BY-LAWS

LOCAL COMMUNITY BOARD #5, BROOKLYN

The By-Laws of the Local Community Board #5 (here to referred to as the Board) shall conform to all the Provisions of the New York City Charter. (here to referred as the Charter). These By-Laws shall not change, modify or amend the City Charter.

ARTICLE I-NAME

The name of this Organization shall be: Local Community Board #5.

ARTICLE II-JURISDICTION

The Board shall serve within the area designated by the New York City Charter. Revised December 2000. (See Map)

ARTICLE III-PURPOSE

Section 1: Elect its own officers and adopt and make available for reasonable public inspection, by-laws and statements of the duties assigned by the Boar to its District Manager and other professional staff, keep a public record of its activities and transactions, including minutes of its meetings and majority and minority reports and all documents the board is required by law to review which shall be made available in accordance with the law to elected officials upon request and for reasonable public inspection.

Section 2: Consider the needs of the District for which it serves and develop plans for the District’s welfare and orderly development. Prepare comprehensive and special purpose plans for the growth and improvement of the Districts, including matters relating to the District and to area partly within the district.

Section 3: Cooperate, consult, assist, and advise, either on its own initiative or when requested, any public officer, agency, local administrators of agencies, legislative body or the Borough President, with respect to any matter relating to the welfare of the District and its residents, but in each case shall furnish the Borough President with a copy of every written communication or statement giving such advise.

Section 4: At its discretion hold public or private hearings or investigations with respect to any such matters relating to the welfare of the District and its residents. (Sunshine Law)

Section 5: Cooperate and consult with the local administrators of the City Departments and Agencies having administrative Districts including any part of the District it serves. (Cabinet)
Section 6: Assist City Departments and Agencies in making contracts with and transmitting information to people of its District.

Section 7: Corporate with the Boards of other Districts with respect to matters of common concerns, including matters which relates to parts of more than one District.

Section 8: Render an annual Report to the Mayor, the City Council and the Borough President within three (3) months of the end of each year and such other reports as the Mayor, the City Council and the Borough President shall require. Such reports or summaries thereof shall be published in the City Record.

Section 9: Use all practical means to keep the public informed on matter relating to the welfare or development of its District.

Section 10: Request the attendance of agency representatives at meetings of the Community Board.

Section 11: Conduct public hearings and submit recommendations and priorities to the Mayor, the City Council and City Planning Commission on the allocation and use within the District, of funds earmarked for Community development activities under City, State or Federal programs.

Section 12: Consult with agencies on program needs of the Community district to be funded from the expense budget, review departmental estimates, hold public hearings on such needs and estimates and prepare expense budget priorities for the next fiscal year.

Section 13: Assist in the planning of any capital projects in the capital budget, to be located in the Community district and review scopes of projects and designs for each capital projects.

Section 14: Evaluate the process of the capital projects within the Community district based on the status reports to be furnished to the board. (Staff Duties)

Section 15: prepare and submit to the Mayor, on or before date established by the Mayor, an Annual Statement of Community district needs, including a brief description of the District, the Board’s assessment of its current and probable future needs in its recommendations for programs or activities to meet those needs.

Section 16: Evaluate the quality and quantity of services provided by Agencies within the Community district.

Section 17: Conduct substantial public outreach, including identifying the Organizations active in the Community district, maintaining a list of names and mailing addresses of such Community Organizations and making such names and, with the consent of the Organization, mailing addresses available to the public upon request.
**Section 18:** Exercise the initial review of applications and proposals of public agencies and private entities for the use, development of improvement of land located in the Community district, including the conduct of a public hearing and the preparation and Submission to the City Planning Commission of a written recommendation.

**Section 19:** Perform such other duties as may be prescribed by the New York Charter as amended April 1990.

**ARTICLE IV - MEMBERSHIP**

**Section 1:** The Board shall consist of up to 50 members to be appointed by the Borough President. One half of those appointed shall be nominees of the appropriate Councilmatic Member. No more than 25% of the members of the Board shall be employees of New York City. The Borough President shall make assure that there be representation from the different geographic sections and neighborhoods within the District. In order for an individual to be appointed or remain a member of the Board such individual must have residence, business, profession or other significant interest in the District.

