

Law, Rules and Ethics Committee

Minutes

December 11, 2023

1. Meeting called to order at 7:32 pm

2. Attendance:

Present (4): Martin Wolpoff, Chair, Sylvia Alexander, Rosemary Ginty, Steve Froot (7:59)

Participation via Zoom (EC) (1): David Gellman

Absent: (3): Jillian Baez, Charles Moerdler, Jessica Sosa

Guests Julie Reyes (Board 8 chair), Laura Spalter, Farrah Kule Rubin (District Manager), Ardy Malziu, (Community Coordinator), Mary Ellen Gibbs (CB 8 member), Mrs. Brown, Negi Cruz (CCRB):

3. Approval of Minutes: in the absence of a quorum, approval of both the November 13, 2023 and October 12, 2023 meeting minutes were laid over.

4. Chair's report

- A. Follow-up on Zoom bombing - Chair contacted COOG and was advised that posted video could be edited to remove objectional materials and post the video with a notice of such. Original must be maintained in case of a FOIL request.
- B. The issue of being able to poll members who abstain was laid over pending more research.
- C. Appointing a Community Committee Members to standing committees – While the practice of appointing Community Committee Member who is not a member of the Board to a committee following attendance at three consecutive meetings has been standard practice for many years, locating the document that establishes the practice has been difficult. Rosemary Ginty stated that at several LRE meetings, when she was chair, this issue had been discussed and accepted. She offered several suggestions where it may be found.
- D. Changes to Community Board Procedures Manual – Chair noted that Board chair wished to establish in the CB 8 Procedures Manual written record of several established protocols. She plans to raise this at the full Board meeting. LRE chair wanted to confirm that LRE had no specific role in this change.
- E. NYC Civic Engagement Commission (CEC) saga – LRE chair advised of the letters and conversations he has had with the Civil Engagement Commission. While noting the effectiveness of the various presenters on Robert's Rules and Parliamentary procedures, they were obviously unaware of how the OML Law and City Charter take preCEDence. The chair recommended that CEC view the videos with someone from the Law Department to identify incorrect information that CEC has been offering to CB members.

4. Survey committee chairs' experience/views concerning "Exceptional Circumstances" (EC) provisions of the Board's hybrid meeting procedures – Steve Froot indicated the survey was to be distributed to CB 8 chairs within the next few days with a return date in January.

5. Future Update to Primer – Chair asked again for recommendations for expanding the content of the Primer for new and continuing board members.

6. CB 8 Code of Conduct – The issue is still how to best make Board members and the public aware of the statement and abide by it.
The following language is found in both the Forward & Introduction to the By-laws and the Introduction to the Ethical Guidance Manual:

"Beyond adherence to the formal rules, members are expected to treat with dignity and respect all the members of the Board and members of the public whom we serve."

7. Discussion of possible topics for guest speaker from Conflicts of Interest Board (COIB) – Committee advised that Alex Kipp of COIB would be addressing the CB in February and is willing to return for a longer session for the committee. It was recommended that he focus on the issue of conflicts of interest as they impact of CB members and staff. The committee was asked to submit questions and topic suggestions.

8. **COIB** - Chair distributed the Halloween issue of COIB's E-ZINE, the Ethicist. The magazine pointed out many ways a city employee might unwittingly cross the line on accepting unpermitted gifts. It also reminded readers to contact COIB if there is any doubt.

9. **Legislative Spreadsheet** – The office has not yet forwarded the spreadsheet to committee chairs.

10. **Old Business** - None

11. New Business

- A. Revising Ethical Guidance Manual regarding Nominating Committee (NC) Calendar – Laura Spalter**
– Laura expressed her concern that the EGM's requirements for advance notice of multiple meeting dates for early Nominating Committee meetings are too stringent, arbitrary and that the need to cancel meetings placed an undue burden on the Board office. However, the reason for the scheduling requirements as it exists in the EGM was the need for 10 days public notice of a committee meeting that is mandated under the Open Meetings Law. Steve Froot, who served as chair of the NC this past year, had issued a report with recommendations for amending the EGM that would meet some of Laura's suggestions. She also suggested that the committee consider a bylaws amendment to shift the election of the NC and the Board vote for officers and committee chairs back one month to enable the newly elected officers and chairs to be able to utilize the month of June, if needed, for a smoother transition. The LRE chair had also heard this suggestion from Deb Travis. Since there was no quorum and the committee wanted to review the recommendations, the item was tabled until next month's meeting. The chair agreed to distribute to committee members the June 2023 Report and Recommendations from the last NC.
- B. In the era of Zoom Bombing, requiring all Zoom Participants to show their faces – David Gellman** – In light of the several Board committee experiences with Zoom bombing, David suggested that anyone who wished to be heard at a CB meeting needed to provide a live view of themselves. Chair pointed out the various efforts that the staff has put in place to screen meeting participants. District Manager Farrah Kule Rubin expressed concern for those who might not have the technical ability to accomplish this, Rosemary pointed out we cannot require a public member to identify themselves, as a requirement of participating, including signing in as she was guided by the COOG in the past. Public meetings under OLM are open. Mrs. Brown further indicated why a member of the public might be reticent to do so. This matter was also tabled until next month.
- C. Negi Cruz (Civilian Complaint Review Board):** Chair recognized Mr. Cruz since he had been on the Zoom for the entire meeting. Mr. Cruz really wished to attend the Youth Committee, but the chair welcomed him to offer his comments. He spoke about the Youth Service Cabinet of the CCRB and interacting with the NYPD.

12. Meeting adjourned 8:55 **pm - Next Meeting** – Monday, January 8, **2024**

Respectfully submitted,

Martin Wolpoff, Chair