

CITY OF NEW YORK



COMMUNITY BOARD # 7

BY-LAWS

2007

BOROUGH OF THE BRONX

BY-LAWS

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”) and the Uniform Land Use Review Procedure.*

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 as of the seventh day of November, Nineteen Hundred and Eighty Nine or as thereafter modified 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: *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 but not be limited to three consecutive absences from regular meetings or committee meetings or the absence from more than one half of the regular meetings in a period of one appointed year. An appointed year shall be construed to cover the period from April 1st to March 31st.*

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, 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 Executive Board will evaluate whether such explanation, if any, constitutes excusable absences or otherwise have validity. If the Executive Board determines that the absences are not excusable, the Executive Board shall place in the next scheduled notice of a regular Board meeting, that a motion to remove the particular Board Member, will be on the Agenda. Any discussion and vote to remove a Board Member will be done in Executive Session.

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

- A) Before a motion to institute removal proceedings is to be considered, a petition signed by one third of the appointed members of the Board (none of whom may be members of the Budget, Personnel & Ethics Committee) setting forth the cause for the proposed removal, shall be presented to the Budget, Personnel & Ethics Committee for investigation, with notification to member concerned.*
- B) The member whose removal is proposed shall be given the opportunity to respond in person or in writing, to such motion, 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.*

ARTICLE IV

HEARINGS AND MEETINGS

SECTION 1: *The Board shall hold a regularly scheduled public meeting and conduct a Public Hearing 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 2: *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 3: *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 Community District to hold a hearing, such hearing shall be held at a centrally located place of Public Assembly within the Borough.*

SECTION 4: *Written notice of each Hearing or Meeting, setting forth its time, place and subject, shall be sent to the local media, distributed not less than ten calendar days prior to the date of the Hearing or Meeting and shall be sent by the Chairperson to each Member of the Board. Notice shall also be given in such additional manner so as to comply with Section 4.030 of the Uniform Land Use Review Procedure.*

SECTION 5: *Notwithstanding the provisions of Section 4 of this Article IV, an emergency meeting may be called upon at least two days notice where the Chairperson determined that consideration of a matter does not allow for publication and ten days notice. The notice of any meeting called on less than 10 days notice, shall in addition to the requirements of Section 4, specify the matter requiring short notice and a written statement from the Chairperson that time does not allow for 10 days notice. When a meeting is called on less than five days notice, each member of the Board shall be notified in writing and by telephone. At any meeting called on less than 10 days notice, the only matter specified in the notice of meeting may be acted upon.*

SECTION 6: *Each notice of a Hearing or Meeting shall contain an Agenda, as determined by the Chairperson. The Chairperson shall place on the Agenda for a Hearing every item referred to the Board pursuant to the Uniform Land Use Review Procedure and shall include on the Agenda every item requested in writing by any member three days prior to the date of publication of the notice in Comprehensive City Planning Calendar. Such written request shall be filed with the District Manager by mail or in person and shall be deemed to have been submitted on receipt by him. Any item not appearing on the Agenda may be added to the Agenda at the Hearing or Meeting by the approval of $\frac{3}{4}$'s of all the appointed members present. No item may be voted on upon or acted upon unless it appears on the Agenda.*

SECTION 7: Whenever the Board considers an item referred under the Uniform Land Use Review Procedure, the constitution of a quorum shall be determined in accordance with the provisions of Section 4.043 of such Procedure. For all other matters, 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: 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 Use Procedure or these By-Laws.

SECTION 10: 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 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. Those officers elected March 1977, shall serve until June 1978. Thereafter, election of officers shall take place each year at a meeting of the Board held in the month of June. Each officer shall serve for a term of two years, 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.