**Section 2:** One-half of the members appointed to any Community Board shall serve for a term of two years beginning on the first day of April in each odd-numbered year in which they take office and one-half of the members appointed to any Community Board shall serve for term of two years beginning on the first day of April in each even-numbered year in which they take office. Members shall serve until their successors are appointed but no member may serve for more than sixty days after expiration of their original term unless reappointed by the Borough President.

**Section 2a:** An appointed member may be removed from the Community Board for cause, which shall include continued excessive lateness, three absences from monthly board meetings or substantial non-attendance at board or committee meetings over a period of one year. Such removal shall be done by the Borough President or by a majority vote of the Community Board.

**Section 2b:** If a member has excessive absences due to illness which further prevents he or she from regularly attending future meetings for an indefinite period, and if the said member has faithfully served for more than four years, he or she may be removed by the Board or the Borough President and appointed to a two-year term, eligible for renewal. Such removed member may also be recommended for reappointment to Board membership as soon as his or her health shall permit full participation. An Associate shall have such privileges, duties and responsibilities, as are consistent with law, the New York City Charter, and these by-laws, or as may be determined by the Board. An Associate shall not be counted towards a quorum and shall not vote at Board meetings.
Section 3: Members shall serve within compensation.

Section 4: Members of the New York City Council, New York State Legislature and the United States House of Representatives who districts included any part of the Community District shall be ex-officio non-voting members of the Community Board.

Section 5: All members shall serve on the Board in their capacity as private citizens only. Their actions shall not be instructed by or responsible to, any other organization with which they may be affiliated.

Section 6: Any member appearing before a governmental body or otherwise making a public statement which conflicts in any respect with positions adopted by the Board shall not identify himself/herself as a member of the Board when making such statements. No member shall represent the Board’s position before any City agency or authority unless designated to do so by the Board Chairperson.

ARTICLE V - OFFICERS AND THEIR DUTIES

Section 1: There shall be a Chairperson, first Vice-Chairperson, second Vice-Chairperson, Recording Secretary, Corresponding Secretary, Treasurer, Parliamentarian and Sergeant-at-Arms.

Section 2: “Each officer shall serve for two years, commencing April 1st at the time of their election and terminated March 31st, two years later.”

DUTIES OF A CHAIRPERSON

Section 3: To perform all duties as prescribed in the City Charter and any other duties prescribed under law. To receive Calendars and notices of meetings of all City Agencies required to refer matters to the Community Board pursuant to the City Charter and to inform the Board members of such Calendars and notices. To attend meetings required by the Mayor and the Borough President pursuant to the City Charter or designate his representative or representatives to attend. To open regular monthly meetings at the time and date at which the Community Board is to meet, by taking the Chair and calling members to order. To announce the business before the Board according to the agenda. To state and put to a vote all questions or resolutions which are to be moved or necessarily arise in the course of the Board’s business and announce the results of the vote. To interpret and enforce Robert’s Rules of Order except as otherwise provide by the By-Laws herein. To decide all questions of order. To represent and stand for the board and perform all necessary functions according to the decision duly made by the Board, including communicating with Governmental agency with a copy of the same simultaneously forwarded to the Borough President’s office. To authenticate all acts orders and proceeding of the Board including the countersigning of all letters of whatever nature going out from the Board and to be
the sole spokesperson for the Board in relation to the news media, agencies of Government and the public at large, except as he/she otherwise specifically authorize. To adjourn regular monthly meetings. To appoint, suspend or remove Chairpersons of Standing Committees of the Board and to establish and appoint, suspend or remove the Chairperson of such special committees as may from time to time be deemed necessary for the best performance of the Board’s function. All such Chairpersons shall serve only during the term of the Board Chairperson appointed him/her. The Board Chairperson shall be an ex-officio member of each Committee and Chairperson of the personnel committee. To prepare and deliver the Chairperson’s Annual Report. Because of the responsibilities of the first Vice-Chairperson or Second Vice-Chairperson having to act in the absence of the Chairperson (as hereinafter provided), to keep the Vice-Chairperson informed of all information, orders, directives, and other matters coming to the Chairperson’s attention.

