

BY-LAWS of COMMUNITY BOARD #12, MANHATTAN  
As amended on May 25<sup>th</sup> 2019\*

*Table of Contents*

Article	Description	Page
1.00	Purpose of By-laws	1
1.01	The Purpose	1
1.02	Pursuant to By-laws (CB12 Shall)	1
2.00	Duties of the Community Board	1
2.01	Pursuant of City Charter	1
3.00	Membership of the Board	1
3.01	Requirement of City Charter	1
3.02	Term of Service	1
3.03	Vacancies in Board Membership	1
3.04	Compensation	1
4.00	Duties of Appointed Members	2
4.01	To Act Individually & In Cooperation	2
4.02	To Attend Each Regular Monthly Meeting	2
4.03	To Serve on At Least One Standing Committee	2
4.04	To Serve on the Board as an Unpaid Officer of the City of New York	2
4.05	Conflict of Interest	2
4.06	To Act in the Capacity of a Private Citizen only	2
5.00	Removal of Appointed Members	2
5.01	Sufficient Cause	2
5.02	Excused Absences	3
5.03	Notice of Absence	3
5.04	Review of Attendance	3
5.05	Removal of a Board Member	3
5.06	Removal of an Elected Officer	3
6.00	Officers of the Board	4
6.01	Required Officers	4
6.02	Term of Officer	4
6.03	Vacancies in Office During Elected Term	4
6.04	Appointed Liaison Officers of the Board	4
7.00	Duties of Board Officers	4
7.01	Duties of the Chairperson	4
7.02	Duties of the First Vice-Chairperson	5
7.03	Duties of the Second Vice-Chairperson	5
7.04	Duties of the Secretary	5
7.05	Duties of the Assistant Secretary	6
7.06	Duties of the Treasurer	6
7.07	Duties of Chairpersons of Committees	6
8.00	Election of Officers	6
8.01	Annual Election Calendar	6
8.02	Nominating Committee	6
8.03	Eligibility Criteria	7
8.04	Additional Nominations from the Floor	7
8.05	List of Candidates	7
8.06	Only One Office	7
8.07	Election	7

Article	Description	Page
8.08	Special Elections	8
9.00	Removal of Officers	8
9.01	Regardless of their Elected Term	8
9.02	Any Elected Officer of the Board Shall be Considered Summarily Removed	9
9.03	Any Officer of the Board May Be Removed from Office	9
10.00	Board Meetings	9
10.01	Regular Meetings	9
10.02	Special Meetings	9
10.03	Notice of Meetings	9
10.04	Agenda for Meetings	10
*10.05	The Public Session	10
*10.06	The Official Business Session	11
10.07	Quorum and Actions of the Board	11
10.08	Voting	11
10.09	Referral	12
10.10	Attendance Record	12
10.11	Minutes of Meetings	12
10.12	Meetings in July and August	12
10.13	Public Hearings	13
10.14	Executive Session	13
11.00	Committees of the Board	13
11.01	City Charter	13
11.02	Types of Committees	13
11.03	The Executive Committee	13
11.04	Standing Committees	14
11.05	Special Committees	14
11.06	Committee of the Whole	14
11.07	Committee Membership	14
12.00	Committee Meetings	15
12.01	Meetings of the Executive Committee	15
12.02	Standing Committee Meetings	15
12.03	Special Committee Meetings	16
12.04	All Committee Meetings Shall Be Open to the Public	16
12.05	Conduct of Meetings	16
12.06	Committee Correspondence	16
12.07	Notification to Board's Chair & District Manager	16
13.00	Internal Operation of the Board	16
13.01	City Charter	16
13.02	The District Manager	16
13.03	Management of Donated Funds	17
14.00	Severability Clause	17
15.00	Amendment of By-laws	18
15.01	Amendments May Be Initiated	18
15.02	Executive Committee Review	18
15.03	Approval of Amendments	18

16.00	Effective Date of By-laws	18
16.01	Approval of By-laws	18
16.02	Effective Date of By-laws	18

BY-LAWS OF COMMUNITY BOARD #12  
BOROUGH OF MANHATTAN

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**ARTICLE 1 - PURPOSE OF THE BY-LAWS**

- 1.01 The purpose of these By-laws is to provide for the orderly conduct of business of Community Board #12, Manhattan, in accordance with the Charter of the City of New York.
- 1.02 Pursuant to these By-laws, Community Board #12 shall be organized to elect officers, establish committees, and within budgetary appropriations or other funding for such purposes, to appoint a full-time District Manager, maintain a board office, and employ such office staff and assistants as it may require.

**ARTICLE 2 - DUTIES OF THE COMMUNITY BOARD**

- 2.01 Pursuant to the City Charter. Chapter 70, Section 2800.d, Community Board 12 shall:

**ARTICLE 3 - MEMBERSHIP OF THE BOARD**

3.01 **Requirement of City Charter, Chapter 70, Section 2800.a.:**

- (1) Not more than fifty persons appointed by the Borough President, one half of whom shall be appointed from nominees of the district's Council Members.
- (2) As non-voting members, Council Members elected from any area which includes a part or all of the community district. \*Not more than twenty-five percent of appointments shall be City employees.\* The Borough President shall ensure adequate representation from the different geographic sections of the Community Board, civic groups and other community groups and neighborhood associations may submit nominations to the Borough President or to the Council Members from the District or Borough.

3.02 **Term of Service**

- (1) *City Charter, Chapter 70, Section 2800.b.:*
  - a) Members of Community Boards shall serve for staggered terms of two years, one-half of the membership being renewed each year.
  - b) A member may be removed for cause. (Cause: *See Article 5*)
- (2) Reappointment: Members whose term of appointment has expired may be re-appointed at the discretion of the Borough President.

3.03 **Vacancies in Board Membership**

*City Charter, Chapter 70, section 2800.b.:*

- (1) Vacancies shall be filled by the Borough President for the remainder of the unexpired term in the same manner as regular appointments.

- (2) Whenever the number of appointed members of the Board is less than eighty percent (80%) of the full membership, the Executive Committee shall request the Borough President to appoint additional members to participate in the functions of the Board.

### 3.04 Compensation

City Charter, Chapter 70, Section 2800.c:

- (1) Members of community boards shall serve as such without compensation but shall be reimbursed for actual and necessary out-of-pocket expenses in connection with attendance at regularly scheduled meetings of the Community Board.
- (2) Member requests for compensation shall be processed by the Board office under procedures required by the Office of the Borough President.

## ARTICLE 4 - DUTIES OF APPOINTED MEMBERS

4.01 To act individually and in cooperation with other members of the Board to fulfill the duties and obligations of the Community Board for the greater welfare of all residents, businesses and institutions in Community District 12.

4.02 To attend each *regular* monthly meeting and each *special* meeting of the Board, including meetings called for final action of the Board under the Uniform Land Use Review Procedure.

4.03 To serve on at least one standing committee of the Board, and to attend each of the meetings of that committee.

4.04 To serve on the Board as an unpaid officer of the City of New York, subject to the New York City Code of Ethics, specifically City Charter sections 2604, 2605, 2606 and 2607, and the opinions of the City Board of Ethics pertaining to these sections of the Charter.