SECTION 2: During the March meeting of the Board, the Board shall elect a Nominating Committee consisting of five members. It shall be the duty of each and every Board member who accepts election to the Nominating Committee, whose purpose is to prepare a list of candidates, to affirmatively cast a vote for a candidate for each office of the Board. For purposes of this section only, an abstention shall not be considered a vote, and no Nominating Committee Member shall abstain. This Committee, once elected, shall select its own Chairperson and prepare a list of candidates to be mailed with the Agenda for the May meeting.

The Chairperson of the Nominating Committee shall cause to be mailed to all Board members a survey. This survey shall contain the following: a) a request that each Board member complete and return the survey to the Chairperson of the Nominating Committee; b) a space for the name and signature of the Board member completing the survey; c) a list containing all elected offices of the Board together with a list comprising the present officers holding said offices (any vacancies to be noted on said list); d) a second list containing all elected offices with a line or space next to each office so that each Board member completing the survey may indicate whether he or she will accept a nomination for that office; e) a third list containing all elected offices with a line or space next to each office so that each Board member completing the survey may make recommendations for each office.

The Nominating Committee shall tally the results of all surveys returned. The Chairperson of the Nominating Committee shall report the numerical results of the tally to the full Board at the May Board meeting.

The Nominating Committee may use the tally results as a guide. However, if the Nominating Committee selects a candidate for a particular office who did not receive the most recommendations from the surveys returned, then the Nominating Committee shall state to the full Board at the May Board meeting its reasons for not selecting the person who received the most recommendations from the surveys returned.

The Chairperson of the Nominating Committee shall ascertain before the selection of any person as a candidate for any office of the Board that each and every such person will accept the nomination.

The list proposed shall not consist of any members of the Nominating Committee. Members of the Nominating Committee shall be eligible for nominating from the floor. During the May meeting, nominations will be received from the floor and nominations will be closed as of the May meeting. There will be no additional nominations accepted in June. Elections shall take place at the June meeting of the Board. A majority of the appointed members present and voting shall be required to elect a candidate to office. Should no candidate receive a majority on the first ballot all of the candidates except those two receiving the largest number of votes shall be dropped from the ballot, and a second ballot shall take place.

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 By-Laws.*

SECTION 6: *The Chairperson shall preside at all hearings and meetings except Committee Hearings, file all reports for the Board, be a member of the District Service Cabinet and Borough Board, 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 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 have no obligation to 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 2nd 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 1st 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 be in charge of coordinating the functional Committees with the Budget, Personnel & Ethics Committee with reference to Community Development, expense and Capital Budgets.*

SECTION 10: *The Secretary shall record the minutes of meetings of the Board, and shall maintain 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 responsible for 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) Youth*
- C) Education, Libraries & Cultural Affairs*
- D) Economic Development*
- E) Public Safety, Quality of Life*
- F) Traffic & Transportation*
- G) Environmental & Sanitation*
- H) Parks & Recreation*
- I) Community & Inter-Government Relations & Long-Term Planning*
- J) Land Use / Zoning*
- K) Health & Hospitals*
- L) Housing*
- M) Senior Services*

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 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. Other 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. Committee Chairpersons shall be members of the Board. The Budget, Personnel & Ethics Committee shall be composed of Board Members only. No person may serve as Chairperson on 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 Executive 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 standing Roll Call procedure. Each standing committee shall have power to adopt its own rules of procedure.

SECTION 4: *The Board may by resolution, establish such special 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 Land Use Review Procedure to the standing 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 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 have its members the officers of the Board and the Chairperson of each of the standing committees. The Executive Committee shall meet at the call 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 its own rules of procedure. 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 Committee. Officers are exempt from this requirement.*

SECTION 8: *Each Committee shall appoint a Vice-Chairperson to carry on the duties of Chairperson in case the Chairperson is incapacitated.*

SECTION VII

PUBLIC HEARINGS

SECTION 1: *The 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 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 three (3) minutes. 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 Chairperson shall be responsible for the submission of the Board's recommendation and the record of the hearing pursuant to Section 4.064 of such procedure.*

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, as per the New York State Freedom of Information Act.) A fee of \$0.25 per page may be charged for copies requested and the Borough President's office should be called to discuss disbursement fees.*

ARTICLE IX

SECTION 1: *All officers and Committee Chairpersons and members shall be permitted mailing privileges at the Board expense for inclusion with regular monthly mailings, for matters relating to action taken at matters discussed at general Board or individual committee meetings or hearings.*

ARTICLE X

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.

