

CITY OF NEW YORK

# COMMUNITY BOARD # 7

## BY-LAWS

*Amended May 2018*

*Amended January 2019*

**BOROUGH OF THE BRONX**

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### ARTICLE I

#### **EFFECT**

*SECTION 1:* These By-Laws, upon adoption, shall be the By-Laws of Community Board No. 7 (hereafter referred to as “The Board”) of the Borough of the Bronx, and shall be the governing instrument of the Board, subject to the provisions of the New York City Charter (hereinafter referred to as “The Charter”), the Uniform Land Use Review Procedure, and any other applicable laws.

### ARTICLE II

#### **POWERS**

*SECTION 1:* The Board shall exercise those powers and those functions set forth in the Charter and the Uniform Land Use Review Procedure with regard to any matter concerning its Community District. The boundaries of its District shall be as defined by the map of Community Districts in effect pursuant to Section 2701.a-d of the City Charter.

### ARTICLE III

#### **MEMBERS**

*SECTION 1:* The Board shall consist of: A) As voting members, those individuals who shall have been appointed by the Borough President in accordance with Section 2800 of the Charter (hereinafter referred to as “Appointed Members”) B) As non-voting members, those Public Officials specified in Section 2800 of the Charter.

*SECTION 2:* Each appointed member shall serve for a term of two years as provided for in Section 2800.a of the Charter. Upon the death, resignation or removal of an appointed member, the vacancy created may be filled by the Borough President for the remainder of the unexpired term in the same manner as a regular appointment.

*SECTION 3:* An appointed member may resign at any time by submitting a resignation in writing to the Borough President and the Chairperson of the Board. Such resignation shall take effect at the time specified therein, or, if no time be specified, upon receipt by the Borough President. A resignation need not be accepted to become effective.

*SECTION 4:*<sup>1</sup> An appointed member may be removed for cause by the Borough President or by a majority of the appointed members of the Board. Cause shall include three consecutive committee meetings, 3 consecutive general board meetings or a combination of consecutive committee and general board meetings totaling three.

The Board shall not remove a Board Member by reason of absences without first notifying the Board Member in writing, via First Class Mail, Certified and Return Receipt Requested, to the address on record, that an explanation in writing is requested to be delivered to the Board within twenty (20) days of the date of the notice. Upon receipt of any response or upon the expiration of twenty (20) days from the mailing of the notice, whichever is earlier, the Budget, Personnel & Ethics Committee will evaluate whether such explanation, if any, constitutes excusable absences or otherwise have validity at the next scheduled Budget, Personnel & Ethics meeting. If the Executive Board determines that the absences are not excusable, the Executive Board shall place in the next scheduled notice of a General Board meeting, that a motion to remove the particular Board Member, will be on the Agenda. Any discussion to remove a Board Member will take place in Executive Session. The final vote will be taken in public.

*SECTION 5:* The Board shall not remove a Board Member except in accordance with the following procedures:

- A) Written complaints will be evaluated by the Budget, Personnel & Ethics Committee for further consideration.
- B) The member whose removal is proposed shall be given the opportunity to respond in person or in writing, to the complaint, whether before the Budget, Personnel & Ethics Committee or the full Board
- C) The Board shall receive the report of the Budget, Personnel & Ethics Committee, including a minority report, if any, and response if any of the Members.
- D) A motion to remove the member shall be adopted by a majority of the total appointed members of the Board at a meeting, the agenda for which shall have included action on removal.

*SECTION 6:*<sup>1</sup> Any board member with at least six months of service, and meeting attendance requirements, shall be allowed to take a six consecutive month, leave of absence, from the community board. The request must be made in writing to the board Chairperson, Board District Manager, and the Committee Chairperson of the Budget, Personnel, and Ethics Committee. The effective date of the six month consecutive leave will be retroactive to the date of the last board meeting attended. Only one request will be granted per 2 year appointment cycle.