**DUTIES OF A FIRST VICE-CHAIRPERSON**

**Section 4:** The first Vice-Chairperson shall preside at the regular monthly meetings in the place of the Chairperson, when the Chairperson is absent. The First Vice-Chairperson shall assist the Chairperson when necessary and required. If the Chairperson can no longer serve or is unable to serve as Chairperson before his/her term has expired, the First Vice-Chairperson shall succeed the Chairperson until the 31st day of March, the ensuing year. If either the Chairperson or the First Vice-Chairperson is unable to serve, then the Community Board shall appoint a temporary Chairperson from the members of the Community Board for a period of 60 days, except where the Community Board has at the election of a Chairperson and First Vice-Chairperson elected a Second Vice-Chairperson.

**DUTIES OF A SECOND VICE CHAIRPERSON**

**Section 5:** The second Vice-Chairperson shall preside at the regular monthly meeting in the place of the Chairperson when the Chairperson and the First Vice-Chairperson are absent. The second Vice-Chairperson shall assist the Chairperson when necessary and required.

**DUTIES OF A RECORDING SECRETARY**

**Section 6:** The Secretary shall be the recording officer of the Board taking minutes of the regular monthly meeting and special meetings and shall be assisted in the compilation of such minutes by the Coordinator such secretarial assistance shall be provided by the Office of the Borough President. The final version of the minutes as approved by the Secretary shall be furnished to the Borough President’s office for the distribution not later than 10 days after regular monthly meetings, special or emergency. If the Chairperson and First Vice-Chairperson and the Second Vice-Chairperson are absent from the meeting, then the Secretary shall assume the duties of the Chairperson for that meeting only.
DUTIES OF AN ASSISTANT RECORDING SECRETARY

Section 7: There shall be an Assistant Secretary to each of the Community Boards. The Assistant Secretary shall act as Secretary and report the minutes if the Secretary is not present at regular monthly meeting. He/She shall also, if the Secretary is present, aid the Secretary in any manner deemed necessary. Because of the possibility of the Assistant Secretary having to act in the absence of the Secretary (as herein provided), the Secretary shall keep the Assistant Secretary informed of all information, orders, directives and other matters coming to the Secretary’s attention.

DUTIES OF THE TREASURER

Section 8: He/She shall send an annual written financial report to each individual member of the Board before the September meeting of each year. Such report shall set forth the full financial condition of the Board. He or She shall be responsible for overseeing any funds that the Board may have at any time. If the Chairperson, First Vice-Chairperson, Second Vice-Chairperson and Secretary are absent from the meeting, then the Treasurer shall assume the duties of the Chairperson, for that meeting only.

DUTIES OF A PARLIAMENTARIAN

Section 9: The Parliamentarian shall advise the Chairperson of the correct interpretation of the Rules of Parliamentary Procedure in coordination and conjunction with the proper implementation of the New York City Charter. He/She is responsible to the Community Board as a whole on questions of procedure in transacting the business of assembly legally, efficiently, and impartially

DUTIES OF A SERGEANT-AT-ARMS

Section 10: The Sergeant-At-Arms shall take direction from the chair to maintain order, round up Board Members for votes, and remove unauthorized persons from the seats of Board Members. He is responsible to insure that members not entitled to vote on issues are not counted.

REMOVAL OF OFFICERS

Section 11: Officers may be removed for cause for failure to perform their duties as enumerated under Article V of the By-Laws, such removal shall require a majority vote of the full board.

ARTICLE VI-EXECUTIVE COMMITTEE
**Section 1:** The Executive Committee shall be made up of the Chairperson, First Vice-Chairperson, Second Vice-Chairperson, Recording Secretary, Asst. Recording Secretary, Treasurer, Parliamentarian, Sergeant-At-Arms and standing committee Chairpersons.