ARTICLE XI

ADOPTION

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.*

HISTORY OF BY-LAWS AMENDMENTS

ARTICLE II

POWERS

SECTION 1: Amended on December 17, 1991 to reflect that the boundaries of the District were to be defined by the map of Community Districts in effect on November 7, 1989 or as thereafter modified pursuant to Section 2702 a-d of the City Charter of the map adopted by the Board of Estimate.

ARTICLE III

MEMBERS

SECTION 2: Amended on December 17, 1991 to reflect that provision for each member serves for a two year term is contained in Section 2800.a of the Charter instead of Section 2800.b of the Charter.

SECTION 4: Amended on May 19, 1992 to delete the following: "Cause shall include three consecutive absences from meetings or the absence from more than one half of the meetings in a period of any one calendar year. (AMENDED 10/16/90) Cause shall include three consecutive unexcused absences from regular meetings and mandated public meetings in a period of any one appointed year. Three consecutive unexcused absences by persons from committee meetings will result in the removal of such persons from the committee. Such removal will be deemed the responsibility of a majority of the Board to determine whether absences excused or otherwise have validity." Replaced with language which provides that cause shall not be limited to absences, defined calendar year for purposes of this section and set procedure for notice to Board Member prior to any action for removal on account of absences.

SECTION 5: Amended on December 17, 1991 to delete said section which read as follows: "The Borough President shall not remove a Board Member unless he first notifies the member in writing of his intentions to remove and the cause for the proposed removal. The member whose removal is proposed shall have 20 days from the date of mailing of the Borough President's notice within which to respond in writing to such notice. Upon receipt of this response or upon the expiration of 20 days, whichever is earlier, the Borough President shall have the power to remove the member." The deletion of this section was done because the City Charter does not give the Community Board the right to curtail or limit the Borough President's power to appoint or remove a Board Member.

SECTION 5: Amended on December 17, 1991 to reflect that Section 6 was being renumbered to Section 5 due to the deletion of said section.

ARTICLE IV

HEARINGS AND MEETINGS

OFFICERS

SECTION 8: *Amended on October 20, 1992 to delete last sentence thereof which stated that “The Chairperson shall not be entitled to vote, except in the case of a tie.” This sentence was deleted because Sections 2800-f and 2801-b of the City Charter grants Community Board Chairpersons the same voting rights as other Board Members.*

ARTICLE V

OFFICERS

SECTION 1: *Originally provided that no officer can serve more than two consecutive terms. Amended on April 19, 1983 to reflect that no officer can serve more than four consecutive terms. Amended on May 21, 1985 to provide that there shall be no limit on the number of terms an officer may serve.*

Amended on April 16, 1996 to provide that no Board Member shall be elected until they have completed one year of service from the date of appointment.

Amended on May 20, 1997 to provide that each officer shall serve for 2 years rather than 1 year.

SECTION 2: *Amended on February 20, 1996 to add provisions pertaining to procedures and duties of nominating committee.*

ARTICLE IX

SECTION 1: *Amended on December 17, 1991 to delete requirement that any individual Board Member who desired to communicate with Board Members at Board expense through special mailing had to have the approval of the Board Chairperson*

ARTICLE X

Amended on October 20, 1992 to change approval requirement from “ $\frac{3}{4}$'s” of the appointed members of the Board present and voting to “a quorum.”

ARTICLE IX

Amended on October 20, 1992 to change approval requirement from “ $\frac{3}{4}$'s” of the appointed members of the Board present and voting to “a quorum”