the Laws of New York State, and those other laws, ordinances, and resolutions which may govern Council operations and procedure.*
 - (ii) *The Council President shall serve as an ex-officio member of all standing and ad-hoc committees.*
- (b) President Pro-Tempore
 - (i) *The President Pro-Tempore is a member of the Common Council elected by the Council at the start of each term to serve in the place of the President of the Common Council in their temporary absence. Such election is conducted via vote of the Common Council after a motion is made and seconded. The President Pro-Tempore exercises those powers granted to the Council President in their absence and retains their vote on legislation.*

(ii) *Acting as President Pro-Tempore, they shall appoint committee members. The President Pro-Tempore may also:*

- 1) *Refer legislation to a committee for consideration*
- 2) *Establish ad-hoc committees and appoint members thereto in order to review and report on matters as necessary at their discretion*
- 3) *Assign legislation without a prime sponsor to a council member or assign legislation to a committee with jurisdiction over the legislation whose chairperson shall be responsible for the legislation*
- 4) *Reassign legislation if a council member would be unable or unwilling to compile the required information or report same to the other members for an informed vote by members.*

(c) **Majority Leader**

- (i) *The Majority Leader is a member of the Common Council elected by the Council to serve in the place of President Pro-Tempore in their temporary absence. Such election is conducted via vote of the Common Council after a motion is made and seconded. The Majority Leader exercises those powers granted to the President Pro-Tempore in their absence.*
- (ii) *The Majority Leader is also responsible for securing the attendance of council members for regular and special meetings of the Council.*

(d) **Majority Whip**

- (i) *The Majority Whip is a member of the Common Council elected by the Council to serve in the place of the Majority Leader in their temporary absence. Such election is conducted via vote of the Common Council after a motion is made and seconded. The Majority Whip exercises those powers granted to the Majority Leader in their absence.*
- (ii) *The Majority Whip is also responsible for managing intercommunications between Council Leadership and other Council members, including such communications as relate to regular and special meetings of the Council, events, legislative items, and matters of public policy.*

Section 1.03 Conduct before the Council

- (a) The Common Council, in developing these general rules, aims to help guide council members and the public on appropriate conduct before this body. The violation of these rules by council members is grounds for a referral to the Committee on Council Operations and Ethics:
 - (i) *Members have a duty to attend Common Council meetings, as well as committee meetings of which they are a member whenever possible. The inability to attend a scheduled meeting shall be communicated to the chair of the committee and Council staff.*
 - (ii) *Members of the Common Council shall demonstrate respect for each other, for other city officials, and to members of the public who appear before the Council.*
 - (iii) *Members of the Common Council, members of the public, and city officials who appear before the Council shall not offer personal attacks or abuse to others. Debate shall be confined to the merits of the proposal; inflammatory or patronizing remarks shall be prohibited in the Council Chambers. All individuals present are asked to maintain decorum.*

- (iv) *Members of the Common Council shall wait to be recognized by the presiding officer of the Council before speaking to avoid interrupting other council members, except when moving a point of order or other motion which takes precedence. Whenever possible, all members shall speak or debate upon any question while standing and shall speak to the question before the Council.*

Section 1.04 Public Hearings

- (a) Any public hearing held before the Common Council shall conform to the dignity and decorum of the legislative body and discussion during the public hearing shall be limited to the business and purpose before the Common Council.
- (b) In order to effectuate an orderly and efficient public hearing, members of the public who wish to speak shall submit such request to the City Clerk prior to the meeting. Electronic or telephonic sign-ups are permitted and encouraged until thirty minutes prior to the scheduled meeting start time. Within thirty minutes of the scheduled meeting start time, paper public hearing forms shall be available for submission in the Council Chambers and shall be the only method to sign-up for the public hearing at that point.
- (c) As recommended by New York State, the order in which people speak shall be as follows:
 - (i) *Expert witnesses and public officials*
 - (ii) *Organization representatives*
 - (iii) *Individual members of the public*
- (d) Members of the public wishing to speak shall state their name, municipality, and organization represented, if any, for the record.
- (e) Members of the public speaking during the public hearing are afforded the opportunity to discuss only the topic of the public hearing with council members, including fielding questions. The time allotted to each member of the public by the Council President shall not exceed five (5) minutes except where additional time for testimony is deemed necessary by the Council. The Council President shall have the responsibility of ensuring discussions during the public hearing remain on the topic thereof and reserves the right to truncate discussion upon multiple deviations.
- (f) Once the list of those participating in the public hearing is exhausted, the President may issue a call for any additional members of the public who wish to speak.

