

**CITYWIDE ADMINISTRATIVE PROCEDURE ACT
REGULATORY AGENDA FY 2021**

NEW YORK CITY CONFLICTS OF INTEREST BOARD

PURSUANT TO SECTION 1042 OF THE NEW YORK CITY CHARTER, THE NEW YORK CITY CONFLICTS OF INTEREST BOARD SETS FORTH BELOW ITS REGULATORY AGENDA FOR THE CITY'S FISCAL YEAR OF 2021 COMMENCING JULY 1, 2020 THROUGH JUNE 30, 2021:

SUBJECT AREA:

Post-Employment restrictions.

REASONS FOR RULE:

In light of the amendment to Charter § 2603(c)(4), pursuant to Local Law 177 of 2018, the Board is considering amending Board Rules § 1-07 to clarify the existing Rule and to codify relevant Board advisory opinions.

SUMMARY OF ANTICIPATED CONTENT:

The Board anticipates that the contents of its rulemaking will define terms necessary for the implementation of the post-employment restrictions of Charter § 2604(d) and provide a standard for waivers of those restrictions.

SUMMARY OF OBJECTIVES:

The anticipated revisions will update Board Rules § 1-07 to set forth clear definitions of terms needed to comply with the post-employment restriction of Charter § 2604(d) and providing a new standard to guide the Board's deliberation regarding waivers of those restrictions.

LEGAL BASIS:

Charter §§ 1043 and 2603(a) provide the Board with rulemaking authority. Charter § 2603(c)(4) requires the Board to codify any advisory opinions that have "interpretive value in construing the provisions" of Chapter 68 and that "either (a) establishes a test, standard or criterion; or (b) the board anticipates will be the subject of future advisory opinion requests from multiple persons."

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) Charter §§ 2604(d) and 2604(e); and
- (b) Rules of the City of New York, Title 53, Section 1-07.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:

Former public servants and elected officials.

SCHEDULE FOR ADOPTION:

Fiscal Year 2021.

AGENCY CONTACT:

Christopher M. Hammer

Deputy General Counsel

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SUBJECT AREA:

The anticipated proposed rule will address the acceptance by public servants of gifts.

REASONS FOR RULE:

In light of the amendment to City Charter § 2603(c)(4), pursuant to Local Law 177 of 2018, the Board is considering the promulgation of amendments to Board Rules § 1-01 concerning the application of Charter §§ 2604(b)(5) and 2604(b)(3) and codifying advisory opinions issued by the Board relevant to the acceptance of valuable gifts.

SUMMARY OF ANTICIPATED CONTENT:

The Board anticipates that the contents of its rulemaking will be the application of the conflicts of interest law to the acceptance of gifts prohibited by Charter §§ 2604(b)(5) and 2604(b)(3).

SUMMARY OF OBJECTIVES:

The anticipated revisions will codify and clarify whether and under what circumstances public servants may accept valuable gifts.

LEGAL BASIS:

Charter §§ 1043 and 2603(a) provide the Board with rulemaking authority. Charter § 2603(c)(4) requires the Board to codify any advisory opinions that have “interpretive value in construing the provisions” of Chapter 68 and that “either (a) establishes a test, standard or criterion; or (b) the board anticipates will be the subject of future advisory opinion requests from multiple persons.”

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) Charter §§ 2604(b)(3) and 2604(b)(5); and
- (b) Rules of the City of New York, Title 53, Section 1-01.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:

Public servants and elected officials.

SCHEDULE FOR ADOPTION:

Fiscal Year 2021.

AGENCY CONTACT:

Christopher M. Hammer
Deputy General Counsel
(212) 437-0721 hammer@coib.nyc.gov

SUBJECT AREA:

The anticipated proposed rule will address the use of City time and City resources and accomplice liability.

REASONS FOR RULE:

In light of the amendment to City Charter § 2603(c)(4), pursuant to Local Law 177 of 2018, the Board is considering the promulgation of rules concerning the application of Charter § 2604(b)(2) and codifying advisory opinions issued by the Board relevant to the use of City time and City resources and to accomplice liability.