## ARTICLE IV

### HEARINGS AND MEETINGS

*SECTION 1:* The procedure followed at all meetings shall be in accordance with the requirements of the Charter, the Uniform Land Use Review Procedure, these By-Laws, and, when no contrary provision exists, “Robert’s Rules of Order.” The Board, however, shall have the power to adopt any rules of procedure not inconsistent with the Charter, the Uniform Land

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<sup>1</sup> Amended January 2019

Use Procedure or these By-Laws.

*SECTION 2:* The Board shall hold a regularly scheduled public meeting of the full board and conduct a Public Session at least once a month, except during the months of July and August. A hearing or a meeting may be called by the Chairperson, or may be called at the request of one third of the members of the Board, plus one.

*SECTION 3:* The Chairperson shall determine the time, date and place of all special hearings and meetings in consultation with the officers, except hearing held pursuant to Uniform Land Use Review Procedure. For hearings held pursuant to such procedure, the Chairperson shall determine the time and date and shall initially determine the place of the hearing. Immediately prior to the start of each such hearing, the Board shall determine by a vote of a majority of the appointed members present and voting whether to ratify the Chairperson's initial determination of the place of the hearing. Upon ratification, the hearing shall commence. If the Board fails to ratify the Chairperson's initial determination, the hearing shall be adjourned and a new hearing shall be called at a place determined by the Board. Notice of Hearing may be issued based upon the Chairperson's initial determination of its location.

*SECTION 4:* All Meetings and Hearings shall be held within the Board's Community District except that if in the Board's judgment there is a suitable and convenient place of Public Assembly within the Borough.

*SECTION 5:* Written notice of each Hearing or Meeting, setting forth its time, place and subject, shall be made public and distributed not less than ten calendar days prior to the date of the Hearing or Meeting and shall be sent by the board staff to each Member of the Board.

*SECTION 7:* The presence of a majority of the appointed members of the Board shall constitute a quorum. No member may be present by proxy.

*SECTION 8:* Each appointed member present at a meeting shall be entitled to one vote. Unless otherwise specified in the Charter, the Uniform Land Use Review Procedure, or these By-Laws, all questions shall be decided by a majority of the appointed members present and voting.

*SECTION 9:* Minutes shall be taken at all meetings and hearings and shall be public record. The minutes shall contain an accurate record of the members present, all resolutions and motions brought before the Board, including all votes taken and a summary of all reports presented to the Board, including majority and minority reports. Copies of all papers submitted at a hearing or meeting shall be annexed to the minutes and be a part thereof.

## ARTICLE V

### OFFICERS

**SECTION 1:** The officers of the Board shall be a Chairperson, a 1st Vice Chairperson, a 2nd Vice Chairperson, a 3rd Vice Chairperson, a Secretary, and a Treasurer and such other officers as the Board may deem necessary or advisable. Each officer shall be an appointed member of the Board. Election of officers shall take place every two (2) years at a meeting of the Board held in the month of June. Each officer shall serve for a term of two years, commencing on July 1, and until his successor shall have been duly elected and shall have qualified. No member shall be elected officers of the Board until they have completed one year of service from their date of appointment. No member shall be nominated and/or elected unless they are present at both the day of nominations and day of elections.

**SECTION 2:** During the March meeting of the Board, the Chairperson shall appoint a Nominating Committee consisting of five members. This Committee shall select its own Chairperson and prepare a ballot with a list of candidates for each position, in alphabetical order, for the May meeting.

<b>SCHEDULE</b>	
<b>March General Board Meeting</b>	<b>Board Chairperson appoints members of the Nominating Committee</b>
<b>April General Board Meeting</b>	<b>Board members vote on the nominating committee</b>
<b>May General Board Meeting</b>	<b>Nominations are taken from the floor</b>
<b>June General Board Meeting</b>	<b>Board members vote to elect officers</b>

The Chairperson of the Nominating Committee shall ensure:

