



BRONX COMMUNITY BOARD 8

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MEETING NOTICE

LAW, RULES & ETHICS COMMITTEE

DATE: Monday, October 31, 2022

TIME: 7:00 PM

LOCATION: Board Office 5676 Riverdale Avenue Suite 100

*** In-Person, No Hybrid Option**

Participants may view the meeting virtually by clicking here:

<https://us02web.zoom.us/j/2114033690>

AGENDA

1. Welcome committee members and guests

Members: Martin Wolpoff, Chair, Sylvia Alexander, David Gellman, Dan Padernacht, Steven I. Froot

2. Approval of 9/12/2022 minutes. - Correction: Add Camelia Tepelus as a guest

3. Chair' Report

4. Discussions

A. Hybrid meetings - Without a sense of priority, here are questions from our last meeting with some thoughts shared by Steve Froot. Thank you Steve.

1. Should the board define "extenuating circumstances"?

"illness, disability, caretaking responsibilities, or any other significant or unexpected factor which precludes the member's physical presence at such meeting, but permits participation via videoconferencing"

2. How much prior notice is required before a request to attend as a hybrid can be honored? How do "timely notice" counterbalance with "unexpected factor"?

Since there is little increased burden on the Board office staff resulting from a member participating by videoconference, the request deadline should be noon on the day of the meeting in order to provide reasonable time for the Chair or her designee to make a decision on the exemption request, provided that if the unexpected factor arises after that time, the request be made by 5 pm, with the recognition that the Chair or her designee may not be available to make a decision on the request, in which event the request will be deemed denied.

3. Not knowing whether a quorum may actually be in attendance, should there be a pre-set limit (number/% of membership) on how many members can attend via hybrid?

No limits should be set based on percentage of members attending, because that would bias grants of request in favor of advance requests, which runs counter to the “unexpected” requirement.

If early experience with the exemption rules/guidelines reveals that quorums are too often not being satisfied, the rules/guidelines should be narrowed going forward.

4. Should committees and the full board be bound by the same guidelines?

Yes

5. Who should be the authorizer to make decisions on selection of those who may be exempted? Should there be an appeals process?

The Board chair or her designee, which should be one of the Board officers. Given the short time frames, there should not be an appeals process.

6. Should the same authorizer be set for the full board and the committees?

In order to ensure consistency, the authorizer should be the same for the full board and committees, recognizing that if early experience with the process reveals that the administrative burden on the Board officers proves to be too great, responsibility to authorize should be vested in the chair of each committee.

7. The law requires that all attendees, be in person and via Zoom, need to be seen at all times. Thus, would a board member who is ill and does not have a computer be able to phone in and still be considered to be in attendance and be able to vote?

No, as my sense is that would violate the Open Meetings Law guidelines.

8. Is a community committee member bound by the same considerations?

Yes.

9. If you remember how I stated how easy it appeared to have hybrid, did Tuesday night’s meeting comport with all requirements?

I am not aware of which members joined the meeting by videoconference and do not recall instances in which they cast votes. I think it is important to publicize who is attending remotely, and if technology permits, it would be ideal for some screen to make all remote attenders visible to all in attendance.

Additional Questions

10. How do we make for ADA accommodations?

11. How effective has CB 8 been in meeting all the hybrid requirements?

12. Additional considerations

B. Request for by laws change

*Sec. 2 – 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 nominated by the Chairperson of the committee and appointed by the Chairperson of the Board. The committee chairpersons in consultation with the Chairperson of the Board shall determine the size and membership for each committee. **Following a Committee Chair decision to limit the size of a committee, in a situation of over-subscription committee membership shall be determined by using an equitable, objective, transparent, and randomized process (lottery), administered by the Board Chair, and under the supervision of the Board Chair.** Community committee members shall serve through the next June meeting, subject to reappointment, unless removed by the Board Chairperson in consultation with the Committee Chairperson [5/12/15].*

Questions for consideration

1. Current bylaws give committee chairs, with approval of board chair, authority to limit size and membership

2. Evaluation of the precipitating situation

3. Should a rare issue be the basis for hard and long-term solutions?
4. Committee chairs are elected by the full board and given specific responsibilities, would the proposed system have positive or deleterious effects on present and future committee chairs?
5. Have we heard from the chair of LU for his perspective?
6. Does the proposed amendment resolve the issues being discussed?
7. Additional considerations

5. City Council Spreadsheet
6. Conflict of Interest Board - Agreements
7. Old Business
8. New Business
9. Next meeting – Nov 14

Marty Wolpoff, Chair
Law, Rules & Ethics Committee