

proposal, consideration, or enactment of local laws or resolutions by the council, or any action on the budget or text of the zoning resolution.

18. "Position" means a position in a firm, such as an officer, director, trustee, employee, or any management position, or as an attorney, agent, broker, or consultant to the firm, which does not constitute an ownership interest in the firm.

19. "Public servant" means all officials, officers and employees of the city, including members of community boards and members of advisory committees, except unpaid members of advisory committees shall not be public servants.

20. "Regular employee" means all elected officials and public servants whose primary employment, as defined by rule of the board, is with the city, but shall not include members of advisory committees or community boards.

21. "Spouse" means a husband or wife of a public servant who is not legally separated from such public servant.

22. "Supervisory official" means any person having the authority to control or direct the work of a public servant.

23. "Unemancipated child" means any son, daughter, step-son or step-daughter who is under the age of eighteen, unmarried and living in the household of the public servant.

Sec. 2602. Conflicts of interest board. a. There shall be a conflicts of interest board consisting of three members, appointed by the mayor with the advice and consent of the council. The mayor shall designate a chair.

b. Members shall be chosen for their independence, integrity, civic commitment and high ethical standards. No person while a member shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, hold any political party office, or appear as a lobbyist before the city.

c. Each member shall serve for a term of six years; provided, however, that of the members first appointed, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-two and one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-four. If the mayor has not submitted to the council a nomination for appointment of a successor at least sixty days prior to the expiration of the term of the member whose term is expiring, the term of the member in office shall be extended for an additional year and the term of the successor to such member shall be shortened by an equal amount of time. If the council fails to act within forty-five days of receipt of such nomination from the mayor, the nomination shall be deemed to be confirmed. No member shall serve for more than two consecutive six-year terms. All initial nominations by the mayor shall be made by the first day of February, nineteen hundred eighty-nine.

d. Members shall receive a per diem compensation, no less than the highest amount paid to an official appointed to a board or commission with the advice and consent of the council and compensated on a per diem basis, for each calendar day when performing the work of the board.

e. Members of the board shall serve until their successors have been confirmed. Any vacancy occurring other than by expiration of a term shall be filled by nomination by the mayor made to the council within sixty days of the creation of the vacancy, for the unexpired portion of the term of the member succeeded. If the council fails to act within forty-five days of receipt of such nomination from the mayor, the nomination shall be deemed to be confirmed.

f. Members may be removed by the mayor for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for a reply.

g. The board shall appoint a counsel to serve at its pleasure and shall employ or retain such other officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the counsel shall be defined in writing, provided that neither the counsel, nor any other officer, employee or consultant of the board shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations of violations of this chapter, or make final recommendations of or impose penalties. The board may delegate its authority to issue advisory opinions to the chair.

h. The board shall meet at least once a month and at such other times as the chair may deem necessary. Two members of the board shall constitute a quorum and all acts of the board shall be by the affirmative vote of at least two members of the board.

Sec. 2603. Powers and obligations. a. Rules. The board shall promulgate rules as are necessary to implement and interpret the provisions of this chapter, consistent with the goal of providing clear guidance regarding prohibited conduct. The board, by rule, shall once every four years adjust the dollar amount established in subdivision sixteen of section twenty-six hundred one of this chapter to reflect changes in the consumer price index for the metropolitan New York-New Jersey region published by the United States bureau of labor statistics.

b. Training and education. 1. The board shall have the responsibility of informing public servants and assisting their understanding of the conflicts of interest provisions of this chapter. In fulfilling this responsibility, the board shall develop educational materials regarding the conflicts of interest provisions and related interpretive rules and shall develop and administer an on-going program for the education of public servants regarding the provisions of this chapter.

