

This meeting is being held in accordance to Governor Hochul's signed legislation allowing municipalities to resume remote meetings. If the legislation is revoked, then it will be an in-person meeting. Please stay up to date with the status of our meetings by going to our website and following us on Facebook. We encourage residents to continue participating. Constituents can provide public comment on our new public comment line 518-694-3987, by email commoncouncil@albanyny.gov or the form on our website <https://www.albanyny.gov/Government/CityOfficials/CommonCouncil.aspx>. These comments will be shared with members and/or read for the record at the meeting, posted on our website and Facebook. Constituents may also register to speak during the meeting and you will be provided with the zoom credentials if it is your intent to speak email us at commoncouncil@albanyny.gov



COMMON COUNCIL MEETING
Council Operations and Ethics Committee
Kelly Kimbrough, Chair

DATE/TIME: **Thursday, June 16, 2022 at 5:30 PM**

LOCATION: **VIRTUALLY ON ZOOM**

PUBLIC COMMENT PERIOD: YES

TOPIC(S) OF DISCUSSION/CONSIDERATION:

- **Candidate selection for the Reapportionment Commission**
- **Discussing the Rules of Procedure**

**RULES OF PROCEDURE OF THE
CITY OF ALBANY COMMON COUNCIL**

**ARTICLE 1.
RULES GENERALLY**

SECTION 1.1. 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 *Mason's Manual of Legislative Procedure*, 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 1.2. COUNCIL FLOOR AND PRESS.

As a matter of right, only the members, Council staff, representatives of the Executive Branch and authorized representatives of the press shall have the privilege of sitting within the rail during all meetings of the Council. The President may extend the privilege to any other city officer or person at their discretion. Cameras, microphones, and recorders used by the video and audio media shall be placed in a fixed location specified by the President of the Common as space permits. Reporters and photographers shall not walk around the Council chamber or among the Council members.

SECTION 1.3. 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 1.4. COMPELLING ATTENDANCE OF ABSENT MEMBERS.

In case the Common Council shall 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 send a police officer for any and all absent members as a majority of such members present shall agree.

SECTION 1.5. DISCIPLINE OF MEMBERS.

- A. When any member of the Common Council shall be charged by a majority vote of the Common Council with any violation of any law or ordinance of said city, or resolution, rule or regulation of said Council, or of official misconduct, the matter shall be referred to the Committee on Council Operations and Ethics. If the member charged is a member of the Committee on Council Operations and Ethics, the Common Council shall appoint a temporary member to serve until the matter is resolved. The member charged will be served with a copy of said charges and notice when said committee shall hear the same. The committee shall then investigate the charges pursuant to such notice, and report to the Council.
- B. Upon the recommendation of the Committee on Council Operations and Ethics, the Common Council may adopt a resolution to censure the member charged. 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.

SECTION 1.6. CONDUCT BEFORE THE COUNCIL.

The Common Council has developed these general rules to guide members and the public on appropriate conduct before this body. The President is responsible for insuring compliance with these rules and may refer any member to the Committee on Council Operations and Ethics for violations of these general guidelines.

- (a) All members have a duty to attend Common Council meetings, as well as committee meetings of which they are a member whenever possible.
- (b) 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.
- (c) All members of the Common Council, members of the public, and city officials who appear before the Council have the right not to have to suffer personal attacks or abuse.
- (d) Maintain decorum in debate. Confine debate to the merits of the proposal, not the individual. Members should refrain from inflammatory or patronizing remarks.
- (e) Council members will wait to be recognized by the President before speaking. Council members will not interrupt each other. Whenever possible, all members shall speak or debate upon any question while standing and shall speak to the question before the Council.

ARTICLE 2. MEETINGS

SECTION 2.1.

- (a) Regular meetings - regular meetings of the Common Council shall be held on the first and third Mondays of each month. In the case of legal holidays, such meeting shall be held on the Thursday following such holiday.

(b) Special meetings - special meetings may be called by the President of the Council, or by a majority vote of the members, by causing a written notice thereof specifying the subject(s) of the meeting, to be served by the Clerk of the Council upon each member personally, or by mail directed to his/her place of residence or place of business at least forty-eight (48) hours before the time of such meeting. No other business than that stated in said notice shall be transacted at such meeting.

SECTION 2.2. Public Attendance and Conduct.

Meetings shall be open to the public. Those in attendance shall conduct themselves in an orderly fashion and shall not disrupt the Council's business. As a chamber for the conduct of public business, rules of decorum must be observed during the meeting.

SECTION 2.3.