Section 1.05 Public Comment Periods

- (a) In order to effectuate an orderly and efficient public comment period, members of the public who wish to speak shall submit such request to the City Clerk prior to the meeting. Electronic or telephonic sign-ups are permitted and encouraged until thirty minutes prior to the scheduled meeting start time. Within thirty minutes of the scheduled meeting start time, paper public comment forms shall be available for submission in the Council Chambers and shall be the only method to sign-up for public comment at that point.

- (b) The order in which people speak shall be the order in which they signed up. The City Clerk shall call the names of those members of the public wishing to speak and state the position of the member of the public in the list of speakers.
- (c) Members of the public wishing to speak shall state their name, municipality, and organization represented, if any, for the record.
- (d) The time allotted to each member of the public shall not exceed five (5) minutes. In the event there are a significant number of individuals providing public comment, the President may limit the time allotted to each speaker to three (3) minutes in order to accommodate the largest number of speakers possible.
- (e) The "Initial Public Comment Period" agenda item shall be conducted for a maximum of one hour. The "Additional Public Comment Period" agenda item prior to "Miscellaneous Business" shall be conducted for half an hour unless, at the expiration of the half an hour, a motion to extend the additional public comment period is successful, at which point the additional public comment period shall be extended to that length of time so moved.
- (f) Public comment at special meetings of the Council shall be limited to items on the agenda for consideration at such special meetings.
- (g) Members of the public may, in lieu of oral testimony, submit written testimony that shall be distributed to each member by the City Clerk.

Section 1.06 Council Floor and Press

- (a) All meetings and hearings conducted by the Council shall be open to the public and permitted to be covered and reported by the press.
- (b) As a matter of right, only the Council Members, Council staff, representatives of the Executive Branch and authorized representatives of the print media shall have the privilege of sitting within the rail during all meetings of the Council.
- (c) The authorization of representatives of the print media shall be performed by the City Clerk and suitable methods for identification shall be determined by the same. Criteria for authorization shall include:
 - (i) *Authorship, in part or in full, of an article pertaining to business of the Common Council published, in print or online, within the prior six months; and*
 - (ii) *Employment by a print publishing company with a daily circulation, exclusive of weekend publishing, of at least 1% of the population of the City of Albany.*
- (d) The equipment used by representatives of the broadcast and Internet media in attendance shall be placed in a fixed location specified by the President of the Common Council as space permits.
- (e) Reporters and photographers shall not walk around the Council Chamber or among the Council Members.
- (f) Privileges may be extended to any other person at the discretion of the President without consideration for the criteria within Section 1.06.

Section 1.07 Suspension of Rules

No rule of the Council shall be altered, suspended, or rescinded unless by a majority vote of all members elected, and no motion to alter, suspend, or rescind any such rule shall be in order without the unanimous consent of the Council, unless notice thereof shall have been given at the previous regular meeting. No motion to suspend shall embrace more than one rule or relate to any other subject than the one specified in said motion.

Section 1.08 Compelling Attendance of Absent Members

Should the Common Council convene with less than a quorum at any regular or special meeting, or if while any meeting is in progress, any less number than a quorum shall be present, a majority of the members present are authorized to direct a police officer to compel the attendance of any and all absent members as a majority of such members present decree.

Section 1.09 Discipline of Members

- (a) Upon reasonable cause for suspicion of the violation of any law or ordinance of the City of Albany; or resolution, rule, or regulation of said Council; or of official misconduct by any council member, any council member may move to investigate the potential violation and/or misconduct, levying specific charges therein, and upon receiving a second and upon a majority vote of the Common Council in favor, such investigation shall be referred to the Committee on Council Operations and Ethics. The President of the Common Council shall have the authority to refer a council member for investigation by the Committee on Council Operations and Ethics upon the reasonable suspicion that misconduct occurred, providing the council member so referred written notice of potential violations and/or misconduct.
- (b) The Committee on Council Operations and Ethics shall conduct the investigation into the council member referred. Should a member or members of the Committee on Council Operations and Ethics be the subject(s) of the investigation, the Common Council shall appoint, via a motion approved by the majority of the Common Council, such temporary members as necessary to serve in the place of the investigated member(s) until the matter is resolved. Such motion shall be so moved at the same meeting in which charges were levied.
- (c) The Committee on Council Operations and Ethics shall investigate the charges brought before the member or members referred to the committee and may dismiss the charges or recommend one or more of the following sanctions:
 - (i) *Removal of the council member as chairperson or member of a committee*
 - (ii) *Censure*
 - (iii) *Expulsion*
 - (iv) *Any other sanction determined by the committee to be appropriate*
- (d) Upon the recommendation of the Committee on Council Operations and Ethics to sanction the council member(s), a resolution to effect the sanction(s) shall be introduced to the Common Council on behalf of the Committee at the subsequent regular meeting and considered at the same meeting. All sanctions shall be imposed by a majority vote of all council members.

