

Roosevelt Island Residents Association
625 Main Street #743
New York, NY 10044

October 25, 2004

To the RIRA membership:

The version of the Constitution of the Roosevelt Island Residents Association that is currently in effect is that amended December, 1991. The revision to the RIRA Constitution announced on Oct. 13, 2004 by the RIRA Common Council and reported in the press is null and void.

The RIRA Constitution states in Article III, Section 6, "Except as elsewhere provided, all meetings of the Common Council shall be governed by Robert's Rules of Order (newly revised edition)." Robert's Rules of Order Revised, section 47, states that "No motion is in order that conflicts with the laws of the nation, or state, or with the assembly's constitution or by-laws, and if such a motion is adopted, even by a unanimous vote, it is null and void."

At the Sep. 8, 2004 meeting of the Council, there was a motion to vote on a revision to the RIRA Constitution. It was the opinion of the majority of the Council that it was not necessary for a proposed revision to the Constitution to be in writing. However, Article X, Section 1 of the RIRA Constitution, which was overlooked by the Council during the September meeting, states that "Amendments to this Constitution may be proposed in writing at any time by a Member of the Common Council or by petition of 125 RIRA members to the Council." This is the only way provided by the Constitution to propose an amendment.

Such proposal must take place at a meeting, as indicated in Section 2 of the same article, which states in part, "No amendment may be voted on by the Common Council at the same meeting at which it is proposed." The first meeting at which the suggested revision to the Constitution was presented in writing to the Common Council was the Sep. 8 meeting, which is the same meeting at which the vote on it was taken. Thus the motion to vote on the revision violated the Constitution and is null and void.

Subsequent related actions taken by the Council are similarly null and void, including its ratification of the voided proposal at the Oct. 13, 2004 meeting.

In contrast, two amendments to the Constitution were properly introduced in writing at the August meeting and voted on at the following regularly scheduled meeting in September. The minutes of the Aug. 8 meeting state "2 amendments presented to be voted on in September 8 meeting (See Attached)." Correspondingly, the minutes of the following meeting on Sep. 8 state, "K. Stewart presented the following motions to amend the Constitution in case the revised Constitution fails at the Town Meeting, (offered for the record in the August meeting as required by the Constitution)."

There is no similar attachment to the Aug. 11 meeting minutes of a proposed revised Constitution, nor any reference to a presentation to the Council of any proposal. And in the minutes of the following meeting on Sep. 8, there is no indication that a proposed revised Constitution had been offered for the record in the prior meeting.

One of the amendments properly proposed by Karen Stewart gave representation to Southtown residents on the Council. It was not approved. The two-thirds vote required for passage of this amendment was denied by a minority of six Council members, each of whom, including the President of RIRA, Matthew Katz, had voted in favor of the revised Constitution. The amendment was not defeated on its merit, for its content was included as well in the revised Constitution. Rather it was argued in discussion that the amendment should be defeated in order to deny RIRA members a way of enfranchising Southtown other than passage of the revised Constitution.

Council members who spoke at the Sep. 8 meeting in favor of the revised Constitution stated that they intended to vote for it in part because of frustration over the length of the process and because the document, though imperfect, was good enough. Expressing this sentiment at the Oct. 7 town meeting informing the RIRA membership of the suggested Constitutional revisions, Mr. Katz stated that whenever an "i" is dotted or a "t" crossed, the revisions to the Constitution must be proposed all over again. This is incorrect for two reasons.

First, the ongoing changes were indeed substantive and at least one change for which the Council had voted its approval, that which disallowed incumbents to change election rules for an upcoming election, was inadvertently omitted in the revision on which the Council voted. Thus the intended proposal did not represent the wishes of the Council. This is one of the situations that are intended to be avoided by the Constitutional requirement of a prior written proposal, which if followed, gives Council members time to study and understand the proposal.

Second, minor changes, of the kind about which Mr. Katz spoke, could indeed be made without requiring a delay. Robert's, section 68, states in part, "Amending a proposed amendment to the constitution, etc., may be accomplished by a majority vote, without notice, subject to certain restrictions. The assembly is not limited to adopting or rejecting the amendment just as it is proposed, but no amendment is in order that increases the modification of the rule to be amended..."

Robert's, section 68, advises, "Great care should be exercised in amending constitutions, etc., to comply with every rule in regard to their amendment."

Respectfully,

Marc Diamond
Member, RIRA

cc:

Members, Common Council
2004 candidates, Common Council

Lou Carbonetti, former President, RIRA
David Kraut, former President, RIRA
Nellie Negrin Finnegan, former President, RIRA
Sandra Neis, former President, RIRA
Nneka Pope, former President, RIRA
Patrick Stewart, former President, RIRA

Frank Farance, former parliamentarian, RIRA
Ron Schuppert, former parliamentarian, RIRA

Roosevelt Island resident members, Community Board 8
Board of Directors, Roosevelt Island Council of Organizations

Hon. Pete Grannis, Assembly, NYS
Hon. Olga Mendez, Senate, NYS
Hon. Gifford A. Miller, Speaker, Council, NYC

Board of Directors, Roosevelt Island Operating Corporation
Herb Berman, President, RIOC

The Editor, The Main Street WIRE