

BRONX COMMUNITY BOARD NO. 8

**Law, Rules and Ethics Committee
Meeting Minutes – Pending Committee Approval
October 22, 2015
Riverdale Mental Health Association
5676 Riverdale Avenue**

Attendance

Present: Martin Wolpoff, Sylvia Alexander, Arlene Feldmeier, Philip Friedman, Rosemary Ginty, Irving Ladimer, Robert Press, Mary Yamagata, Herb Young

Community Board Member: David Gellman

Absent: I. W. Stone,

Meeting called to order at 6:35 – Chairman thanked committee members for convening earlier than usual. Although proving eventually to have been unnecessary, the move had been done in an effort to accommodate the needs of the Land Use committee.

- 1. Approval of September minutes – Mr. Press indicated he had issues with the minutes. The committee voted to accept the minutes as distributed**

In favor: 7- Wolpoff, Alexander, Feldmeier, Friedman, Ginty, Ladimer, Young

Against: 1 Press

Abstention: 1 Yamagata (not present at meeting)

- 2. Discussion of COIB findings – No report**
- 3. Discussion of City Council Legislative actions – Spreadsheets prepared by Ms. Ginty were reviewed. Chairman asked members to note specifically how items get fast tracked when the mayor wants to see the legislation moved. This should be noted with respect to anticipated legislation for senior and affordable housing.**
- 4. Update by Mr. Ladimer on revisions to Board's Guidelines – Mr. Ladimer raised an issue his committee was reviewing. He sought LRE's input on whether a resolution can be brought to the Board if community members outnumber appointed board members.**

- a. No resolution cannot be voted on unless there is a quorum**

- b. Only appointed members are counted toward the quorum
- c. Minutes must separately identify the votes of appointed members and community members
- d. A resolution not passed by a committee can be forwarded by the Executive committee
- e. A resolution not passed by a committee can be raised from the floor at a board meeting. However, there must be a resolution to amend the agenda and the resolution requires a second

5. Discussion of items brought to the Executive Board

a. Rules concerning Board member contacts with the press.

Executive Committee reviewed the situation and thought the LRE should review. It was agreed that the Board already has adequate procedures in place. Requests for comment from the press and/or elected officials should be referred to the Board Chair as the only one authorized to make public comment. Board Members should also take care to ensure that their positions on the board are not misidentified if they are offering personal opinion.

- b. Notifying the public concerning modifications in board/committee procedures. – It was decided to lay over this item until the State Liquor Authority responds to the license application for which the board requested a 2 AM curfew for an initial license request.
- c. Requirements for submitting committee minutes- this item was referred to the Board Chairman for further action.
- d. Rules concerning abstentions. – Thanks to the alertness of Mr. Friedman, the chair was able to forward to committee members a New York State Bar Association article by Lester D. Steinman entitled, “Recusal and Abstentions from Voting, Guiding Principles.” In the article, Mr. Steinman points out the board members have an obligation to vote and not abstain unless particular members have bone-fide conflict of interest or if such vote might raise the suspicion of a conflict of interest. The Chair outlined the basic principles of an abstention:
 - 1. For there to be a vote, there must be a quorum.
 - 2. A resolution requires a majority vote to pass.
 - 3. Board members who have declared conflicts reduce the number of members required for a quorum and, there the number required to obtain a majority vote.
 - 4. Abstentions, without cause, are actually votes against the resolution since they might prevent the majority voted needed for passage.
 - 5. Thus, according to Mr. Steinman, all board members, without a conflict, are obligated to cast a vote for or against.

6. Mr. Steinman, further states, based on policies established by the NYS Attorney General's office, that if a conflict is declared, the board member is obligated to absent him/herself from discussion on the subject. However, it was noted that the NYC Conflicts Of Interest Board has established the 3 D's principal for members with conflicts: Declare, Discuss, Don't vote. The Chairman noted that he would contact the COIB prior to the next meeting to obtain rulings on abstentions and who takes precedence COIB or the State Attorney General.

e. Chairman also advised that he hadn't brought to the Executive Board the concern over publicizing IDNYC since it had appeared in the CB8 Newsletter.

6. Old Business – none

7. New Business

A. Mr. Ladimer raised the issue of the Board engaging in some Civics education activities; specifically ensuring that citizens are aware of their rights and obligations with respect to voting. Mr. Friedman suggested that the committee might seek to develop a program and request funds from the Board.

B. It was suggested that, for committee minutes, the same template be used as is done for the full Board. That is, a list of committee member attendees, committee members absent, community member attendees, community member absent, guests. This will be brought to the Executive Committee.

8. Due to the fact that our next two meeting dates are Thanksgiving and Christmas, and an appropriate alternate date could not be identified, the next LRE meeting will be in January.

9. Meeting adjourned ay 8:00 PM

Respectfully submitted,

**Martin Wolpoff,
Chair**

Additional notes provided by Herb Young