

PENDING COMMITTEE APPROVAL
MINUTES
LAW, RULES & ETHICS COMMITTEE
November 9, 2020
7:00 PM

Attendance: Present (9) Martin Wolpoff, Chair, Sylvia Alexander, Steven Froot, Rosemary Ginty, Daris B. Jackson, Louis Lopez, Omar Murray, Daniel Padernacht, Sergio Villaverte

Absent (3) Lisa Daub, Paul Ellis, Charles Moerdler

1. Meeting called to order at 7:05 pm - Comments were shared about the difficulty signing in to Zoom.
2. Introduction of committee members and guests. Chairman expressed our condolence to Sergio on the passing of his brother.
3. Approval of October minutes
Outstanding issue was question of the proper recording of the straw poll votes taken at the September LRE meeting. Since Steve Froot was not present yet, Chairman indicated that he had listened three times to the recorded September meeting. He had cued up audio to be played if necessary. He reported that his tally of the results on the question of whether all potential nominees should be required to attend an interview by the Nominating Committee (NC) was:
Yes (5) Daub, Ellis, Froot, Padernacht, Wolpoff
No (4) Alexander, Ginty, Murray, Jackson

On the question of approval of the minutes: Approved unanimously

4. Nominating Committee Recommendations – Steve Froot
While awaiting Mr. Foot’s sign-in, Chair reported for the minutes what he had received from the New York State Committee on Open Meetings concerning the question of whether the Nominating Committee’s first meeting, which is procedural without discussion of policy, was subject to the Open Meetings Law. The response was terse and to the point: The meeting must be publicly noticed with sufficient time for the public to observe the proceedings.

§104. Public notice.

1. *Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given or electronically transmitted to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.*
2. *Public notice of the time and place of every other meeting shall be given or electronically transmitted, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.*
3. *The public notice provided for by this section shall not be construed to require publication as a legal notice.*
4. *If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.*
5. *If a meeting will be streamed live over the internet, the public notice for the meeting shall inform the public of the internet address of the website streaming such meeting.*

6. When a public body has the ability to do so, notice of the time and place of a meeting given in accordance with subdivision one or two of this section, shall also be conspicuously posted on the public body's internet website.

Thus, the first NC meeting is subject to notice and public scrutiny.

Chairmen thanked Steve Froot for his efforts to put into appropriate language the sentiment of the 2020 Nominating Committee in seeking several revisions for the NC Guidelines as found in the Community Board 8's Ethical Guidance Manual.

Part V

Community Board Administration

1. Nominating Committee

The Nominating Committee is subject to the Open Meetings Law.

In addition to the Bylaws, which specify the structure and duties of the committee, the following procedures are to be followed pursuant to resolutions adopted by the community board on February 14, 2012 , November 13, 2012, and April 14, 2015.

- (a) Officer nominations: A member of the Nominating Committee may not be nominated by the Committee for election to an officer position.
- (b) Committee Chair nominations: A member of the Nominating Committee may be considered for nomination for election to a committee chair position, but shall recuse him/herself from all interviews, discussions and votes concerning that position.
- (c) In the event of a tie vote in the Nominating Committee, both candidates shall be presented to the Board.
- (d) The Nominating Committee must complete its activities and present its slates at least two calendar weeks before the June meeting at which the election will take place.
- (e) When the Nominating Committee is elected, there will be a statement that all officer and committee chair positions are to be considered open and available for nominations, and the following guidance to the Committee will be read aloud:

“Board Members who are putting together a proposed slate should make their choice bearing in mind that it is both good policy as well as conducive to the smooth functioning of the Board to strive for a Nominating Committee and a slate of proposed Officers and Committee Chairs who represent diverse geographic areas within the Board, diverse communities, diverse ethnic and racial groups, and diverse professional and work backgrounds. The choices made should also consider the experience of any nominee as a Board Member and the extent of the interest shown by any such nominee in participating in Board matters. These factors, while not meant to impel any particular individual choice, should always serve as general guidance.”

- (f) Within five (5) business days of the formation of the Nominating Committee, each current officer or committee chair must notify the Committee of his/her intention either (i) not to be considered for nomination, or (ii) affirmatively to seek nomination to his/her current position. The Nominating Committee will then promptly notify all board members of those positions as to which the Committee has received notification that the incumbent officer or chair is not seeking nomination. In the event, if a current officer or

committee chair does not provide the required notification, the Nominating Committee may deem such officer or committee chair not to be seeking the nomination for that position. A member of the Board may seek to be considered by the Nominating Committee for nomination for election to only one position.