2. The board shall provide training to all individuals who become public servants to inform them of the provisions of this chapter, shall assist agencies in conducting ongoing training programs, and shall make information concerning this chapter available and known to all public servants. On or before the tenth day after an individual becomes a public servant, such public servant must file a written statement with the board that such public servant has read and shall conform with the provisions of this chapter.

c. Advisory opinions. 1. The board shall render advisory

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CHAPTER 68

CONFLICTS OF INTEREST

(excerpts: Revisions of Sec. 2602 and New Paragraph Added to Sec. 2604(b))

Sec. 2602. Conflicts of interest board. a. There shall be a conflicts of interest board consisting of ~~[three]~~ five members, appointed by the mayor with the advice and consent of the council. The mayor shall designate a chair.

b. Members shall be chosen for their independence, integrity, civic commitment and high ethical standards. No person while a member shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, hold any political party office, or appear as a lobbyist before the city.

c. Each member shall serve for a term of six years; provided, however, that of the three members first appointed, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-two and one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-four, and of the remaining members, one shall be appointed for a term to expire on March thirty first, nineteen hundred ninety two and one shall be appointed for a term to expire on March thirty first, nineteen hundred ninety four. If the mayor has not submitted to the council a nomination for appointment of a successor at least sixty days prior to the expiration of the term of the member whose term is expiring, the term of the member in office shall be extended for an additional year and the term of the successor to such member shall be shortened by an equal amount of time. If the council fails to act within forty-five days of receipt of such nomination from the mayor, the nomination shall be deemed to be confirmed. No member shall serve for more than two consecutive six-year terms. [All] The three initial nominations by the mayor shall be made by the first day of February, nineteen

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1 hundred eighty-nine, and both later nominations by the mayor shall
2 be made by the first day of March, nineteen hundred ninety.

3 d. Members shall receive a per diem compensation, no less than
4 the highest amount paid to an official appointed to a board or
5 commission with the advice and consent of the council and
6 compensated on a per diem basis, for each calendar day when
7 performing the work of the board.

8 e. Members of the board shall serve until their successors have
9 been confirmed. Any vacancy occurring other than by expiration
10 of a term shall be filled by nomination by the mayor made to the
11 council within sixty days of the creation of the vacancy, for the
12 unexpired portion of the term of the member succeeded. If the
13 council fails to act within forty-five days of receipt of such
14 nomination from the mayor, the nomination shall be deemed to be
15 confirmed.

16 f. Members may be removed by the mayor for substantial neglect
17 of duty, gross misconduct in office, inability to discharge the
18 powers or duties of office or violation of this section, after
19 written notice and opportunity for a reply.

20 g. The board shall appoint a counsel to serve at its pleasure
21 and shall employ or retain such other officers, employees and
22 consultants as are necessary to exercise its powers and fulfill its
23 obligations. The authority of the counsel shall be defined in
24 writing, provided that neither the counsel, nor any other officer,
25 employee or consultant of the board shall be authorized to issue
26 advisory opinions, promulgate rules, issue subpoenas, issue final
27 determinations of violations of this chapter, or make final
28 recommendations of or impose penalties. The board may delegate its
29 authority to issue advisory opinions to the chair.

30 h. The board shall meet at least once a month and at such other
31 times as the chair may deem necessary. Two members of the board
32 shall constitute a quorum and all acts of the board shall be by the
33 affirmative vote of at least two members of the board.

34 Sec. 2604. Prohibited interests and conduct

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and act upon such nomination and in the event it does not act within such period, the nomination shall be deemed to be confirmed.

§ 3. Section 391 of the New York city charter is amended to read as follows:

§ 391. Department; corporation counsel; vacancy. a. There shall be a law department the head of which shall be the corporation counsel.

b. Within 60 days following the occurrence of a vacancy in the office of the corporation counsel, the mayor shall submit to the council the name of the mayor's nominee for corporation counsel. If the council disapproves a nomination while the office of the corporation counsel is vacant, the mayor shall submit a new nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.

§ 4. Subdivision b of section 392 of the New York city charter is amended to read as follows:

b. The first assistant corporation counsel shall, during the absence or disability of the corporation counsel, possess all the powers and perform all the duties of the corporation counsel and in case of the death of the corporation counsel or of a vacancy in that office shall act as corporation counsel until the appointment and qualification of a corporation counsel in accordance with law.

