

Draft awaiting committee approval

Law, Rules, and Ethics Committee

Minutes

10/31/2022

In -person only

Present: Martin Wolpoff, (Chair), David Gellman, Steve Froot, Dan Padernacht,

Present Via Zoom: Sylvia Alexander- Out of Borough under doctor's care

Guests: Camelia Tepelus (arrived 7:45, had been on Zoom from the beginning), Charles Moerdler, Laura Spalter (Board 8 chair)

Attendees via Zoom: Omar Murray, Julie Reyes, Rosemary Ginty, Kelli Buford, ?

1. Meeting called to order 7:05 PM
2. Introduction of committee and guests
3. Approval of September minutes - amended to include Camelia Tepelus who was present for the entire meeting - approved unanimously.
4. Chair's report
 - A. Chair repeated that this was, and was always, intended to be an in-person only meeting. He thanked all committee members for adjusting their schedules. However, Sylvia Alexander had extenuating circumstances and could not attend. He asked for a committee vote to permit Sylvia to participate by Hybrid. Unanimous vote to approve.
 - B. Chair noted that while he would continue his practice downloading the New York City Legislative spreadsheet, sort by committee and highlight intros from our three City Council representatives, he would no longer highlight items he thought were "of interest." He hoped board committee chairs would peruse the spreadsheet to identify items of importance to their committees
 - C. Chair read from a Riverdale Press editorial the spoofed the October full board meeting. One sentence was extremely confusing and misleading. The correct course of events is that at the meeting Dan Padernacht called into question an evasion of the bylaws by not having an item on the agenda to elect a parks committee chair. Mr. Wolpoff, as parliamentarian, ruled that a vote to override the bylaws was appropriate. But, shortly after he reviewed his volume of Robert's Rules, he ruled that a motion to override bylaws required prior notice.
5. Discussion of Hybrid meeting guidelines
 - A. In anticipation of the meeting, the chair forwarded draft guidelines. He noted that at Wednesday's executive committee meeting, Laura was planning to offer a resolution to update the operational resolution passed by the board in May 2022. Chair hoped the continuing resolution would reference the Guidelines approved by LRE. However, there was much discussion over basic definitions such as hybrid, extraordinary circumstances, video conferencing, etc.
 - B. The issue of whether board members who are both unable to attend in person and do not have the technology to present themselves visually for a Zoom meeting were still eligible to participate under the new hybrid OML. The general response from the BP's office is that this would be an unacceptable violation.
 - C. Chair requested that Steve Froot and Dan Padernacht review the draft and offer acceptable changes to be presented to the exec.
6. Discussion of request to amend bylaws
 - A. In turn, Camellia Tepelus and Charles Moerdler were offered time to express their opinions on the subject.
 1. Camelia was concerned:
 - a. Issue should not be considered on a personal basis but viewed in the abstract to avoid potential future abuse.
 - b. Postulated examples such as outright discrimination, retribution from a committee chair who dislikes someone's held positions or articulated comments.
 - c. There should be objective criteria? E.g., seniority, random selection, a lottery.

- d. Claimed there was no personal animus between her and chair Moerdler,
 - e. Wanted to know why she has less rights to be on the land use than the nine selected, all members should have equal rights.
 - f. We are all volunteers.
2. Chuck responded:
- a. Need for committee chairs to be able to select an effective, cooperative team that can meet the committee's charge given when chairs are elected.
 - b. Questioned where there was any kind of discrimination?
 - c. Noted the need for effective, amicable people to be able to recommend the board's responses on citywide issues such as affordable housing, average median income, and others.
 - d. Sought people who previously volunteered their personal time and effort and had begun to form a knowledge base on such issues.
 - e. Has been using his personal capital in dealing with city officials.
 - f. Cannot allow committee compositions to be based on lotteries.
3. Questions raised by committee members:
- a. Bylaws written by Mark Friedlander over 35 years ago.
 - b. There have been only a few times when a committee chair has asked the Board chair for someone to be left off a committee list. Board chair is the safety valve. There has been no need for bylaws change.
 - c. Other than being denied LU committee membership, it does not appear there has been any discrimination based on any protected class (race, gender, religion, etc.)
 - d. Camelia's letters to the Borough President's office raising complaints about Chairman Moerdler's leadership as well as threats to write to the Mayor and EEOC, could be viewed as a history of personal animus.
 - e. Issue presented seems to arise over a single relationship.
 - f. How much discretion should committee chairs have regarding committee membership and is there a need to facilitate the operations of their committee?
 - g. Exercise of judgement is not the same as discrimination.
 - h. People who feel they have been treated unfairly can lobby or run against a chair at the June election or, more importantly, communicate with the chair in question to seek to ameliorate past friction.
4. Committee members thanked Camelia for bringing this discussion to LRE.
 Recommendation: Full board ought **not** support the proposed bylaws change resolution.
 Yes – Unanimous
 No – 0
 Abstentions - 0
7. Discussion of COIB settlements
 Chair noted that he had previously distributed the latest copies of COIB Settlements, He offered that there was an uncanny resemblance of facts concerning a police officer attempting use her shield in communications with a city agency and a subplot in the previous day's episode of "East New York" that aired on CBS.
8. New business
 Chair felt it was too late in the evening to begin a new discussion, but that he was disappointed by the lack of civility that marked the October full board meeting, Even though Chair Spalter sent out an general email on the subject, he felt the situation was getting worse and that the Law, Rules and ETHICS committee needed to address the problem.
9. Next meeting November 14, 2022
10. Meeting adjourned 9:25

Respectfully submitted,
 Martin Wolpoff, Chair