(g) The Nominating Committee shall interview (i) all candidates for an officer or chair position who have not previously occupied the position sought and (ii) all candidates for an officer or chair position where more than one candidate is seeking the Committee's nomination for that position, irrespective of incumbency. The Committee may in its discretion interview any candidates seeking nomination who currently occupy the officer or chair position sought, giving due consideration to the length of the candidate's tenure in the position.

(h) Open Meetings Law -

(i) The actions of the Nominating Committee are subject to the Open Meetings Law: meeting notice must be given; meetings are open to the public; and minutes must be taken, including the recording of votes taken.

(ii) The Nominating Committee may go into executive session if it is to discuss the "medical, financial, credit or employment history of a particular individual." It is recommended that, if interested, the Committee establish a question schedule that includes such questions. If that is the case, a motion must be made to go into executive session and a recording of the votes on the motion be recorded. While in executive session, there are no minutes, votes or discussion relating to the selection of a slate. Such discussions and votes must be made in open session with minutes taken and votes recorded

(iii) In order to provide sufficient public notice of the meetings of the Nominating Committee and provide sufficient meeting time for the Committee to complete the required organizational tasks, while accounting for possible scheduling conflicts, the following Nominating Committee meetings shall be noticed at the same time public notice of the April meeting of the Community Board is provided:

- a Nominating Committee meeting to immediately follow upon the adjournment of the April Board meeting;
- a Nominating Committee meeting on the day immediately following the April Board meeting;
- a Nominating Committee meeting on the sixth (6th) business day following the April Board meeting; and
- a Nominating Committee meeting on the seventh (7th) business day following the April Board meeting.

To avoid confusion, any of the aforementioned meeting dates that are not needed by the Nominating Committee shall be cancelled by prompt public notice.

During the course of the above discussion the statement to be read at the time of the selection of a Nominating Committee was considered. At the previous meeting, Lisa Daub had questioned the origins of the statement, was there a resolution initiating it and why had it fallen into disuse? Steve Froot included the statement in the present resolution to memorialize it. The general consensus by the committee members is that the statement sought to heighten sensitivities toward the need for diversity in the offerings of the slate, but not as a required mandate to require quotas. Chair noted he would contact Bob Fannuzi to see if he could provide an historical perspective.

On a motion to propose this resolution for approval by the Executive Committee before bringing it to the full Board, the vote was:

Yes (6) Froot, Jackson, Lopez, Murray, Padernacht, Wolpoff

No (1) Villerverte

Abstentions (2) Alexander, Ginty. Both wished the minutes to reflect that their vote reflected their objections to item (h) (iii).

5. Communication Principles and Channels – Lisa Daub –

In the absence of Lisa Daub, this item was tabled until the December meeting

6. Discussion of draft changes to community Board 8 Ethical Guidance Manual (EGM) concerning street co-namings for sections of parks and historical landmarks – Martin Wolpoff

Chairman noted that for the purposes of amending the Street Namings Guidelines, he reached back to the resolution passed by the full Board on February 11, 2020 for the basis upon which to present editing changes.

February 11, 2020

The item was added to the agenda and the following resolution was presented with the amended language underlined.

Whereas, CB 8, Bronx has established a mandatory procedure for the naming of a street or park or park subdivision in memory of individuals who have provided service to assist the Community Board 8 community;

Whereas, there is currently no provision for procedures for the honorific street or park co-namings for sites, buildings or institutions of historical significance;

THEREFORE, BE IT RESOLVED, that Community Board No. 8 modifies the Standards for Street Name Changes to include the appropriate honoring of sites or buildings that are representative of the history of Community Board 8;

BE IT FURTHER RESOLVED THAT, the Bronx Community Board 8 street co-naming guidelines be amended as follows:

Community Board No. 8 Standards for co-naming of a street, or park (or part thereof):

The guidelines herein shall be used by Bronx Community Board 8 in determining its support for co-naming a street or park (or section thereof) in honor of a person or site/building/institution of historical significance.

