

BY LAWS

BROOKLYN COMMUNITY BOARD # 5

Revised 2001

(Amended and Adopted April 25th, 2018; and January 25th, 2023)

The By- Laws of Brooklyn, Community Board #5 (hereto referred to as the Board) shall conform to all the Provisions of the [New York City Charter](#). (Hereto referred to as the Charter). These By-Laws shall not change, modify, or amend the City Charter.

ARTICLE I - NAME

The name of this board shall be Brooklyn Community Board #5.

ARTICLE II - JURISDICTION

The Board shall serve within the area designated by the New York City Charter. Revised December 2000. (See Map)

ARTICLE III - PURPOSE

Section 1: Elect its own officers and adopt and make available for reasonable public inspection, by-laws and statement of the duties assigned by the Board to its District Manager and other professional staff, keep a public record of its activities and transactions, including minutes of its meetings and majority and minority reports and all documents the Board is required by law to review which shall be made available in accordance with the law to elected officials upon request and for reasonable public inspection.

Section 2: Consider the needs of the district for which it serves and develop plans for the district's welfare and orderly development. Prepare comprehensive and special purpose plans for the growth and improvement of the district, including matters relating to the district and to area partly within the district.

Section 3: Cooperate, consult, assist, and advise, either on its own initiative or when requested, any public officer, agency, local administrators of agencies, legislative body or the Borough President, with respect to any matter relating to the welfare of the district and its residents, but in each case shall furnish the Borough President with a copy of every written communication or statement giving such advise.

Section 4: At its discretion hold public or private hearings or investigations with respect to any such matters relating to the welfare of the district and its residents. Public meetings are conducted under Public Officers Law Article 7 of New York.

([Open Meetings Law / Public Officers Law Article 7](#)))

Section 5: Cooperate and consult with the local administrators of the New York City Departments and Agencies having administrative districts including any part of the district it serves. (Conducted within District Service Cabinet Meetings)

Section 6: Assist New York City Departments and Agencies in making contracts with and transmitting information to people of its District.

Section 7: Cooperate with the Boards of other Districts with respect to matters of common concern, including matters which relate to parts of more than one District.

Section 8: Render an annual Report to the Mayor, the City Council, and the Borough President within three (3) months of the end of each year and such other reports as the Mayor, the City Council and the Borough President shall require. Such reports or summaries thereof shall be published in the City Record.

Section 9: Use all practical means to keep the public informed on matters relating to the welfare or development of its District.

Section 10: Request the attendance of agency representatives at meetings of the Community Board.

Section 11: Conduct public hearings and submit recommendations and priorities to the Mayor, the City Council and City Planning Commission on the allocation and use within the district, of funds earmarked for community development activities under City, State or Federal programs.

Section 12: Consult with agencies on program needs of the Community district to be funded from the expense budget, review departmental estimates, hold public hearings on such needs and estimates and prepare expense budget priorities for the next fiscal year.

Section 13: Assist in the planning of any capital projects in the capital budget, to be located in the Community district and review scopes of projects and designs for each capital project.

Section 14: Evaluate the progress of the capital projects within the Community district based on the status reports to be furnished to the board. (Staff Duties)

Section 15: Prepare and submit to the Mayor, on or before a date established by the Mayor, an Annual Statement of Community district needs, including a brief description of the District, the Board's assessment of its current and probable future needs in its recommendations for programs or activities to meet those needs.

Section 16: Evaluate the quality and quantity of services provided by Agencies within the Community district.

Section 17: Conduct substantial public outreach, including identifying the Organizations active in the Community district, maintaining a list of names and mailing addresses of such Community Organizations, and making such names and, with the consent of the Organization, mailing addresses available to the public upon request.

Section 18: Exercise the initial review of applications and proposals of public agencies. And private entities for the use, development of improvement of land located in the

Community district, including the conduct of a public hearing and the preparation and Submission to the City Planning Commission of a written recommendation.

Section 19: Perform such other duties as may be prescribed by the New York Charter as amended April 1990.

ARTICLE IV- MEMBERSHIP

Section 1: The Board shall consist of up to 50 members to be appointed by the Borough President. One half of these appointed shall be nominees of the appropriate Councilmanic Member. No more than 25% of the members of the Board shall be employees of New York City. The Borough President shall make assure that there be representation from the different geographic sections and neighborhoods within the District. In order for an individual to be appointed or remain a member of the Board, such individual must have residence, business, profession, or other significant interest in the District.