Quorum; President Pro-Tempore; Majority Leader

(a) A majority of the Alderpersons elected shall constitute a quorum, but a smaller number may adjourn from time to time and compel the attendance of absent members. The Council shall be called to order by the President, or, if he be absent, by the President Pro-Tempore, who shall preside until the President appears.

(b) The Majority Leader shall assist the President Pro-Tempore in carrying out his/her duties and in the securing of the attendance of Alderpersons for meeting. Whenever the President Pro-Tempore shall be excused or absent, the Majority Leader shall be substituted in his/her place and stead, but to act for that meeting only.

SECTION 2.4. Order of Business.

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:

1. Pledge of Allegiance
2. Moment of Silence
3. Public Hearings
4. Public Comment Period (30 minutes)
5. Approval of Minutes from Previous Meeting
6. Local Laws
 - (a) Introduction of Local Laws
 - (b) Messages from the Mayor relative to Local Laws
 - (c) Public Hearings on Local Laws
 - (d) Discussion on Local Laws
7. Communication from the Mayor, Department Heads and City Officers
8. Consideration of Vetoes
9. Presentation of Petitions and Communications
10. Reports of the Standing Committees
11. Reports of the Ad Hoc Committees
12. Consideration of the Ordinances

13. Resolutions
14. Additional Public Comment (30 minutes)
15. Miscellaneous or Unfinished Business/Common Council Comments

SECTION 2.5. Public Comment Period.

There shall be a public comment period at the beginning of each regular and special meeting. The public comment period shall be limited to thirty (30) minutes unless, upon motion of any member, the time shall be extended by majority vote of the members present for an additional thirty (30) minutes. An additional thirty (30) minute period shall be provided prior to the Miscellaneous portion of the meeting for those speakers who are signed up to speak but were not afforded the opportunity during the previous public comment period.

Any person wishing to address the council may speak during the public comment period. Comment by each speaker shall be limited to five (5) minutes. Speakers must sign up prior to the meeting providing their name, address and general topic. Anyone wishing to speak may call the clerk prior to noon on the day of the meeting at which they wish to speak or sign up on the form provided in the council chamber prior to the 7:00 p.m. start of the meeting. The order in which people speak shall be the order in which they signed up. The President may limit the time allocated for each speaker to three (3) minutes in order to accommodate the largest number of speakers possible.

Public comment at special meetings of the council shall be limited to items on the agenda for consideration at such special meetings.

In lieu of oral testimony, members of the public may submit written testimony which will be distributed to each member by the Clerk of the Common Council.

SECTION 2.6.

Any Public Hearing held before the Common Council shall conform to the dignity and decorum of the Legislative Body and to the business and purpose before the Common Council. The President of the Common Council as the presiding officer, shall preside over the Public Hearing and shall determine and be responsible for the procedure of the Public Hearings. Those wishing to speak shall state their name and organization represented, if any. After being heard, said speaker shall return to the public gallery behind the bar of the legislative body.

ARTICLE 3. COMMITTEES

SECTION 3.1.

All committees shall be appointed biennially by the President Pro-Tempore, and will meet on a timely basis with regard to legislation and such other matters which may be referred to them. Committees shall hold a minimum of two oversight meetings per calendar year on matters under their jurisdiction. The first person named in the appointment of a committee shall be the chair thereof. Vacancies shall be filled by appointment of the President Pro-Tempore. A majority of the committee's membership shall constitute a quorum for the transaction of business.

SECTION 3.2.

(a) Standing Committees

The standing committees of the Common Council shall be as follows:

Council Operations and Ethics
Planning, Economic Development and Land Use
Finance, Taxation and Assessment
General Services, Health and Environment
Housing and Community Development
Public Safety
Law, Buildings and Code Enforcement
Parks, Recreation and Family Services
Human Resources and Human Rights

(b) The committees shall consider legislation or other matters referred to it by the President Pro-Tempore. The jurisdiction of the committees may include but shall not be limited to:

(1) Council Operations and Ethics may review matters relating to the internal operation of the Common Council and ethical issues.

(2) Planning, Economic Development and Land Use may review matters relating to planning and development, zoning, industrial development, the convention center, the Parking Authority and the Port Authority.

(3) Finance, Taxation and Assessment may review matters relating to the assessment and taxation of real property, the coordination of the budget review process, and purchasing.

(4) General Services, Health and Environment may review matters relating to the Department of General Services, and the Water Department.

(5) Housing and Community Development may review matters relating to the Community Development Agency, the Albany Homestore and related issues, and neighborhood revitalization.

