

**THE  
BY-LAWS  
OF COMMUNITY BOARD 12  
(THE BRONX)**

**(With all Amendments and Revisions as of May 30, 2021)**

## **ARTICLE I**

### **Effect**

**Section One.** These By-laws, upon adoption, shall be the By-Laws of Community Board #12 (hereinafter 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 One.** The Board shall exercise those powers and perform those functions set forth in the Charter and the Uniform Land Use Review Procedures with regard to any matter concerning its Community District. The boundaries of its District shall be as defined by the map adopted by the Board of Estimates pursuant to Section 2702.d of the Charter.

## **ARTICLE III**

### **Members**

**Section One.** 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 as “appointed members”); and

(B) As non-voting members, those public officials specified in Section 2800 of the Charter.

**Section Two.** Each appointed member shall serve for a term of two (2) years (staggered) as provided for in Section 2800.b of the Charter. Upon 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 Three.** An appointed member may resign at any time by submitting his or her resignation in writing to the Borough President. 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 Four.** An appointed member may be removed for cause by the Borough President or by a majority of appointed members of the Board. Cause shall include but not be limited to three (3) unexcused absences from general Board meetings and/or three (3) unexcused absences from committee meetings within a period of one year. The Chairperson shall have the power to excuse a member from attendance at a meeting for a valid reason and upon communication from said member. Such communication and Chairperson's disposition shall be recorded in the minutes of the meeting.

**Section Five.** The Borough President shall not remove a board member unless he/she first notifies the member in writing of his intention to remove and the cause for the proposed removal. The member whose removal is proposed shall have twenty (20) days from the date of receipt 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 twenty (20) days whichever is earlier, the Borough President shall have the power to remove the member.

**Section Six.** The Board shall not remove a member except in accordance with the following procedures:

- (A) A motion to institute removal proceedings, setting forth the cause for the proposed removal, shall be adopted by a majority of the appointed members of the Board present and voting at a meeting, the agenda which shall include consideration of removal of a member.
- (B) Following the adoption of such a resolution, the Chairperson shall appoint a committee of not less than three (3) or more than five (5) members to investigate the matter and report to the Board.
- (C) The member whose removal is proposed shall be given the opportunity to respond in writing, to such resolution, either before the committee or the full Board.
- (D) The Board shall receive the report of the committee, including a minority report, if any, and the response, if any, of the member.
- (E) A motion to remove the members of the Board at a meeting, the agenda for which shall have included action on removal.

## **ARTICLE IV**

### **Hearings and Meetings**

**Section One.** The Board shall hold a meeting and conduct a public hearing at least once each month, except during the months of July and August. A hearing or a meeting may be called at any time by the Chairperson and shall be called at the request of one third (1/3) of the Board.

**Section Two.** The Chairperson shall determine the time, date, and place of all hearings and meetings except hearings held pursuant to the 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 a hearing may be issued upon the Chairperson's initial determination of its location.

**Section Three.** All meetings and hearings shall be held within the Board's Community District, except that if in the Board's judgement there is no 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 Four.** Written notice of each hearing or meeting, setting forth its time, place, and subject, shall be published in the Comprehensive City Planning Calendar distributed not less than ten (10) calendar days prior to the date of the hearing or meeting, and shall be sent by the Chairperson to each member of the Board prior to the date of publication. 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 Five.** Notwithstanding the provisions of Section Four of this Article IV, an emergency meeting may be called upon at least two (2) days' notice where the Chairperson determines the consideration of a matter does not allow for publication and ten (10) days' notice. The notice of any meeting called upon less than (10) days' notice shall, in addition to the requirements of Section Four, specify the matter requiring short notice and a written statement from the

Chairperson that time does not allow for ten (10) days' notice. When a meeting is called on less than five (5) days' notice, each member of the Board shall be notified in writing and by telephone. At any meeting called upon less than (10) days', notice only the matter specified in the notice of the meeting may be acted upon.

**Section Six.** Each notice of 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 (3) days prior to the date of publication of the notice in the 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/her. Any item not appearing on the agenda may be deemed added to the agenda at the hearing or meeting by the approval of a majority of all the appointed members present. No item may be voted upon or acted upon unless it appears on the agenda.

**Section Seven.** 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 and 4.061 of such procedure. For all other matters, the presence of one-third (1/3) of the appointed members of the Board shall constitute a quorum. No member may be present by proxy.

**Section Eight.** Each member present at a meeting shall be entitled to one (1) 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 of the appointed members present and voting. The Chairperson shall not be entitled to vote except in the case of a tie.

**Section Nine.** The procedure followed at all meetings shall be in accordance with the requirements of the Charter, the Uniform Land Use Review Procedure, and 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 Review Procedure, or the By-Laws.