§ 5. Section 2602 of the New York city charter, as added by a vote of the electors on November 8, 1988, subdivisions a and c as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

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§ 2602. Conflicts of interest board. a. There shall be a conflicts of interest board consisting of five members[.]. Three members shall be appointed by the mayor, one member shall be appointed by the public advocate, and one member shall be appointed by the comptroller. All members shall be appointed with the advice and consent of the council. The mayor shall designate a chair.

b. Members shall be chosen for their independence, integrity, civic commitment and high ethical standards. No person while a member shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, hold any political party office, be a lobbyist as that term is defined in section 3-211 of the administrative code or [appear as a lobbyist before the city] participate in any capacity in a campaign by a candidate for nomination for election, or election, to the office of mayor, public advocate, comptroller, borough president or member of the city council. The restrictions on contributions by natural persons who have business dealings with the city set forth in subdivision 1-a of section 3-703 of the administrative code, or a successor law, shall apply to contributions by members. Each member shall agree not to make contributions in excess of such restrictions.

c. Each member shall serve for a term of six years[;]. [provided] Provided, however, that [of the three members first appointed,] one member appointed by the mayor shall be appointed for a term to expire on March [thirty-first, nineteen hundred ninety] 31, 2020; [one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-two, and one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-four, and of the remaining members, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-two and one] two members appointed by the mayor shall be appointed for [a term] terms to expire on March [thirty-first, nineteen hundred ninety-four. If the mayor] 31, 2024; and the

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members first appointed by the public advocate and comptroller shall be appointed for terms to expire on March 31, 2028, replacing two mayoral appointees whose terms expire on March 31, 2022. For all members, if the appointing authority has not submitted to the council a nomination for appointment of a successor at least [sixty] 60 days prior to the expiration of the term of the member whose term is expiring, the term of the member in office shall be extended for an additional year and the term of the successor to such member shall be shortened by an equal amount of time. If the council fails to act within [forty-five] 45 days of receipt of such nomination from the [mayor] *appointing authority*, the nomination shall be deemed to be confirmed. No member shall serve for more than two consecutive six-year terms. [The three initial nominations by the mayor shall be made by the first day of February, nineteen hundred eighty-nine, and both later nominations by the mayor shall be made by the first day of March, nineteen hundred ninety.]

d. Members shall receive a per diem compensation, no less than the highest amount paid to an official appointed to a board or commission with the advice and consent of the council and compensated on a per diem basis, for each calendar day when performing the work of the board.

e. Members of the board shall serve until their successors have been confirmed. Any vacancy occurring other than by expiration of a term shall be filled by nomination by the [mayor] *appropriate appointing authority* made to the council within [sixty] 60 days of the creation of the vacancy, for the unexpired portion of the term of the member succeeded. If the council fails to act within [forty-five] 45 days of receipt of such nomination from the [mayor] *appointing authority*, the nomination shall be deemed to be confirmed.

f. Members may be removed by [the mayor] *their respective appointing authority* for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for a reply.

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g. The board shall appoint a counsel to serve at its pleasure and shall employ or retain such other officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the counsel shall be defined in writing, provided that neither the counsel, nor any other officer, employee or consultant of the board shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations of violations of this chapter, or make final recommendations of or impose penalties. The board may delegate its authority to issue advisory opinions to the chair.

h. The board shall meet at least once a month and at such other times as the chair may deem necessary. [Two] Three members of the board shall constitute a quorum and all acts of the board shall be by the affirmative vote of at least [two] three members of the board.

§ 6. Paragraphs 1 through 3 of subdivision d of section 2604 of the New York city charter, as added by a vote of the electors on November 8, 1988, paragraph 3 of such subdivision as amended by local law number 59 for the year 1996, are amended to read as follows:

1. No public servant shall solicit, negotiate for or accept any position:

[(i)] (a) from which, after leaving city service, the public servant would be disqualified under this subdivision [,] ; or

[(ii)] (b) with any person or firm who or which is involved in a particular matter with the city, while such public servant is actively considering, or is directly concerned or personally participating in such particular matter on behalf of the city.

2. (a) No former public servant, other than those public servants listed in subparagraphs (b) and (c) of this paragraph, shall, within a period of one year after termination of such person's service with the city, appear before the city agency served by such public servant [, provided, however, that nothing contained herein shall be deemed to prohibit a former public servant from