A. Community Board Mandatory Standards for co-naming streets and parks (or sections thereof) in honor of a natural person

1. Honoree must be deceased.
2. Honoree must be nominated by 3 or more organizations which are on the list required to be kept by the Community Board under the new City Charter.
3. Honoree must have demonstrably benefited the community as, for example;

- i. Time: if honoree has devoted time to assist the community, a significant portion of such time should have been devoted on a volunteer basis, without remuneration; or
 - ii. Creativity: if honoree was a creative or artistic person, honoree must have been identified with community so as to increase local pride in the creative works of the honoree; or
 - iii. Heroics: if honoree places himself or herself in significant physical danger, above and beyond the call of duty to benefit or protect this community district and/or its inhabitants; or
 - iv. Elected Officials: honoree may be an elected public official, whose constituency included all or part of the Community Board district, in which case standard 3 (i) may be considered satisfied, because of the extensive nature of community involvement by public officials. (For more guidance on this standard, see Discretionary Standard No. 3).
4. At least 2 years must have elapsed between decease of the nominee and the final vote by Community Board No. 8.
 5. The location bearing the name change should have a specific connection to the life or work of the honoree.
 6. The name change should not engender confusion (i.e., too many other similar names in the vicinity).

B. Community Board Mandatory Standards for co-naming a street or park (or section thereof) in honor of site, building or institution of historical significance

1. The institution, site or building must be at least 30 years old.
2. The institution, site or building must have a special character or special historical or aesthetic interest or value as part of the development, heritage, or cultural characteristics of the community district, city, state or nation.
3. The institution, site or building must be nominated by 3 or more organizations which are on the list required to be kept by the Community Board under the new City Charter.
4. The location bearing the name change should have a specific connection to the institution, site or building.
5. The street co-name change should not engender confusion (i.e., too many other similar names in the vicinity)

C. Community Board Discretionary Standards

In addition to the mandatory standards contained herein, the Community Board may look to the following discretionary standards in determining whether to support the co-naming of a street or park (or section thereof) in honor of a person or in honor of a site/building/institution of historical significance:

1. Honoree's impact should be on widest possible cross-section of the community (i.e., benefiting a neighborhood rather than a single building).
2. The nominating organizations should reflect the diversity of the community district.
3. The honoree should be associated with creation of specific neighborhood project (a park, a youth program, tenants group, etc.) or with aid to those in need (youth, elderly,

the poor, the disabled, etc.) or with work which has bettered the lives of a wide population and has reflected credit on this community district, or has demonstrated exceptional valor and heroism beyond the call of duty.

4. Special consideration will be given where honoree's death was untimely or occurred in the course of honoree's work on behalf of the community.

D. Procedure

1. Upon nomination by 3 or more community groups, the proposed name change will be referred, in the case of a street co-naming, to the Traffic and Transportation Committee, and, in the case of a park (or section thereof) co-naming, to the Parks and Recreation Committee, which will, upon written notice, consider the proposal within the next 90 days and recommend acceptance or rejection.
2. The Executive Committee, at its first meeting following the vote on the proposal by the Traffic and Transportation Committee, or the Parks and Recreation Committee, will consider the proposal upon written notice, and may recommend acceptance or rejection of the name change. Minutes of Bronx Community Board No. 8 Meeting held on February 11, 2020
3. After the first approval by a Committee of the Community Board, but, in any event before the vote of the full Board, consent to the proposal must be obtained from the family of the honoree (usually, through the next of kin). After eliciting consent, the process may continue.
4. Any Committee vote shall also include the reasons for approval or rejection, under these standards.
5. Following the vote by the Executive Committee, any of the following may place the matter on the agenda of the next meeting of Community Board No. 8:
 - I. The Traffic and Transportation Committee in the case of a street co-naming,
 - II. the Parks and Recreation Committee in the case of a park (or section thereof) co-naming,
 - III. the Executive Committee,
 - IV. any member of the Board
6. Once added to the agenda, upon written notice to the members, the proposal will be submitted to a vote at two successive Board meetings (unless it is defeated at the first vote of the Board). Two successive affirmative results are necessary (one at each of two monthly meetings) to approve the name change.
7. The above schedule may be extended whenever any committee, or the Board, decides it needs further information. In such case, consideration of the proposal, may be tabled month-to-month, until such information is obtained.

On a motion to prepare this resolution for approval by the Executive Committee before bringing it to the full Board, the vote was:

Yes (9) Alexander, Froot, Ginty, Jackson, Lopez, Murray, Padernacht,
Villerverte, Wolpoff

No (0) Abstentions (0)

6. Decisions of COIB - Chair distributed the two November COIB agreements he received. He also mentioned the COIB Rules concerning CB members seeking Public Office that was distributed by the office of the Bronx Borough President.
7. City Council Legislative Spreadsheet – Chairman had emailed a spreadsheet of the November activities of the various Council Committees.
8. Old Business – None
9. New business – Sergio Villaverte requested that the December agenda include formalizing a progress for creating sub-committees
10. Meeting adjourned 8:15 pm
11. Next Meeting - Dec 14, 2020

Respectfully submitted,

Martin Wolpoff, Chair