Section 2: One-half of the members appointed to any Community Board shall serve for a term of two years beginning on the first day of April in each odd-numbered year in which they take office and one-half of the members appointed to any Community Board shall serve for a term of two years beginning on the first day of April in each even-numbered year in which they take office. Members shall serve until their successors are appointed but no member may serve for more than sixty days after expiration of their original term unless reappointed by the Borough President.

Section 2a: An appointed member may be removed from the Community Board for cause, which shall include continued excessive lateness, three absences from monthly board meetings or substantial non-attendance at board or committee meetings over a period of one year. Such removal shall be done by the Borough President or by a majority vote of the Community Board.

Section 2b: If a member has excessive absences due to illness which further prevents, he or she from regularly attending future meetings for an indefinite period, and if the said member has faithfully served for more than four years, he or she may be removed by the Board or the Borough President and appointed by the Board as an Associate. An Associate may be appointed to a two-year term, eligible for renewal. Such removed member may also be recommended for reappointment to Board membership as soon as his or her health shall permit full participation. An Associate shall have such privileges, duties, and responsibilities, as are consistent with law, the New York City Charter, and these by-laws, or as may be determined by the Board. An Associate shall not be counted towards a quorum and shall not vote at Board meetings.

Section 3: Members shall serve as such without compensation.

Section 4: Members of the New York City Council, New York State Legislature and the United States House of Representatives who districts included any part of the Community District shall be ex-officio non-voting members of the Community Board.

Section 5: All members shall serve on the Board in their capacity as private citizens only. Their actions shall not be instructed by or responsible to, any other organization with which they may be affiliated.

Section 6: Any member appearing before a governmental body or otherwise making a public statement which conflicts in any respect with positions adopted by the Board shall not identify himself/herself as a member of the Board when making such statements. No member shall represent the Board's position before any City agency or authority unless designated to do so by the Board Chairperson.

ARTICLE V–OFFICERS AND THEIR DUTIES

Section 1: There shall be a Chairperson, first Vice-Chairperson, second Vice-Chairperson, Recording Secretary, Corresponding Secretary, Treasurer, Parliamentarian and Sergeant-at-Arms.

Section 2: Each officer shall serve for two years, commencing April 1st at the time of their election and terminated March 31st, two years later. *Amended by Full Board at General Board Meeting, April 25th, 2018. Made effective as of September 2018.*

Section 3: This body of officers recognized as the Executive Board will be responsible for reviewing and voting on salary and/or wage modifications for District Office staff. The meeting must be held with a quorum of the appointed elected officers to review and vote on salary and/or wage modifications. Minutes of the meeting, along with an official Personnel Action Report (PAR), outlining the salary and/or wage modifications, are submitted by the District Office to Brooklyn Borough Hall's Human Resources department and the NYC Office of Management and Budget (OMB) for final approval and processing – based on budget availability. *Amended by Full Board at General Board Meeting, January 25th, 2023. Made effective as of February 3, 2023*

Duties of a Chairperson

Section 3: To perform all duties as prescribed in the City Charter and any other duties prescribed under law. To receive Calendars and notices of meetings of all City Agencies required to refer matters to the Community Boards pursuant to the City Charter and to inform the Board members of such Calendars and notices. To attend meetings required by the Mayor and the Borough President pursuant to the City Charter or designate his representative or representatives to attend. To open regular monthly meetings at the time and date at which the Community Board is to meet, by taking the Chair and calling members to order. To announce the business before the Board according to the agenda. To state and put to a vote all questions or resolutions which are to be moved or necessarily arise in the course of the Board's business and announce the results of the vote. To interpret and enforce Robert's Rules of Order except as otherwise provided by the By-Laws herein. To decide all questions of order. To represent and stand for the Board and perform all necessary functions according to the decisions duly made by the Board, including communicating with a Governmental agency with a copy of the same simultaneously forwarded to the Borough President's office. To authenticate all acts, orders and proceedings of the Board including the countersigning of all letters of whatever nature going out from the Board and to be the sole spokesperson for the Board in relation to the news media, agencies of Government and the public at large, except as he/she otherwise specifically authorize. To adjourn regular monthly meetings. To appoint, suspend or remove Chairpersons of Standing Committees of the Board and to establish and appoint, suspend, or remove the Chairperson of such special committees as may from time to time be deemed necessary for the best performance of the Board's function. All such Chairpersons shall serve only during the term of the Board Chairperson appointed him/her. The Board Chairperson shall be an ex-officio member of each Committee and Chairperson