**Section 2:** The Chairperson, will serve as the Chairman of the Personnel and Capital Budget Committees. The functions of these committees will be primary responsibility of the Executive Committee. They will make recommendations on all personnel matters; evaluate capital budget priorities, hold public hearings and make recommendations to the board.

**Section 3:** No elected officer of the Community board shall serve at Executive Committee meetings as both elected officer and as a Committee Chairperson.

**Section 4:** During those months when the Board does not meet, the Executive Committee may transact such business as necessary but written notice shall be given (as stated in Article IX, Section 7) to all members of the Community Board of the proposed meeting.

**ARTICLE VII-COMMITTEES**

Section 1: Standing Committees  
A- Economic Development  
B- Education and Culture  
C- Health Services/Health Hospital  
D- Land Use/Building  
E- Public Safety/Fire, Police, Courts  
F- Sanitation/Environmental Protection  
G- Transportation  
H- Youth and Community Development  
I- Department of Aging

**Section 3:** The Chairperson from time to time, appoint additional committees and/or special committees he or she deems appropriate.

**Section 4:** Every committee of Community Board # 5 may include persons with a residence or significant interest in the community, who are not member of the Board. Each said Committee shall only have a member of the Board as its Chairperson.

**ARTICLE VIII-ELECTIONS**

**Section 1:** At the Community Board’s regular meeting in the month of January, the Community Board Chairperson shall appoint a nominating committee consisting of 3-5 members and shall designate one of their members to be Chairperson of said committee. Such committee shall met as necessary thereafter to form a slate of candidates for each of the officer of Chairperson, 1st Vice Chairperson, 2nd Vice Chairperson, Asst. Recording Secretary, Treasurer, Parliamentarian and Sergeant-At-Arms.
Section 2: The nominating committee shall make its report to the Community Board at the regular February meeting of the Board and submit a slate of candidates for each office of the board. Members of the Board may offer additional nominees from the floor. All nominees recommended by the Community Board shall be made known to each member of the Board in the written notice of election of officers at the March meeting.

Section 3: At March meeting of the Board pursuant to the written notice sent to each member, there shall be election held individually for each offices of Chairperson, 1st Vice-Chairperson, 2nd Vice-Chairperson, Asst. Recording Secretary, Recording Secretary, Treasurer, Parliamentarian, and Sergeant-At-Arms. The person receiving the highest number of votes for each office shall be deemed elected. Where there are more than two persons running for a particular office, in order to be successful, a candidate must poll a majority of the vote, of the members present and voting. On failing to poll a majority vote, there shall be a run-off where persons receiving the two highest numbers of votes shall be contestants against each office.

Section 4: Pursuant to the Open Meeting Law (OML), Section 87-3-A and Section 106, voting for each office shall be public and listed in the minutes of the April monthly meeting.

Section 5: If an officer is no Longer able to continue in their office, or resigns from the board, or is removed from the board, the vacant office can be filled through a special election. The chairperson shall appoint a nominating committee within 30 days of the vacancy’s effective date. The nominating committee will consist of 3-5 board members and the board chairperson shall designate one of its members as the committee chairperson. This committee will meet within two weeks of its designation to choose a candidate for the vacant office.

Section 6: The nominating committee shall make its report to the Community Board at the next full Community Board general meeting. Members of the Board may offer additional nominees from the floor. All nominees by the Community Board shall be made know to each member of the Board in the written notice of election of officers at the Community Board meeting when the nominating committee’s recommendation is presented.

Section 7: A special election will be held during the same full Community Board meeting that the nominating committee’s recommendation is made and additional nominees are taken from the floor. The candidate receiving the highest number of votes for each office shall be deemed elected. Where there are more than two persons running for the vacant office, in order to be successful, a candidate must poll a majority of the vote of the members present and voting. On failing to poll a majority of the vote, there shall be an immediate run-off where the persons receiving the two highest numbers of votes shall be contestants against each other.

Section 8: Pursuant to the Open Meetings Law (OML), Section 87-3-A and Section 106, voting for each office in a special election shall be public and listed in the minutes of the following full board meeting.
ARTICLE IX-MEETING

Section 1: All meetings of the Board and its committees are open to the public. During the business portion of the meeting, only the Board members or Committee have the privilege of obtaining the floor to speak, unless a member of the public is granted permission by the Board, or is on the agenda as an invited speaker about the matter under discussion.