**Section Ten.** Attendance shall be taken at every hearing and meeting. Each member shall be marked "PRESENT," "ABSENT WITH EXCUSE," or "ABSENT WITHOUT EXCUSE."

**Section Eleven.** Minutes shall be taken at all hearings and meeting and shall be a public record. The minutes shall contain an accurate record of the members present, all resolutions and motions brought before the Board, the result of 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 part thereof. All members of the Board must receive minutes.

## **ARTICLE V**

### **Officers**

**Section One.** The Officers of the Board shall be a Chairperson, a First Vice Chairperson, a Second Vice Chairperson, a Corresponding Secretary, a Recording Secretary, and a Treasurer, and other such Officers as the Board may deem necessary or advisable. Each Officer shall be an appointed member of the Board. Election of the 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 one (1) year, commencing on the first day of July and terminating on the thirtieth day of June, or until his/her successor shall have been duly elected and shall have qualified. The Board is given complete discretion as to the selection of all its Officers. Officers will now serve entirely at the pleasure of the Board, for as long as the board deems an Officer's service fit and desirable. In this manner, the ability of the Board to choose the individual it considers the best to hold any Office is never limited or circumscribed.

**Section Two.** Not less than four (4) weeks prior to the meeting at which the election of Officers is to be held, the Board shall elect a Nominating Committee of five (5) members. This Committee shall present one (1) or more candidates for each of the Offices to be filled at the election meeting. Additional candidates shall be nominated from the floor at this meeting. 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 ballots, all of the candidates except those two (2) receiving the largest number of votes shall be dropped from the ballot, and a second ballot shall take place. Voting shall be by closed or open ballot at the discretion of the Board.

**Section Three.** 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 election procedure shall be the same as that set forth in Section Two of Article V, except no Nominating Committee shall be appointed and all candidates shall be nominated from the floor. Any Officer to fill a vacancy shall hold office for the remainder of the unexpired term, and until his/her successor shall have been elected and shall have qualified.

**Section Four.** An Officer may resign his or her office at any time by submitting in writing to the Chairperson and District Manager. 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 Five.** An Officer may be removed for cause by a majority of the appointed members of the Board, but only in accordance with the following procedure:

- (A) A motion to institute removal proceedings, setting forth the cause of the proposed removal, shall be adopted by a majority of the appointed members of the Board present and voting at a meeting, the agenda for which shall have included consideration of removal of an Officer.
- (B) Following the adoption of such a resolution, the highest-ranking Officer who is not the subject of removal proceedings shall appoint a committee of not less than three (3) or more than five (5) members to investigate the matter and report to the Board.
- (C) The Officer whose removal is proposed shall be given the opportunity to respond, in person or in writing to such resolution, either before the committee or the full Board.
- (D) The Board shall receive the report of the committee, including a minority report, if any, and the response, if any, of the Officer.
- (E) A motion to remove the Officer shall be adopted by a majority of the appointed members of the Board at a meeting, the agenda for which shall have included action on removal.

**Section Six.** The Chairperson shall preside at all hearings and meetings, file all reports for the Board, be a member of the District Service Cabinet and the Borough Board, appoint all committees, be an ex-officio member of all standing and special committees, and exercise all those powers granted to the Chairperson by the Charter, Uniform Land Use Review Procedure, and these By-Laws. The Chairperson may appoint a Parliamentarian, whose purpose shall be to assist the Chairperson in managing meetings, and shall advise the Board Chairperson and all committee Chairpersons on the Board and parliamentary procedures as needed.

**Section Seven.** The First Vice Chairperson shall, in the absence of the Chairperson, have all of the powers and perform all of the duties of the Chairperson. Upon the occurrence of a vacancy in the Office of the Chairperson, the First Vice Chairperson shall assume the office of acting Chairperson until such time as a new Chairperson has been elected and shall have qualified.

The First Vice Chairperson shall have such powers and perform such duties as shall be assigned to the First Vice Chairperson by the Chairperson or the Board.

**Section Eight.** The Second Vice Chairperson shall in the absence of the Chairperson and the First Vice Chairperson have all of the powers and perform all of the duties of the Chairperson. Upon the occurrence of a vacancy in the Office of the Chairperson and the First Vice Chairperson, the Second Vice Chairperson shall assume the office of Acting Chairperson, or upon the acting the occurrence of a vacancy in the Office of the First Vice Chairperson. The Second Vice Chairperson shall assume the Office of Acting First Vice Chairperson. In either case the person shall continue to hold office as Acting Chairperson or Acting First Vice Chairperson until such time as a new Chairperson or First Vice Chairperson shall have been elected and shall have qualified. The Second Vice Chairperson shall have such power and shall perform such duties as shall be assigned to the Second Vice Chairperson by the Chairperson or the Board.