of the personnel committee. To prepare and deliver the Chairperson's Annual Report. Because of the responsibilities of the first Vice-Chairperson or Second Vice-Chairperson having to act in the absence of the Chairperson (as hereinafter provided), to keep the Vice-Chairperson informed of all information, orders, directives, and other matters coming to the Chairperson's attention.

Duties of a First Vice-Chairperson

Section 4: The first Vice-Chairperson shall preside over the regular monthly meetings in the place of the Chairperson, when the Chairperson is absent. The First Vice-Chairperson shall assist the Chairperson when necessary and required. If the Chairperson can no longer serve or is unable to serve as Chairperson before his/her term has expired, the First Vice-Chairperson shall succeed the Chairperson until the 31st day of March, the ensuing year. If either the Chairperson or the First Vice-Chairperson is unable to serve, then the Community Board shall appoint a temporary Chairperson from the members of the Community Board for a period of 60 days, except where the Community Board has at the election of a Chairperson and First Vice-Chairperson elected a Second Vice-Chairperson.

Duties of a Second Vice-Chairperson

Section 5: The second Vice-Chairperson shall preside over the regular monthly meeting in the place of the Chairperson when the Chairperson and the First Vice-Chairperson are absent. The second Vice-Chairperson shall assist the Chairperson when necessary and required.

Duties of a Recording Secretary

Section 6: The Secretary shall be the recording officer of the Board taking minutes of the regular monthly meeting and special meetings and shall be assisted in the compilation of such minutes by the Coordinator/Assistant, such secretarial assistance shall be provided by the Office of the Borough President. The final version of the minutes as approved by the Secretary shall be furnished to the Borough President's office for distribution not later than 10 days after regular monthly meetings, special or emergency. If the Chairperson and First Vice-Chairperson and Second Vice-Chairperson are absent from the meeting, then the Secretary shall assume the duties of the Chairperson for that meeting only.

Duties of an Assistant Recording Secretary/Corresponding Sec.

Section 7: There shall be an Assistant Secretary to each of the Community Boards. The Assistant Secretary shall act as Secretary and report the minutes if the Secretary is not present at the regular monthly meeting. He/She shall also, if the Secretary is present, aid the Secretary in any manner deemed necessary. Because of the possibility of the Assistant Secretary having to act in the absence of the Secretary (as herein provided), the Secretary shall keep the Assistant Secretary informed of all information, orders, directives, and other matters coming to the Secretary's attention.

Duties of the Treasurer

Section 8: The Treasurer shall send an annual written financial report to each individual member of the Board before the September meeting of each year. Such a report shall set forth the full financial condition of the Board. He or she shall be responsible for overseeing any funds that the Board may have at any time. If the Chairperson, First Vice-Chairperson, Second Vice-Chairperson and Secretary

are absent from the meeting, then the Treasurer shall assume the duties of the Chairperson, for that meeting only.

Duties of a Parliamentarian

Section 9: The Parliamentarian shall advise the Chairperson of the correct interpretation of the Rules of Parliamentary Procedure in coordination and conjunction with the proper implementation of the New York City Charter. He/She is responsible to the Community Board as a whole, on questions of procedure in transacting the business of assembly legally, efficiently, and impartially.

Duties of Sergeant-at-Arms

Section 10: The Sergeant-At-Arms shall take direction from the Chair to maintain order, round up Board Members for votes, and remove unauthorized persons from the seats of Board Members. The Sergeant-at-Arms is also responsible for ensuring that members not entitled to vote on issues are not counted during the voting process.

Removal of Officers

Section 11: Officers may be removed for cause of failure to perform assigned duties as enumerated under Article V of the By-Laws; and such removal shall require a majority vote of the full board.