Section 2: The Board shall meet on the fourth Wednesday of each and every month.

A-A majority of the appointed members of the 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 any 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.

Section 3: The board shall meet upon request of the Borough President to hold hearings on the City Budget or any other public matter in order to advise the Borough President on such matters.

Section 4: There shall be as many committee meetings as the Chairperson of the Board and/or the Chairperson of the committees deem necessary and proper.

Section 5: A special meeting shall be a meeting other than the regular monthly meeting and shall be called by the Board Chairperson; at the Board’s Chairperson’s own violation; at the Borough President request; and upon written request of at least two-fifth (2/5) of the Board members, computed without fractions and presented to the Board Chairperson and the Borough President. A special meeting shall be called upon five (5) days notice in writing with specification of purpose of the meeting, time, place and delineation of the Agenda of such meeting and decision at special meetings shall be made by a majority of those Board members present. Only items specified in the notice shall be considered.

Section 5A: An emergency meeting shall be a meeting in the matter of a special meeting but in circumstance’s where five (5) days notice cannot be given, at least 48 hours notice must be given. Notice for an emergency meeting may include with written request, telephone or other rapid means of communication.

Section 6: All monthly meetings shall be open for the public however, in the interest of affording the maximum opportunity to all citizens to be heard, each speaker shall be limited to a period of no more than three (3) minutes, unless otherwise permitted by the Chairperson.

Section 7: All members of the community who have residence or business, professional or other significant interest in the District, shall be afforded an opportunity to bring the attention of the
Board any matter not listed on the agenda, which Chairperson believes to be general or common interest to the community or Board.

**Section 8:** The Chairperson of the Board shall draft a proposed agenda at twelve (12) days before each monthly meeting. The agenda should outline Board Chairperson’s and Borough President’s suggestion of business to be transacted the meeting. The agenda, plus the notice of time and place of the meeting, shall be forwarded to reach each Board member with the minutes of the previous meeting, at least (7) days before the next meeting of the Board. No major decisions or matter of substantial public involvement shall be decided upon by the Board (e.g. - site selection, public project, park, playground etc.) at a Board meeting, without that matter having been placed upon agenda forwarded to the Board members.

**Section 9:** The agenda shall consist of the following:

1. Call to order
2. Approval of minutes of previous meeting
3. Committee Chairperson’s Report-All such reports shall be filed with the Secretary of the Board at the end of the meeting, as available.
4. Old Business- Unfinished items from previous meetings
5. New Business- Matters added to the agenda at the meeting along with other business that may properly come before the Board.
6. District Manager’s Report
7. Board Chairperson’s Report- Shall include: all pertinent items of the Board’s work, all written communications and oral communications from the Borough President’s office and any other agencies in relation to the work of the Board. The Borough President’s Report is to be delivered by the Chairperson advising the Board as to what the Borough President wishes the Board to consider.
8. Open Discussion
9. Adjournment

**Section 10:** The open meeting law (OML) permits public bodies to close portion of their meeting to the public (“go into executive session” only when certain specific issues are to be discussed and the correct procedure to close the meeting is followed.

**Section 10a:** First, a motion to enter into executive session must be made during an open meeting and the motion must identify “the general area of the subject or subjects to be discussed”. Then, the motion must be carried by a majority vote of the total-voting members present.

**Section 10b:** This requirement also applies to Board committees. Most committees have a defined membership, of those appointed by the chair, or those residing in a geographic area of the district.
Section 11: It should be noted that when a Board or Committee, in the course of business, decides to go into executive session to discuss a topic consistent with Section 105 of the OML, it should limit its discussion in the closed session to that topic and should reconvene in open session to continue its discussion. In addition, all votes must be conducted in open session, including votes on matters discussed in closed session.

Section 12: The following subject matter the criteria for closing a public meeting and entering into an executive session (as listed in section 105 OML).

