

**Law, Rules and Ethics Committee**  
**June 9, 2025**

1. **Meeting called to order at 7:35**
2. **Attendance (3):** Martin Wolpoff, Chair, Steve Froot, Vice-Chair, Sylvia Alexander  
**Absent (1):** Charles Moerdler
3. **Approval of Minutes: Meeting of May 12, 2025**  
Approved unanimously.
4. **Chairperson's Report**
  - A. Retiring use of **cb.nyc.gov** email address by outgoing Board chairpersons.
  - B. Incident of a former Board member using former title and position in letter to a NYC commissioner  
At the request of Board Chairperson Reyes, the committee discussed these two items. It was felt that the number of people involved did not require a bureaucratic response and they should be dealt with administratively on an individual basis.
  - C. Pending New York State legislation to amend the Open Meetings Law  
Chair contacted the offices of state senator Rivera and assembly member Dinowitz, as well as state senator Hoylman-Sigal, asking about legislation being considered that might amend the Open Meetings Law (OML). An underlying theme is the appearance that implementation of OML by community boards is not consistent. The following are recommendations offered by the good government lobbying group New York Lawyers for Public Interest and a partial listing of the intros being considered by the legislature.
    1. Recommendations:
      - a) Support **A3615/S1027**-Update Open Meetings Law to require hybrid participation at public meetings and close loopholes.
        - a) Enable closed captioning for meetings of public bodies and require hybrid (in-person and remote) meetings.
        - b) The presiding officer must be present in-person or may designate an alternate member.
        - c) Members may participate remotely for the circumstances provided by law, including disability, illness, or caretaking responsibilities.
        - d) Minutes of meetings shall state which members participated remotely.
        - e) Recordings of meetings shall be published using closed captioning.
        - f) Must provide the opportunity for members of the public to view meetings via video with real-time closed captioning or participate in real-time, where public comment is authorized.
        - g) Public notice of meetings should inform the public of the use of videoconferencing and include where the public can view or participate in meetings, how they may participate, and where documents and records will be posted.
        - h) Public bodies to maintain a page on an official government internet website.

- i) End loophole: “To the extent practicable” language regarding the requirements that records that are the subject of discussion at public meetings be posted 24 hours prior to the meeting.
  - j) Require public bodies to have a website and high-speed internet before they are required to stream meetings in real-time.
  - k) Require that at least one accessible physical location be available for the public to attend public meetings,
  - l) American Sign Language interpreters be provided upon request.
  - m) Require the state Office of Information Technology Services facilitate the use of widely available, low-cost, and platform responsive web-based videoconferencing applications that meet or exceed federal accessibility guidelines and international standards, allowing for an equivalent experience to in-person access, including for materials and public comment, for the broadcast of public meetings.
  - n) Allow members of public bodies or any other persons authorized by the body to attend executive sessions via videoconferencing.
  - o) Require that minutes from public meetings reflect use of electronic means to attend meetings, **including when members joined and left meetings**, and note any interruptions or suspension due to technical problems.
  - p) Establish a Municipal Hybrid Meeting Trust Fund. Funds shall be expended jointly by the Committee on Open Government and Office of Information Technology Services (ITS) to assist municipalities with videoconferencing through the competitive grant program outlined in section 11.
  - q) Establish a competitive grant program for municipalities to facilitate hybrid meetings. Preference to be given to rural areas when determining recipients.
2. Recent changes or legislation under consideration
- a) Assembly Bill 2025-A847, requires all public bodies to live stream and post video recordings of their open meetings and public hearings. These recordings must remain available online for at least five years. This amendment aims to enhance transparency and accessibility for the public.
  - b) S455A - For a quorum, **an advisory board may require that at a minimum, one quarter of the members and the presiding officer of a community board physically be present** at a location where the public can attend for such board to conduct videoconferencing. It is passing the Senate this week.
  - c) [S1525](#) - Allows members granted disability remote privilege to count toward quorum. The 2025-26 bill number is [S2392](#).
  - d) [S8410](#) - Mandatory annual one-hour training on OML for all members. The 2025-26 bill number is [S2598](#), and it **passed the Senate in May**.
3. Final thought – The legislative session ends at the end of June. Legislation that has not passed both houses need to be reintroduced in the next session if the sponsors wish.

**5. Possible Bylaws Amendment concerning filling midterm officer and committee chair vacancies** – concern over appearance of contradiction (*see capitalized language below*).

**Bylaws - Article V**

**Officers and Committee Chairs**

**“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]”

**Question:** If there is a midterm vacancy in a standing committee chair position, is it filled by the vice-chair or by an election by the full board within two months of the occurrence of the vacancy?