ARTICLE VI- EXECUTIVE COMMITTEE

Section 1: The Executive Committee shall be made up of the Chairperson, First Vice-Chairperson, Second Vice-President, Recording Secretary, Asst. Recording Secretary, Treasurer, Parliamentarian Sergeant-At-Arms and standing committee Chairpersons.

Section 2: The Chairperson will serve as the Chair of the Personnel and Capital Budget Committees. The functions of these committees will be a primary responsibility of the Executive Committee. They will evaluate capital budget priorities, hold public hearings, and make recommendations to the board.

Section 3: No elected officer of the Community board shall serve at Executive Committee meetings as both elected officer and as a Committee Chairperson

Section 4: During those months when the Board does not meet, the Executive Committee may transact such business as necessary but written notice shall be given (as stated in Article IX, Section 7), to all members of the Community Board of the proposed meeting.

ARTICLE VII-COMMITTEES

Section 1: Standing Committees of Brooklyn, Community Board 5

- Aging/Health & Social Services Committee
- Economic Development / Industrial Business Zones & BIDs Committee
- Education and Youth Services Committee
- Land Use & Housing Committee
- Parks/Sanitation & Environment Committee
- Public Safety & Quality of Life Committee

- Transportation & TLC Licensing Committee

Section 2: The Chairperson from time to time appoints additional committees and/or special committees he or she deems appropriate. Including By Laws Committee, Nominations Committees, etc.

Section 4: Every committee of Community Board # 5 may include persons with a residence or significant interest in the community, who are not members of the Board. Each said Committee shall only have a member of the Board as its Chairperson.

ARTICLE VIII- ELECTIONS

Section 1: At the Community Board's regular meeting in the month of January, the Community Board Chairperson shall appoint a nominating committee consisting of 3-5 members and shall designate one of their members to be Chairperson of said committee. Such committee shall meet as necessary thereafter to form a slate of candidates for each of the offices of Chairperson, 1st Vice Chairperson, 2nd Vice Chairperson, Asst. Recording Secretary, Treasurer, Parliamentarian and Sergeant-At-Arms.

Section 2: The nominating committee shall make its report to the Community Board at the regular February meeting of the Board and submit a slate of candidates for each office of the board. Members of the Board may offer additional nominees from the floor. All nominees recommended by the Community Board shall be made known to each member of the Board in the written notice of election of officers at the March meeting.

Section 3: At the March meeting of the Board pursuant to the written notice sent to each member, there shall be election held individually for each of the offices of Chairperson, 1st Vice-Chairperson, 2nd Vice-Chairperson, Asst. Recording Secretary, Recording Secretary, Treasurer, Parliamentarian and Sergeant-At Arms. The person receiving the highest number of votes for each office shall be deemed elected. Where there are more than two persons running for a particular office, to be successful, a candidate must poll a majority of the vote of the members present and voting. On failing to poll a majority vote, there shall be a run-off where the persons receiving the two highest numbers of votes shall be contestants against each office.

Section 4: Pursuant to the Open Meetings Law (OML), Section 87-3-A and Section 106, voting for each office shall be public and listed in the minutes of the April monthly meeting.

ARTICLE IX-MEETING

Section 1: All meetings of the Board and its committees are open to the public. During the business portion of the meeting, only the Board members or Committee have the privilege of obtaining the floor to speak, unless a member of the public is granted permission by the Board or is on the agenda as an invited speaker about the matter under discussion.

Section 2: The Board shall meet on the fourth Wednesday of every month.

- A. A majority of the appointed members of the Community Board shall constitute a quorum of such board.

- B. Whenever any act is authorized to be done, or any determination or decision made, by any Community Board, the act, determination, or decision of any majority of the members present and entitled to vote during the presence of a quorum, shall be held to participate in the act, determination, or decision of such Board.

Section 3: The Board shall meet upon request of the Borough President to hold hearings on the City Budget or any other public matter in order to advise the Borough President on such matters.

Section 4: There shall be as many committee meetings as the Chairperson of the Board and/or the Chairperson of the committees deem necessary and proper.