- (e) This remedy is in addition to any remedies or penalties provided under the NYS Second Class Cities Law, Public Officers Law, and any other applicable statutes.

Article II. Regular and Special Meetings

Section 2.01 Regular Meetings

- (a) Regular meetings of the Common Council are those meetings prescribed by Section 42-228 of the Code of the City of Albany. Such meetings shall be held on the first and third Mondays of each month except where Monday is a holiday, religious or cultural observance. In such cases, the meeting shall be held on the Thursday of that same week.
- (b) Regular meetings of the Common Council may be changed or cancelled by consent of the Council President, President Pro-Tempore and Majority Leader, when the regular meeting date falls on a holiday, religious or cultural observance, or when weather or other circumstances arise to warrant such change or cancellation. The public shall be notified of the new date as provided in the NYS Open Meetings Law.

Section 2.02 Special Meetings

- (a) Special meetings of the Common Council are meetings of the Common Council called by the President of the Common Council, or by the majority of all council members calling for the City Clerk to schedule such meeting, outside of the meeting schedule. Special meetings may only be called for the consideration of a specific subject or specific subjects; no other business other than that stated in said notice shall be conducted at such meeting.
- (b) Notice shall be served by the City Clerk upon members personally, by mail directed to their place of residence or business, or by email at least forty-eight (48) hours prior to the time of such meeting and no later than 4:00 PM on the business day preceding the date of such meeting.

Section 2.03 Quorum – Regular and Special Meetings

A majority of council members shall constitute a quorum. Should there be less than a majority of council members present, those in attendance may hear communications from the Mayor, Department Heads, and other City Officials; adjourn; and compel the attendance of absent council members.

Section 2.04 Public Attendance

Regular and Special meetings of the Common Council shall be open to the public and open for public comment, unless and except when a meeting enters executive session in accordance with the Open Meetings Law or during discussions of any matter made confidential by federal or New York State law. Those in attendance are asked to adhere to the general rules governing conduct in Section 1.03.

Section 2.05 Order of Business

- (a) After calling the roll, the order of business, which shall not be departed from except by the consent of a majority present, shall be as follows:
 - (i) *Pledge of Allegiance and Moment of Silence*

- (ii) Communications from the Mayor, Department Heads, and City Officials*
- (iii) Public Hearings*
- (iv) Initial Public Comment Period (Maximum of 1 Hour)*
- (v) Comment from Members*
- (vi) Presentation of Petitions*
- (vii) Approval of Minutes from Previous Meeting*
- (viii) Reports of the Standing Committees*
- (ix) Reports of the Ad-Hoc Committees*
- (x) Consideration of Vetoes*
- (xi) Consideration of Local Laws*
- (xii) Consideration of Ordinances*
- (xiii) Consideration of Resolutions*
- (xiv) Additional Public Comment Period (30 Minutes)*
- (xv) Miscellaneous or Unfinished Business*

Section 2.06 Meeting Reporting

- (a) All Common Council Regular and Special meetings shall have minutes of the meeting prepared within two weeks from the meeting date or within one week should there have been an executive session.

Article III. Standing Committees, Joint Committees, and Ad-Hoc Committees

Section 3.01 Committees Generally

- (a) All committees shall be appointed biennially by the President Pro-Tempore and shall meet on a timely basis with regards to legislation and such other matters which may be referred to them.
- (b) Each committee shall be composed of between three and seven members of the Common Council.
- (c) Committees shall hold a minimum of one oversight meeting per calendar year on matters under their jurisdiction.
- (d) The first person named in the appointment of a committee shall be the chair thereof.
- (e) Vacancies shall be filled by appointment of the President Pro-Tempore. The President Pro-Tempore reserves the right to reassign committee appointments when a vacancy arises.
- (f) Committees shall consider items under their jurisdiction and may hold such items for further discussion or pass the items out of committee with either a favorable, neutral, or an unfavorable recommendation as moved by a member of the committee. A majority of the committee's membership shall be necessary for the passage of a recommendation of the committee.

