

**PENDING COMMITTEE APPROVAL**  
**MINUTES**  
**LAW, RULES & ETHICS COMMITTEE**  
December 14, 2020

Attn: (9) Sylvia Alexander, Lisa Daub, Paul Ellis, Steve Froot, Rosemary Ginty, Louis Lopez, Omar Murray, Dan Padernacht (Vice-chair), Martin Wolpoff (chair)  
Abs (3): Daris Jackson, Charles Moerdler, Sergio Villaverde  
Guests (2): Laura Spalter, David Gellman

1. Meeting Opened 7:03 pm
2. Approval of November minutes  
Request by Lisa to change November minutes to better reflect that wished to learn why, over the years, the statement to be read at the time of the election of the nominating committee had been dropped. The minutes will be amended to state that Lisa “brought to the attention of the committee.”

Resolution for approving November minutes, as amended.

In favor (7): Alexander, Daub, Ellis, Ginty, Lopez, Padernacht, Wolpoff  
Against (0):

3. Review of actions taken by the full Board at its November meeting:
  - a. Nominating Committee
    - i. Chairman advised of resolution changes made subsequent to committee approval. Changes were made as a result of discussion at Exec Comm.
      1. Addition of “Ages” as a factor for consideration in considering nominees
      2. Removal of multiple uses of the term “diversity”
      3. Clarifying concern for OML and initial meeting of Nominating Committee
  - b. Street, etc. namings
    - i. All references to “institutions” was dropped
4. At this point Chairman’s computer froze and, as he left conference to reboot, committee discussed the general appropriateness of committee chairs modifying committee-approved resolutions without committee input. It was agreed that, when induced via Executive Board discussions, chairperson had latitude to make minor textual changes, but that conceptual changes should go back to committee for further consideration. However, changes to committee-approved resolutions should be shared with committee members prior to full Board consideration. Chair then resumed entry to meeting.
5. Items requested by Sergio Villaverde – Items tabled in Sergio’s absence
  - A. Establishing, and roles of, working groups and special committees
  - B. Reconsideration of the Office of Special Narcotics Prosecution
6. Use of Board Email lists – Lisa Daub
  - A. Lisa had developed a document on how and when the Board’s email list could and should be used.

- B. Lisa sought to have the item withdrawn in the belief that it should be placed in the Procedures Manual rather than be considered by the LRE committee and be placed in the Ethical Guidance Manual.
- C. Concern was raised over the role of the Board Chair with respect to approving all communications prior to its approval. There was concern that some Board members have attempted to circumvent OML by manipulating use of the list.
- D. Some committee members more inclined that the Rule be subject to open Board discussion with the intent that Board members exhibit by-in.

Should the Rule be part of open discussion at a full Board meeting?

Board discussion (5): Froot, , Lopez, Murray, Padernacht, Wolpoff  
 Procedures Manual (4): Alexander, Daub, Ellis, Ginty

- E. City Council spreadsheet – Prior to the meeting, Chairman distributed spreadsheet sorted by City Council Committee. A second spreadsheet was sorted by our three City Council representatives
- F. COIB Agreements – No new Agreements to share. However, Laura, Rosemary and chair had a Zoom conference with Alex Kipp of the COIB. The conference focused on the appropriateness of members voting “Preset, Ineligible to vote,” which we have mislabeled as “Abstention for Cause.” Mr. Kipp has agreed to Zoom in for our next committee meeting.

To summarize the gist of that conversation, Chairman offered that:

1. One cannot vote if they have a conflict. If a member has such a conflict, as identified in COIB’s rules concerning Board members Conflicts of Interest, she/he is bound the 3 D’s principal: Disclose, Discuss, Don’t vote. Thus, if a member wishes to participate in the Discussion, she/he must Declare a conflict and may participate in the Discussion. When Declaring a conflict before discussion, such member needs to explain why there is a conflict so that members can evaluate any bias.
2. If one announces at the time of the vote, although having not participated in the Discussion, she/he can still be asked about the nature of the conflict.
3. If a member believes she/he may have a conflict, the member should approach the LRE chair or contact COIB for clarification. Contacting the LRE chair will allow for recollection of whether such issue is covered in the COIB Rules for Community Board Members or if there has been a history of such concerns. More likely, The LRE chair will offer a referral to COIB. Only COIB has the legal authority to render a decision. COIB will provide the member with a written finding.

G. Old Business - None

H. New Business - None

I. Chair requested a volunteer(s) to take committee minutes. He is prepared to hear from volunteers off-line.

J. Meeting adjourned 8:30 pm, next meeting Jan 11, 2021

Respectfully submitted  
 Martin Wolpoff, Chair