(6) Public Safety may review matters relating to the Police Department, the Community Police Review Board, the Fire Department and emergency services.

(7) Law, Buildings and Code Enforcement may review matters relating to the Law Department, building and code enforcement, and penalties and violations.

(8) Parks, Recreation and Family Services may review matters relating to the city parks, recreation, special events, and youth and family services.

(9) 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.

(c) The President Pro-Tempore shall also have the power to appoint select, ad hoc committees, to review and report on matters as necessary in his discretion. The President of the Common Council shall serve as an ex-officio member of all standing and ad hoc committees.

SECTION 3.3.

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.

SECTION 3.4.1.

No report of any committee shall be received, nor shall any matter of business be transacted by any committee unless a majority of committee be actually 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 will be required. In situations where immediate attention must be given to the issue, this requirement may be waived.

SECTION 3.4.2.

Common Council committee meetings may allow a public comment period: The length and placement in the meeting agenda is to be determined by committee member consensus. This provision shall be part of the official meeting notification. Legislation introduced by a council member, but referred to committee, must require a public hearing by the committee before being released for consideration.

SECTION 3.4.3.

All Common Council committee meetings will require the official submission of a committee report, no later than the next regularly scheduled Common Council meeting. It will be the responsibility of each committee chair to not only submit an official report of the proceedings, but also give a brief oral report to the full Common Council, during the "Reports from Standing/Ad Hoc Committees" section of the meeting. In addition, all committee meetings should be audio-taped. These recordings would become part of the Common Council Archives, and would be available to interested parties.

SECTION 3.4.4.

Each committee meeting will require a formal agenda, per the following form:

AGENDA

Name of Committee:	Date:
Meeting Called By:	Starting Time:
Place:	Ending Time:
Purpose of Meeting:	

COMMITTEE MEETING REPORT

Report Submitted By: _____ Date: _____
Name of Committee: _____
Committee Members Present: _____
Summary Statement(s) of Committee Meeting: _____

Forms will be available through the Clerk of the Council, in order to guarantee consistency.

SECTION 3.5.

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, 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 3.6.

(a) Each common council member will be allowed \$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 local legislation. As public funds, no city postage can be used to promote individual opinions, whims, or beliefs, irrespective of the high ideals of worthy causes espoused or promoted.

(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 Council Operations Committee for additional monies to do mailings for a specific project.

ARTICLE 4. INTRODUCTION OF LEGISLATION

SECTION 4.1.

Local Laws, Ordinances, Amendments, and Resolutions proposed by members of the Common Council may be drafted by the Corporation Counsel upon the request of any member of the Common Council, the Mayor, or Department Heads. Such requests must be submitted to the Corporation Counsel at least two (2) weeks prior to the sponsor's intended introduction date. All such requests shall be accompanied by a brief statement of the legislation's purpose, intent and fiscal implications. The Corporation Counsel shall endorse all legislation as to form within a two week period, using a form agreed to by representatives of the Common Council chosen by the President Pro-Tem 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 4.2.

Emergency legislation, or legislation not listed on the printed agenda, accompanied by a “message of necessity”, may be considered at any regular meeting with the consent of a majority of the Council members present.

SECTION 4.3.

(a) Proposed ordinances and resolutions shall be numbered by the Corporation Counsel. Local Laws shall be identified pursuant to provisions of Section 4.4.

(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 4.4.

Local Laws

(1) Every local law shall be introduced by a member or on the report of a committee and shall be introduced in duplicate and have endorsed thereon a statement of its title with the names of its introducer.

(2) 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 which is to be superseded.

(3) 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 in brackets.

(4) Every local law introduced shall be deposited with the Clerk and shall be read in its order of introduction when the order of business “Introduction of Local Laws”, shall be reached.

(5) The Clerk of the Council shall cause every local law immediately upon its introduction to be printed and placed on the desk of the members. 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.

(6) The Clerk of the Council shall transmit to the City Clerk a certified copy of every local law upon its enactment, and certify whether such local law is subject to mandatory referendum or referendum on petition. The City Clerk shall within five days after the effective date of a local law, file four certified copies thereof in the office of the Secretary of State.

(7) 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 and be passed by the affirmative vote of two-thirds of the voting power of the Common Council.

SECTION 4.5.

The Clerk of the Council shall prepare an agenda of the Council's business for every meeting, regular and special and mail the same to each member at least seven (7) days prior to the meeting date. Council members may also elect to have the agenda sent electronically. Electronic delivery of the agenda shall comply with all requirements under this Article.

SECTION 4.6.

Legislation not moved by its sponsor, may, with a simple majority vote of the total elected body, be brought to a vote at the next regularly scheduled Common Council meeting.

