

LAW, RULES & ETHICS COMMITTEE

September 11, 2017
Board Office

MINUTES – Pending committee approval

Attendance

Present: Martin Wolpoff, Chair, Herb Young, Vice Chair, Sylvia Alexander, Irving Ladimer, Rosemary Ginty (Ex-officio)

Absent: Charles Moerdler, Dan Padernacht, Diego Santiago, I.W. Stone, Mary Yamagata

Guest: Troy Outlaw, representative of Congressman Espaillat

Meeting called to order at 7:10 P.M.

1. Chairman distributed a packet that included the June minutes, the committee's mission statement, a response from the NYS Committee on Open Government (COOG), a synopsis on the NY Conflicts of Interest Law, wording for changes to the board's Ethical Guidance Manual.
2. Approval of June minutes – Minutes were distributed, but no vote was taken due to the lack of a quorum.
3. Introduction of new members – None of the new members were present
4. Review of City Council activity spread sheet – Board Chair Rosemary Ginty presented and discussed her updated spreadsheet. As in the past, Ms. Ginty intends to forward the spreadsheet to the chairs of the board committees so that each chair can choose if there are items of interest for their specific committees.
5. Review of findings by Conflict of Interest Board (COIB) – Chair distributed copies of the August, 2017 edition of The Ethical Times. He also distributed copies of "New York Conflicts of Interest Law, Covering New York City Public Servants (*Plain Language Version*)" It was agreed that copies of this document would be distributed to all board members with various items highlighted at board meetings.
6. Review of role of Nominating Committee
Based on last years' experience of the nominating committee, it was agreed that the following language should be added to the Ethics Manual:
 1. *Any incumbent who wishes to be considered for more than one officer or chair position, must announce the vacancy of their current position.*
 2. *Board Members who wish to be considered for the nominating committee need to be aware that they need to be available during the period when the committee will be meeting and deliberating.*
7. Old business – no items

8. New business – A board member asked the board chair to provide minutes from an informal meeting of the board officers. At the board chair's request, the LRE chair contacted the NYS Committee on Open Meetings (COOG) for an opinion. The response was that the informal nature of the meeting exempted it from the need for public notice, public attendance or formal minutes. The COOG response was shared.
9. October meeting – The regular meeting date would have been October 9 which falls on Columbus day. Rather than trying to find an acceptable alternate date, it was agreed that there would not be an October meeting. The next meeting of the LRE committee will be November 13.

Respectfully Submitted,

Martin Wolpoff
Chair
Law, Rules and Ethics Committee

I. June Minutes

Law, Rules and Ethics Committee
Meeting Minutes – Pending Committee Approval
June 14, 2017
Board Office

Attendance

Present: Martin Wolpoff, Chair, Herb Young, Vice Chair, Sylvia Alexander, Rosemary Ginty, Irving Ladimer, Diego Santiago Absent: Charles Moerdler, Community Attendees: Robert Press

Meeting called to order at 7:10

1. Approval of May minutes:

In favor: (6) - Martin Wolpoff, Herb Young, Sylvia Alexander, Rosemary Ginty, Irving Ladimer, Diego Santiago Opposed: (0)

2. Discussion of City Council Legislative actions – Spreadsheets prepared by Ms. Ginty were distributed and reviewed. Ms. Ginty reminded committee that at the end of the calendar year all intros that have not been voted on and signed by the Mayor are dropped and the City Council begins with a fresh slate.

3. Discussion of COIB findings – Committee discussed recent dispositions

- A. Findings against a NYCHA worker who had been seeking employment with a contractor while still authorizing NYCHA payments to that firm.
- B. Situation in which an assistant principal had fraudulently obtained funds from a teacher. When she learned of the fraud, she demanded restitution.