### 4.05 Conflict of Interest

- (1) A member who is also a City employee may participate in Board discussions of proposals which have been or may be considered by his/her City Agency, but the member should not vote at Board meetings on such proposals.
- (2) A member may discuss matters of specific personal interest considered by the Board which may involve the member's property, business or other direct or indirect financial, economic or employment considerations which may be affected by the Board's determination, provided that the member shall have publicly disclosed to the Board the full details of such personal interest and that this disclosure be incorporated in the minutes of the Board meetings.
- (3) A member shall not directly or indirectly represent or vote upon any interests of others, whether public, private or not-for-profit which come before the Board when the member or any person or firm with whom the member is associated may receive any direct or indirect financial, economic or employment compensation from any source in relation to the proposals of these interests to be considered by the Board. (*City Charter, Chapter 68*).

4.06 To act only in the capacity of a non-Board member when appearing or speaking upon any issue outside the forum of a duly called meeting of the Community Board, its Committees or other functions.

- (1) When speaking before a governmental body, or otherwise making a public statement which conflicts with positions adopted by the Board, no member shall identify himself/herself as a member of the Board, representing the position of the Board.
- (2) No member shall represent the Board's position before any City or other governmental agency or authority unless designated to do so by the Chairperson of the Board.

- (3) No member of the Board shall represent the Board on positions of the Board when acting in the capacity of a member, Officer or Director of any other Board, organization or body unless authorized or appointed to do so by the Chairperson of the Board in accordance with the City Charter and these By-laws.

## **ARTICLE 5 - REMOVAL OF APPOINTED MEMBERS**

- 5.01** An appointed member may be removed from a community board for cause, which shall include substantial non-attendance at Board or Committee meetings over a period of six months, by the Borough President or by a majority vote of the Community Board. Sufficient cause for removal of appointed members shall consist of any one of the following:
- (1) Three unexcused absences during any six consecutive months from duly called *regular* general meetings of the Board.
  - (2) Three unexcused absences from duly called meetings of any *standing committee(s)* if that is the member's only *standing committee* appointment during any six consecutive months.
  - (3) If the Board member has been on the Board for at least twelve (12) months, any combination of five (5) unexcused absences in twelve (12) months from either or both of the above.

**5.02** **Excused absences shall be limited to the following:**

- (1) Personal illnesses, not to exceed six (6) months, during any twelve (12) consecutive months.
- (2) Severe illness in a member's family, not to exceed six (6) months, during any twelve (12) consecutive months.
- (3) Death in a member's family.
- (4) Jury Duty, when jury is sequestered.
- (5) Attending another meeting or event upon specific request of the Board Chairperson, the Board, Borough President, or the Mayor of the City.
- (6) Military service.
- (7) Business travel not to exceed 1/3 of the meetings (regular, special and committee) that the member is obligated to attend.
- (8) Meetings whose dates were changed from the regularly scheduled monthly time (e.g. second Monday of the month).

**5.03** **Notice of Absence**

- (1) Members shall notify the Board Office of the reason for excused absence before or after any meeting which the member cannot attend.
- (2) Notice to the Board Office that a member cannot attend a Board or Committee meeting shall not excuse the member except for reasons listed in Section 5.02 above.
- (3) Notice and request to be excused pursuant to Sec. 5.03(1) shall be given prior to, or within 30 days of, the date of the meeting that the Member is or was unable to attend, except when the reason for the request to be excused is pursuant to Sec. 5.02 (1), (2) or (3), in which case Notice and request to be excused can be given after 30 days or within a reasonable time after the date of the meeting that the Member is unable to attend, whichever is later.

**5.04** **Review of Attendance:**

- (1) The Executive Committee shall review monthly attendance records of all members. The Secretary shall inform the committee of members in jeopardy of removal for cause.
- (2) The Chairperson, on behalf of the Executive Committee, shall notify by certified/return receipt mail members in jeopardy of removal, and also notify the Borough President and the Council Member who recommended the member's appointment as may be appropriate, stating the cause and requesting that the member respond as to his/ her intention for continued participation as a Board Member or desire to resign from the Board. A lack of written response from a member within thirty days of notice by the Chairperson shall be understood to represent the member's desire to resign from the Board and shall be acted upon accordingly by the Executive Committee.

**5.05** **Removal of a Board Member**

- (1) The Borough President may remove any Board Member for cause without action of the Board in accordance with the City Charter, [3.02 (1)]
- (2) The Board Chairperson, after consultation with the Executive Committee, may recommend removal of any Board member by the Borough President or the Board for cause.
- (3) Written notice to any member recommended for removal from the Board shall be mailed at least ten (10) days before the recommendation is made to the Borough President or to the Board.
- (4) Upon recommendation to the Board for the removal of a member for cause, and after presentation to the Board of the findings of the Executive Committee and any statement which the member wishes to make to the Board in the Executive Session of a regular meeting the Board shall vote. This section of the meeting shall be designated on the agenda as "Removal of Board Member", the Board shall vote upon the question by roll call vote. Removal shall require affirmation by majority of the members present and voting in presence of a quorum, but not less than a majority of the Board.

5.06 Removal of an elected officer as a member of the Board shall be as prescribed for any other Board member. The removal of an elected officer from the office he/she serves shall conform to Article 9.00 of these By-laws.

## ARTICLE 6 - OFFICERS OF THE BOARD

### 6.01 Required Officers

- (1) The required officers of the Board shall be Chairperson, First Vice-Chairperson, Second Vice-Chairperson, Secretary, Assistant Secretary and Treasurer.
- (2) Each officer shall be elected by appointed members of the Board, and each officer shall perform the duties of office prescribed in these By-laws.
- (3) Only current Board members may serve as officers.

### 6.02 Term of Office

- (1) The elected term for each required office shall be one year beginning January 1, following the annual election, and ending December 31 of that year.
- (2) Officers may be re-elected to the same office or to another office under the following conditions:
  - a) The Chairperson shall serve no more than three (3) consecutive terms. Election to the third term shall be by unanimous vote.
  - b) An officer other than the Chairperson who has served two (2) consecutive terms in the same office shall not serve a third consecutive term unless re-elected by two-thirds of the appointed members of the Board present and voting at the annual election.
  - c) Officers who have succeeded to an office with an unexpired term of less than five (5) months shall not be deemed to have served a full term in that office.
  - d) No Chairperson shall be elected to the office of First Vice-Chairperson for one year following the completion of one or more terms in the office of Chairperson.

### 6.03 Vacancies in Office During the Elected Term

- (1) The Assistant Secretary shall succeed to a vacancy in the office of Secretary.
- (2) The Secretary shall not succeed to any other office unless elected to such office in a *special election*.
- (3) A Vice Chairperson shall act as Secretary in the case of a vacancy in the office of Secretary.
- (4) In the event that offices of Chairperson and/or both Vice-Chairpersons become vacant at or near the same time, the Board shall hold a special election to fill the unexpired terms of these offices in accordance with section 8.06 of these By-laws.
- (5) In an emergency, when the business of the Board cannot be delayed or must conform to calendars of City agencies or departments and when the Board has not elected a Chairperson or temporary Chairperson to perform the duties of that office when it becomes vacated, the remaining members of the Executive Committee shall elect a temporary

chairperson and, in consultation with the District Manager, shall act on behalf of the Board in accordance with Section 12.01 (4) of these By-laws.

- (6) The Treasurer shall not succeed to any office.

#### 6.04 Appointed Liaison Officers of the Board

- (1) Board members may be appointed by the Chairperson to represent the Chairperson of the Board pursuant to the City Charter and these By-laws.
- (2) Personal representatives of the Chairperson or Liaison Officers of the Board shall act and vote on all matters in the name of the Chairperson or the Board only as specifically instructed, and they shall report as required to the Chairperson, Executive Committee and the Board the substance of, and actions taken in, all meetings attended.