- A. That the Nominating Committee is prohibited from conducting any survey of board members
- B. That the Nominating Committee is prohibited from sending out a list with the names of the present office holders.
- C. That all nominations for office in CB7 shall be made from the floor and shall end when no more nominations are made during the nominating section in the May meeting.
- D. That the Nominating Committee is to ensure that all nominated candidates are in good standing in CB7 to hold office if elected. Good standing shall mean the candidates meet the attendance requirements of the Borough President’s Office and the CB7 bylaws at the time of the nomination.
- E. That the Nominating Committee obtain a signed form from all candidates within a week of being nominated at the May meeting accepting the nomination. A member cannot accept the nomination for more than one position.
- F. That the Nominating Committee is to monitor all procedures regarding the election such as, but not limited to, handing out the ballots and collecting all the ballots for counting. All ballots must be signed and indicate clearly the candidates being voted for in order to count as a valid vote. Ballots that are not signed will not be counted. There shall be one ballot that will be inclusive of all candidates, listed in alphabetical order, running for all positions concurrently.
- G. The Nominating Committee makes available to all candidates the contact information of board members if requested by any candidate.
- H. That the Nominating Committee is to count the votes the same night of the election and the Chairperson of the Nominating Committee announces the winner(s).
- I. That at the end of counting the ballots and announcing the winner(s) the night of the election, the Chairperson of the Nominating Committee hands over, in a sealed envelope, all election documents to the District Manager for record keeping
- K. No member of the board can serve as a member of the Nominating Committee and at the same time be a candidate for office.

*SECTION 3:* Upon the death, resignation or removal of any officer, the vacancy created shall be filled by the Board. The election to fill such a vacancy shall take place no later than the second meeting following the creation of the vacancy. The manner of voting shall be the same as that set forth in Section 2 of the Article V, except no Nominating Committee shall be appointed and all candidates shall be nominated from the floor. Any officer elected to fill a vacancy shall hold office for the remainder of the unexpired term, and until their successor shall have been elected and shall have been qualified.

*SECTION 4:* An Officer may resign at any time by submitting their resignation in writing to the Chairperson. Such resignation shall take effect at the time specified therein, or if no time be specified, upon receipt by the Chairperson. A resignation need not be accepted to become effective.

*SECTION 5:* An officer may be removed from an elected position for cause in accordance with the procedure governing removal of members spelled out in Article III Section 5 of these ByLaws.

*SECTION 6:* The Chairperson shall be a member of, and attend, the District Service Cabinet and Borough Board meetings, report to the Board and the public on information from such meetings, be an ex-officio member of all standing and special committees with the exception of the Nominating Committee, and exercise all those powers granted to him / her by the City Charter, the Uniform Land Use Review Procedure and these By-Laws.

*SECTION 7:* The 1st Vice-Chairperson shall in the absence of the Chairperson have all the powers and perform all the duties of the Chairperson. Upon the occurrence of a vacancy in the Office of Chairperson, the 1st Vice-Chairperson shall have been elected and shall have qualified. The 1st Vice-Chairperson shall construct the Executive Board Agenda in consultation with the Chairperson and preside at all meetings of the Executive Board. He / she shall also be a member ex-officio of such committees as designated by the Chairperson and perform such duties as shall be assigned to him / her by the Chairperson of the Board.

*SECTION 8:* The 2nd Vice-Chairperson shall in the absence of the Chairperson and the 1st Vice Chairperson has all the powers and perform all the duties of the Chairperson. Upon the occurrence of a vacancy in the office of the Chairperson and the 1st Vice-Chairperson, the 2<sup>nd</sup> Vice-Chairperson shall assume the office of Acting Chairperson, or, upon the vacancy in the office of 1st Vice-Chairperson, the 2nd Vice-Chairperson shall assume the office of the Acting 1<sup>st</sup> Vice-Chairperson; in either case, he / she shall continue to hold office as Acting Chairperson or Acting 1st Vice-Chairperson until such time as a new Chairperson or 1st Vice-Chairperson shall have been elected and shall have qualified. The 2nd Vice-Chairperson shall be in charge of the physical arrangements for each Board meeting. The duties shall include finding a site for meetings (in event of a change), and maintenance of the attendance records. The 2nd Vice Chairperson shall also have such powers and perform such duties as shall be assigned to him / her by the Chairperson or the Board.

