

**PENDING COMMITTEE APPROVAL**  
**MINUTES**  
**LAW, RULES & ETHICS MEETING**

Monday, January 11, 2021, 7:00PM  
Zoom Conference

Attendance:

Present (10): Sylvia Alexander, Bob Bender, Paul Ellis, Steven Froot, Rosemary Ginty, Louis Lopez, Charles Moerdler, Omar Murray, Sergio Villaverde, Lisa Daub, Martin Wolpoff, Chair

Absent (1): Dan Padernacht

Board Members (3): Myra Joyce, Laura Spalter, David Gellman

Staff Member: Tania Ochoteco

Community (3): Araceli, Shajada Brown, Jimmy

Guest: Alex Kipp

1. Meeting called to order at 7:03 PM
2. Approval of December minutes  
Approved unanimously
3. Introduction of guest speaker – Alex Kipp, NYC Conflicts of Interest Board (COIB)  
A; After being introduced by the chair. Mr. Kipp described his role at the COIB. With respect to community boards, Mr. Kipp cited Chap 68 of the City Charter. The COIB can be reached at 212 630-1400, NYC.gov.ethics. With respect to voting for resolutions before the Board, Mr. Kipp highlighted the following points:
  - a) Community Board members are considered public servants under the law and should be aware that Community Board resources are City property and cannot be publicly shared or misused (e.g. Community Board membership list).
  - b) Community board members with a conflict are bound by the three D's (**D**isclose, **D**iscuss, **D**o not vote)
  - c) A "Conflict of Interest" is generally defined as an issue for which a Board member has personal interest under the following categories:
    - i. Own financial interests – **D**irect financial gain
    - ii. Financial interests of associated parties
      - business partners
      - clients
      - Employers if a N-F-P, funders of N-F-P over 10%, governmental agencies for which one is employed
      - N-F-P Board Membership
      - Roommates, spouses, Kids
      - Debtors/creditors
  - d) Board members who are employed by a government agency with issues that come before a Board committee can chair unless their agency has a matter being discussed. Chair must relinquish the chair for that discussion. If such matters come before the committee three or more times in a year, such employee cannot be the chair. But can be a member.

- e) There are three possibilities:
    - i. A Board member is aware of a conflict and observes the 3D's,
    - ii. A member thinks she/he may have a Conflict, but legally doesn't, and relinquishes the right to vote,
    - iii. the member doesn't believe there is a conflict and doesn't disclose, but votes. This last condition could result in legal consequences.
  - f) Anyone who believes she or he may be in conflict should call the COIB for a legal determination. The COIB has a very short turnaround time, and also provides a written confidential response. 212 442-1400 NYC.gov.ethics
  - g) Members who know they have a conflict have two options.
    - I, at the beginning of discussion, they **D**eclare that they are in conflict. They are free to **D**iscuss. The intent is to notify the Board of possible bias.
    - II. the member may remain silent, refraining from any discussion, and declare at the time of vote. The member can be challenged. The member chooses whether to explain.
  - h) Meeting minutes need to identify how each member voted. Votes are recorded in four categories: Affirmative, Negative, Abstentions, and Present-ineligible to vote. This last category is for those members who have positions that put them in a "Conflict of Interest" situation.
  - i) Voting - For a resolution to be considered to have been approved, a majority of the present quorum must vote in the affirmative. An abstention serves as a negative vote since it does not advance a majority positive vote. However, members who voted "Present-ineligible to vote," do not impact the quorum; However, reduce the number of votes required to approve the resolution.
- B Chairman thanked Mr. Kipp for his presentation. It was both informative and entertaining. Mr. Kipp was also thanked for his stated availability should any Board member believe she/he may be in a position of conflict,
4. Discussion of latest COIB Agreements - Chairman shared the single Agreement he received from COIB. It referred to a former City Councilmember (now in his third term as a NY STATE Senator) who had accepted gifts and vacations from a constituency agency in violation of the Conflicts of Interest regulations. He was fined \$15,000. Once again, the committee was dismayed at how people who should know better engage in such behavior and why the penalty was so low.
  5. Items requested by Sergio Villaverde
 

These items have been placed on the agenda for a second time.

    1. Establishing, and roles of, working groups and special committees - Sergio sought a better understanding of the function and responsibilities of working groups, and special committees. Following some conversation, Chair noted that this subject was covered at the September 2020 LRE meeting and was reported on in the minutes,
    2. Reconsideration of the Office of Special Narcotics Prosecution – In that Sergio was planning to raise this issue at the full Board meeting on the following evening, the matter was withdrawn.
  6. Follow-up discussion concerning use of Board E-mail list

It was agreed that, at the full Board meeting, Lisa would raise the document she authored concerning the appropriate use of the Board's Email list. The document sought to synthesize the historic policies and practices that the Board has followed. The catalyst for this document has been several recent examples of Board member abuse, attempts that crossed the line of appropriateness, legality and evasion of the Open Meetings Law (OML). Requests for distribution brought to the Board chair ensures proofing for editorial concerns and another set of eyes. The committee felt it was more appropriate to allow for a public airing, rather than simply placing the document in the Board's Procedures Manual.

7. Discussion of City Council Legislative spreadsheet – Committee chair had distributed the latest data from the City Council. The spreadsheet was sorted by the Council committees. In this collection there were no items that attributed authorship to any of the Board's Council representatives.
8. Old Business - None
9. New Business - None
10. Meeting adjourned at 8:23 PM. Next meeting Feb 8, 2021

Respectfully submitted,  
Martin Wolpoff, Chair