### ARTICLE 7 - DUTIES OF BOARD OFFICERS

#### 7.01 Duties of the Chairperson

- (1) To serve as chief executive officer of the Board, to administer its affairs as Chairperson of the Executive Committee, to perform all necessary functions according to these By-laws and the decisions duly made by the Board, and to enforce these By-laws.
- (2) To perform all duties as prescribed in the City Charter and any other duties prescribed under the law.
- (3) To represent the Board and to be its sole spokesperson in all communications with government agencies, the news media, and the public at large, except as he/she shall specifically authorize or as otherwise provided in these By-laws.
- (4) To approve and countersign all letters of whatever nature going out from the Board, except as otherwise provided in these By-laws and as he/she may specifically authorize, and to forward copies of all communications with government agencies to the office of the Borough President.
- (5) To preside at *regular* and *special meetings* of the Board, and to conduct all meetings according to Robert's Rules of Order except as otherwise provided in these By-laws.
- (6) To authenticate all acts, order and proceedings of the Board.
- (7) To inform the Board members of calendars and notices of meetings received from City agencies required to refer matters to the community Board pursuant to the City Charter.
- (8) To attend any meetings required by the Mayor or the Borough President pursuant to the City Charter or to designate his/her representative to attend.
- (9) To prepare and deliver the Chairperson's Report at each *regular meeting* of the Board, including communications to and from the office of the Borough President and other governmental agencies.
- (10) To appoint a recording secretary for meetings of the Board in the absence of the Secretary and the Assistant Secretary.
- (11) To appoint or remove Chairpersons and members of all committees of the Board according to Article 11.00 of these By-laws, and to be an ex-officio member of all committees of the Board, except the Nominating Committee.
- (12) To appoint liaison officers, with the approval of the Executive Committee, when the Board deems such action appropriate to coordinate with the Board the activities of any other body in Community District 12 at the request of such body.
- (13) To be a member of the District Service Cabinet, or to designate his/her representative to attend its meetings.
- (14) To represent the Board as a member of the Manhattan Borough Board, and to report its deliberations and actions to the Community Board.
- (15) To keep the First Vice-Chairperson informed of all information, order, directives and other matters coming to the attention of the Chairperson.

#### 7.02 Duties of the First Vice-Chairperson

- (1) To preside at duly called meetings of the Board in the absence of the Chairperson, or whenever the Chairperson temporarily vacates the chair as presiding officer, and to assume only the duties of the Chairperson pertaining to a presiding officer for that meeting.



- (2) To assist the Chairperson when necessary and required.
- (3) To assume the office of Chairperson when the Chairperson is unable to serve his/her full term of office or has been removed and to serve the unexpired term.
- (4) In the event that the First Vice-Chairperson is unwilling to assume the vacated office of Chairperson, the First Vice-Chairperson shall resign. The Second Vice-Chairperson shall then succeed to the office of Chairperson.

#### 7.03 Duties of the Second Vice-Chairperson

- (1) To assist the Chairperson or Vice-Chairperson when necessary and required.
- (2) To preside at duly called meetings of the Board in the absence of the Chairperson and First Vice-Chairperson, or whenever the first Vice-Chairperson vacates the chair as presiding officer, and to assume only the duties pertaining to a presiding officer for that meeting.
- (3) To assume the office of First Vice-Chairperson for the unexpired term of that office when the First Vice-Chairperson is unable to serve the full term or has been removed.
- (4) In the event that the Second Vice-Chairperson is unwilling to succeed to the vacated office of first Vice-Chairperson, the Second Vice-Chairperson shall resign his/her office.
- (5) The vacated office of Second Vice-Chairperson shall be filled by a *special election* pursuant to *Section 8.06 (2)* of these By-laws if the unexpired term of office exceeds three (3) months.

#### 7.04 Duties of the Secretary

- (1) To be the recording officer of the Board, taking written minutes of all *regular* and *special meetings* of the Board as prescribed in these By-laws, *Section 10.11 Minutes of Meetings*.
- (2) To verify that *regular* and *special* meetings of the Board, and such other meetings as the Chairperson may determine, are audio-recorded and that the audio storage media are labeled and safely stored for future reference as necessary.
- (3) To open duly called meetings of the Board in the absence of the Chairperson and both Vice-Chairpersons when a quorum of members is present, and to preside at such meetings until a presiding officer is elected by a majority of members as such their first business.
- (4) To keep attendance records at all Board meetings pursuant to these By-laws, *Section 10.10*.
- (5) To keep the Assistant Secretary informed of all information, order, directive and other matters coming to the attention of the Secretary.

#### 7.05 Duties of the Assistant Secretary

- (1) To assist the Chairperson and Secretary as necessary and required.
- (2) To assume the duties of Secretary in the absence of the Secretary at *regular* and *special meetings* of the Board.
- (3) To assume the vacated office of Secretary when the Secretary is unable to serve the full term, or when the Secretary has been removed.
- (4) In the event that the Assistant Secretary is unwilling to succeed to the vacated office of Secretary, or has been removed, the Assistant Secretary shall resign his/her office. The Chairperson shall thereupon appoint a Secretary when the unexpired term is less than three (3) months.

#### 7.06 Duties of the Treasurer

- (1) Assist in preparation of the Board budget.
- (2) Manage donated funds as per *section 13.03*.

#### 7.07 Duties of Chairpersons of Committees

- (1) To preside over regular and special meetings of the Committee.
- (2) In consultation with the Chairperson of the Board, to preside over Public Hearings of the Board which are relevant to the work of the committee.

- (3) In consultation with the Chairperson of the Board, to attend outside meetings which are relevant to the work of the committee.
- (4) At the request of the Chairperson of the Board, to attend and participate in budget consultations with City agencies and testify at City Council hearings.
- (5) In consultation with the Chairperson of the Board, to communicate with City agencies and their representatives as well as with members of the public.
- (6) To prepare and deliver to the Executive Committee and/or the Board reports and resolutions regarding the work and activities of the committee.
- (7) To ensure the accuracy of the attendance record of the committee at the end of each meeting.
- (8) To work with the Chairperson of the Board and the District Manager to publicize adequately all public hearings relevant to the committee's work.

## ARTICLE 8 - ELECTION OF OFFICERS

8.01 The Calendar for annual election of Board Officers shall be the following:

- ◆ October (*Regular Meeting*) - formation of the Nominating Committee.
- ◆ November (*Regular Meeting*) - report of the Nominating Committee.  
- Nominations by members from the floor.
- ◆ December (*Regular Meeting*) - election of officers.
- ◆ January 1 - officers' terms begin.

### 8.02 Nominating Committee

- (1) The Nominating Committee shall consist of five or seven appointed members of the Board, including the Chairperson of the committee.
- (2) The Nominating Committee shall be selected in one of two ways:
  - a) Appointment by the Chairperson who shall also designate the committee Chairperson.
  - b) Election by written ballot of the appointed members of the Board when such election is requested by at least ten (10) members during the Executive Session of the *regular* October meeting.
    - i The number of Nominating Committee members to be elected shall be determined by the Board before the election, and each Board member shall vote for only that number of the candidates from among the total candidates nominated from the floor before the election.
    - ii The five or seven nominees receiving the highest number of votes shall constitute the Nominating Committee, and the nominee receiving the largest number of votes shall be the committee Chairperson. Ties shall be resolved by lot.
- (3) No member of the Nominating Committee shall receive a nomination for any Board office from the Nominating Committee.
- (4) The Nominating Committee shall meet as often as necessary to nominate one or more qualified candidates for each office of the Board. All nominees shall be approved by a majority vote of the committee members.
- (5) The Nominating Committee shall report its recommendations to the Board with the assurance that all members nominated have agreed to accept the duties of office if elected.
- (6) The Chairperson of the Nominating Committee shall preside over that portion of the *regular* Board meetings in October and November which is determined by the agenda for the report of the Nominating Committee and for additional nominations to be made by members from the floor.
- (7) The Nominating Committee shall report its recommendations, in writing, to the full Board seven (7) days prior to the November General Meeting.