Section 3.02 Quorum – Standing Committees and Ad-Hoc Committees

A majority of a committee's membership shall constitute a quorum for the transaction of business.

Section 3.03 Joint Committees Generally

From time to time committees may meet jointly to discuss items that are of relevance to each standing committee that makes up the joint committee and that are of significant impact to the City of Albany. Joint committee meetings shall be authorized by the President Pro Tempore and shall only consider one topic or piece of legislation at each meeting. The President Pro Tempore shall establish the chair of the joint committee.

Section 3.04 Quorum – Joint Committees

Quorum shall be met by greater than half of the total membership of both committees combined and where quorum would be had by at least one committee of the joint committee.

Section 3.05 Committee Meeting Notices

- (a) No report of any committee shall be received, nor shall any matter of business be transacted by any committee unless a majority of the committee be assembled, and in no case unless said committee meeting be called by the chair or majority of said committee, and every member thereof be notified and have a reasonable time to be present at said meeting. When possible, a 7-day minimum, 10-day preferred notification period shall be required. In situations where immediate attention must be given to an issue, this requirement may be waived by message of necessity from the Committee Chair.

- (b) Committee meetings may allow a public comment period. Members of the public shall be given the opportunity to speak on legislation referred to committee before it is released for consideration. The offering of a public comment period during a committee meeting shall be part of the official meeting notification. The length and placement of the public comment period in the meeting agenda is to be determined by the Committee Chair.

Section 3.06 Public Attendance

Regular and Special meetings of the Common Council shall be open to the public and open for public comment, unless and except when a meeting enter executive session in accordance with the Open Meetings Law. Those in attendance are asked to adhere to the general rules governing conduct in Section 1.03.

Section 3.07 Standing Committees

- (a) Standing committees of the Common Council shall be as follows:

- (i) Council Operations and Ethics*
- (ii) Planning, Economic Development and Land Use*
- (iii) Finance, Assessment and Taxation*
- (iv) General Services, Health and Environment*
- (v) Housing and Community Development*
- (vi) Public Safety*
- (vii) Law, Buildings and Code Enforcement*
- (viii) Parks, Recreation and Family Services*
- (ix) Human Resources and Human Rights*

- (b) The standing committees shall generally have jurisdiction over the following:

- (i) Council Operations and Ethics may review matters relating to the internal operation of the Common Council and ethical issues*
- (ii) Planning, Economic Development and Land Use may review matters relating to planning and development, zoning, industrial development, the Albany Convention Center Authority, the Albany Parking Authority, and the Albany Port District Commission.*
- (iii) Finance, Assessment and Taxation may review matters relating to the assessment and taxation of real property, the coordination of the budget review process, and purchasing.*
- (iv) General Services, Health and Environment may review matters relating to the Department of General Services and the Water Department.*
- (v) Housing and Community Development may review matters relating to the Albany Community Development Agency, neighborhood revitalization, and community housing concerns.*
- (vi) Public Safety may review matters relating to the Albany Police Department, the Community Police Review Board, the Fire Department and Emergency Services.*
- (vii) Law, Buildings and Code Enforcement may review matters relating to the Law Department, building and code enforcement, and penalties and violations.*
- (viii) Parks, Recreation and Family Services may review matters relating to the city parks, recreation, special events, and youth and family services.*

- (ix) *Human Resources and Human Rights may review matters relating to personnel, equal employment opportunity, fair housing, job development, minority and women owned business enterprise, human rights, cultural diversity, and immigration and relocation.*

Section 3.08 Ad Hoc Committees

- (a) Pursuant to Section 1.02b, The President Pro Tempore has the power to establish ad hoc committees, define their duties, and appoint members thereto in order to review and report on matters as necessary at the discretion of the President Pro Tempore.
- (b) A minimum of three members shall make up an ad hoc committee.
- (c) Ad-Hoc Committees shall only be authorized for one year unless so authorized by resolution of the Common Council, but this shall not abridge the authority of the President Pro Tempore to authorize or reauthorize an ad-hoc committee.

Section 3.09 Other Powers Assigned

Every committee shall have the power and authority to request the attendance or submission of personnel and/or papers, and examine witnesses under oath, pursuant to the laws of the State of New York, in any matter or proceeding referred to or before them; and such examination, together with all papers and proceedings, shall be returned to the Common Council.