**Section Nine.** The Corresponding Secretary shall maintain the records of the Board, including reports, communications, and correspondence. The Corresponding Secretary shall prepare and maintain records showing the attendance of all members at hearings and meetings, and shall certify the accuracy and completeness of the record of attendance of all members at each hearing and meeting. In addition, the Corresponding Secretary shall have such powers and perform such duties as shall be assigned to the Corresponding Secretary by the Chairperson or the Board.

**Section Ten.** The Recording Secretary shall record and report the minutes at the regular monthly meeting, and aid the Corresponding Secretary in any manner deemed necessary. In addition, the Recording Secretary shall have such powers and perform such duties as shall be assigned to the Recording Secretary by the Chairperson or the Board.

**Section Eleven.** The Treasurer shall be the Fiscal Officer of the Board. The Treasurer shall be responsible for all fiscal matters, including the preparation of all financial accounts and records and the filing of all financial reports. In addition, the Treasurer shall have such powers and perform such duties as shall be assigned to the Treasurer by the Chairperson or the Board.

**Section Twelve.** All other Officers shall have such powers and perform such duties as may be assigned to them by the Chairperson or the Board.



## **ARTICLE VI**

### **Committees**

**Section One.** The following shall be established as the Standing Committees of Community Board #12 (The Bronx):

**Executive**  
**Libraries and Cultural Affairs**  
**Transportation and Capital Projects**  
**Health and Human Services**  
**Housing**  
**Land Use**  
**Public safety**  
**Environmental Concerns**  
**Youth Services and Education**  
**Parks and Recreation**  
**Economic Development and Business Services**  
**Disciplinary Committee**

**Section Two.** Each Standing Committee shall consist of a Committee Chairperson and other such members as may be appointed. The Committee Chairperson and all of the members of the committee shall be appointed by and serve at the pleasure of the Chairperson of the Board. Committee Chairpersons shall be members of the Board, but other standing committee members need not be Board members. Each appointed member of the Board shall serve on at least one (1) standing committee. Each Standing Committee shall be required to recommend to the Chairperson of the Board individuals from the community at large to who are not already members of the Board to serve as members of that Standing Committee. No single individual

may be appointed to serve as the Chairperson of the Committee of more than one (1) Standing Committee. Each Standing Committee may elect a Vice Chairperson, who shall be a member of the Board, to serve as Acting Chairperson of the Standing Committee in the absence or unavailability of the Committee Chairperson. When there is a vacancy in a Standing Committee Chair, or when the Committee Chairperson and Vice Chairperson, if any, of the Standing Committee will be unable or unavailable to conduct a Committee Meeting or a hearing, then the Chairperson of the Board, in his/her discretion, may appoint any member of that Standing Committee, or any member of the Executive Committee of the Board, to conduct, on an ad hoc basis, a scheduled meeting or public hearing of said Standing Committee, or any public hearing of said standing Committee which is mandated by law. The Chairperson of the Board shall serve as an ex-officio member of all Standing Committees.

**Section Three.** The Chairperson of each Standing Committee shall preside at all community meetings and public hearings conducted by said Standing Committee, and shall file with the Board all committee reports and papers, including the records of attendance of all Standing Committee members at such meetings and public hearing as well as the records of all motions and resolutions passed by a majority of its members who are appointed members of the Board. Members of the Board may be appointed to a Standing Committee at any time, or may be transferred from one Standing Committee to another, as the needs of the various Standing Committees shall dictate.

**Section Four.** Any member of a Standing Committee who is a member of the Board may be removed from a Standing Committee membership by the Chairperson of the Board or the Chairperson of the Standing Committee with the approval of the Chairperson of the Board for unexcused absences at three (3) meetings and/or public hearings of said Standing Committee in the course of a one (1) year period, or for other good cause. A member of the Board can be removed from the membership of the of a Standing committee for poor attendance may in the discretion of the Chairperson of the Board, be refused an appointment to another Committee of the Board, either Standing or Special. This circumstance may serve as sufficient cause for considering the removal of an appointed member of the Board. Members of a Standing Committee who are not members of the Board shall be automatically dismissed from the membership of the Standing Committee for either unexcused absence from three (3) meetings and/or public hearings of said Committee in the course of a one (1) year period.

**Section Five.** The Board may, by means of a resolution, establish such Special Committees as it may deem necessary and/or advisable. Any Special Committee shall have and may exercise such powers as may be granted to it by such resolution. Such resolution may also provide for the composition of the Special Committee, the method of selecting its Chairperson and its membership, its purpose(s), its length of existence, and any other matters relevant to its operations. Any Special Committee established by such a resolution may, at any time, be terminated by a resolution of the Board. A Special Committee without a specified term of existence shall be deemed discontinued and terminated immediately following the annual

Board elections next succeeding its creation, unless said Special Committee is specifically continued either by a resolution of the Board or by a public declaration of the Board or by a public declaration of the newly elected Chairperson of the Board, which declaration must be recorded in the Board's minutes.