### 8.03 Eligibility Criteria for Nomination of Elected Board Officers

The following criteria will apply to candidates for all elected Board offices. These criteria will apply to nominations from the Nominating Committee as well as nominations from the floor. In the last twelve (12) months the prospective candidate must have:

- (1) attended two-thirds of all regularly scheduled General meetings;
- (2) attended two-thirds of all their regularly scheduled primary Committee meetings;
- (3) demonstrated punctuality and good attendance to all of the above meetings by arriving within the first thirty (30) minutes of a published start-time and remaining for at least one-half of the meeting;
- (4) been a member of the Board for one (1) calendar year.

#### 8.04 Additional Nominations from the Floor

- (1) After the report of the Nominating Committee, appointed members of the Board may offer from floor additional nominees for each elected office of the Board.
  - a) Nominations from the floor need not be seconded.
  - b) All members nominated for any office of the Board confirm their willingness to accept the duties of office if elected. Absent members shall confirm in writing to the Chairperson of the Nominating Committee not less than fifteen (15) days prior to the election, and lack of such confirmation shall be accepted as refusal of the nomination by the member and his/her name will not appear on the ballot.
  - c) No member of the Nominating Committee may be nominated from the floor to run for office.
  - d) Persons nominated from the floor must accept the nomination at that meeting either in person or in a letter of acceptance addressed to the Board.
- (2) Nominations shall be closed before the end of the *regular* Board meeting in November. No additional nominations from the floor shall be permitted in the regular December meeting unless there is no nominee for a vacant office.

8.05 A list of all candidates shall be mailed to all appointed Board members with the notice and agenda for the regular November Board meeting.

8.06 No person may stand for election for more than one office in any single election cycle.

#### 8.07 Election

- (1) An election by written ballot of Board officers shall be held during the Executive Session of the regular December meeting of the Boards' president by the Chairperson of the Nominating Committee.
  - a) A "write-in" vote shall not be permitted or counted in the tally of votes.
  - b) When only one nominee is named for an office on the ballot, an unmarked ballot shall be tallied as a negative vote.
- (2) The Nominating Committee shall distribute the official election ballots by calling the roll of members and shall verify that all ballots have been returned for tally.
- (3) Ballots shall be tallied by a minimum of four (4) members of the Nominating Committee, if present, or such number of other Board members as necessarily appointed by the presiding officer. The results of the election shall be announced before the close of the meeting.
  - a) The nominee for each office receiving a majority of affirmative votes from members present and voting in the presence of a quorum shall be deemed elected.
  - b) If no single nominee for an office receives the required majority vote for election, a run-off election shall be held immediately to determine the member's choice between the two nominees who received the largest number of votes in the first balloting.
  - c) In the event that neither of the two nominees in a run-off election obtains a majority affirmative vote, the presiding officer shall declare a new and immediate election for the unfilled office. Nominees for this election shall be accepted from the floor for any appointed member willing to accept the duties of the office if elected.
  - d) A motion to make an election unanimous in the case of any Board office shall not be accepted to negate a dissenting ballot from any Board member.

#### 8.08 Special Elections

- (1) Special elections shall be required under the following conditions:
  - a) When the office of either the Assistant Secretary or Second Vice-Chairperson becomes vacant with an unexpired term exceeding three (3) months.
  - b) When the offices of Chairperson and/or both Vice Chairperson become vacant at or near the same time.
  - c) When in the absence of an elected Treasurer the Board deems that a Treasurer is necessary in accordance with these By-laws (*Section 13.03 - Management of Donated Funds*).
  - d) When otherwise required by these By-laws or a majority of the appointed members of the Board.
- (2) Special election of Assistant Secretary or Second Vice-Chairperson may be held as expeditiously as possible at a *regular* or *special Board meeting*. Nominations for each office may be made from the floor by appointed members of the Board, and must proceed to conclusion before continued adjournment of the meeting, provided that nominees for office are present, and have confirmed their willingness to accept the duties of office if elected.
- (3) Special election of Chairperson and/or both Vice-Chairperson when vacancies in these offices occur at or near the same time shall be held as follows:
  - a) At the earliest possible *regular* or *special meeting* of the Board, called by the Chairperson or the remaining members of the Executive Committee acting in behalf of the Board, a Nominating Committee shall be elected by the Board as prescribed in *Section 8.02* of these By-laws.
  - b) The Nominating Committee shall report nominees for each vacated office at the next following *regular* or *special meeting* of the Board. Additional nominations by members from the floor shall be accepted by the presiding officer, and the election of nominees for each office shall proceed to conclusion before adjournment of the meeting. Conduct of the Nominating Committee, nominations from the floor, and tally of ballots shall follow procedures required for the annual election except with regard to the calendar of time.
- (4) When the unexpired terms of office are less than ninety (90) days for the vacant offices of Chairperson and/or both Vice-Chairpersons, the Board may decide upon the following actions instead of *Section 8.06(3)*.
  - a) That the special election of Chairperson shall be deferred until the annual election and that a *Temporary Chairperson* shall be elected to serve the duties of Chairperson only to the extent of acting as presiding officer at Board meetings, acting as Chairperson of the Executive Committee, and such other duties prescribed under *Article 7.00* of these By-laws that the Board shall determine, and/or
  - b) That special election of both Vice-Chairpersons may be deferred until the annual elections, or
  - c) That special election of a *Temporary First Vice-Chairperson* only shall take place in the same manner as prescribed for special election of a Second Vice-Chairperson in *Section 8.06(2)* of this article of By-laws.
- (5) Election of Presiding Officer
  - a) In the absence of the Chairperson and both Vice-Chairpersons at a duly called meeting of the Board, the Secretary (or the Assistant Secretary in the absence of the Secretary after appointing a temporary recording officer) shall ascertain the presence of a quorum and shall preside over the proceedings to immediately elect a presiding officer or to adjourn the meeting as the members shall decide. Upon election of a presiding officer, the Secretary or Assistant Secretary shall cease to preside unless elected by a majority of Board members as the presiding officer.
  - b) Election of a presiding officer under this section shall require the affirmative vote of a majority of the Board members in the presence of a quorum for a member selected from nominees presented from the floor.

## ARTICLE 9 - REMOVAL OF OFFICERS

- 9.01** Regardless of their elected terms of office, any officer may be removed as an appointed member of the Board under *Article 5.00* of these By-laws.
- 9.02** Any elected officer of the Board shall be considered summarily removed from office without further action of the Board if absent without excuse as stated in *Section 5.05* of these By-laws from three(3) consecutive duly called *regular* and *special meetings* of the Board, and shall be succeeded in office pursuant to these By-laws, *Section 6.03 and 8.06*.
- 9.03** Any officer of the Board may be removed from office for malfeasance or misfeasance in office.

