

Law, Rules and Ethics Committee

April 21, 2025

Minutes

1. Meeting called to order 7:41 pm

2. Attendance (quorum present):

Present (3): Martin Wolpoff (Chair), Steven Froot (Vice-Chair), Sylvia Alexander (Via Zoom, per ADA)

Absent (1): Charles Moerdler

Guest (2): Julie Reyes (Board Chair), Bethzy Inga (Manhattan University student)

3. Approval of Minutes: meeting of February 10, 2025 (no meeting held in March 2025)

Approved unanimously

4. Chair's Report

A. Decline in LRE Committee Membership

The Chair observed that the LRE Committee now has only 4 members. An effort should be made to recruit additional members in June when new Board members should be joining the Board.

B. Presentation on Parliamentary Procedure at Executive Committee Meeting

The Chair noted his concern that a presentation on parliamentary procedure by a consultant to the City's Commission on Civic Engagement at the April meeting of the CB8 Executive Committee included repeatedly pointing out at previous training sessions the concept of precedence, whereby the NYC Charter and Open Meetings Law supersede any other default parliamentary procedures such as Robert's Rules of Order, and more specifically, the City Charter requirement that only majority votes are required in order to pass resolutions and adopt other community board decisions, notwithstanding that Robert's Rules in certain instances suggests a vote by a super-majority of those present and voting. The Chair informed the consultant of the error and will periodically issue a reminder of this point of procedure.

5. Status of Open Meetings Law legislation in Albany, including proposals to relax or eliminate quorum requirements in public bodies, including NYC community boards

It was determined to lay this issue over to a future meeting to allow for additional research into the current status of pending bills.

6. Ambiguity in CB8 Bylaws, Article V, Section 3 - Officers & Committee Chairs (possible conflict between **bolded** sentence and underlined sentence – see below)

“Sec. 3 – Upon the death, resignation, termination of Board membership or removal of any officer or elected Committee Chairperson, the vacancy created shall be filled by the Board. Notwithstanding the provisions of this Section, **upon the occurrence of a vacancy in the position of Chairperson, the Vice-Chairperson shall assume the position of the Chairperson for the remainder of the term.** The election to fill any vacancy shall take place upon written notice not later than the second regular meeting following the creation of the vacancy. The election procedure shall be the same as that set forth in Section 2 of this Article V, except that no nominating committee shall be elected and all candidates shall be nominated from the floor. Any officer elected to fill a vacancy shall hold office for the remainder of the unexpired term, and until a successor shall have been elected and shall have qualified.

[Added 3/9/04]”

In the case of recent committee chair vacancies occasioned by the decisions by the Board members involved not to reapply for appointment to the Board, the Board chair designated the

current vice chair of the committee to serve out the term of the departing chair [in accordance with the **bolded** sentence], unless the current vice chair was already serving as chair of another standing committee (in which instance that person was prohibited by Bylaws Art. VI, Sec. 2 from serving as the chair of a second standing committee), and in such circumstance an election was held to select a new chair of the affected committee [in accordance with the underlined sentence].

Mr. Froot offered to analyze the wording of the Bylaw provision and recommend amendments, if any, for consideration of the LRE committee at a future meeting.

7. Communications with the Conflicts of Interest Board (COIB) following a COIB directive to remove from a CB8 committee meeting agenda an item referring to a position taken by a candidate for elective office to alienate public parkland, including the Van Cortlandt and Mosholu golf courses, for the purpose of constructing housing

The Parks & Recreation Committee agenda item referred to mayoral candidate (and current City Comptroller) Brad Lander by name. Although the agenda was reissued with the agenda item removed, the LRE Committee questioned the directive from COIB as overbroad insofar as it categorized the agenda item as a prohibited “discussion of candidates for City office.”

