

RULES OF PROCEDURE OF
THE NEW YORK CITY
BOARD OF CORRECTION

Article I

Name

These rules of procedure, upon their adoption, shall be the rules of procedure of the New York City Board of Correction (the “Board”) and shall be the governing instrument of the Board, subject only to the provisions of the New York City Charter (the “Charter”.) as amended by referendum on November 4, 1975, and other applicable law.

Article II

Powers

The Board shall exercise all the powers and perform all the functions and duties granted to it by the Charter Chapter 25 §626 (a), and such other law as may be applicable.

Article III

Members

§1. The Board shall consist of nine members who shall be appointed pursuant to the provisions of Chapter 25 §626 (a) of the Charter. Each

member shall serve for a term of six years unless appointed to fill a vacancy for the remainder of an unexpired term in which case the member shall serve for the remainder of the unexpired term.

§2. A member can be removed by the Mayor for cause. If the Mayor wishes to remove a member of the Board, he shall so notify the Board and the Board shall notify the member, hold a hearing at which the member may be represented by counsel, and thereafter deliver to the Mayor a written recommendation on which two-thirds of the duly appointed members must concur. Upon written request, two-thirds of the duly appointed members can convene such a meeting. Any member whose removal is proposed by the mayor shall be given written notice by the Board specifying the grounds for the proposed action and shall have thirty (30) days to respond.

§3. The Board on its own initiative, two-thirds of the duly appointed members concurring, can recommend to the Mayor the removal of a member for cause and such recommendation shall be subject to all the relevant procedural requirements of §2.

§4. A member may resign at any time by submitting his written resignation to the Mayor and the Chairman of the Board; resignation of a member shall take effect at the time specified therein, or, if not time is

specified, upon the date thereof. A resignation need not be accepted to be effective.

Article IV

Officers

§1. The officers of the Board shall be a Chair, to be appointed by the mayor according to the Charter, and a Vice-Chair who shall be elected by the members. Each officer shall be a voting member of the Board. Election of officers shall take place each year at the regular meeting of the Board held in the month of January. Each officer shall serve for a term of one (1) year, commencing on the first day of February and terminating on the 31st day of January subsequent to the election of a successor. Upon the death, resignation or removal of any officer, the Board shall promptly elect a member to fill the vacancy until the next regular January meeting.

§2. The Vice-Chair can be removed for cause by a two-thirds vote of members present at a regular meeting, provided that the notice of the meeting included such action on its agenda and that at least ten (10) days notice is given to all members.

§3. The Chair shall be the chief executive officer of the Board, and s/he shall preside at all meetings of the Board and, ex officio, be a member of all committees of the Board.

§4. The Vice-Chair shall preside in the absence of the Chairman at all meetings of the Board.

Article V

Meetings of the Board

§1. The Board shall hold six regular bi-monthly meetings each calendar year – in January, March, May, July, September and November. In addition, the Chair or a majority of the Board can call such additional meetings as may be necessary to discharge the duties of the Board.¹

§2. All meetings shall be open to the public and shall be conducted in accordance with the Open Meetings law (Article 7, Public Officer Law, §§100 through 106). The notice of meeting shall state plainly the date, time, place, and purpose of the meeting. Meetings shall be held at such times and places as the Board may determine, and can be adjourned and reconvened in the discretion of the Board.

§3. Notice of meetings scheduled at least one week prior thereto shall be published in the City Record at least three (3) days before the day of the meeting. Notice of all other meetings shall be given, to the extent practicable, at a reasonable time prior thereto. A member of the public can address the Board upon approval by the Chair.

¹ As amended by the Members at the July 10, 2008 public meeting of the Board of Correction.

§4. Five members or more shall constitute a quorum. All questions shall be approved by five members or more who are present and voting.

§5. Attendance shall be taken at every meeting.

§6. Minutes shall be taken at all meetings and shall constitute a public record available for inspection on request to the Board. Copies of minutes shall be sent to all members. The minutes shall contain all resolutions and motions brought before the Board, the results of all votes taken and a summary of all reports presented to the Board whether by members or by others. Copies of written reports shall be annexed to and form a part of the minutes. The Chair shall present minutes for each meeting to the Board for its approval at the next meeting. In all other respects minutes of the Board shall conform to the Open Meetings Law §106.

§7. In conformity with the Open Meetings Law §105, any meeting of the Board can be called into executive session by majority vote of its membership.

Article VI

Committees

§1. The Board shall establish such committees as it deems necessary.

§2. The members of each committee shall be appointed by the Chair, who may designate one of them as chair. Such committees shall meet at such times and places as it shall determine.

Article VII

Hearings

§1. Hearings of the Board may be held at such times and on such matters as the Board deems advisable and necessary in the discharge of its duties under the Charter.

§2. The Chair at a meeting may designate committees of the Board to hold hearings and designate a member of the Board to conduct such hearings as Chair according to the powers granted to the Board by the Charter.

Article VIII

Amendments

§1. These rules of Procedure may be amended by resolution of the Board adopted at a regular meeting by five or more members present and voting and constituting a quorum.

Article IX

Conflict of Interest

§1. All applicable law, including the provisions of the New York City Charter and the rulings and opinions of the New York City Board of Ethics regarding conflicts of interest shall apply to the members and proceedings of the Board of Correction.

§2. Whenever a question concerning the existence of a conflict of interest or apparent conflict of interest arises in connection with a member or proceedings of the Board of Correction, the Board, two-thirds of its members concurring, shall refer such question to the New York City Board of Ethics and any other appropriate agency.

Article X

Effective Date

These Rules of procedures shall take effect immediately upon their adoption by the Board.