SUMMARY OF ANTICIPATED CONTENT:

The Board anticipates that the content of its proposed rule will be the regulation of use of City time and City liability and to identify accomplice liability for Chapter 68 violations.

SUMMARY OF OBJECTIVES:

The objectives of the proposed rule are to establish clear guidelines for the use of City time and City resources and clear circumstances by which public servants may be subject to accomplice liability.

LEGAL BASIS:

Charter §§ 1043 and 2603(a) provide the Board with rulemaking authority. Charter § 2603(c)(4) requires the Board to codify any advisory opinions that have “interpretive value in construing the provisions” of Chapter 68 and that “either (a) establishes a test, standard or criterion; or (b) the board anticipates will be the subject of future advisory opinion requests from multiple persons.”

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

(a) Charter § 2604(b)(2) and

(b) Rules of the City of New York, Title 53, Section 1-13.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:

Public servants and elected officials.

SCHEDULE FOR ADOPTION:

Fiscal Year 2021.

AGENCY CONTACT:

Christopher M. Hammer
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SUBJECT AREA:

The subject area of the anticipated rule amendment is the provision of Board Rules Section 1-09 addressing special restrictions on members of the City Planning Commission.

REASONS FOR RULE:

The Board proposes to update and clarify the already-existing rule, which had not been amended since its adoption in 1992.

SUMMARY OF ANTICIPATED CONTENT:

The Board anticipates that the proposed rule amendment will address the issue of communications by members of the City Planning Committee with various City agencies.

SUMMARY OF OBJECTIVES:

The objectives of the proposed rule are to make clear what restrictions are placed on City Planning Commission members' direct or indirect communications with City agencies.

LEGAL BASIS:

Charter §§ 192(b), 1043, and 2603(a) provide the Board with rulemaking authority.

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

(a) Charter § 192(b) and

(b) Rules of the City of New York, Title 53, Section 1-09.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:

Members of the City Planning Commission.

SCHEDULE FOR ADOPTION:

Fiscal Year 2021.

AGENCY CONTACT:

Christopher M. Hammer
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SUBJECT AREA:

The subject area of the anticipated rule amendment is rules regarding investments held by public servants.

REASONS FOR RULE:

In light of the amendment to City Charter § 2603(c)(4), pursuant to Local Law 177 of 2018, the Board is considering the promulgation of rules concerning the application of Chapter 68 and codifying advisory opinions issued by the Board relevant to the ownership of stock in publicly traded companies, bonds, mutual funds, and investments held in individual retirement accounts.

SUMMARY OF ANTICIPATED CONTENT:

The Board anticipates that the proposed rule amendment will address the issue of public servants' ownership of stock in publicly traded companies, bonds, mutual funds, and investments held in individual retirement accounts.

SUMMARY OF OBJECTIVES:

The objectives of the proposed rule are to make clear how public servants' ownership of stock in publicly traded companies, bonds, mutual funds, and investments held in individual retirement accounts implicate the conflicts of interest provisions of Chapter 68.

LEGAL BASIS:

Charter §§ 1043 and 2603(a) provide the Board with rulemaking authority. Charter § 2603(c)(4) requires the Board to codify any advisory opinions that have "interpretive value in construing the provisions" of Chapter 68 and that "either (a) establishes a test, standard or criterion; or (b) the board anticipates will be the subject of future advisory opinion requests from multiple persons."

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) Charter §§ 2601(11), 2601(16), 2604(a)(1), 2604(b)(2), 2604(b)(3), and 2604(b)(4); and
- (b) Rules of the City of New York, Title 53, Sections 1-04 and 1-08.

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:

Public servants and elected officials

SCHEDULE FOR ADOPTION:

Fiscal Year 2021.

AGENCY CONTACT:

Christopher M. Hammer
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SUBJECT AREA:

The subject area of the anticipated rule is the private practice of law by public servants.