- (1) Charges against any officer shall be written and signed by the Executive Committee or by ten (10) members of the Board for presentation to the Board Chairperson or the Executive Committee. A copy of the charges against any officer shall be mailed to the officer charged.
- (2) The Executive Committee shall review the written charges against any officer and shall make written recommendations for further action to the Chairperson or to the Board. A copy of the Executive Committee recommendations shall be mailed to the officer charged at least ten (10) days before the date of any Board meeting in which any action upon the charges and the part of the meeting agenda.
- (3) The charges against an officer and the recommendations of the Executive Committee for Board action shall be presented to the Board in the Executive Session of a *regular* or *special Board meeting* by the Chairperson. The officer charged shall be given the opportunity to make a statement to the Board on his/her own behalf.
- (4) When the officer charged is the Chairperson of the Board, the First or Second Vice-Chairperson shall preside at the Executive Committee and at any Board meeting during the time that charges and recommendations concerning charges against the Chairperson are under consideration.
- (5) Removal of an officer shall require the affirmative vote of a majority of the appointed members of the Board present and voting in the presence of a quorum. The vote of members shall be taken by written ballot and the results of the vote shall be announced by the presiding officer before the close of the Board meeting.
- (6) When an officer is removed, the vacant office shall be filled in accordance with *Article 6, Section 6.03 and Article 8, Section 8.06* of these By-laws as necessary.

## **ARTICLE 10 - BOARD MEETINGS**

### **10.01 Regular Meetings**

- (1) *City Charter, Chapter 70, Section 2800.h.*: Except during the months of July and August, each Community Board shall meet at least once each month within the community district (and conduct at least one public hearing each month).
- (2) The Chairperson of the Board shall call *regular* monthly meeting of the Board by notifying members in accordance with *Section 10.03* of this article.

### **10.02 Special Meetings**

- (1) Special Meetings of the Board shall be any meeting of the full Board other than a *regular* monthly meeting, and shall be called by the Chairperson by notifying Board members in accordance with *Section 10.03* of this article.
- (2) Special Meetings may be called for the following reasons:
  - a) When the Chairperson or a majority of the Executive Committee shall determine the necessity for such meeting.
  - b) Upon request of the Borough President for such meeting, subject to the rules of notification to members, *Section 10.03* of this article.
  - c) Upon resolution of the Board adopted by a majority of members present and voting in the presence of a quorum at any duly called meeting of the Board for the purpose of considering any one or more subjects published on the agenda for the Special Meeting, and including all meetings required of the Board under regulations of the Department of City Planning for the Uniform Land Use Review Procedure.

### **10.03 Notice of Meetings**

- (1) Official *regular* and *special* meetings of the Board shall require written notice to all members of the Board of the time, place, and agenda for such meetings. The notice shall be deposited with the U.S. Postal Service and received not less than three (3) days preceding the time of the meeting counted from and including the postmark date of the mailing. Official notice of Board meetings may be given when published in a Board calendar mailed or otherwise distributed to all members of the Board before the beginning of the month and including the time, place and agenda for each meeting.

- (2) Notice of a *regular* meeting of the Board should include the minutes of the previous *regular* and *special* meetings of the Board, but such notice shall not be deemed invalid when given without previous minutes. Notice of the regular December meeting of the Board shall include a copy of the ballot or the complete list of nominees for the annual election of officers to be voted upon at that meeting, unless the ballot or list of nominees is mailed separately to each member not less than seven (7) days prior to the date of the December meeting.

#### 10.04 **Agenda for Regular and Special Meetings**

- (1) No matter of substantial public involvement in the community district shall be decided upon without that matter having been placed upon the agenda for a Board meeting and forwarded to all members of the Board two business days before the meeting to consider such matter.
- (2) The agendas for *regular* meetings of the Board shall be determined by the Executive Committee.
- (3) Agendas for *special meetings* of the Board shall be determined by the Board, the Chairperson, or the Executive Committee when acting for the Board or Chairperson in accordance with these By-laws. The Board shall not debate or act upon any matter in a *special meeting* which does not appear on the agenda for that meeting forwarded to members with the meeting notice.
- (4) The agenda for regular meetings of the Board shall include, in an order to be determined by the Chairperson and Executive Committee, the following:
  - Call to Order (with statement of attendance and quorum), Adoption of Agenda, and Adoption of Previous Minutes;
  - Reports from Chairperson (including the report of the Executive Committee), District Manager, Borough President, and other Elected Officials;
  - Special Reports;
  - Public Session (with quorum present);
  - Reports and Resolutions from Standing Committees;
  - Reports and Resolutions from Task Forces, non-standing Committees, and other Community Board entities;
  - Special Public Hearings prior to final action of the Board;
  - Old Business;
  - New Business; and
  - Adjournment

#### 10.05 **The Public Session**

- (1) The Public Session shall be the period on the agenda of a *regular* monthly Board meeting during which any member of the public with a residence, business, profession or other significant interest in Community District 12 shall be given an opportunity to bring to the attention of the Community Board any matter which the speaker believes to be of special or common interest to the community or the Board. The Public session shall further be that period of a *regular* Board meeting during which representatives of government agencies may express matter of public interest to the Board. Invited speakers, groups, City agencies or special consultants to the Board who shall be making special presentation or reports to the Board by prior arrangement may be placed upon the meeting agenda in the Executive Session.
- (2) All persons wishing to address the Board during the Public Session shall be heard in the order of their names upon a public speaker list which shall be kept by the Secretary or Assistant Secretary for the Chairperson and closed at the beginning of the Public Session on the agenda.
- (3) \*Each public speaker shall be limited to two (2) minutes, unless otherwise permitted by the Chairperson to a maximum of six (6) minutes.
- (4) Public Speakers may be questioned only by Board members for information upon the subject presented, but debate shall not be permitted during the Public Session.

#### 10.06 **The Official Business Session**

- (1) The Official Business Session of a *regular* Board meeting shall consist of all portions of the agenda other than the Public Session.
- (2) Members of the public shall not speak or vote during the Official Business Session of Board meetings, but the public shall be permitted to attend and observe all meetings of the Board in accordance with the New York State Open Meetings Law. Public proponents of an issue may respond to questions for information by a Board member during the Official Business Session at the discretion of the Board Chairperson.
- (3) Board members shall be limited to three (3) minutes when recognized to speak to any matter during the Official Business Session, unless otherwise permitted by the Chairperson.
- (4) Elected or other officials shall be limited to three (3) minutes when reporting or speaking during the Official Business Session or Public Session of a Board meeting, unless otherwise permitted by the Chairperson to a maximum of six (6) minutes. Board members may question officials for further information, but debate shall not be permitted during the period of the official's reports or comments.
- (5) Committee reports shall be presented by committee Chairpersons or their designated representatives. Written reports or minutes of committee meetings previously issued to Board members shall not be read except when extracts are pertinent to the Board's deliberations.
- (6) \*The total time of the Public Session shall not exceed 45 minutes, regardless of the number of speakers. The Chair of the meeting shall have the discretion to extend by a few minutes the total time if there are more than 25 speakers, or to reduce equally the two-minute time for each public speaker. Notwithstanding Article 10.05(2) above, the Chair of the meeting also may, at his/her discretion, group speakers on a similar topic to ensure an uninterrupted and streamlined presentation by the public speakers on that topic. The Board itself also reserves the right to vote to increase the total time of the Public Session if the circumstances and number of speakers so warrant.

#### 10.07 Quorum and Actions of the Board

- (1) City Charter, Chapter 70, Section 2801. Actions of Community Boards:
  - a) A majority of the appointed members of any Community Board shall constitute a quorum of such Board.
  - b) Whenever any act is authorized to be done or any determination or decision made by any community board, the act, determination or decision of the majority of the members present entitled to vote during the presence of a quorum, shall be held to be the act, determination or decision of such Board. *(Added by Local Law 1979).*
- (2) A majority shall be defined as one half of the members plus one to be the greater part of the total members actually appointed to the Board at the time of any duly called Board meeting.
- (3) Public and internal functions, act, determinations and decisions of Community Board 12 as defined by law and in these By-laws, when ratified, shall require such votes by appointed members of the Board as are prescribed by law, these By-laws, and by Robert's Rules of Order where not in conflict with these By-laws.

