

BRONX COMMUNITY BOARD NO. 8

**MINUTES OF THE LAW, RULES & ETHICS COMMITTEE MEETING
HELD ON APRIL 25, 2013 AT
RIVERDALE MENTAL HEALTH, 5676 RIVERDALE AVENUE, – 2ND FLOOR**

Committee Members present:

Rosemary Ginty, Chair
Sylvia Alexander
Arlene G. Feldmeier
Irving Ladimer
Dana Lennon
Patricia Mullen
Dan Padernacht
Robert Press
I.W. Stone
Martin Wolpoff

Board Members present:

Paul Ellis

Others present:

Cliff Stanton, PS 24 PA
Andrew Sandler, Councilmember Koppell's Office

The meeting was called to order at 7:07 pm.

The meeting minutes for February 25, 2013 were unanimously approved.

The chair stated that the committee meeting is open to the public and welcomed those present to observe our proceedings and listen to our discussions.

Quorum Definition Issue

Ms. Ginty explained that at the Executive Committee meeting, the board chair read language from the Mayor's Office Community Assistance Unit - Community Board Member Handbook - 2010 concerning quorum requirements for a community board committee meeting. Ms. Ginty stated that it was in direct conflict with the community board's by-laws. Chair Fanuzzi asked the Law, Rules & Ethics Committee ("LRE") to review the conflict issue.

Committee members were reminded that the relevant texts from both documents were e-mailed to them.

The by-laws state in Article VI, Sec. 3:

"The Chairperson of each standing committee shall preside at committee meetings and at public hearings conducted by the committee, and shall file all committee reports with the Board, including records of attendance of all committee members at such meetings and public hearings. Each committee shall act only when a quorum is present. Such quorum shall consist of a majority of its Community Board members. Appointed Board Members may be appointed to committees at any point during the year, or transferred from one committee to another, with

the consent of the Chairperson and the committee chairs involved, as the needs of the various committees shall require.”

The Mayor's Office Community Assistance Unit - Community Board Member Handbook – 2010 (the “Handbook”) states:

“Quorum Requirement - A majority of the appointed members of any community board shall constitute a quorum of such board. A quorum must be present in order for a Board or committee meeting to convene or for any vote to be valid. For the full Board, a quorum consists of a simple majority, i.e., more than half of the appointed members. If a Board has fifty members, a quorum is twenty-six. If a Board has forty-nine members, a quorum is twenty-five. If a Board has forty or forty one members, a quorum is twenty-one. Public members and ex-officio members are not counted toward a quorum for the full Board. For a Board committee, a quorum consists of a majority of the total membership of the committee, including public members.”

Ms. Ginty spoke with the Mayor's Community Assistance Unit and with the Office of the Borough President and reported the following:

- The Mayor's Office, after speaking with appropriate staff, legal and otherwise, said that no one knew the origin of the committee quorum definition in the Handbook and that, after their review of city law, there was no legal basis to make such a statement. Neither the NYC Charter nor any city law places quorum requirements on community board committees. Municipal law is silent.
- The Borough President's Office, after speaking with their staff and the Mayor's Office, agrees that there is no requirement in law for a community board to meet the quorum requirement for a committee as stated in the Handbook. Therefore, the by-laws of the community board govern.
- Both offices agree that a community board can establish rules for community board committee quorums in their own by-laws.

The quorum rules in our by-laws are stated above in Article VI, Section 3. The committee also discussed the requirements for community member admittance to a community board committee, which are stated in Article VI, Section 2 as follows:

“Each standing committee shall consist of a committee Chairperson, such other Appointed Members as volunteer and are approved by the Chairperson of the Board and such other members of the Community as are appointed by the Chairperson of the Committee and approved by the Chairperson of the Board.”

The committee members concurred in the analysis and findings and asked that the conclusion be given to the Executive Committee and to the full board in these minutes.

Public Safety Committee - Liquor License Application Questionnaire

Ms. Ginty stated that this issue is before our committee at the request of the Executive Committee. Ms. Feldmeier, chair of the Public Safety Committee, presented a questionnaire her committee had developed for all new and renewal applicants for a liquor license appearing before the committee. Some members of the Executive Committee asked that LRE review it to insure that no confidential information was requested on the form.

Ms. Ginty stated that she sent committee members a copy of the questionnaire as developed by the Public Safety Committee and a sample application to the State Liquor Authority (“SLA”) to see what information is requested by the state.

Ms. Feldmeier made a presentation of her questionnaire, a review of the SLA application form and research she had done into the practices of other community boards including review and approval by the SLA of their questionnaires. Every question on the Public Safety Committee questionnaire essentially elicits information already on the SLA form or asks questions which have been approved by SLA on other community board forms.

The committee made certain suggestions about placement of the notary acknowledgement directly on the questionnaire, numbering questions for clarity, better defining information requested in some questions and the like. Completed questionnaires will be submitted to the SLA, with copies maintained at our board office.

The committee concurred that the questionnaire as developed by the Public Safety Committee does not ask for any confidential information.

Legislative Review – Status of Council Legislation

At the request of the community board, legislation was introduced on October 11, 2012 by the City Council (Int. No. 948) to change the public hearing and notice requirements of the Franchise and Concession Review Committee to allow sufficient time for community board review of proposals including a public meeting. Ms. Ginty suggested that a letter be drafted and sent to our councilmember, Speaker Quinn and the Chair of the Government Operations Committee, Gale Brewer again requesting a hearing on the legislation we proposed. The committee concurred in the chair's recommendation.

Ms. Ginty also informed the committee of an upcoming city council committee hearing on three legislative proposals and an oversight hearing concerning sidewalk cafes. It will be held on May 7th at 1:00 pm in 250 Broadway. Ms. Ginty will inform the board chair.

Legislative Review – “Cameras in Schools”

Ms. Ginty gave the background of this issue, which the board chair sent to LRE. During the gallery session of the February board meeting, a member of the public presented a legislative proposal concerning cameras in public schools. In essence, the proposal would change the present law that gives discretion to the Chancellor of the Department of Education and the Police Department's School Safety Division to place cameras in schools and make it mandatory. He requested that the community board vote for a resolution in favor of his proposal.

Committee members were e-mailed the correspondence from the proposer to the board chair with all attachments, in addition to the original text of Intro 490 and the bill approved as Local Law 52. Intro 490 made the camera requirement mandatory. The adopted bill made it discretionary. Ms. Ginty stated and described an intervening joint city council committee hearing (Public Safety and Education) that elicited testimony recorded in a 140-page transcript.

Ms. Ginty stated her belief that there were no current legal questions. The issue is more properly before the Education Committee. A discussion followed and committee members agreed that the Education Committee was the appropriate forum for the issue in that it has jurisdiction over and more insight into what resources schools in our community board have, what they may need, what they may request for their budget priorities from each school, etc. The committee asked the chair to convey this consensus to the board chair.

Old Business

Mr. Ladimer brought the committee up to date on his efforts in the Civics Project with committee members, BronxNet and the non-profit "Yes the Bronx", led by Alex Diacou. In addition, he gave the committee a status report on the work to update the Ethical Guidance Manual, which will include suggestions from committee and board members. More information will be available to the committee at our next meeting.

The next meeting will be Thursday, May 23rd at the Riverdale Mental Health 2nd floor conference room.

The meeting was adjourned at 8:20 pm.

The chair thanks Irving Ladimer for assisting with the minutes of the meeting.

Respectfully submitted,

Rosemary Ginty
Chair,
Law, Rules and Ethics Committee