4. Discussion of this year's nominating committee experiences

- A. Did not encourage incumbents in non-challenged positions to request interviews.
- B. One incumbent sought candidacy for renomination, as well as for a second position. As learned from a recent CB 7 experience, since their bylaws were silent on the matter, there was nothing to bar such a situation. The committee considered the issue. It was generally felt it was unfair to board members were such a candidate not to inform the board that the chair position could become vacant. Chair was asked to bring to the next meeting wording for a change for the Ethical Guidance Manual that covered potential future situations. Such wording would be part of the public announcement made by the Board chair at the time of the April election of the nominating committee. The wording should include:

- a. Non-incumbents can apply for to be nominated for the slate for several potential positions.
- b. Incumbents who wish to be considered for any other officer/chair position, although they can be considered for renomination, must announce that they are vacating their current position.
- C. As with all other activities of the board, the nominating committee is subject to the provisions of the Open Meetings Law. This was the first time a member of the press sat in during interviews.
- D. For the first time, the nominating committee filed minutes of its activities.
- E. The committee did not consider the chair positions for the board's two ad hoc committees for which the board must vote to extend such committees and establish its membership
- F. Members who wish to be considered for the nominating committee need to be aware that they need to be available during the period when the committee will be meeting and deliberating.

5. Old Business

- A. Civics presentations – Chair reviewed process followed by the civics subcommittee including many meetings to determine scope and content for the presentation(s), potential venues, etc. Chair wrote to potential venues offering the presentations.

Kingsbridge library was the only respondent. Following a meeting at the Kingsbridge library, the matter was referred to central NYPL. Following approval, an invitation was extended from both the Kingsbridge and Riverdale branches. Two presentations were made at both branches. Except for members of the civics subcommittee and library personnel, attendance was minimal.

B. Mr. Ladimer suggested that, if he wanted it, we should share our presentation materials with Senator Rivera.

6. New business

Ms. Ginty requested that the committee review the policy concerning board member contacts with the press. It was agreed that, as private citizens, board members can write to, or be interviewed by the press. However, such citizens must make it clear that they are offering personal opinions and are not authorized to speak on behalf of the board. For the September meeting, chair will offer wording for consideration.

7. Meeting adjourned at 8:20 PM

Respectfully submitted,

Martin Wolpoff

II. Mission Statement

Bronx Community Board No. 8's Law, Rules & Ethics Committee deals with issues involving proper procedure, ethical conduct and the in-house rules of the Board.

Its membership consists of those Appointed Board Members who are attorneys at law and other interested Appointed Board Members.

The Chairperson of the Law, Rules & Ethics Committee serves as the Board's Parliamentarian, advising the Board on all matters of procedure, legislation of concern to the Board, and all matters pertaining to the Bylaws and the New York City Charter.

III. Open Meetings Law

And good morning to you, too –

Thanks for your kind words and your interest in compliance with law.

If I understand the situation correctly, the four officers do not function as a body, nor are they formally designated to carry out any power or duty collectively as a body, and they cannot take action. If their discussions are as you described, I do not believe that the four officers would constitute a "public body" or, therefore, that those discussions would fall within the coverage of the Open Meetings Law.

If you would like to discuss the issue, please feel free to contact me.

Bob Freeman

IV. Ethical Conduct

**New York Conflicts of Interest Law, Covering New York City Public Servants
(Plain Language Version*)**

- 1. Misuse of Office.** Public servants may not use or misuse their position to financially benefit themselves, their family members, or anyone with whom they have a business or financial relationship.