REASONS FOR RULE:

In light of the amendment to City Charter § 2603(c)(4), pursuant to Local Law 177 of 2018, the Board is considering the promulgation of rules concerning the private practice of law to codify relevant Board advisory opinions.

SUMMARY OF ANTICIPATED CONTENT:

The Board anticipates that the contents of its rulemaking will include prohibitions related to the private practice of law and definitions of terms that apply uniquely to attorneys.

SUMMARY OF OBJECTIVES:

The objectives of the proposed rule are to provide guidance to public servants who are attorneys about the limitations imposed by Chapter 68 on their private practice of law and on their involvement in clients' City-related matters.

LEGAL BASIS:

Charter §§ 1043 and 2603(a) provide the Board with rulemaking authority. Charter § 2603(c)(4) requires the Board to codify any advisory opinions that have “interpretive value in construing the provisions” of Chapter 68 and that “either (a) establishes a test, standard or criterion; or (b) the board anticipates will be the subject of future advisory opinion requests from multiple persons.”

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

Charter §§ 2601(5), 2604(b)(2), 2604(b)(3), 2604(b)(6), 2604(b)(7), and 2604(d)(2).

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:

Public servants who are attorneys.

SCHEDULE FOR ADOPTION:

Fiscal Year 2021.

AGENCY CONTACT:

Christopher M. Hammer
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SUBJECT AREA:

Procedural rules regarding filing of annual disclosure reports for candidates seeking matching funds from the NYC Campaign Finance Board.

REASONS FOR RULE:

Pursuant to amendments to New York City Administrative Code §§ 3-703 and 12-110, the Board will be promulgating rules regarding the annual disclosure filing deadlines of candidates seeking matching funds from the New York City Campaign Finance Board.

SUMMARY OF ANTICIPATED CONTENT:

The Board anticipates that the rule will set out the filing deadlines for candidates seeking matching funds in February, March, and April.

SUMMARY OF OBJECTIVES:

The anticipated rule will set the deadlines that candidates must submit their annual disclosure reports to the Board, a prerequisite to receiving matching funds.

LEGAL BASIS:

Charter §§ 1043 and 2603(a) provides the Board with rulemaking authority.

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) New York City Administrative Code §§ 3-703 and 12-110; and
- (b) Rules of the City of New York, Title 53, Chapter 4

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:

Candidates for elected office seeking matching funds from the New York City Campaign Finance Board

SCHEDULE FOR ADOPTION:

Fiscal Year 2021.

AGENCY CONTACT:

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SUBJECT AREA:

Procedural rules regarding filing and retention of annual disclosure reports

REASONS FOR RULE:

Current Board Rules §§ 4-01, 4-02, and 4-03 were promulgated in 1992, 2001, and 2003, respectively. Since these rules were promulgated, the Board has transitioned from the paper filing of reports to electronic filing. The Board anticipates that the proposed amendments to these rules will reflect current annual disclosure filing procedures and terminology.

SUMMARY OF ANTICIPATED CONTENT:

The Board anticipates that the content of the proposed rules will address how filers can obtain an extension of time to file the report; how long reports are retained by the Board; and how the policymaker criteria for filing is defined.

SUMMARY OF OBJECTIVES:

The anticipated revisions to Board Rules §§ 4-01, 4-02, and 4-03 are intended to reflect current annual disclosure electronic filing procedures and terminology.

LEGAL BASIS:

Charter §§ 1043 and 2603(a) provides the Board with rulemaking authority.

RELEVANT FEDERAL, STATE AND LOCAL LAWS AND RULES APPLICABLE TO PROPOSED RULE:

- (a) New York City Administrative Code § 12-110; and
- (b) Rules of the City of New York, Title 53, Chapter 4

INDIVIDUALS AND ENTITIES LIKELY TO BE AFFECTED BY PROPOSED RULE:

All persons required to file annual disclosure reports pursuant to New York City Administrative Code § 12-110

SCHEDULE FOR ADOPTION:

Fiscal Year 2021.

AGENCY CONTACT:

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