SECTION 4.7.

(a) When legislation is introduced, the President shall notice any alderperson who wishes to speak thereon. Alderpersons 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.

(b) When legislation is being considered, the President shall notice any alderperson who wishes to speak thereon before the roll call begins. The President shall have the power and discretion to set reasonable time limits for such comments. Alderpersons shall be allowed to speak only once, except the sponsor, who shall be allowed a second, final comment period for rebuttal if desired.

SECTION 4.10.

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 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.

SECTION 4.11.

No legislation shall be placed upon the Common Council agenda unless and until such legislation is sponsored by a member of the Council. Members may sponsor legislation on their own initiative, may agree to sponsor legislation on behalf of others or may be assigned to sponsor legislation at the request of the President Pro-Tempore. Notwithstanding the preceding, at the discretion of the President Pro Tempore, sponsorship of legislation submitted by the Mayor or an executive branch agency may be assigned to a standing committee of the Council with jurisdiction of the subject matter for introduction. In such cases, the chair of said standing committee shall be responsible for managing Council consideration of the legislation.

For purposes of this Article, an item shall be considered "placed on the agenda" when the agenda is mailed to the members.

In order to be eligible for placement on the agenda, legislation must be submitted to the Corporation Counsel not less than one week before the caucus. Such submission must be made by noon of the due date.

SECTION 4.12.

If a member is assigned the sponsorship of an ordinance or local law by the President Pro-

Tempore, the sponsor shall be notified of such assignment by the President Pro-Tempore or Council staff as soon thereafter as practicable. The sponsor must be prepared at the next caucus to explain the legislation or receive inquiries from other members and outline a plan for the further study of the legislation (i.e., ask that it be referred to committee; undertake research and report back to the caucus; etc.), unless at the next caucus the member declines sponsorship of the ordinance or local law.

SECTION 4.13.

If a member is assigned the sponsorship of a resolution by the President Pro-Tempore, the sponsor should be notified by the President Pro-Tempore or Council staff of such assignment as soon thereafter as practicable. The sponsor must be prepared at the next caucus to explain the resolution and answer questions from other members about the resolution. The President Pro-Tempore should ensure to the greatest degree possible that a resolution is not assigned to a member until information reasonably calculated to allow for an intelligent vote by the members has been compiled or is readily accessible to the sponsor or Council staff. Should, in the estimation of the President Pro-Tempore, the sponsor be unable or unwilling to compile the required information or report same to the other members at the caucus next following his or her assignment of the sponsorship of a resolution, or is otherwise unavailable to perform these duties, then the President Pro-Tempore shall reassign the resolution or be responsible for ensuring that the required information is compiled and presented to the council as required by this section.

SECTION 4.14.

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 4.15 of these Rules is available for distribution.

SECTION 4.15.

A supporting memorandum must contain the following information:

- (a) The legislation's identifying number;
- (b) name of the sponsor;
- (c) date of the memorandum;
- (d) title of the legislation;
- (e) the identity of the proponent of the legislation {whether the same or different from the sponsor};
- (f) a brief summary designed to communicate the general purpose or effect of the legislation;
- (g) 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;
- (h) 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;
- (i) Where legislation relates 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 also should include a copy of the contract or thoroughly summarize its provisions;
- (j) 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 also should 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;
 - (k) 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.) Where legislation relates to the sale or acquisition of property, information regarding cost, value and price must be included in the memorandum;
 - (l) Where legislation would enact a home rule request message, the memorandum shall include a copy of the legislation so requested;
 - (m) Where legislation would express the Common Council's support for or opposition to pending 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;
 - (n) 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.

ARTICLE 5. VOTING REQUIREMENTS

SECTION 5.1.

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 sections 5.2 or 5.3 of this Article.

SECTION 5.2.

A vote of two-thirds (2/3) of the entire Council membership shall be required to pass legislation authorizing bond debt.

SECTION 5.3.

A vote of two-thirds (2/3) of the entire Council membership shall be required to pass legislation overriding a mayoral veto except that legislation authorizing bond debt shall require a vote of three-fourths (3/4) of the entire Council membership to override a veto.

SECTION 5.4.

The President of the Council shall not vote except in matters involving tie votes, and except as otherwise provided in the Second Class Cities law.

SECTION 5.5.

No ordinance shall be passed at the meeting of its introduction except by unanimous consent of the Council members present.

SECTION 5.6.

In matter involving a short roll call, the votes of the first and last Wards shall be taken together with that of the President Pro-Tempore. In matters involving amendments before passage, separate votes shall be taken on the amendment and passage.