*SECTION 9:* The 3rd Vice-Chairperson shall serve as a liaison to the Committees with respect to the development of the Board's Expense and Capital Budget. The 3rd ViceChairperson shall also have such powers and perform such duties as shall be assigned to him / her by the Chairperson or the Board.

*SECTION 10:* The Secretary shall record the minutes of meetings of the Board, and shall be in charge of maintaining records of the Board, including minutes, reports, communications and correspondence.

In addition, he / she shall have powers and perform such duties as shall be assigned to him / her by the Chairperson of the Board.

*SECTION 11:* The Treasurer shall be the fiscal officer of the Board, he / she shall be in charge of all financial matters, including the preparation of all financial accounts and records and the filing of all financial reports at regular monthly meetings. In addition, he / she shall have such powers and perform such duties as shall be assigned to him/her by the Chairperson or the Board.

*SECTION 12:* All officers shall have powers and perform such duties as may be assigned to them by the Chairperson or the Board.

## ARTICLE VI

### COMMITTEES

*SECTION 1:* The following standing Committees shall be established:

- A) Budget, Personnel & Ethics
- B) Education, Youth, & Libraries
- C) Economic Development & Long-Term Planning
- D) Public Safety & Quality of Life
- E) Traffic & Transportation
- F) Environment & Sanitation
- G) Parks, Recreation & Cultural Affairs
- I) Housing, Land Use & Zoning
- J) Health & Human Services
- K) Veterans Affairs
- L) Public Relations

*SECTION 2:* (A) Each standing Committee shall consist of a Committee Chairperson and such other members as shall be selected. The Committee Chairperson shall be appointed or removed by the Board Chairperson with the approval of the full Board. A Committee shall consist of not less than 3 or more than 7 Board Members appointed by the Board Chairperson from among those volunteering. Community members who have volunteered may be appointed by the Chairperson of the Committee. The number of non-Board members of any Committee must be less than 50% of said Committee. Non-Board members are not eligible to vote. Committee Chairpersons shall be members of the Board. The Budget, Personnel & Ethics Committee shall be composed of Board Members only. No person may be appointed as Chairperson of more than one standing Committee. A list of Committee Chairpersons and Committee members shall be provided to all Board members.

(B) The Committee Chairpersons shall be appointed by the Board Chairperson and shall serve for a term of one year and may be eligible to serve successive terms upon review by the Board Chairperson. Committee Chairs shall serve at the pleasure of the Board Chairperson, and may be removed with the approval of the full Board.

*SECTION 3:* The Chairperson of each standing Committee shall preside at Committee meetings and at public hearings conducted by the committee and shall file committee reports on matters requiring action by the Board for distribution to the Board members before the next regularly scheduled meeting. All other committees shall make reports during General Board Meetings. Each standing committee shall have power to adopt rules of procedure in accordance with the City Charter.

*SECTION 4:* The Board may, by resolution, establish such ad hoc committees as it shall deem advisable. Any such committee shall have and may exercise such powers as may be granted to it by such resolution. The resolution may also provide for the composition of the committee, the method of appointment of its Chairperson, who shall be a member of the Board, and its members, its purpose, its length of existence and any other matters concerning its operation. Any committee established by such a resolution may at any time be terminated by resolution of the Board.

*SECTION 5:* The Chairperson of the Board shall refer each item referred to the Board under the Uniform Land Use Review Procedure (ULURP) to the Housing, Land Use and Zoning committee. If the committee files a report with the Board, such report shall be submitted at or prior to the meeting at which the Board votes on the item. If the committee does not file a report, the Chairperson of the committee shall notify the Chairperson of the Board at or prior to such meeting, that no report will be submitted. The Housing, Land Use and Zoning Committee shall conform to the time constraints imposed upon them by the Uniform Land Use Procedures to the time and business before that committee.

