

## LAW, RULES & ETHICS COMMITTEE

Monday, January 9, 2023

7:00 PM

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

Tel. No.: (646) 558-8656 Pin: 2114033690#

1. Meeting called to order at 7:05
2. Attendance:  
Present: Martin Wolpoff, Chair, Sylvia Alexander, David Gellman, Dan Padernacht  
Absent: Steve Froot  
Guests: Laura Spalter, board chair, Camelia Tepelus, Lisa Daub
3. Approval of November Minutes  
Approved unanimously.
4. Chairperson's report
  - a. Civility – After discussion and input the following statement is to be read at the full board meeting and to be entered in the board minutes:

*By its very nature, a community board consists of diverse populations in its membership, staff and meeting participants. An essential element of an effective community board is for varied opinions to be discussed, questions asked and, very often, compromises reached. Oral comments and written communications that do not consider others' feelings, differing experiences and leadership styles show a lack of mutual respect and thereby damage the collective mission of the board itself.*

Approved: unanimously

5. Development of Procedures for Hybrid meetings - After discussion and input from the committee members and guests the following format was to be forwarded to the board office and the executive committee for review and then to be forwarded to the full board. Appreciation was extended to Lisa Daub for reframing the following "Procedures." Committee members were offered the opportunity to offer editorial changes or additions prior to its distribution

The following Procedures are based on Chapter 676 of the Laws of 2021

### **Procedures for CB8, Bronx Meeting by Videoconferencing**

In compliance with Public Officers Law (POL) § 103-a(2)(a), the Committee on Open Government (the "Committee"), following a public hearing, authorized by resolution on [insert date] the use of videoconferencing as described in POL § 103-a.

The following procedures are hereby established to satisfy the requirement of POL § 103-a(2)(b) that any public body which in its discretion wishes to permit its members to participate in meetings by videoconferencing from private locations – under extraordinary circumstances – must establish written procedures governing member and public attendance.

The procedures for meetings hosted by Bronx Community Bord 8 (CB8) depends on the (1) meeting venue’s space/capacity. (2) the meeting venue’s video conference capability, the (3) judgement of the board and/or committee chairperson<sup>1</sup> and the board office; and (4) whether there is authorization to conduct meetings entirely by videoconferencing. When there is no authorization to conduct meetings entirely by video conferencing, CB8 offers two options meeting structures, details of which must be stated in the Meeting Notice (Agenda):

1. Meetings held in-person without video/teleconferencing capability
  - a. All participants, members, guests, and when needed, CB8 staff, must attend in person.
  - b. The venue must have sufficient space/capacity to accommodate participants.
  - c. An audio recording of the meeting will be recorded and available on the Board’s website within five days for public access.
  
2. Meetings held in-person with video conferencing
  - a. POL § 103-a, while permitting for Extraordinary Circumstances, seeks to minimize its actual use.
  - b. Committee/Board members must attend in person and constitute a quorum. If a board member-requests and receives approval for an Extraordinary Circumstance, the meeting becomes by videoconferencing and the public may also participate, based on established board/committee rules, via video/teleconferencing.
  - c. Guests may participate by attending in-person or by video/teleconference, at the discretion of the board/committee chair.
  - d. If venue space/capacity is limited, guests can be encouraged to attend virtually.
  - e. Video conferences must utilize the CB8 account (currently on Zoom) and record the meeting to the Cloud account.

Extraordinary Circumstances – In limited, exceptional, pre-approved situations, a committee/board and community committee-member may participate in a CB meeting via video conferencing with eligibility to vote after an in-person quorum has been established:

- a. Chairpersons are reminded that, in considering extraordinary circumstances, OML seeks to limit use and a quorum must be the priority.
- b. “Extraordinary circumstances” disability, illness, caregiving responsibilities, or any other significant or unexpected factor or event which precludes the member’s physical attendance at such meeting.
- c. The member should request pre-approval from the board/committee chair in writing as early as possible, no later than noon of the date of the meeting start time, providing the board chair/committee chair with the reason-for such request. The chair shall confirm in writing whether the request is approved, giving reasonable accommodation. Multiple requests from the same member may be denied. The CB will maintain on file approvals and denials.
- d. Members approved to participate virtually under “extraordinary circumstances” need to keep their full names and live video of themselves visible during the meeting.

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<sup>1</sup> Chairs should utilize the same meeting structure consistently to mitigate confusion or concerns and discuss a planned meeting structure change with their committee and the board chair.

- e. Members who are not approved under “extraordinary circumstances” prior to the meeting will be listed as absent and may participate online as a guest, or if conditions change, attend in-person joining the quorum.
- f. Minutes must list members who attend in-person as the quorum and list separately members who attend remotely under “extraordinary circumstances”.
- g. Attendances and absences at board and committee meetings are tracked and regularly reported to the Borough President.

Approved: Yes (3) - Martin Wolpoff, Chair, David Gellman, Dan Padernacht

No (0)

Abstention (1): Sylvia Alexander

- 6. Discussion of COOG report – Thanks to Sergio Villaverde for forwarding a copy of the report.
  - A. The report to the governor and state legislature provided the status on the implementation the new OML law. COOG needs to provide full recommendations before their need to inform the legislature before July 1, 2024.
  - B. COOG is seeking greater authority to adjudicate and impose differences concerning disputes over implementation of FOIL and OML.
  - C. COOG is having differences with the legislation concerning the definition of public bodies
  - D. COOG is seeking more stringent rules concerning FOIL
- 7. Item to be raised by a committee member – will be first item at the February meeting.
- 8. COIB – The three latest Agreements were reviewed.
- 9. NYC legislative spreadsheet – The latest spreadsheet had been distributed.
- 10. Old business – None
- 11. New Business – None
- 12. Meeting adjourned 9:21 - Next Meeting - February 13, 2023

Respectfully submitted,

Martin Wolpoff, Chair