**Section Six.** The following provisions shall apply to specific Committees enumerated below:

- (A) **Executive Committee:** There shall be an Executive Committee which shall have as its members the Officers of the Board and the Chairpersons of each Standing and Special Committee. The Executive Committee shall convene at the call of the Chairperson of the Board or upon the request of one-third (1/3) of its members. It may consider such matters as it deems advisable and may make recommendations to the Board. The Chairperson of the Board shall serve as the power to adopt its own rules of procedures consistent with the Charter of the City of New York and the By-Laws of Board 12 (The Bronx). Service on the Executive Committee shall not satisfy the requirement for an appointed member of the Board to be a member of a least one (1) Standing Committee as provided for in Section Two of this Article.
  
- (B) **Youth Services and Education Committee:** The Youth Services and Education Committee shall conform to all provisions of the agreement between Board and the Department of Youth Services (D.Y.S.) of the City of New York. Its membership shall be in accord with the requirements of said Agreement. Its Chairperson and all of its members shall be appointed by the Chairperson of the Board who shall take care to ensure that that the Committee's membership includes the representation mandated by the agreement with the Department of Youth Services (D.Y.S).
  
- (C) **Land Use Committee:** The membership of the Land Use Committee shall be limited to appointed members of the Board. Board members appointed to the Land Use Committee shall adhere to the provisions of Section Four of these By-Laws which require regular attendance as a basis for continuing committee membership. Nevertheless, any member of the Board shall have the right to participate in any vote conducted by the Land Use Committee provided that such a vote is taken on a substantive issue following a hearing, at which members of the public have spoken and provided further that said Board members were present at the public hearing. To the extent permitted by the Charter of the City of New York and other applicable laws, the Land Use Committee shall be authorized to speak for and on behalf of the entire Board following and pursuant to a vote of the Land Use Committee on a matter which involves a time limit for the Board response to an agency of government, providing all of the following conditions have been satisfied:
  - (i) All members of the Board have received notice of the Land Use Committee meeting and said notice has included specific language indicating that the full Board may not

have the opportunity for a timely vote on the issue and that the decision of the Land Use Committee may therefore constitute that of the entire Board;

- (ii) The mandated time limit for input by the full Board to the relevant government agency will expire between the date of the Land Use Committee vote and the date of the next regularly scheduled meeting of the entire Board; and
- (iii) The Chairperson of the Board has informed the Chairperson of the Land Use Committee, by the date of the Land Use Committee vote, that no special meeting of the entire Board shall be convened to consider the issue, and all of the participants in the Land Use Committee meeting are made cognizant of this determination prior to the vote of the Land Use Committee.

**Section Seven.** The Chairperson of any Committee when reporting to the entire Board the vote of his/her Committee relative to an expression of preference or support for the granting and/or assignment of monies to any organization or combination of groups shall convey the report of his/her full Committee, and where the resolution of preference or support would have been changed by the consideration of only the votes of the members of the Committee who are also members of the Board, the Chairperson of said Committee shall supplement his/her report with a statement of what the vote in question would have been if only the votes of the appointed members of the Board had been counted.

## **ARTICLE VII**

### **Public Hearing**

**Section One.** 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 public hearings shall be given in the manner provided for in Article IV, Section Four of these By-Laws. The Chairperson shall preside at all public hearings.

**Section Two.** 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 they may represent, and whether they favor or oppose 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 who submitted requests for speaking time. Each member of the public shall

be entitled to speak for three (3) minutes of the hearing. Any written statement or document by a Speaker shall be placed into the record or minutes of the hearing.

**Section Three.** Any provision of Section Two of this Article VII may be modified by the Board 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 Four.** After the conclusion of any public hearing held pursuant to the Uniform Land Use Review Procedure, the Chairperson shall be responsible for 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 One.** 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 meeting, including the record of attendance, shall be filed with the Borough President, who shall not make such records available for inspection or copying without the consent of the Board.

## **ARTICLES IX**

### **Amendments**

**Section One.** Any member of the Board may propose an amendment to these By-Laws. 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 the meeting. The proposed amendment shall then be placed on the agenda of the following meeting of the Board, and shall become an amendment to these By-Laws upon its approval by the majority of the appointed members of the Board present and voting.

## **ARTICLE X**

### **Adoption**

**Section One.** These By-laws shall be adopted when approved by three-fourth (3/4) of the appointed members of the Board at a meeting of the Board, the agenda for which shall have included consideration of the 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.