2. **Misuse of City Resources.** Public servants may not use City letterhead, personnel, equipment, supplies, or resources for a non-City purpose, nor may they pursue personal or private activities during times when they are required to work for the City.
3. **Gifts.** Public servants may not accept anything valued at \$50 or more from anyone that they know or should know is doing business or seeking to do business with the City.
4. **Gratuities.** Public servants may not accept anything from anyone other than the City for performing their official duties.
5. **Seeking Other Jobs.** Public servants may not seek or obtain a non-City job with anyone whom they are dealing with in their City job.
6. **Moonlighting.** Public servants may not have a job with anyone that they know or should know does business with the City or that receives a license, permit, grant, or benefit from the City.
7. **Owning Businesses.** Public servants may not own any part of a business or firm that they know or should know does business with the City or that receives a license, permit, grant, or benefit from the City, nor may their spouses, or their domestic partners, nor any of their children.
8. **Confidential Information.** Public servants may not disclose confidential City information or use it for any non-City purpose, even after they leave City service.
9. **Appearances Before the City.** Public servants may not accept anything from anyone other than the City for communicating with any City agency or for appearing anywhere on a City matter.
10. **Lawyers and Experts.** Public servants may not receive anything from anyone to act as a lawyer or expert against the City's interests in any lawsuit brought by or against the City.
11. **Buying Office or Promotion.** Public servants may not give or promise to give anything to anyone for being elected or appointed to City service or for receiving a promotion or raise.
12. **Business with Subordinates.** Public servants may not enter into any business or financial dealings with a subordinate or supervisor.
13. **Political Solicitation of Subordinates.** Public servants may not directly or indirectly ask a subordinate to make a political contribution or to do any political activity.
14. **Coercive Political Activity.** Public servants may not force or try to force anyone to do any political activity.
15. This material is intended as a general guide. It is not intended to replace the text of the law (NYC Charter § 2604). For more particular information or to obtain answers to specific questions, you may write or call the Board. Also, bear in mind that individual agencies may have additional restrictions on the acceptance of gifts, moonlighting, and other issues. Contact your agency counsel for more information.
16. **Coercive Political Solicitation.** Public servants may not directly or indirectly threaten anyone or promise anything to anyone in order to obtain a political contribution.
17. **Political Activities by High-Level Officials.** Deputy mayors, agency heads, deputy or assistant agency heads, chiefs of staff, directors, or members of boards or commissions may not ask anyone to contribute to the political campaign of anyone running for City office or to the political campaign of a City elected official running for any office. These appointed officials, and elected officials as well, may not hold certain political party positions.
18. **Post-Employment One-Year Ban.** For one year after leaving City service, former public servants may not accept anything from anyone, including the City, for communicating with their former City agency.
19. **Post-Employment One-Year Ban for High-Level Officials.** Elected officials, deputy mayors, the chair of the City Planning Commission, and the heads of the Office of

Management and Budget, Law Department, or Departments of Citywide Administrative Services, Finance, or Investigation, for one year after they leave City service, may not accept anything from anyone, including the City, for communicating with their former branch of City government.

20. ***Post-Employment Particular Matter Bar.*** After leaving City service, former public servants may never work on a particular matter they personally and substantially worked on for the City.
21. ***Improper Conduct.*** Public servants may not take any action or have any position or interest, as defined by the Conflicts of Interest Board, that conflicts with their City duties.
22. ***Inducement of Others.*** Public servants may not cause, try to cause, or help another public servant to do anything that would violate this Code of Ethics.
23. ***Disclosure and Recusal.*** As soon as a public servant faces a possible conflict of interest under this Code of Ethics, he or she must disclose the conflict to the Conflicts of Interest Board and comply with the Board's instructions, which may include recusal, divestiture, or other actions.
24. ***Volunteer Activities.*** Public servants may be officers or directors of a not-for-profit with business dealings with the City if they do this work on their own time, they are not compensated for such work, the not-for-profit has no dealings with their City agency (unless the head of the agency has given approval), and the public servant is in no way involved in the not-for-profit's business with the City.

FOR ADDITIONAL INFORMATION, CONTACT

NEW YORK CITY CONFLICTS OF INTEREST BOARD

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NEW YORK, NY 10007

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<http://nyc.gov/ethics>

Discussion of this year's nominating committee experiences

1. Any incumbent who wishes to be considered for more than one officer or chairmanship position, must announce the vacancy of their current position.
3. Members who wish to be considered for the nominating committee need to be aware that they need to be available during the period when the committee will be meeting and deliberating.