

2018 PROCEDURE COMMITTEE

RECOMMENDATIONS FOR CNC REVIEW: CNC RULES OF PROCEDURE

The following recommendations are made by the 2018 Procedure Committee (“PC”) as part of its administrative responsibilities under Article V, Section 5(A) of the Non-Partisan Resolution to “make any recommendations to the Citizens Nominating Committee regarding its rules of procedure as it deems appropriate.” The 2018 PC conducted a comprehensive review of suggestions made by its members, resulting in the recommendations herein which had the most support of PC members who attended several meetings devoted to this project. While these recommendations are non-binding, they are highly recommended by the PC to improve the process and procedures of the CNC.

CONFIDENTIALITY OF CNC PROCEEDINGS:

1. The PC recommends restrictions on the use of digital recording devices and digital note taking during meetings to avoid distractions, encourage active participation and focus on the proceedings, and to encourage confidentiality and privacy of potential candidates by discouraging CNC members from making a verbatim transcription. Brief, non-digital, written notes would continue to be permitted.
2. The PC recommends beginning each CNC meeting with a reminder about the duty of confidentiality and the rationale for the policy.
3. The PC recommends that cell phones shall be turned off or muted during CNC meetings.

NEPOTISM:

4. The PC recommends that a CNC voting member shall be required to take a leave of duty [absence] once a candidate who is a direct sibling, spouse, child or parent of that member has submitted an application to run for Village office or for a seat on the CNC. The member may return after the vote has been completed and for all subsequent years of service in that voting member’s term on the CNC. Such member shall not be replaced for that year.

CONFLICT OF INTEREST:

5. The PC recommends that candidates’ reference checks be assigned to CNC members randomly, and not to those who already have a personal relationship with a reference. A requirement for disclosure of the relationship and reassignment should be stated explicitly in the CNC Rules. This procedure ensures the CNC’s confidence in the arm’s length nature of follow-up calls to references made by their fellow CNC members.
6. The PC recommends that in the interests of acknowledging the value of the past service of a CNC voting or non-voting member, there should be no limitation on a CNC member running for Village office soon after that candidate has served on the CNC. Familiarity among CNC members should not be disqualifying.
7. The 2018 PC does not recommend any conflict of interest provisions owing to the complicated nature of the issues, the sense that the CNC is a quasi-political body (unlike the SBNC which does have a conflict policy), and free speech considerations. The matter was tabled and reserved for the next Procedure Committee.

DUE DILIGENCE:

8. The PC recommends adding another 5 minutes to the current 10-minute candidate presentation

to alleviate the rushed nature of the process, and recommends continuation of the existing five-question format. The PC also recommends that the CNC develop several brief, one sentence, open-ended questions, one of which should be posed randomly to each candidate for an additional response of up to 5 minutes. The purpose of asking the additional question would be to give CNC members an opportunity to observe candidates' thought process as they analyze general, situational scenarios within a limited time period. An example might be: "Tell us about a time when you, together with a group of people, had to solve a difficult problem. What was your role?" The questions should be asked by the Chair, but must be distributed in advance to the candidates prior to their presentation, as required by NPR Art. V.5.(B): "*FIRST BUSINESS MEETING. At the first business meeting the names of possible nominees for village and town offices whose biographies have been previously submitted may be discussed and nominated, but no vote shall be taken. Each nominee shall be given an opportunity to make an individual oral presentation to the Citizens Nominating Committee. Each such presenter shall be afforded the same length of time to respond only to the same written questions, prepared by the Citizens Nominating Committee and distributed in advance to the individual, which relate only to the nominee's experience and qualifications and not to any specific issues. However, if a nominee requests not to make a presentation, the Citizens Nominating Committee shall respect such request and shall continue to consider such nominee in its deliberations.*"

9. The PC recommends that, when appropriate, CNC members' or references' negative remarks about a candidate may be verified or disputed by other CNC members with personal knowledge if feasible under the existing rules, since potential nominees cannot come back after they present, and there is no mechanism for candidates to defend themselves before the committee.
10. The PC recommends that potential CNC nominees should provide a full explanation of their professional duties and experience and, where applicable, their published work, to enable CNC members to evaluate the skills these candidates might contribute to the offices in which they wish to serve. Candidates should also give examples of what they have done at the volunteer positions they list on their resumes. Since much of this information is likely already available on the web, this procedure would save the CNC the time it would take to investigate the public information.

SUPPLEMENTAL INQUIRY:

11. The PC recommends that the CNC should draft guidelines for members of current and future CNCs on the scope and process of internet searches, balancing the need for additional information about the candidates with the limited time and resources of the CNC to do its work.
12. The PC recommends that simple background checks on candidates are unnecessary in light of the existing, comprehensive process, and time and expense factors.
13. The PC recommends that any information discovered by the supplemental inquiry subcommittee or any other voting member, which may or may not be publicly available on the internet or otherwise, should be reported immediately upon discovery to the Chair, thereby providing the CNC with ample time at the next business meeting to review and deliberate.
14. The PC recommends that due process procedures should be implemented to avoid singling out a potential nominee for unequal or unfair treatment when no other candidate has been asked to provide additional information, such as information or documentation related to occupation, financial background, etc.

15. The PC recommends that during discussions about the candidates, members of the CNC should keep in mind that issues raised about a candidate or a candidate's biography or presentation should not be imputed to the CNC nominator of potential nominees. The focus of the CNC's inquiry is the potential nominee, not the CNC member who assists the nominee in the application process.
16. The PC recommends against routinely contacting the employer of a potential nominee as part of the follow up process.

CNC ORGANIZATION MEETING:

17. The PC recommends that the CNC should incorporate as an appendix to these rules all materials and internet resources that are, or should be, required to be distributed to CNC members prior to the first, organization meeting including, but not limited to: the Non-Partisan Resolution; latest CNC Annual Report; latest PC Report to the LWVS; legislative materials on Village governance, and any additional information deemed relevant to the work of the CNC.

ADDITIONAL PROCESS ISSUES:

18. The PC recommends that the CNC should determine, in its discretion, which and how many references for a particular candidate would be most helpful to the CNC, and if applicable, should include references who can speak to a nominee's volunteer work both generally and specifically in Scarsdale.
19. The PC recommends that, instead of creating a formal script or list of questions as a basis for reference check conversations, the CNC should rely on the discretion of CNC members to elicit information relevant to the positions to be filled (mayor, trustee or village justice). The PC also recommends that CNC members should attend at least one village board meeting, and village justice court proceeding (in years when the office of justice is open).
20. The PC recommends that CNC members should not be permitted to attend any CNC meeting remotely by phone or otherwise, including meetings at which voting takes place, to ensure the confidentiality of the process in which voting is by anonymous ballot, and the need for CNC members to be fully participatory in the discussion about nominees. The NPR does not permit absentee voting.
21. The PC recommends that the issue of geographic diversity of the Village Board by elementary school district, which varies from year to year and is not amenable to easy solutions, should be tabled.
22. The PC recommends that all nominees be required to present to the CNC from behind the non-voting member's table to keep audibility and line of sight consistent for all members, and that this rule should be memorialized in the CNC Rules.
23. The PC recognizes the norm that the CNC does not consider candidates for village office who have already served two terms as trustee or two years as mayor in order to support the frequent rotation of non-partisan volunteer office holders, and recommends that this norm should be memorialized in the CNC rules.
24. The PC recommends that during each of the rounds following the first round of voting, voting members should be instructed to cross out the name of any nominee who has already been elected as a candidate.