#### 10.08 Voting

- (1) Only members of the Board shall vote on any matter before the Board. Members must vote only in person at the time and place a question is called to vote in the presence of a quorum of appointed members.
- (2) Votes by members upon matters of internal Board functions may be taken by a show of hands, except when taken by written ballot for the election of removal of Board Officers, removal of an appointed Board member, or when a roll call vote is requested by any five (5) members present and voting. Because a record of all votes is required by the Open Meetings Law, all written ballots must be legibly signed, in order to vote.
- (3) Votes by the Board upon any public matter or issue shall be taken by a roll call and the vote of each member shall be recorded in the minutes of the meeting in which the vote was taken.
- (4) The Chairperson shall announce the tally of votes recorded for and against any question as well as the number of members abstaining from a vote and members not voting. A member shall be permitted to change his/her vote before announcement of the vote, but not afterwards.
- (5) A member's vote of "ABSTAINED" is the equivalent of a "NO" vote in determining the outcome of the vote. *(Law Dept. clarification of City Charter Sec. 2801).*
- (6) A tie vote shall be decided by the vote of the presiding officer.

#### 10.09 Referral

- (1) Any matter coming before the Board may be referred by the presiding officer to a Board Committee, the District Manager, or others for further information and/or consideration to be reported to the Board at future time.
- (2) Final action on any matter referred for study and recommendation shall be taken by the Board only at public meeting of the Board at which a quorum is present.

#### 10.10 Attendance Record

- (1) The Assistant Secretary shall keep a record of the attendance by Board members at all *regular* and *special* meetings of the Board.
- (2) A Board Member shall not be deemed present at any Board meeting unless he/she is in attendance for a substantial portion of that meeting, unless excused by the Chairperson and so recorded in the minutes.
- (3) The Executive Committee periodically shall review the attendance record of all Board members and make recommendations in accordance with these By-laws, *Article 5.00*

#### 10.11 Minutes of Meetings

- (1) The written minutes of Board meeting shall be the official record of such meetings when approved by a majority of members present and voting at a *regular* meeting.
- (2) Minutes shall include:
  - a) Date, place and time of meeting;
  - b) Type of meeting, *regular* or *special*, and the adopted agenda;
  - c) Name of presiding officer and name of secretary;
  - d) Names of those present, including Board members, public speakers, officials and guests;
  - e) All main motions, whether adopted, rejected or tabled, but not motions from the floor which have been withdrawn;
  - f) The names of persons making motions, record that motions were seconded or not seconded, whether or not seconds are named;
  - g) Votes on all motions, whether passed or lost;
  - h) Substantial points of order and appeals, whether sustained or lost;
  - i) Brief abstracts from speeches and debate when important, recorded without comment by the recording officer.
- (3) The Secretary shall be assisted in compilation of the written minutes by the staff of the Board office under the direction of the District Manager, who shall also be responsible for the audio-recording of the proceedings of Board meetings.
- (4) Copies of the approved minutes shall be forwarded to the office of the Borough President and any other government officials or persons as the Chairperson may direct, and copy of all approved minutes shall be available for public inspection at the Board office.

#### 10.12 Meetings in July and August

- (1) In accordance with the City Charter, attendance by Board members at meetings in July and August shall not be required. A majority of the Board may determine that the calendar of the Board and/or the calendars of City agencies required to coordinate City business with the Board will make it necessary for the Board to call *special Summer meetings* during July and August. Such determination shall be made by the Board at the *regular* Board meeting in June.
- (2) The Executive Committee may act on behalf of the Board during July and August provided that such action is the determination of a majority of the Board at the *regular* Board meeting in June, that notice of Executive Committee meetings is given to all Board members to provide them an opportunity to attend and participate, and that the Chairperson and a majority of the Executive Committee members are present for meetings in July and August.
- (3) Meetings of the Board in July and August shall follow all procedures prescribed for all other meetings of the Board in *Article 10.00* of these By-laws.
- (4) All actions of the *special summer meeting(s)* must be ratified at the September meeting of the full Board.

#### 10.13 Public Hearings



- (1) The Board may conduct public hearings for the purpose of:
  - a) Communicating to the public the background and issues involved in any matter of community interest, and to provide a forum for the public to express opinions for the guidance of Board deliberations and action upon the matter, and
  - b) Presentation and discussion of official matter coming before the Board, including the City budget, matters under the Uniform Land Use Review Procedure or other official procedures requiring Board action.
- (2) The Board may determine to waive specific hearings and action in writing to the Department of City Planning or other agency having jurisdiction in any matter as prescribed by law.
- (3) Board determination to hold a public hearing shall require the affirmative vote of a majority of the Board members at a duly called meeting with a quorum present and shall specify the agenda for that hearing.
- (4) Within the budgetary appropriations for such purpose, public notice of the time, place and agenda for a public hearing shall be mailed to all persons and groups in the community with a potential interest in the hearing agenda, using the general mailing list of the Board, as well as to known individuals, businesses, institutions of groups in the community with a direct involvement in the matters to be considered. Public notice shall be provided to the City Record and local newspapers when possible or as legally required for publication five (5) days prior to the public hearing date.
- (5) Procedures in all Board hearing shall follow Department of City Planning regulations for public hearing under Uniform Land Use Review Procedure, unless otherwise directed by another City agency having jurisdiction in a specific matter. The cited regulations may be modified to permit public questioning of a speaker at the discretion of the Executive Committee and the Board member designated as the presiding officer for a hearing.
- (6) The Chairperson of the Board shall preside at a public hearing or designate another Board member to preside. Whenever possible, members of a Standing Committee of the Board familiar with the subject of a hearing shall conduct that hearing.
- (7) The quorum of Board members at any public hearing shall be twenty percent (20%) of the Board's appointed membership.
- (8) Minutes of a public hearing shall be reported in writing to the Board along with recommendations for Board action by the Board members attending the hearing. Minutes shall reflect public statements and opinions on both sides of any issues considered.

#### 10.14 Executive Session

Executive session requires a motion and a majority of total members voting in favor. Discussion during executive session is limited to the matter for which the Board voted to enter into executive session. Voting on matters discussed in executive session must be conducted in open session.

### ARTICLE 11 - COMMITTEES OF THE BOARD

#### 11.01 City Charter, Chapter 70, Section 2800.i.

Each Community Board may create committees on matters relating to its duties and responsibilities. It may include on such committees, persons with a residence or significant interest in the community who are not members of the Board, but each such committee shall have a member of the Board as its Chairperson.

#### 11.02 Types of Committees: The Board shall establish an Executive Committee, and it may establish such other committees as it deems necessary in accordance with this article of these By-laws.

#### 11.03 The Executive Committee:

- (1) Members of the Executive Committee shall be the Chairperson of the Board who shall be the Chairperson of the committee, the elected officers of the Board, the Chairpersons of all Standing Committees of the Board, and such Chairpersons of Special Committees as the Chairperson may designate.
- (2) The Executive Committee shall:
  - a) Assist the Chairperson to guide, coordinate and facilitate the business of the Board.