Section 3.10 Powers not Assigned

No committee shall have the power of employing any person for or on behalf of the City, or incur any expense, unless specially authorized by the Common Council or Code of the City of Albany.

Section 3.11 Committee Reporting

- (a) All Common Council committee meetings shall have minutes of the meeting prepared within two weeks from the committee meeting date and within one week, should there have been an executive session.
- (b) It will be the responsibility of each committee chair to provide a brief oral report to the full Common Council during the "Reports of the Standing Committees" and "Reports of the Ad-Hoc Committees" sections of the meeting.

Article IV. Introduction of Legislation

Section 4.01 Legislation Generally

- (a) Local Laws, Ordinance, and Resolutions proposed by members of the Common Council shall be submitted to the Office of the Common Council for review and addition to the agenda. Such requests shall be submitted to the Office of the Common Council at least 12 days prior to the sponsor's intended introduction date, in the case of a Monday regular meeting, and 15 days prior to the sponsor's intended introduction date in the case of a Thursday regular meeting. All such requests shall be accompanied by a brief statement of the legislation's purpose, intent, and fiscal implications.
- (b) The Corporation Counsel shall endorse all legislation as to form prior to the introduction date using a form agreed to by representatives of the Common Council chosen by the President Pro-Tempore and representatives of the Corporation Counsel's Office. The Corporation Counsel shall also use said form to advise the sponsor as to the legality of the proposed legislation within the same time period. Should the Corporation Counsel withhold approval as to form or advise that such legislation would be unlawful if enacted, the same shall be indicated in writing on said form and provided to the sponsor.

Section 4.02 Emergency Legislation

Emergency legislation, or legislation not listed on the printed agenda, accompanied by a "Message of Necessity", may, by the majority consent of the council members present, be included on the agenda and considered at any regular meeting of the Council.

Section 4.03 Supporting Memorandum

Prior to consideration, legislation shall be accompanied by a supporting memorandum with the following:

- (i) The legislation's identifying number;*
- (ii) Name of the sponsor;*
- (iii) Date of the memorandum;*
- (iv) Title of the legislation;*
- (v) The identity of the proponent of the legislation (whether the same or different from the sponsor)*
- (vi) A brief summary designed to communicate the general purpose or effect of the legislation;*
- (vii) A statement of necessity and support which must include in detail, to the greatest degree practicable, the factors motivating the offering of the legislation, the anticipated effect or outcome of the legislation, the factors supporting passage of the legislation, and the time-frame, if any, within which legislation must or should be acted upon;*
- (viii) To the greatest degree practicable, the memorandum should explain the current law, if any, affected by the legislation and the change that will result if the legislation is passed;*

- (ix) *Where legislation is related to the approval of contracts, the memorandum should detail the bidding process, if any, utilized in connection therewith and should include, insofar as practicable, the names of those persons or entities who were solicited to submit bids and the names of those persons or entities that did so, along with summary information about the bids submitted (including price and services and/or materials proposed to be provided). To the degree practicable, the memorandum should also include a copy of the contract or thoroughly summarize its provisions;*
- (x) *Where legislation relates to the approval of an application for a state or federal grant or financial assistance, the memorandum shall thoroughly detail the application's content, projects to be funded, and objectives. To the degree practicable, the memorandum should also include a copy of the application and any applicable law or regulation upon which it is based or state the reasons why such is not available;*
- (xi) *Where legislation relates to the appointment or approval of any individuals to any post or position, the memorandum should detail the individual's qualifications for the post (or attach a resume setting forth such information);*
- (xii) *Where legislation relates to the sale of acquisition of property, information regarding cost, value and price must be included in the memorandum;*
- (xiii) *Where legislation would enact a home rule request message, the memorandum shall include a copy of the legislation so requested;*
- (xiv) *Where legislation would express the Common Council's support for or opposition to pending county, state, or federal legislation, the memorandum shall include a copy of such legislation in its current form or be made available for review, at the time of Council action on such measure;*
- (xv) *No legislation may be placed upon the council agenda unless and until the fiscal impact of the legislation has been ascertained and can be stated, unless the fiscal impact of the legislation is to be ascertained as part of the Council's review of legislation. In such a case, the memorandum must state so.*

Section 4.04 Structure of Legislation – Ordinances and Resolutions

- (a) Proposed ordinances and resolutions shall be numbered by the Corporation Counsel or by Common Council staff. In the latter case, such numbering shall be approved by the Corporation Counsel.
- (b) The title of every ordinance or resolution shall briefly state the subject thereof; the title of every ordinance authorizing debt or lease finance agreements shall state therein the project(s) to be funded through said ordinance.