Section 5: A special meeting shall be a meeting other than the regular monthly meeting and shall be called by the Board Chairperson; at the Board's Chairperson's own violation; at the Borough President's request; and upon written request of at least two-fifth (2/5) of the Board members, computed without fractions and presented to the Board Chairperson and the Borough President. A special meeting shall be called upon five (5) days notice in writing with specification of purpose of the meeting, time, place, and delineation of the agenda of such meeting and decision at special meetings shall be made by a majority of those Board members present. Only items specified in the notice shall be considered.

Section 5A: An emergency meeting shall be a meeting in the matter of a special meeting but in circumstances where five (5) days notice cannot be given, at least 48 hours notice must be given. Notice for an emergency meeting may include with written request, telephone, or other rapid means of communication.

Section 6: All monthly meetings shall be open for the public however, in the interest of affording the maximum opportunity to all citizens to be heard, each speaker shall be limited to a period of no more than three (3) minutes, unless otherwise permitted by the Chairperson.

Section 7: All members of the community who have residence or business, professional or other significant interest in the District, shall be afforded an opportunity to bring the attention of the Board any matter not listed on the agenda, which Chairperson believes to be general or common interest to the community or Board.

Section 8: the Chairperson of the Board shall draft a proposed agenda at least twelve (12) days before each monthly meeting. The agenda should outline the Board Chairperson's and Borough President's suggestion of business to be transacted the meeting. This agenda, plus the notice of time and place of the meeting, shall be forwarded to reach each Board member, with the minutes of the previous meeting, at least (7) days before the next meeting of the Board. No major decisions or matter of substantial public involvement shall be decided upon by the Board (e.g.- site selection, public project, park, playground etc.) at a Board meeting, without that matter having been placed upon agenda forwarded to the Board members.

Section 9: The agenda shall consist of the following:

1. Call to order
2. Approval of minutes of previous meeting

3. Committee Chairperson's Reports-All such reports shall be filed with the Secretary of the Board at the end of the meeting, as available.
4. Old Business-Unfinished items from previous meetings.
5. New Business Matters added to the agenda at the meeting along with other business that may properly come before the Board.
6. District Manager's report
7. Board Chairperson's Report-Shall include: all pertinent items of the Board's work, all written communications and oral communications from the Borough President's office and any other agencies in relation to the work of the Board. The Borough President's Report is to be delivered by the Chairperson advising the Board as to what the Borough President wishes the Board to consider.
8. Open Discussion
9. Adjournment

Section 10: The open meetings law (OML) permits public bodies to close portions of their meetings to the public ("go into executive session" only when certain specific issues are to be discussed and the correct procedure to close the meeting is followed.

Section 10a: First, a motion to enter into executive session must be made during an open meeting and the motion must identify "the general area or areas of the subject or subjects to be discussed". Then, the motion must be carried by a majority vote of the total-voting members present.

Section 10b: This requirement also applies to Board committees. Most committees have a defined membership, of those appointed by the chair, or those residing in a geographic area of the district.

Section 11: It should be noted that when a Board or Committee, in the course of business, decides to go into executive session to discuss a topic consistent with Section 105 of the OML, it should limit its discussion in the closed session to that topic and should reconvene in open session to continue its discussion. In addition, all votes must be conducted in an open session, including votes on matters discussion in closed session.

Section 12: The following subject matter meets the criteria for closing a public meeting and entering an executive session (as listed in section 105 of Open Meetings Law):

- A. Matters, which will imperil the public safety if disclosed.
- B. Any matter which may disclose the identity of a law enforcement agent or informer.
- C. Information relating to current or future investigation or prosecution of a criminal offense, which would imperil effective law enforcement if disclosed.
- D. Discussions regarding proposed, pending, or future litigation
- E. Collective negotiations pursuant to Article 14 of the Civil Service Law (The Taylor Law)
- F. Medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
- G. The preparation, grading, or administration of exams
- H. The proposed acquisition, sale or lease of real property, or the proposed acquisition of securities, or sale or exchange of securities held by (a) public body, but only when publicity would substantially affect the value thereof.

ARTICLE X-QUORUM

Section 1: A quorum must be present for a vote to be official.

A simple majority, i.e., more than half of the appointed membership of the Board, constitutes a quorum. If a Board has fifty (50) members, a quorum is twenty-six (26). If a Board has thirty members (30), a quorum is sixteen (16). If a Board has twenty-five members (25), a quorum is thirteen (13), etc. Public members and ex-officio members are not counted toward a quorum.

