

**Law, Rules and Ethics Committee
Meeting Minutes
January 28, 2016
Riverdale Mental Health**

Attendance

Present: Martin Wolpoff, Chair, I. W. Stone, Rosemay Ginty, Irving Ladimer, Robert Press, Mary Yagamata, Herb Young

Community Board Member: Amy Joy Robateau

Absent: Sylvia Alexander, Philip Friedman,

Meeting called to order at 7:10

1. Approval of October minutes – Except for a misspelling of the word “Principle,” committee voted to accept the minutes as distributed

In favor: 7- Martin Wolpoff, Rosemay Ginty, Irving Ladimer, Robert Press, Mary Yagamata, Herb Young

Against: 0

Abstention: 1 I. W. Stone (not present at meeting)

2. Discussion of COIB findings – Committee discussed recent COIB dispositions

3. Discussion of City Council Legislative actions – Spreadsheets prepared by Ms. Ginty were distributed and reviewed. Special attention was addressed to 1046-2016 which seeks to require community board members to complete demographic and board membership data that would be available for public access. The chairman presented the item as another attempt by some City Council members to supercede the Charter–given latitude of the Borough Presidents.

4. Discussion of abstention “because” – Chairman asked for discussion on the memo he sent to Board members. Two issues were raised:

a. Should a member abstain on voting on minutes for a meeting at which he/she was not in attendance? In addition to seeking counsel from COIB, it was the general opinion that since it was not identified as “cause” in the Handbook, a member should vote.

b. Can a member who doesn’t want to vote, and who has no reason to abstain for “cause,” leave the room and not impact on the quorum? The sense was that board members had the obligation to cast a vote and not “duck out.” Quorum counts are always in order if members arrive late or leave early. It was also noted that in previous years there had been a policy of voting for all resolutions early in the meeting to ensure the presence of a quorum. The COIB Handbook notes that minutes should note members with “conflicts” identified as “not qualified to vote.”

5. Update by Mr. Ladimer on revisions to Board's Guidelines – Mr. Ladimer asked for committee members' opinions on the question of use of recusal as justification for abstention for cause. Although it is not listed as a "cause: for abstentions, chairman noted that he would contact COIB for clarification. Discussion of by-laws with respect to penalties for non-attendance at committee meetings - Chairman raised an issue discussed at the last executive meeting. The question was what teeth does the by-laws allow for disciplining a member for non-attendance at committee meetings. The committee looked at the following excerpts from the by-laws:

Article 3

Sec. 4 - An appointed Member may be removed by the Board for failure to comply with section 3 of this Article; for three consecutive absences from meetings of the Board; for failure to attend six or more meetings of the Board in a period of any one year; or for other good cause. A proceeding to remove an Appointed Member shall be initiated by the Board's Executive Committee, by serving written notice on such Member, specifying the grounds for the proposed removal. The Member shall have thirty (30) days in which to respond to the notice. Removal by the Board shall require a majority vote of the Appointed Members present at the regular meeting next succeeding the aforesaid 30 day period. The notice for such meeting shall include the proposed action in its agenda. [Amended 5/12/15]

Article 5

Sec. 5 – An officer may be removed for cause by the affirmative vote of a majority of the Appointed Members present at a regular meeting, or a special meeting called on not less than ten (10) days' notice, provided that written notice of the proposed removal shall have been served on such officer at least thirty (30) days prior to the meeting, specifying the grounds for such proposed action in its agenda. A proceeding to remove an officer shall be initiated by the Board's Executive Committee, which shall authorize service of the notice upon the officer. [Amended 5/12/15].

Article 6

Sec. 4 – An Appointed Member may be removed from a committee's rolls by the Committee Chairperson for missing three consecutive meetings of the committee; or for failure to attend six or more committee meetings in a period of any one year; or for other good cause, provided that the Board Chairperson approves such removal. An Appointed Member who is removed from two or more committees for poor attendance or other cause may, in the discretion of the Board Chairperson, be refused appointment to another Board committee. Members of a committee who are not Appointed Board Members shall be dropped automatically from the committee's rolls after missing three consecutive meetings

Thus, It was felt that a member could be removed from committee membership, or from the Board, for non-attendance, or for any other substantive cause, based on the procedure described above.

There was also discussion about including in handbook that community members need to commit to the same ethical standards as appointed members are held.

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6. **Discussion of rules concerning lobbying.** - Chairman distributed a flyer City Lobbying Bureau offering a one-time amnesty for organizations engaged in inappropriate lobbying.
7. **Review of forwarded material on civics lesson** - Chairman contacted State Senator Gustavo Rivera requesting a copy of the materials he used for community presentations on the role of citizens in voting and the offices for which they vote. Mr. Ladimer has been a force for a long-time for community board 8 to engage in such a project. Chairman asked for volunteers to contact him if they wished to participate in such an effort. Sylvia Alexander contacted the chairman indicating her interest. The chairman has requested funds for this project from the Board's budget.
8. **Discussion of Chairman of committees speaking to the media** – At the request of a committee member, this item had been added to the agenda. The sense was that even though there is the established policy that only the Board Chair is authorized to speak to the media, this policy has been breached in many instances. This item will be brought to the executive committee.
9. **Old Business – none**
10. **New Business – Following FOIL requests to community board 2, Mr. Press wanted the committee to be aware that he felt threatened about his potential reappointment to the board.**
11. **Meeting adjourned at 8:00 PM**

Respectfully submitted,

Martin Wolpoff,
Chair

Additional notes provided by Mary Yagamata