Section 4.05 Structure of Legislation – Local Laws

- (a) The title of every local law shall briefly state the subject thereof.
- (b) The City Clerk shall cause every local law immediately upon its introduction to be printed and placed on the desk of the members or provided thereto electronically.
- (c) Local laws noticed for introduction shall be lettered, consecutively as received in the year received. Such letter shall be retained as an introductory letter. Each local law shall also have a passage number, which, when passed, shall supersede its introductory letter.

- (d) Every local law introduced shall be submitted to the Clerk and shall be read in its order of introduction when the order of business "Consideration of Local Laws" shall be reached.
- (e) If a local law purports to supersede an existing provision of the charter or of another state law, it shall indicate in the next to the last section thereof the particular provision that is to be superseded.
- (f) If a local law purports to amend an existing local law, it shall show all the new matter underscored and all the matter to be eliminated struck through.
- (g) The City Clerk shall certify whether such local law is subject to mandatory referendum or referendum on petition. The City Clerk shall file certified copies thereof in the office of the Secretary of State in accordance with New York State Law within five days after the effective date of a local law.
- (h) No such local law shall be passed until it shall have been in its final form and upon the desk of the members at least seven (7) calendar days, exclusive of Sunday, prior to its final passage, unless the Mayor shall have certified as to the necessity for its immediate passage.

Section 4.06 Council Agenda

- (a) The City Clerk shall prepare an agenda of the Council's business for every regular and special meeting. This agenda shall be distributed and published as follows:
 - (i) Printed for public consumption outside the Office of the Common Council*
 - (ii) Printed and on the desk of council members who have elected to have their agendas in such manner*
 - (iii) Posted electronically via the website of the City of Albany*
 - (iv) Emailed to the council president, council members, and members of the public who have elected to receive such communications*
- (b) No legislation shall be included as part of the Common Council agenda unless and until such legislation is sponsored by a member of the Council or has been assigned to a member of the Council by the President Pro-Tempore in accordance with Section 1.02.
- (c) Except when deemed impracticable in the exclusive judgement of the President Pro-Tempore, no legislation shall be placed upon the Common Council agenda unless and until a supporting memorandum, meeting the requirements of Section 4.03 of these Rules, is available for distribution.
- (d) Agendas shall be published 10 calendar days prior to a regular meeting that falls on a Monday. Agendas shall be published 13 calendar days prior to a regular meeting that falls on a Thursday.
- (e) Legislation to be considered for addition to an agenda after the agenda's publication is considered "Emergency Legislation" as described in Section 4.02.

Section 4.07 Legislative Procedures

- (a) Should discussion during a caucus/work session indicate common sponsorship of the legislation and the President Pro-Tempore states so, all council members shall be listed as sponsors of the legislation in the following order:

- (i) *Original Prime Sponsor*
 - (ii) *Original Co-Prime Sponsor(s)*
 - (iii) *All remaining council members*
- (b) Legislation not moved by its sponsor may be brought to a vote at the next regularly scheduled Common Council meeting with a simple majority vote of the total elected body.
- (c) When legislation is introduced, the President shall notice any council member who wishes to speak thereon. Council members wishing to speak shall do so only once, except upon permission of the majority of the council members present, and shall limit their comments to three (3) minutes.
- (d) Amendments to legislation must be made prior to the roll call or voice vote. A council member may move to amend legislation in such manner as has been distributed amongst the council members or explicitly described to council members during the meeting.
- (e) When legislation is being considered, the President shall notice any council member who wishes to speak thereon before the roll call or voice vote begins. The President shall have the power and discretion to set reasonable time limits for such comments. Council members shall be allowed to speak only once, except the sponsor who introduced the legislation, who shall be allowed a second, final comment period for rebuttal if desired.
- (f) No legislation relating to the approval of the appointment of an individual to any commission, board, or other body shall be moved for passage unless and until that individual has appeared before the Council or a committee of the Council at such time and place as the Council shall designate, provided, however, that such appearance may be waived by consent of a majority of the council members present.
- (g) A majority of the entire Council membership shall be required to pass local laws, ordinances, resolutions, or any items of general business, except as otherwise required by the Municipal Home Rule Law or Section 4.07(h) or Section 4.07(i) of these Rules. ¹
- (h) Concerning legislation authorizing bond debt, a vote of two-thirds (2/3) of the entire Council membership shall be required, pursuant to Section 404 of the Charter of the City of Albany.
- (i) Concerning legislation vetoed by the Mayor, a vote of two-thirds (2/3) of the entire Council membership shall be required, except in the case of legislation authorizing bond debt being vetoed in which case a vote of three-fourths (3/4) of the Council shall be required, pursuant to Section 302 of the Charter of the City of Albany.
- (j) No ordinance shall be passed at the meeting of its introduction except by unanimous consent of the council members present.
- (k) The President of the Council shall not vote except in matters involving tie votes or as otherwise provided in New York State law. For the duration of the execution by the President Pro Tempore of the powers and duties of the President of the Council, the President Pro Tempore may vote in all matters.