ARTICLE XI-VOTING

Section 1: All voting at Board meetings shall be in person only. No proxy accepted.

Section 2: When a vote is taken, a majority (more than half) of the members present who are entitled to vote in the affirmative in order for the motion to pass. All Board members are deemed “entitled to vote” on matters before the full board unless specifically excluded by some provisions of law, City regulations, etc. The following are two such exclusions:

- A. **No Community Board Member** may vote on a matter before his or her board (or committee) which “may result in a personal and direct economic gain to the member or any person with whom the member is associated” (City Charter, Section 2604 b. 1. (B), effective January 1, 1990
- B. **No Board member who is a city employee** may vote on a matter before the Community Board, (or committee) which has been or may be considered by the Employee’s agency. (Board of Ethics Opinion 305, continued by Recommendation of the Conflicts of Interest Board).

Section 3: If Board members are ineligible to vote due to either exclusion A or B in Section 2 above, then the number of members who are entitled to vote is reduced and the majority required for passage is reduced accordingly. When a vote is taken, members not entitled to vote are not counted as abstaining, but they are counted as present for the purpose of maintaining a quorum. If the established quorum is twenty-six (26) members present and two (2) members are excluded from voting, the number of members entitled to vote on the question drops from twenty-six (26) and the majority needed for passage becomes thirteen (13) instead of fourteen (14).

Section 4: When a Community Board votes, a member’s vote of “abstain” has the effect of the member “not voting yes” for the purpose of determining the outcome of the vote. There must be more “yes” votes than the combination of “no” votes and abstentions for a measure to be carried.

Section 5: The Chairperson of the Community Board may not preside and vote at the meeting of the Board. Even though he or she is entitled to vote, he or she may only exercise this vote in the event of a tie or stalemate of issues presented.

ARTICLE XII-CODE OF ETHICS

Each Community Board Member and/or Employee are bound by a Code of Ethics and shall not accept and/or promise any gift whether in the form of valuables, service, money, items of promise and/or any other form, from any individual, business, corporation and/or other entity which to his/her knowledge has a vested interest directly or indirectly concerning items of business brought before the Board. All

Community Board Members and/or Employees who have a direct or indirect financial or private interest in items of business brought before the Board, shall publicly disclose on official memorandum all records of such nature that conflicts with business brought before this Board. This Code of Ethics shall be uniform and bound by all sections of Chapter 68; New York City Charter entitled “Conflicts of Interest”.

ARTICLE XIII-AMENDMENTS

The following criteria must be met in order to amend these By-Laws by the Parliamentarian:

- A. The proposed amendment must be submitted to the Board, in writing,
- B. At a regular monthly meeting and must be initiated by the Parliamentarian from the By-Law Committee.
- C. The proposed amendment shall be read to the Board and then placed on the agenda for the following regular monthly meeting.
- D. At the following regular monthly meeting, the proposed amendment shall be voted upon and adopted if passed by two-thirds of the voting members present.
- E. After passage, the amendment immediately becomes part of these by-laws.

**Revised April 2001
Amended April 25th, 2018
Amended January 25th, 2023**

AMENDMENTS TO BY LAWS – VOTED & ADOPTED

Amendment 1

ARTICLE V-OFFICERS AND THEIR DUTIES: Section 2

Each officer shall serve for two years, commencing April 1st at the time of their election and terminated March 31st, two years later.

Voted & Adopted: General Board Meeting on April 25th, 2018 (Unanimous). Enacted September 1, 2018

Amendment 2

ARTICLE V-OFFICERS AND THEIR DUTIES: Section 3

This body of officers recognized as the Executive Board will be responsible for reviewing and voting on salary and/or wage modifications for District Office staff. The meeting must be held with a quorum of the appointed elected officers to review and vote on salary and/or wage modifications. Minutes of the meeting, along with an official Personnel Action Report (PAR), outlining the salary and/or wage modifications, are submitted by the District Office to Brooklyn Borough Hall's Human Resources department and the NYC Office of Management and Budget (OMB) for final approval and processing – based on budget availability.

Voted & Adopted: General Board Meeting on January 25th, 2023 (Unanimous). Enacted February 3, 2023