Letters were sent to COIB by Mr. Moerdler and by the Board Chairperson requesting clarification of the COIB’s position. Mr. Moerdler questioned the lawfulness of prohibiting a community board from discussing or taking a position on any subject of concern to the community, and Ms. Reyes questioned whether there would be any issue if the agenda omitted mention of the name of the candidate involved. (Note: The agenda item did not involve a referendum item or city charter amendment already on the ballot in an upcoming election, which community boards are not permitted to take a position on; nor did the agenda item involve the community board endorsing or rejecting a candidate for elective office prior to an upcoming election, which is also prohibited.)

Further clarification was thereupon provided by COIB, emphasizing that the subject matter could be discussed, notwithstanding that it came from a candidate’s platform, provided there is no discussion of the particular candidate and the proposal is not identified with that candidate. In response, the LRE Chair wrote to COIB requesting answers to specific questions concerning the need, as a practical matter, to identify the sponsors of legislation or other public policy proposals that are brought forward by specific elected representatives in the executive or legislative branches. In a further response, COIB clarified that the community board may identify specific legislative or other proposals as having been proposed by particular elected officials or candidates for office, provided the community board does not in its discussions or resolutions express support for or opposition to a particular candidate for office or political party, because that could constitute using City resources or government titles in connection with a campaign for public office, which is prohibited.

(The full record of this correspondence is available from the Board office upon request.)

Ms. Alexander raised the issue of the extent to which electioneering – i.e., campaigning for a particular candidate for public office – is prohibited, and it was agreed that community board members could be politically active and work to support candidates for public office, provided they did so in their private capacities and took care to avoid identifying themselves as members, committee chairs or officers of the community board when engaged in such partisan political activities.

8. Follow-up on criteria and rules governing awards given by the Community Board

- A. The committee observed that the Irving Ladimer Community Service Award (CSA), which is administered by an ad hoc committee appointed by the Board Chair and approved by resolution of the Board, and the Betty Campbell-Most Valuable Merchant Award, which is administered by the Economic Development Committee, have already been vetted by the Executive Committee and will be voted on by the full Board.
- B. There remain questions/open issues with respect to the criteria for the Veterans Award, which is administered by the Special Committee on Veterans' Services, and there is overlap between the two awards administered by the Youth Committee, specifically the Yankees Youth Leadership Awards and the Comeback Kid Award. Mr. Froot offered to communicate with the Chair of the Youth Committee and Mr. Wolpoff will communicate with the Chair of the Special Committee on Veterans' Services about the LRE Committee's concerns in these regards. (Reference is made to the LRE Committee Minutes of the February 10, 2025 meeting for further detail regarding these concerns.)
- C. The Committee also discussed the procedure to be followed in selecting all of the awards, specifically the respective roles of the committees involved, the Executive Committee, and the full Board, and with an eye to avoiding the risk of embarrassment of proposed award recipients who are not selected. LRE Committee members expressed the view that vetting of the committees' selections by the Executive Committee might be sufficient to make the awards in the Board's name, and that, for example, it has not generally been the past practice for the full Board to vote on the CSA, the longest established award, at a public meeting; Ms. Reyes expressed the concern that if the awards were made in the name of the Board, action by the full Board might be required, and that any resolutions authorizing and setting criteria for the awards (including that authorizing the CSA) should clearly state the procedure for selection and approval. It was determined to take up the procedural issue at a subsequent meeting.

9. NYC Conflicts of Interest Board (COIB) Determinations – the Committee reviewed the latest determinations from the NYC Conflicts of Interest Board.

10. New Business - the Committee briefly discussed the Borough President's hearing on Bally's proposal to utilize the Trump-administered golf course (not within Community District 8) as the site for its proposed casino in the event Bally's is selected as a casino licensee – which would require the alienation of public parkland, notwithstanding that Bally's has proposed it will purchase other land to replace what is taken for the proposed casino

The meeting was adjourned at 9:00 pm

Next Meetings: Monday, May 12, 2025,
Monday, June 9, 2025.
Meetings begin at 7:30 PM.

Respectfully submitted,
Steven Froot, Vice Chair

Approved,
Martin Wolpoff, Chair

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