

MINUTES

DATE: Tuesday, November 29, 2022
TIME: 7:00 PM
LOCATION: Zoom Video Meeting

1. Meeting called to order 7:05 pm
2. Welcome of Committee Members and Special Guests
3. Attendance:
Committee members: Martin Wolpoff, chair, Sylvia Alexander, Steve Froot (left at 9:00), David Gellman, Dan Padernacht
Guests: Rosemary Ginty, Charles Moerdler, Laura Spalter (board chair), Camelia Tepelus
4. Approval of October Minutes
Minutes were approved unanimously as amended
3. Chairperson's report
 - A. Chair outlined objectives for meeting: complete task, consider concept of civility
4. Procedures for extraordinary circumstances
 - A. Chair offered the following:
 1. What is task?
 2. No need to repeat law, follow COOG's de novo approach or rewrite items already in the resolutions passed by the full board.
 3. Are we out of compliance? Do we need a board vote?
 - B. Reviewed elements of the OML – questioned need for a resolution v. administrative procedure
 - C. Provided written responses from COOG and BP's office indicating that administrative procedure was adequate.
 1. **To:** Laura Spalter <lspaltercb8@aol.com>
Cc: BX08@cb.nyc.gov, cgannon@cb.nyc.gov, Mirtha Camille Sabio <msabio@bronxbp.nyc.gov>
Subject: RE: [EXTERNAL] OML Requirements re Extenuating Circumstances
Laura,

I spoke to Mirtha Sabio, our General Counsel and it is her opinion that a full board vote is not needed on the procedures.

Tom
2. **From:** Oneill, Kristin (DOS) <Kristin.ONEill@dos.ny.gov>
To: Laura Spalter <lspaltercb8@aol.com>
Cc: bx08@cb.nyc.gov <bx08@cb.nyc.gov>; cgannon@cb.nyc.gov <cgannon@cb.nyc.gov>
Sent: Mon, Nov 28, 2022 11:17 am
Subject: RE: OML Requirements re Extraordinary Circumstances

Hello again,

Following up on our telephone conversation, in the opinion of the Committee on Open Government, there is not obligation for a public body to pass a motion or resolution in order to adopt the videoconferencing procedures required by Section 103-a of the Open Meetings Law. The procedures can be established administratively.

Best,

Kristin

Kristin O'Neill
Assistant Director
Pronouns: she/her/hers

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D. Conclusion: The board is, and has been, in compliance

E. The committee reviewed paragraph-by-paragraph the proposed Procedures for Extraordinary Circumstances. There were several areas for which there was no agreement. On votes to remove certain sections thought to be off task and whether the committee should forward the revised Procedures, the vote was:

In favor (2): Martin Wolpoff, David Gellman

Opposed (1): Dan Padernacht

Abstention (1): Sylvia Alexander

The motions failed.

F. It was recommended, and agreed, that we forward a copy of the two forms of the Procedures to the Borough President's office.

7. Civility at meetings

A. Chair offered a document from McNeese State University on "Civility and Personal Conduct Policy." Given the lateness of the hour, the discussion was laid over for the January meeting. Chair planned to forward copies to committee members.

7. COIB Agreement - – Not Discussed

8. Old Business – None

9. Meeting adjourned 9:10 - Next Meeting January 9, 2023

Respectfully submitted,
Martin Wolpoff, Chair
Law, Rules, and Ethics Committee