*SECTION 6:* There shall be an Executive Board Committee, which shall be composed of members of the elected officers of the Board and the appointed Chairperson of each of the standing committees. The Executive Committee shall meet at the request of the Chairperson or upon the request of one-third of its members. It may consider such matters as it deems advisable and may make recommendations to the Board. The 1st Vice-Chairperson shall preside at the meetings of the Executive Committee. This Committee shall have the power to adopt rules of procedure in accordance with the City Charter. Minutes should be taken at Executive Committee and be distributed to Board members.

*SECTION 7:* All Board members shall be members of at least one Standing Committee.

*SECTION 8:* Each Standing Committee Chairperson shall appoint a Vice-Chairperson to carry on the duties of the Chairperson in case the Chairperson is not in attendance.

## Article VII

### **PUBLIC HEARINGS**

*SECTION 1:* The Board Chairperson shall call a public hearing whenever required by the Uniform Land Use Review Procedure. The Board may, by resolution, call additional public hearings on any matter before it for consideration, or on any matter of concern to its district. Notice of all hearings shall be given in the manner provided for in Article IV, SECTION 4 of these By-Laws. The Board Chairperson shall preside at all public hearings.

*SECTION 2:* Prior to the start of every public hearing, each member of the public wishing to speak shall submit to the Chairperson, in writing, a request for speaking time. Such request shall set forth his / her name, the name of any organization he / she may represent and whether he / she favors or opposes the proposition which is the subject of the hearing. Those opposed to the proposition shall be heard first, and those in favor shall follow. The Chairperson shall call only the names of those submitted requests for speaking time. Each member of the public shall be entitled to speak for at least two (2) minutes, but not to exceed four (4) minutes, as determined by the Board Chairperson at the start of the Hearing. Any written statement or document offered by a speaker shall be placed into the record or minutes of the hearing.

*SECTION 3:* Any provisions of Section 2 of this Article VII may be modified by the Board present at any public hearing, and the Board shall have the power to adopt additional rules with regard to the conduct of any such hearing.

*SECTION 4:* After the conclusion of any public hearing held pursuant to the Uniform Land Use Review Procedure, the Board Chairperson shall be responsible for the submission of the Board's recommendation and the record of the hearing pursuant to rules of the Uniform Land Use procedures.

## ARTICLE VIII

### RECORDS AND COMMUNICATIONS

*SECTION 1:* Except as provided in the Uniform Land Use Review Procedure, all hearing records, minutes, reports, communications and correspondence of the Board shall be kept at the office of the Board, or, if there is no such office, at the office of the Borough President. All such documents shall be public records. A copy of the minutes of each hearing and the meetings including the record of attendance, shall be made available for inspection and copying, (a fee per page may be charged for copies requested), as per the New York State Freedom of Information Act.) The Borough President's office should be called to discuss disbursement fees.

*SECTION 2:* *All officers and Committee Chairpersons shall be permitted mailing privileges at the Board expense for matters relating to action taken or discussed at general Board or individual committee meetings or hearings.*

## ARTICLE IX

### AMENDMENTS

*SECTION 1:* Any member of the Board may propose an amendment to these By-Laws provided such proposal is in writing and signed by one third of the Board's membership. A proposed amendment shall be submitted in writing to the Chairperson who shall present it at the next meeting of the board but no vote shall be taken at that meeting. The proposed amendment shall then be placed on the Agenda of the following meeting of the Board and shall become an amendment to those By-Laws upon its approval by a quorum of the appointed members of the Board present and voting. **Prior versions of the By-Laws shall be kept on file at the Community Board office.**

## ARTICLE

### ADOPTION OF BY LAWS

*SECTION 1:* **These By-Laws shall be adopted when approved by a quorum of the appointed members of the Board present at a meeting of the Board, the Agenda for which shall have included consideration of By-Laws. They shall take effect upon filing with the City Planning Commission pursuant to Section 4.042 of the Uniform Land Use Review Procedure.**

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