- b) Act as the Rules Committee of the Board to determine the Board calendar pursuant to the City Charter and these By-laws, and to determine the agendas for Board meetings and public hearings.
- c) Evaluate Board membership, including recommendations for removal of appointed members for cause and appointment of new members.
- d) Approve the budget for appropriated Board funds in accordance with applicable City regulations and these By-laws.
- e) Evaluate the Board office staff and procedures.
- f) Evaluate the Board By-laws, including enforcement, and make recommendations for amendments.
- g) Advise the Chairperson on community and Board issues.
- h) Advise the Chairperson on establishment of special committees.
- i) Advise the Chairperson on appointments of Board liaison representatives to other community district bodies, and to receive reports of such liaison appointees at committee meetings.
- j) To act on behalf of the Board in emergency situations, in accordance with these By-laws.
- k) To act for the office of Chairperson in the event of vacancy in that office in accordance with these By-laws.

11.04 **Standing Committees**

(1) Standing Committees shall have jurisdiction and responsibility for reviewing issues and making recommendations to the board for action regarding specific interests and obligations of the board, including monitoring the overall delivery of City services and establishing the board's priorities for the City budget as it affects Community District 12-Manhattan. The board's committee structure shall include the following Standing Committees, with the names of City and other agencies they relate to shown after each committee's name:

**Concerns of the Aging Committee** – Department for the Aging.

**Business Development Committee** – Department of Small Business Services, Economic Development Corp., Dept. of Consumer Affairs.

**Health and Environment Committee** – Dept. of Environmental Protection, Dept. of Health & Mental Hygiene, Emergency Medical Services (Fire Dept.), Health & Hospitals Corp., Dept. of Sanitation.

**Housing and Human Services Committee** – Dept. of Buildings, Dept. of Housing Preservation & Development, NYC Housing Authority, Rent Guidelines Board, Dept. of Homeless Services, Human Resources Administration, Commission on Human Rights.

**Land Use Committee** – Dept. of City Planning, Board of Standards and Appeals, Landmarks Preservation Commission.

**Licensing Committee** – State Liquor Authority, Dept. of Consumer Affairs (sidewalk café permits), Dept. of Small Business Services, Taxi & Limousine Commission.

**Parks and Cultural Affairs Committee** – Dept. of Parks & Recreation, Dept of Cultural Affairs.

**Public Safety Committee** – NYPD, Civilian Complaint Review Board, Fire Department, District Attorney's Office, Dept. of Juvenile Justice, Dept. of Probation.

**Traffic and Transportation Committee** – Dept. of Transportation, Metropolitan Transportation Authority, Port Authority of New York & New Jersey.

**Youth and Education** – Dept. of Education, Dept. of Youth and Community Development; Administration for Children's Services, School Construction Authority, New York Public Library.

(2)The Board shall establish and name each *standing committee*, and define its purview. The Board may consider recommendations regarding *standing committees* made by the Chairperson and the Executive Committee. Established committees shall remain until revised by determination of a majority vote of the Board.

11.05 **Special Committees**

(1) Special committees may be established by the Chairperson as deemed necessary for consideration and recommendation to the Board on matters of special interest to the Board.

- (2) A *task force* may be established by the Chairperson of the Board, upon approval of a majority of the Board, to consider a matter of special interest to the district. Membership may include Board members and non-members of any district group with a special interest in the purpose of the *task force* investigations, deliberations and recommendation to the Board.
- (3) The Chairperson of all Board committees, and their sub-committees, shall be a member of the Board.
- (4) Special committees shall keep minutes of their proceedings and shall summarize their majority and minority findings and recommendations in a written report to the Board for its consideration and action on all matters brought before the committees.

#### 11.06 Committee of the Whole

- (1) The Board may resolve itself into a *Committee of the Whole* at any *regular* or *special meeting*, or may act as if in *Committee of the Whole* at such meetings according to Robert's Rules of Order modified so that the Board may:
  - a) Hear statements or advice of non-members of the Board for clarification of any subject under consideration:
  - b) Formulate a resolution necessary under *New Business* on the agenda or to rewrite a failed resolution when time is of the essence.
- (2) The quorum for a *Committee of the Whole* shall be the same as that of the *regular* or *special* meeting of the Board in which the *Committee of the Whole* was formed.

#### 11.07 Committee Membership

- (1) The Chairperson of the Board shall appoint each member of the Board to at least one *standing committee*, taking into account the preferences of the members of the Board for such appointments, providing a minimum of five (5) Board members on each *standing committee*, including the Board members appointed as Chairperson of each committee.
- (2) All *special committees* shall have a minimum of five (5) Board members appointed by the Chairperson, including the Chairperson of the committee.
- (3) Appointments of the public as members of Board committees under Section 11.01 of this article:
  - a) Application for a position as a public member may be obtained at the Board office and should be submitted to the Chairperson of the Board. The application must detail the individual's special qualifications and/or interest in the community.
  - b) The Chairperson of the Board shall appoint all public members to any Board committee following consultation with the Committee Chairperson and shall notify the Committee Chairperson, in writing, of such action.
  - c) Standing Committees shall not have public members exceeding one-third (1/3) of the Board members appointed.
  - d) Special Committees shall not have public members exceeding one-third (1/3) of the Board members appointed, except in case of a *task force* or in a *special committee* formed under the regulations of a governmental agency requiring greater public participation.
  - e) Public members of committees shall be participants in committee quorums, debates and voting, but votes by public members shall be separately recorded in the committee minutes.
- (4) Term of appointment to committees for all members shall be one year or portion thereof beginning September 1<sup>st</sup> following the Borough President's appointment of new Board members and ending August 31<sup>st</sup>, except as follows:
  - a) Any member may be removed from a committee for cause, by recommendation to the Chairperson by the committee Chairperson, at the discretion of the Chairperson, or by resignation from the committee or the Board.
  - b) Committee Chairpersons and members may be re-appointed for additional terms of service.
  - c) Members who are newly appointed to the Board in April must attend at least one meeting of any committee during the months of May and June.
  - d) Committee appointments shall be made based on member's preference to the maximum extent possible.
- (5) All appointments and removals by the Chairperson shall be made in writing to all appointees. Committee membership lists shall be provided to members of the Board and made available to the office of the Borough President, interested City agencies and to the public upon request.

### **ARTICLE 12 - COMMITTEE MEETINGS**

#### 12.01 Meetings of the Executive Committee

- (1) The Executive Committee shall meet once each month and otherwise as the Chairperson deems necessary, except that members shall not be required to attend meetings during July and August.
- (2) Meetings of the Executive Committee shall be conducted in accordance with the New York State Open Meetings Law, Members of the Board shall be permitted to attend and observe the actions of the committee without voting. Notice of committee meetings shall be published in a monthly Board calendar.
- (3) During the months of July and August
  - a. When deemed necessary by the Chairperson and a quorum is present.
  - b. When authorized by the Board to act on behalf of the Board when *special Board meetings* have not been called, in accordance with *Article 10.00., Section 10.12(2)*, of these By-laws.
- (4) In an emergency situations, when time is of the essence, the Chairperson or the Executive Committee may act on behalf of the Board, provided that any such action shall be reported to the Board and ratified by a majority vote of the Board at the next *regular* meeting of the Board; and, if not so ratified, the Chairperson shall notify all parties concerned in the action and take all necessary steps to immediately halt implementation of the emergency action as the Board may direct.

**12.02** Standing Committee shall meet at least one each month and otherwise as often as the Chairperson or the committees deem necessary. During the months of July and August, members shall not be required to attend meetings, but a majority of committee members may take necessary committee action in a duly called meeting published in the monthly Board calendar.

**12.03** Special Committees shall meet as often as the Board Chairperson deems necessary. During the months of July and August, members shall not be required to attend meetings, but a majority of committee members may take necessary committee action in a duly called meeting published in the monthly Board calendar.

