

A UNIFORM POLICY FOR BOARD MEMBER REMOVAL

Whereas the Board of Neighborhood Commissioners has conducted a number of Town Hall meetings around the City;

Whereas the Board of Neighborhood Commissioners has been told of many instances where Neighborhood Councils have experienced repeated disruptive conduct by Neighborhood Council board members;

Whereas Neighborhood Councils have often had to rely on other governmental agencies to address these situations;

Whereas the Board of Neighborhood Commissioners wants Neighborhood Councils to have the tools and authority to act independently of other governmental agencies;

Whereas Neighborhood Councils have experienced instances where efforts, including Censure have failed to resolve such situations;

Whereas any process for addressing these situations should be uniform and predictable across the entire Neighborhood Council system;

Whereas the Board of Neighborhood Commissioners desires to institute a policy that includes openness, fairness, and a proper degree of procedural due process and that provides consistent guidelines;

NOW THEREFORE, IT IS RESOLVED THAT the Board of Neighborhood Commissioners establishes this policy for the Removal of offending Neighborhood Council Board members:

POLICY NUMBER 2020 –

Any Board member may be removed by the Board for cause, following a good faith determination by the Board that the member has engaged in conduct that is contrary to rules and regulations applicable to the Board or that impedes the orderly business of Board operations. A Board member shall not be subject to removal under this Section unless the member has been censured at least once pursuant to the Censure Policy. Grounds for removal include, but are not limited to, persistent disruptive conduct at meetings, violations or abuses of the Board's bylaws or rules, violations of the Code of Conduct, acting on behalf of the Board without authorization, and misuse or abuse of the censure or removal processes. The Board shall use the following procedure when removing a Board member:

1. A motion to remove a Board member may be initiated by (3) Board members. The proposed motion shall be delivered to any officer of the Board or a specific officer or member of the Board as may be specified in the bylaws or standing rules of the Neighborhood Council. The motion shall be in writing and provide the specific facts and grounds for the proposed removal action including the date and specific conduct relied upon for the motion. The motion shall not be conclusionary, eg "for alleged violations of the Code of Conduct", but shall be a factual statement that describes conduct only and is not intended to embarrass or humiliate the board member. The motion to remove shall also include a copy of the prior censure motion and the date it was passed.
2. The Board member, group of Board members or committee responsible for writing the agenda shall list and briefly describe the motion on the agenda of the next regular or special Board meeting scheduled at least thirty (30) days following the delivery of the proposed removal motion.

3. The Board member subject to removal shall be given a minimum of thirty (30) days prior written notice, which may include email sent to the last email address on file with the Neighborhood Council, of any meeting at which a motion to remove will be heard. The notice shall provide the specific facts and grounds for the proposed removal as specified in 1 above. The Board shall also provide a copy of the notice to the Department of Neighborhood Empowerment a minimum of thirty (30) days prior to any meeting at which a motion to censure will be considered.

4. The Board member subject to removal shall be given reasonable time to be heard at the meeting, either orally or in writing, prior to the Board's vote on a motion for removal.

5. The Board shall decide whether or not the Board member should be removed by an affirmative vote of two-thirds (2/3) of the Board members. The Board member who is the subject of the removal motion shall not be allowed to vote and shall not be counted when determining the two-thirds (2/3) majority vote. For the purpose of the removal motion, abstentions shall not be counted as votes.

6. In no event shall a motion to remove a board member be heard by the Neighborhood Council within sixty (60) days of the next election or selection.

7. The Board of Neighborhood Commissioners shall review a Neighborhood Councils' removal decision if requested to do so by the affected Board member. Once the request is made for the Board of Neighborhood Commissioners to review the decision to remove, the Neighborhood Council voting to remove the board member may not fill the vacancy created by the removal until the Board of Neighborhood Commissioners has made a decision on whether the removal was proper or the Board of Neighborhood Commission declines to review the matter. The Commission's decision whether to hear or decline the removal review shall be sent in writing to the requestor within 30 days after the request for review is delivered.

a. The request must in writing and must be delivered to the Executive Assistant of the Commission or, in the absence of an Executive Assistant, to the President of the Commission within thirty (30) days of the date of the action by the Neighborhood Council to remove the Board member.

b. The request must state the basis for the review. The request shall not cite or present any evidence not considered by the Neighborhood Council, but must address only procedural deficiencies.

c. If the Commission agrees to hear the review it will be placed on the agenda of a regular or special meeting within sixty (60) days of receipt of the request for review.

d. At the review the Commission will determine if the facts as presented support the removal motion and if the procedures set out in this policy were correctly applied.

e. If the Commission determines that there were either factual or procedural deficiencies, the Commission may either reinstate the Board member or return the matter to the Neighborhood Council for further consideration.

f. If the Commission returns the matter for further consideration and the Neighborhood Council does not act within sixty (60) days of the Commission's decision the Board member will be considered reinstated.