SECTION 5.7.

No action shall be taken by the Council unless a quorum is present.

**ARTICLE 6.
PRESIDENT PRO-TEMPORE; POWERS AND DUTIES**

SECTION 6.1.

The President Pro-Tempore shall act in the place and stead of the President of the Council in the latter's absence.

SECTION 6.2.

The President Pro-Tempore shall have the power to select and appoint all committees as prescribed in Article 3.

SECTION 6.3.

The President Pro-Tempore shall have the power and discretion, or upon request of the sponsor, to refer to committee any proposed legislation.

**ARTICLE 7.
PRESS/MEDIA**

SECTION 7.1.

All meetings and hearings conducted by the Council shall be open to the public and permitted to be covered and reported by the press.

(a) Video and Audio coverage - cameras, microphones, and recorders used by the video and audio media shall be placed in a fixed location specified by the Council.

(b) Reporters/Photographers- shall be permitted within the bar of the Council chamber at locations specified and designated by the Council. Reporters and photographers shall not walk around the Council chamber or among the Council members.

ARTICLE 8. MOTIONS

SECTION 8.1.

Motions to adjourn, to lay on the table and for the previous question shall always be in order, and shall be decided without debate.

SECTION 8.2.

Any member may require a division of the question which may contain two or more distinct propositions.

SECTION 8.3.

Whenever possible, all members shall speak or debate upon any question while standing.

SECTION 8.4.

No conversations shall be permitted in the Council that will disturb the deliberations thereof, nor shall any question or resolution be presented or discussed so long as any other matter not disposed of is before the Council for deliberation. Every member of the Council shall, during its meeting, conduct themselves in an orderly manner and no other conduct or language likely to create any disturbance shall be allowed.

SECTION 8.5.

No member shall speak more than twice on any question unless by permission of the Council members present, nor more than once until every member choosing to speak shall have spoken.

SECTION 8.6.

When a question has once been put and 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. 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 8.7.

No question shall be debated or put unless the same shall be seconded. 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.

SECTION 8.8.

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.

SECTION 8.9.

Questions of order shall be decided by the chair without debate subject to an appeal to the Council, which shall also be decided without debate. A member called to order shall immediately take his seat, unless permitted to explain and the Council, if appealed to, shall decide on the case without debate. If there be no appeal, the decision of the chair shall be final.

ARTICLE 9. TRAVEL GUIDELINES

General Guidelines

All requests for travel shall be submitted to the President Pro Tempore on approved forms which are available from the City Clerk. 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.

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, his or her decision may be appealed to the common council and the decision may be overturned by a supermajority vote of the entire council.

Restrictions

No funds shall be used to reimburse the travel expenses of any person other than council members or staff.

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.

No more than 3 council members shall travel at public expense to the same location at the same time. 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.

Procedure

Council members and staff must 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. Council members and staff must 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.

The President Pro Tempore may approve requests not submitted within 30 days if there are extenuating circumstances, but in no event shall any reimbursement be authorized if the council member or staff has not provided advance notice of attendance through a request for travel form prior to the event.

Advances and reimbursements are available under the following guidelines:

Lodging - The attendee should always attempt to secure government rates, if the government rate provides a cost savings, and must provide a tax-exempt certificate available from city clerk. No advance or reimbursement shall be available for taxes incurred as a result of failing to provide a tax-exempt certificate to the lodging provider. Lodging reimbursement is available for up to \$120.00 per night.

Meals - Reimbursement for meals can only be made if meals were not included in the conference registration or lodging package. Breakfast is only reimbursable if the attendee is required to leave home prior to 7:00 a.m. or return after 11:00 a.m. Dinner is only reimbursable if the attendee is required to leave home prior to 5:00 p.m. or return after 8:00 p.m. Breakfast is reimbursable up to \$10.00 per day; lunch up to \$15.00 per day; and dinner up to \$25.00 per day. The cost for alcoholic beverages is not reimbursable.

Registration - The full cost of registration or tuition fees are available. The attendee must notify the President Pro Tempore of the due date to avoid late fees.

Travel - Mileage reimbursement is available at 34.5 cents per mile. Train travel is fully reimbursable provided the government rate is obtained. Air travel shall only be used when less expensive forms are impracticable and is fully reimbursable. The attendee should make every attempt to secure the lowest rate. The use of rental cars shall only be approved if no other transportation is available. The lowest rate shall be secured and is fully reimbursable.

Miscellaneous - The cost for necessary taxi fares or parking fees are fully reimbursable.

**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.