**12.04** All committee meetings shall be open to the public in accordance with the New York State Open Meetings Law, except the following:

- (1) Nominating Committee meetings
- (2) District Manager selection committee meetings
- (3) Membership evaluation meetings

**12.05** Conduct of meetings shall be under the same procedures as Board meetings. Committees shall keep minutes, attendance records, and shall report adopted resolutions of other recommendations in writing to the Board, together with the voting tally. A quorum for committee meetings shall be a majority of committee members meeting under the Chairmanship of a Board committee member.

- (1) All committee actions shall require approval of a majority of members voting in the presence of a quorum.
- (2) Public observers shall not vote unless permitted by the committee Chairperson and provided that such vote is separately recorded in the minutes.

**12.06** Committee correspondence and contacts with government agencies shall be made by committee Chairpersons or designated representatives at the discretion of the Board Chairperson. All committee correspondence excepting electronic follow-up, scheduling, and other routine communication shall be approved and signed by the committee Chairperson or designated representative, and shall be approved and countersigned the Board Chairperson before mailing.

**12.07** The Board Chairperson and the Board's District Manager shall be promptly notified when public officials, organizations, and individuals are invited to committee meetings.

### **ARTICLE 13 - INTERNAL OPERATION OF THE BOARD**

**13.01** The Board shall arrange for full-time functions of the Board office and staff, receipt and dissemination of required governmental reports, management of Board funds, and other full-time functions necessary to meet Board obligations to the community district.

- (1) *City Charter, Chapter 70, Section 2800.f*: Each community Board, within budgetary appropriations therefore, shall appoint a District Manager, who shall serve at the pleasure of the Community Board.

- (2) *City Charter, Chapter 70, Section 2800.g:* Each Community Board may employ such other assistants as it may require within budgeted appropriations for such purposes or funds contributed for such purpose.

13.02

**The District Manager; City Charter, Chapter 70, Section 2800.f: The District Manager shall:**

- (1) Have responsibility for processing service complaints
- (2) Preside at meetings of the District Service Cabinet and
- (3) Perform such other duties as are assigned by the community Board.
  - a. Perform all functions and duties as prescribed in the city charter and any other duties prescribed under law.
  - b. Perform all necessary function and represent and speak for the Board at the request of the Board Chairperson within the limits of the acts, determinations and decisions duly made by the Board.
  - c. Communicate with government officials and agencies as necessary to the performance of the office of District Manager; provide copies of such communications to the Board Chairperson, and forward copies of such communications to the office of the Borough President.
  - d. Organize, maintain, and manage the Board office and determine and be responsible for the duties, hours, wages, and training of the office staff in accordance with City government regulations.
  - e. Prepare an operating budget in consultation with the Board for each fiscal year as well as for contributed funds augmenting City allocations, process the approved budget with appropriate government agencies, and manage and be responsible for such budget and funds in accordance with City fiscal regulations and the *City Charter, Chapter 70, Section 2800.g:*
    - ◆ Any funds appropriated by the City to enable the Community Boards to conduct their duties and responsibilities pursuant to this chapter shall be allocated directly to each Board subject to the terms and conditions of such appropriations. The operating budget shall be presented for examination to the Executive Committee at its regularly scheduled meeting one month prior to the regularly scheduled Executive Committee meeting at which the budget must be approved.
  - f. Process requests and inquiries of residents in the community district, and assist City departments and agencies in communicating with and transmitting information to the people of the district within the budgetary appropriations for such purpose.
  - g. Forward to the Office of the Mayor recommendations for the approval or disapproval of requests for permits to close district streets for group activities, except parades, in conformance with the Board guidelines for street use and the requirements for City government regulations non-conforming controversial requests shall be reviewed by the Executive Committee or the Board for approval or disapproval recommendations as directed.
  - h. Report the actions of the District Service Cabinet to the Board.
  - i. Be a member of the Manhattan Borough Service Cabinet, attend its meetings, and report its actions to the Board pursuant to City Charter, Chapter 69, Section 2706.
  - j. Provide advice and assistance to the Board, its officers, and committees on all information, orders, directives, and other matters coming to the attention of the Community Board office and the District Manager, including:
    1. Evaluation of the quality and quantity of services provided by agencies within the district.
    2. Agency information on service activities, operations, and programs within the district received at the Board.
    3. City department and agency calendars and requirements for Board action.
    4. Requests by the office of the Borough President.
    5. City agency budget and service statements received at the Board.
    6. Agency expense budget program needs and priorities in the district.
    7. Allocation of community development funds and activities in the district.
    8. Scopes and designs of City capital budget projects located in the district, and evaluation of progress of such projects based upon status reports furnished to the Board.
    9. Actions of the Community Boards in other districts with which cooperative action might be taken by the Board for the benefit of the district.
    10. Activities of resident and business groups in the district based upon inquiries to the Board, permit requests and reports of service agencies.

13.03

**Management of Donated Funds**

- (1) Management of funds granted or donated to the Board shall be as directed by the office of the City Comptroller and/or any other City agency having management jurisdiction over such funds and in compliance with the terms and conditions agreed for use by the grantor or donor.
- (2) The Treasurer shall represent the Board to the City in use of grant or donated funds accepted for specific purposes within City Charter mandates for Community Boards, other than funding contained in the Board's operating budget.
- (3) The election and term of office of a Treasurer shall comply with these By-laws, Article 80.00, Section 8.06(6)...
- (4) Duties of the Treasurer
  - a. To arrange the deposit of grant or donated funds in an account in the name of the Board pursuant to Section 13.03(1). of this article.
  - b. To co-sign with the Board Chairperson requests for withdrawal of funds deposited with the office of the City Comptroller when such withdrawals are approved by a majority of the Board, or the Executive Committee acting on behalf of the Board, under the regulations of the City Comptroller.
  - c. To submit a monthly financial statement to the Executive Committee and to the Board at each *regular* meeting of the Board or at such other times as the Chairperson may direct, summarizing the use of grant or donated funds and the balance of such funds deposited with the office of the City Comptroller in the name of the Board.
  - d. Such other duties as the Board may determine.

#### **ARTICLE 14 - SEVERABILITY CLAUSE**

Nothing in these By-laws shall be construed so as to change, modify or amend the New York City Charter. These By-laws shall govern all cases to which they are applicable and are not inconsistent with the City Charter. In the event that any provisions of these By-laws shall be deemed invalid, such invalid portion shall not impair the validity or enforcement of the remaining provisions of these By-laws.

#### **ARTICLE 15 - AMENDMENT OF BY-LAWS**

- 15.01 Amendment may be initiated by written request of the Borough President, recommendation of the Executive Committee, or by written request of any five appointed members of the Board to the Executive Committee.
- 15.02 The Executive Committee shall review proposed amendments to the By-laws and the Chairperson shall report to the Board in writing the recommendations of the Executive Committee one month prior to the *regular* meeting of the Board in which the matter shall appear upon the agenda for consideration.
- 15.03 Amendments to the By-laws shall require approval of two-thirds (2/3) of the appointed members of the Board voting in the presence of a quorum at a duly called meeting of the Board.

#### **ARTICLE 16 - EFFECTIVE DATE OF BY-LAWS**

- 16.01 These By-laws shall be ratified by approval of two thirds (2/3) of the appointed members of the Board voting in the presence of a quorum at a duly called meeting of the Board.
- 16.02 The effective date of these By-laws shall be the first day of the month following the date of the meeting in which these By-laws are ratified in accordance with *Section 16.01*.