

BRONX COMMUNITY BOARD NO. 8
MINUTES OF THE LAW, RULES & ETHICS
COMMITTEE MEETING
HELD ON FEBRUARY 28, 2013
AT RIVERDALE MENTAL HEALTH,
5676 RIVERDALE AVENUE – 2ND FLOOR CONFERENCE ROOM

Committee Members present:

Rosemary Ginty, Chair
Sylvia Alexander
Andrew Cohen
Arlene G. Feldmeier
Irving Ladimer
Dana Lennon
Charles Moerdler
Patricia Mullen
Dan Padernacht
Joyce Pilsner
Anthony Piscitelli
Robert Press
Martin Wolpoff

Board Members present:

Robert Fanuzzi
Damian McShane

Others present:

Margaret Donato, UFEC
Andrew Sandler, Councilmember Koppell's Office
Adam Wisnieski, Riverdale Press
Nicole Stewart, Visitor

The meeting was called to order at 7:05 pm.

The meeting minutes of the December 27, 2012 were unanimously approved.

Draft SAPO Procedures

Ms. Ginty explained the process for developing the draft SAPO Procedures. The Board chair has asked committee chairs at Executive Committee meeting to draft procedures for applicants to the community board for Street Activity Permits. Economic Development (EDC), Traffic & Transportation (T & T) and Public Safety Committees drafted procedures, which were given to committee members. The Board chair has asked Law, Rules & Ethics to comment on these drafts.

Three comments/suggestions were offered:

- Instead of paragraph 5 in the EDC draft, the consensus was to substitute the following sentence from the T & T draft as amended -- “Applicant shall present evidence of community support and community benefit and make reasonable efforts to notify the community.” (Underlining added)
- The consensus was to remove the following sentence in paragraph 6 of the EDC draft -- “If there should fail to be a quorum of the committee the matter may, at the discretion of the Committee Chair, be tabled or voted upon by the committee members present and reported to the full Board as a vote of the members present for consideration by the full Board.” It is contrary to the community board’s by-laws (Article VI, Section 3), which states that a committee can act only when a quorum is present.
- Eliminate paragraph 7 of the EC draft.

Mr. Fanuzzi said he will collate the comments of the committee for discussion at the next Executive Committee and for final review by the full board.

Other Business

Ms. Ginty presented the first issue, i.e. “Use of community board mailing list”.

For purposes of background, a community board member e-mailed invitations for a mayoral fundraiser to other board members. A certain member of the community board raised questions about whether this practice is allowed and whether the use of the community board list was appropriate. Other community board members subsequently questioned the practice.

Ms. Ginty stated that the Conflict of Interest (COI) Law Chapter 68 was reviewed by several members of the committee along with advisory opinions. The District Manager contacted the Borough President’s Office. Ms. Ginty contacted several Conflict of Interest Board (COIB) attorneys and attended a seminar on Chapter 68 and Political Activities.

The results of this review can be summarized as follows: A community board member is a “public servant” under the law (Section 2601 #19). The conduct as described above is permissible for public servants; however, a public servant may not ask a “subordinate” for contributions (Section 2604 b. 11 (c)). For purposes of Chapter 68, the District Manager and the workers in the board office are “subordinate” to community board members.

Lastly, city resources such as telephones, copying machines, computers, paper, stamps can never be used. The compilation of board members names is not a city resource.

It was suggested that a statement might be placed on the list distributed in September that the list is for the use by members in their committee and board work and is requested not to be used for other purposes.

Ms. Ginty then presented the second issue, i.e. “Political activities”.

For background, a community board member asked that the subject of what political activities are allowed/not allowed to be put on our agenda. Again the COI law, advisory opinions, discussions with COIB attorneys, the COIB seminar and contact with the Borough President’s Office were part of the review, which resulted in the following analysis:

The 1978 Board of Ethics Opinion 435, affirmed by the COIB was handed out to committee members. It states that a community board member "...may run for public office while continuing to serve on the community board..." This does not constitute a conflict of interest.

The restrictions on such activity are that the member/candidate cannot ask a subordinate for donations. (Section 2604 b. 11 (c)) There is also a restriction on asking a subordinate to work on a campaign. (Section 2604 b. 9 (a) & (b)) As stated above "subordinates" to a community board member are defined as the District Manager and office workers.

Lastly, city resources as earlier described can never be used for political purposes.

Mr. McShane identified himself as the board member who expressed concern about the use of the list and the political activity. A discussion followed concerning past political actions by board members and concerns raised or not raised at the time. The resolution of the discussion was to heighten committee member's awareness of the Conflict of Interest Law and opinions showing that there was no prohibition in law or rule to the activities raised by Mr. McShane. No other action was deemed necessary.

Old Business

Irving Ladimer gave an update on his continuing work on the Civics Project with committee members, BronxNet and the non-profit "Yes the Bronx", led by Alex Diacou.

Mr. Fanuzzi suggested working with Sylvia Alexander to get school children to attend meetings to witness the workings of the community board.

The other project by Mr. Ladimer is the updating of the Ethical Guidance Manual which is underway.

The next meeting will be Thursday, March 28th at the Riverdale Mental Health 2nd floor conference room.

The meeting was adjourned at 9:00 pm.

The chair thanks Martin Wolpoff for assisting with the minutes of the meeting.

Respectfully submitted,

Rosemary Ginty
Chair,
Law, Rules and Ethics Committee