¹ A two-thirds vote requires 10 council members and a three-fourths vote requires 12 council members.

- (l) No action shall be taken by the Council unless a quorum is present, except for the adjournment of the body. For the duration of the execution by the President Pro Tempore of the powers and duties of the President of the Council, the President Pro Tempore shall contribute toward quorum.

Article V. Motions

Section 5.01 Motions Generally

- (a) Subject to the discretion of the President, and susceptible to override by the consent of a majority of the Council, motions brought before the Council shall be in accordance with *Robert's Rules of Order, Newly Revised*, which shall be advisory but not binding.
- (b) No motions shall be debated or voted upon unless the same shall be seconded.
- (c) When a motion is seconded, it shall be stated by the President before the debate, and every motion shall be reduced to writing if any member requests it.
- (d) After a motion is stated by the President, it shall be deemed to be in the possession of the Council; but it may be withdrawn at any time by the movant, before decision or amendment.
- (e) Motions to adjourn and to lay on the table shall always be in order prior to decision on the underlying question. Such motions shall be decided without debate.
- (f) Questions of order shall be decided by the President without debate subject to an appeal to the Council, which shall also be decided without debate. A member called to order shall immediately take their seat, unless permitted to explain, and the Council, if appealed to, shall decide on the case without debate. If there is no appeal, the decision of the chair shall be final.

Section 5.02 Consideration of Motions

- (a) During the debate upon a motion, no conversations shall be permitted in the Council that will disturb the deliberations thereof, nor shall any separate question or resolution be presented or discussed so long as any other matter not disposed of is before the Council for deliberation.
- (b) Any member may require a division of the motion, which may contain two or more distinct propositions.
- (c) When a motion has once been decided, it shall not be in order for any member voting in the minority on such question to move for the reconsideration of any vote thereof.
- (d) No motion for reconsideration of any vote shall be in order unless made prior to the adjournment of the meeting which decided the question, and no question or vote on said subject matter shall be a second time reconsidered.

Section 5.03 Standard Motion Language

- (a) The following shall serve as model language for certain common motions:
 - (i) *Introducing Legislation: "I notice [LEGISLATION NAME/NUMBER] for introduction."*
 - (ii) *Introducing and Passing Legislation: "I notice [LEGISLATION NAME/NUMBER] for introduction and passage by a [ROLL CALL/VOICE] vote."*
 - (iii) *Amending Legislation [Standard]: "I move that we amend [LEGISLATION NAME/NUMBER] by adopting the language provided in the [VERSION] print."*
 - (iv) *Amending Legislation [Minor]: "I move that we amend [LEGISLATION NAME/NUMBER] by [ADDING/SUBTRACTING/SUBSTITUTING LANGUAGE]."*

- (v) *Dividing the Question [In the event of a motion with two propositions which may be separated]: "I move that we divide the question [in the manner sought]."*
- (vi) *Requesting a Recess: "I move that we recess [for X minutes/until X:XX time]."*
- (vii) *Taking a Question Out of Order [No subsequent motion needed to return to normal order]: "I move that [LEGISLATION NAME/NUMBER, MOTION] be taken out of order and moved to the top of the agenda."*
- (viii) *Lay on the Table [Temporarily postpone a question]: "I move to lay the [QUESTION/LAW/ORDINANCE/RESOLUTION] on the table."*
- (ix) *Take from the Table [Bring back business previously laid on the table]: "I move to take [the QUESTION/LAW/ORDINANCE/RESOLUTION] from the table."*
- (x) *Withdrawal: "I move that [LEGISLATION NAME/NUMBER] be withdrawn from consideration."*
- (xi) *Discharge a Committee [Remove a matter from the purview of the Committee assigned to consider it]: "I move that the [COMMITTEE NAME] be discharged from further consideration of [the QUESTION/LAW/ORDINANCE/RESOLUTION]."*