**LRE’s Answer:** The intentment of the Section 3 is that a vacancy in the position of Board Chairperson is to be filled by the Board Vice-Chair assuming the role of Board Chairperson for the remainder of the unexpired term; vacancies in all other officer and committee chair positions are to be filled by a special election by the full board, as otherwise provided in the Section. Some limited technical amendments to the existing text can help to clarify this.

**Question:** What happens if the Board Vice-Chairperson is unavailable (unable or unwilling) to assume the Board Chairperson position either for the remainder of the unexpired term, or for the two-month period prior to a special election?

**LRE’s Answer:** The current Bylaw section does not provide guidance in this situation. A salutary amendment would provide that if the Board Vice-Chairperson could not serve out the remainder of the Board Chairperson’s term, a special election would be held, as otherwise set out in Section 3; and would also provide that if the Board Vice-Chairperson could not assume the role of Board Chairperson for the two-month interim period prior to such election, then first the Board Secretary, and if the Secretary were not available, then the Board Treasurer, would assume the role of Board Chair until such election is held.

**Proposed amendments (in boldface):**

“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 **Board** Chairperson, the **Board** Vice-Chairperson shall assume the position of

**Board** 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 **or Committee Chairperson** 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. **In**

**the event a vacancy in the position of Board Chairperson cannot be filled because the Board Vice-Chairperson is neither available to serve for the remainder of the unexpired term nor available to serve on an interim basis until an election to fill a vacancy in the position of Board**

**Chairperson is held, as otherwise provided for in this section, then the Board Secretary, and if the Board Secretary is not available to serve, the Board Treasurer, shall assume the position of Board Chairperson on an interim basis until such election is held.**

Committee vote:

In favor - 2 (Wolpoff, Froot) Abstention – 1 (Alexander)

**6. Can a Board member simultaneously be an officer and a chair of a standing committee?**

Ethical Guidance Manual

Part V. Community Board Administration, Section 1. Nominating Committee, subsection (f):

“ . . . . A member of the Board may seek to be considered by the Nominating Committee for nomination for election to only one position.”

Bylaws

Article VI – Committees – Section 2 (second paragraph)

“... . No person may serve as Chairperson of more than one standing committee. ...”

Committee discussion focused on the restriction in the Ethical Guidance Manual that a Community Board member may seek only one position as either a chair of one standing committee or as an officer of the board, but may not seek nomination for two positions. The Bylaws already specify that no person may serve as chair of more than one standing committee. The Committee determined that the provisions in the Bylaws and in the Ethical Guidance Manual, read together, indicate that the answer is “No,” and that a board member can only serve as either a chair of a standing committee or as an officer, but not both and not one of each.

Nevertheless, under special circumstances, an officer or chair of a standing committee may fill in on an interim basis to chair a standing committee.

Bylaws, Article VI, Section 2

“When there is a vacancy in a committee chair, or when the Chairperson and Vice-Chairperson if any, of a committee will be unavailable to conduct a meeting or hearing, the Chairperson of the Board, in his or her discretion, may appoint any Appointed member of such committee, or any member of the Board’s Executive Committee, to conduct, on an ad hoc basis, a scheduled meeting or public hearing of such committee, or any public hearing of such committee which is mandated by law.”

The committee noted the unique nature of the Budget Committee in that all its members are, under the Bylaws, a standing committee comprised of chairs and thus, pursuant to the above-quoted provision, anyone selected by the Board Chairperson to assume the chair position of the Budget Committee in the event of a vacancy would be a member of the Budget Committee. This is an exception to the rule that a person cannot simultaneously serve as the chair of two committees or simultaneously serve as a Board officer and a chair of a standing committee.

**7. Recommendation to Encourage Committee Chairs to Appoint Second Vice Chairs**

The committee expressed concern that, with the effective date of term limits approaching in the next two and three years, there will be a number of community board members, including some the current committee chairs and vice-chairs, who will be ending their Board service. Therefore, we need to remind all current chairs that they should be seeking out and preparing other Board members who could be able to succeed them as committee chairs. It is therefore recommended that all current chairs consider the possibility of appointing two vice chairs to begin creating a pool of potential successors.

**8. Committee discussed the latest settlements from NYC Conflicts of Interest Board (COIB)**

**9. NYC Council Spreadsheet** – Spreadsheet was distributed to all chairpersons

**10. Unfinished Business - none**

**11. New Business - none**

**12. Adjournment at 9:27 pm**

*Next Meeting – Monday, September 8, 2025*

**Have a Great, Restful and Healthy Summer**

Respectfully submitted,

Martin Wolpoff, Chair  
Law, Rules and Ethics Committee