A. Matter, which will imperil the public safety if disclosed
B. Any matter which may disclose the identity of a law enforcement agent or informer.
C. Information relating to current or future investigation or prosecution of a Criminal offense, which would imperil effective law enforcement if disclosed
D. Discussions regarding proposed, pending or future litigation
E. Collective negotiations pursuant to Article 14 of the Civil Service Law (The Taylor Law)
F. Medical, financial, credit or employment history of a particular person or Corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.
G. The preparation, grading or administration of exams
H. The proposed acquisition, sale or lease of real property, or the proposed Acquisition of securities, or sale or exchange of securities held by (a) public body, but only when publicity would substantially affect the value thereof. Public Hearing ULURP adopt from meeting procedure.

ARTICLE X-QUORUM

Section 1: A quorum must be present in order for a vote to be official. A simple majority, i.e.; more than half of the appointed membership of the Board, constitutes a quorum. If a Board has fifty (50) members, a quorum is twenty-six (26). If a Board has thirty members (30), a quorum is sixteen (16). If a Board has twenty-five members (25), a quorum is thirteen (13), etc. Public members and ex-officio members are not counted toward a quorum.

ARTICLE XI-VOTING

Section 1: All voting at Board meetings shall be in person only. No proxy accepted.

Section 2: When a vote is taken, a majority (more than half) of the members present who are entitled to vote in the affirmative in order for the motion to pass. All Board members are deemed “entitled to vote” on matters before the full board unless specifically excluded by some provisions of law, City regulations, etc. The following are two such exclusions:
A- No Community Board Member may vote on matter before his or her board (or committee) which “may result in a personal and direct economic gain to the member or any person with whom the member is associated” (City Charter, Section 2604 b. 1)B), effective January 1, 1990.

B- No Board member who is a City employee may vote on a matter before the Community Board, (or committee) which has been or may considered by the Employee’s agency. (Board of Ethics Opinion 305, continued by Recommendation of the Conflicts of Interest Board).

Section 3: If Board members are ineligible to vote due to either exclusion A or B in Section 2 above, then the number of members who are entitled to vote is reduced and the majority required for passage is reduced accordingly. When a vote is taken, members not entitled to vote are not counted as abstaining, but they are counted as present for the purpose of maintaining a quorum. If the established quorum is twenty-six (26) members present and two (2) members are excluded from voting, the number of members entitled to vote on the question drops from twenty six (26) and the majority needed for passage becomes thirteen (13) instead of fourteen (14).

Section 4: When a Community Board votes member’s vote of “abstain” has the effect of the member “not voting yes” for the purpose of determining the outcome of the vote. There must be more “yes” votes than the combination of “no” votes and abstentions in order for a measure to be carried.

Section 5: The Chairperson of the Community Board may not preside and vote at the meeting of the Board. Even though he or she is entitled to vote, he or she may only exercise this vote in the event of a tie or stalemate of issues presented.

ARTICLE XII-CODE OF ETHICS

Each Community Board Member and/or Employee are bound by a Code of Ethics and shall not accept and/ or promise gift whether in the form of valuables, service, money, items of promise and/ or any other form, from any individual, business, corporation and /or other entity which to his/her knowledge has a vested interest directly or indirectly concerning items of business brought before the Board. All Community Board Members and/ or Employees who have a direct or indirect financial or private interest in items of business brought before the Board, shall publicly disclose on official memorandum all records of such nature that conflicts with business brought before this Board. This Code of Ethics shall be uniform and bound by all sections of Charter 68; New York City Charter entitled “Conflicts of Interest”.

ARTICLE XIII-AMENDMENTS

The following criteria must be met in order to amend these By-Laws by the Parliamentarian:
A- The proposed amendment must be submitted to the Board, in writing, at a regular monthly meeting and must be initiated by the Parliamentarian from the By-Laws Committee.

B- The proposed amendment shall be read to the Board and then placed on the Agenda for the following regular monthly meeting.

C- At the regular monthly meeting, the proposed amendment shall be voted upon and adopted if passed by two-thirds of the voting members present.

D- After passage the amendment immediately becomes part of these By-Laws.

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