Article VI. Miscellaneous Provisions

Section 6.01 Postage and Mailings

- (a) Each council member shall be allotted \$150.00 each budget year for postage. This amount is non-transferable and cannot be carried over from year to year. These city funds for postage may be used to educate and inform the public and cannot be used to convey partisanship, approval or disapproval of legislation. As public funds, no city postage can be used to promote individual opinions, whims, or beliefs, irrespective of the high ideals or worthy causes espoused or promoted, or for electoral campaign purposes.
- (b) In the event that a member has depleted their account within a fiscal year and needs additional monies for postage, they may appeal, in writing, to the Committee on Council Operations and Ethics for additional monies to conduct mailings for a specific project.

Section 6.02 Travel Guidelines

- (a) General Guidelines
 - (i) All requests for travel shall be submitted to the President Pro-Tempore on approved forms that are available in Appendix A. Any workshop, hearing, conference, meeting or training session for which payment is sought must be necessary and relevant to the work of the Common Council or service as a council member.*
 - (ii) Travel reimbursement per member per year shall not exceed the amount allocated for the entire council divided by the number of council members. Travel reimbursement for staff per year shall not exceed the amount allocated for staff. All travel approval and reimbursements are subject to the availability of funds and shall be at the discretion of the President Pro-Tempore subject to the guidelines provided. The President Pro-Tempore may request additional information or supporting documentation prior to approval. If the council member or staff member does not agree with the decision of the President Pro-Tempore, their decision may be appealed to the Common Council and the decision may be overturned by a majority vote of the entire membership of the Council.*
 - (iii) No advance or reimbursement shall be available for tax expenses incurred.*
 - (iv) Advances and reimbursements are available for qualified payments up to the per diem rates of the travel area per the U.S. General Services Administration.*
- (b) Restrictions
 - (i) No funds shall be used to reimburse the travel expenses of any person other than council members or staff.*
 - (ii) No council member or staff may travel at city expense to any event or activity held within a 35-mile radius of the City of Albany, except for the cost of registration for the conference or training program.*
 - (iii) No more than three (3) council members shall travel at public expense to the same location at the same time. No more than two (2) of those three council members can share a committee assignment. The President Pro-Tempore may approve requests for more than 3 council members to travel to the same location at the same time if there are unusual circumstances.*
 - (iv) Alcoholic beverages, excessive tips, fines incurred, and unreasonable parking charges shall not be reimbursed.*

(c) Procedure

- (i) Council members and staff shall submit their request for travel at least 30 days prior to the event on the forms provided. Council members and staff may receive a travel advance to pay the cost of registration, lodging, and train or air transportation.*
- (ii) Council members and staff shall submit their request for reimbursement within two weeks of the event on the forms provided. Council members and staff may receive reimbursement for meals, parking, taxi fares, mileage, or rental car fees as allowed by the City of Albany purchasing manual.*

Appendix A. Travel Reimbursement Form

**COMMON COUNCIL
REQUEST FOR TRAVEL***

Date Submitted: _____

Name of Council Member/Staff: _____

Seminar/Conference Title: _____

Location: _____

Date of Event: _____

Cost of registration: _____
(Attach a copy of the schedule, meeting agenda and registration form)

Lodging: _____

Is a government rate available? _____

Has or will tax exempt certificate been submitted? _____

Train travel: _____

Has the council member secured the government rate? _____

Air travel: _____

Has the council member secured the lowest fare? _____

Please provide a short explanation as to why all other forms of transportation are impracticable:

*Note: This form must be filled out even if no prepayment is being requested.

**COMMON COUNCIL
REQUEST FOR TRAVEL REIMBURSEMENT***

Date Submitted: _____

Name of Council Member/Staff: _____

Seminar/Conference Title: _____

Location: _____

Date of Event: _____

Attach copies of all final hotel and train or air travel receipts if a travel advance has previously been issued.

Cost for meals: _____

(Attach all receipts which must include time and date)

Cost for taxi fare: _____

(Attach all receipts which must include time and date)

List from and to locations for all taxi receipts: _____

Rental car fees: _____

Please indicate why no other form of transportation was available: _____

Mileage (distance to and from event): _____

Tolls: _____

(Attach receipts which must include time and date)

Parking: _____

(Attach receipts which must include time and date)

* May only be used for previously authorized travel.