

BRONX COMMUNITY BOARD NO. 8

MINUTES OF THE LAW, RULES & ETHICS COMMITTEE MEETING HELD ON OCTOBER 23, 2014 RIVERDALE YM/YWHA, 5625 ARLINGTON AVENUE

Attendance:

Committee Members Present: Martin Wolpoff, Chair, I. William Stone, Vice Chair, Sylvia Alexander, Hon, Fernando Cabrera (ex-officio), Robert Fanuzzi, Arlene Feldmeier, Philip Friedman, Rosemary Ginty, Maria Khury, Irving Ladimer, Dana Lennon, Charles Moerdler, Dan Padernacht (ex-officio). Robert Press, Julie Reyes,

Absent: Steve Balicer, Demetrius McCord, Amy Moore, Anthony Piscitelli

Board Members in Attendance: Robert Bender, Paul Ellis, David Toledo, Sergio Villaverde, Herbert Young

Community Members Present: Ruby Gardner, Gregory Faulkner (Chief of Staff for Councilman Cabrera)

The meeting began at 7:05, a quorum being present.

1. Approval of September Minutes

- a. Minutes were unanimously approved with one requested amendment that a parenthetical observation made after the meeting be removed from the September minutes and placed in the October minutes. Chair noted that, with respect to ensuring a quorum, he expressed concern that the committee was too large. He plans to closely monitor attendance and ask the Board chair to remove committee members based on the bylaws that call for removal after three consecutive absences or six absences during the year.

2. Chairman's report

- a. Chairman welcomed Councilman Fernando Cabrera and announced that, with permission of the committee, he planned to re-order the agenda so that items pertaining to the Councilman could be discussed first.
- b. Chair also noted that, given the breadth of the committee's agenda, it is probable that the committee could not forgo meetings in November and December. He requested the Board office suggest alternate dates. As per an email sent earlier in the week, he asked committee members to reserve Monday, November 10 and Wednesday, December 10.
- c. Chair reiterated what he had said at the October Board meeting, although he hoped for consistency in all committees, non-committee members input would not be invited until completion of the committee's agenda and all committee members had the opportunity to speak. Variations from this policy could not appear arbitrary or capricious.

3. Legislative Review

- a. With the City Council having met yesterday, there was no additional legislation yet to report. However, Rosemary Ginty did update the previous spreadsheet by adding dates and local law numbers for those items that had moved forward.

4. Review of COIB decisions

- a. None have been received since the last meeting.

5. Discussion of Reso A

- a. Chairman pointed out that this should correctly be identified as **Schedule C** of the City Council budget which identifies budgeted Councilmembers' discretionary items. He noted that on Tuesday, Ms. Ginty and he met with Ms. Stent to review the history of the Board's use of the Schedule C monies and their use to fund GrowNYC. On Wednesday, Ms. Stent and he met with Gregory Faulkner, Chief of Staff for Councilman Cabrera. The focus of the meeting was to gain knowledge of the councilmember's intent in providing for the funding. They learned that both Council Member Cabrera and Gregory Faulkner had themselves been on community boards and sought to provide our board with funds to support our board's efforts. Mr. Faulkner noted use of the funds was totally discretionary on the part of the board. The Chair and other committee members thanked Councilman Cabrera's past and, hopefully future allocations to Board 8. The Chair learned on Wednesday that, owing to rumors that Board 8 did not want the funds, a budget modification had been submitted and the \$5,000 to be provided to Board 8 was redirected to Board 7.
- b. Mr. Cabrera shared insight into his thinking and why the offered funds were removed from Board 8.
- c. Discussion followed concerning why this item was on the LRE agenda, past use of the funds for allocations, and the process for accepting and using Schedule C funding. A discussion of future use of funding was laid over since with \$1,000 allocated by Council Member Rodriguez, it is believed all such funds would be used for Board operations.
- d. Chair thanked Councilman Cabrera for his assistance in having obtained funds for the Board and hoped that, in the future, he would consider doing so again.

6. Discussion of Mr. Cabrera's speech

- a. Chair noted that although he didn't believe it was appropriate for the committee or Board to weigh in on this issue, he was requested to place this item on the agenda.
- b. Mr. Cabrera expressed his appreciation for the opportunity to address the issue. However, he also believed that there were dangers in the Board's debating the subject.
- c. With the Councilman's observation, the committee chose to drop the subject.

7. Discussion of OML proposal for executive committee/Board consideration

- a. Chair distributed a proposed set of guidelines drafted to help committee chairs and Board members adhere to the requirements of the Open Meetings Law. He felt a sense of urgency due to problems experienced over the summer concerning time required for notice and the need for public attendance at working group meetings. Chair acknowledged that this document was to be perceived as a working document subject to revision, additions and removals before it would be ready for inclusion in the Board's revised bylaws.
- b. Recommendations for revision to the working document were offered:
 - i. Identify the proposal as a "working document"
 - ii. Provide COOG's Q&A site address
- c. It was recommended that the chair contact (COOG) with a request for clarifications on the following issues:

- i. Definition of quorum
- ii. Does the public need to be invited/notified for walk-throughs?
- iii. If the meetings need to be public, how can individual Board/committee members negotiate with elected officials, civil servants or developers/contractors?
- iv. Are there occasional lines separating efficiency from public disclosure?

8. Board 8 bylaws

- a. Chair distributed a new high-lighted copy of the bylaws. He noted that he had been using the copy previously posted on the Board's web site. The new annotated copy has comments in the accompanying balloons. He thanked Mr. Toledo for pointing out that a sentence was missing from the posting, thus the reason for the newly distributed copy.
- b. Issues raised included the language for "appointment" and "approval" of community members to committees and what is the practical implementation of Charter opinion that there is no mandated limit to the number of community members that can be "appointed" to a committee?
- c. The Chair named the following committee members to serve on a working committee to review the bylaws to offer recommendations for amending the bylaws. The working committee is to bring its recommendations to the full LRE committee to be forwarded to the Executive committee for discussion and then for approval by the full Board.
 - i. Martin Wolpoff
 - ii. I. William Stone
 - iii. Bob Press
 - iv. Irving Ladimer
 - v. Julie Reyes

9. New Business

- a. The meeting was opened for non-committee members to comment. Issues raised included:
 - i. Discussion of the Board Chair's prerogative to limit the number of community members to the various committees. LRE chair stated that he would place the item on the agenda for the November LRE meeting
 - ii. When should non-committee members be allowed to participate; at the end of the meeting or at the time items are under discussion. Chair believes that committee members must complete agenda before others are invited to participate.
 - iii. The next meeting will be on Monday, November 10th, at 7:00 PM. Added to the agenda will be a discussion of the Board chair's prerogative of limiting the number of committee community members.

Submitted by,

Martin Wolpoff, Chair
Law, Rules & Ethics Committee