

**April 9, 2025 – Open Meeting Matter**  
March 5, 2025 – Open Meeting Matter  
January 8, 2025 – Open Meeting Matter

To: The Board

From: Katherine J. Miller *KJM*

Date: April 1, 2025

Re: Proposed Amendments to Board Rules § 4-04: Contract Filers

At its March 2025 Open Meeting, the Board considered proposed amendments to repeal and replace Board Rules § 4-04, which defines the category of “contract filers” under the City’s Annual Disclosure Law. The Board directed Staff to revise the Statement of Basis and Purpose to provide a legal foundation for excluding micropurchases from the types of matters considered “contracts” under the proposed rule. To that end, Staff reviewed the City’s Procurement Policy Board (“PPB”) Rules regarding micropurchases and revised the discussion to explain that the proposed rule mirrors the PPB Rules in excluding micropurchases from triggering certain requirements.

Attached are the following:

1. Minutes of the March 2025 Open Meeting (**Exhibit 1**);
2. Minutes of the January 2025 Open Meeting (**Exhibit 2**);
3. Draft Notice of Public Hearing and Opportunity to Comment for Board Rules § 4-04, tracked to the version considered by the Board at its March 2025 Open Meeting (**Exhibit 3**); and
4. Draft Notice of Public Hearing and Opportunity to Comment for Board Rules § 4-04 (**Exhibit 4**).

Staff recommends that the Board approve the revised Notice of Public Hearing and Opportunity to Comment. With the Board’s approval, Staff will formally submit the proposed Board Rules § 4-04 to the New York City Law Department and the Mayor’s

Office of Operations for review and approval as required by the City Administrative Procedure Act prior to publication in the *City Record* and the holding of a public hearing. See Charter § 1043(d). Thereafter, Staff will return to the Board with any substantive revisions requested by the Law Department or the Mayor's Office of Operations or, if there are none, schedule a public hearing.

## Minutes of the Open Meeting of the New York City Conflicts of Interest Board

**Date:** March 5, 2025

**Present:**

Board Members: Chair Milton L. Williams Jr. and Members Wayne G. Hawley, Ifeoma Ike, Amy E. Millard, and Georgia M. Pestana

Board Staff: Anita Armstrong, Ethan A. Carrier, Christopher M. Hammer, Carolyn Lisa Miller, Katherine J. Miller, Yasong Niu, Jeffrey Tremblay, Florence Watson, Katherine J. Weall, and Maryann White

Guests: None

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The open meeting was called to order by the Chair at approximately 9:35 a.m.

Staff presented a revised proposal to repeal and replace Board Rules § 4-04 regarding contract filers and opened the meeting to comments from the Board.

Board Member Hawley identified an edit to the Statement of Basis and Purpose: on p. 4, line 11 (Exhibit 3), remove “certain.”

Board Member Hawley also suggested that the discussion in the Statement of Basis and Purpose about procurements under the City’s micropurchase limit should address the legal requirements of micropurchases, such as in the Procurement Policy Board rules, so that this provision in the rule has a legal foundation rather than a policy judgment by the Board. Staff will draft language to address this issue.

The open meeting was adjourned at approximately 9:44 a.m.

Respectfully submitted,  
Christopher M. Hammer  
Recording Secretary

## Minutes of the Open Meeting of the New York City Conflicts of Interest Board

**Date:** January 8, 2025

**Present:**

Board Members: Chair Milton L. Williams Jr. and Members Wayne G. Hawley, Ifeoma Ike, Amy E. Millard, and Georgia M. Pestana

Board Staff: Anita Armstrong, Ethan A. Carrier, Christopher M. Hammer, Carolyn Lisa Miller, Katherine J. Miller, Yasong Niu, Jeffrey Tremblay, Florence Watson, Katherine J. Weall, Maryann White, and Clare Wiseman

Guests: None

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The open meeting was called to order by the Chair at approximately 9:44 a.m.

Staff introduced a draft proposal to repeal and replace Board Rules § 4-04 regarding contract filers and opened the meeting to comments from the Board.

Board Member Hawley identified two edits to the wording of paragraph (b)(2):

- On p. 5, line 22, replace “the contract’s” with “a contract’s”
- On p. 5, line 23, replace “a contract” with “the contract”

Board Member Pestana expressed concern about removing duties related to micropurchases as triggering the requirement to file an annual disclosure report given recent allegations involving kickbacks on micropurchases. Board Members Hawley and Millard noted that annual disclosure reporting is not the mechanism for identifying criminal conduct such as kickbacks. The Board determined to proceed without changing the draft proposal.

Board Member Pestana stated that she thought the draft proposal should more clearly exclude public servants who recommend that a decisionmaker take action on a contract or other matter from the category of contract filer. The Board directed Staff to draft a revised proposal to address this issue.

The open meeting was adjourned at approximately 10:02 a.m.

Respectfully submitted,  
Christopher M. Hammer  
Recording Secretary

1 **New York City Conflicts of Interest Board**

2 **Notice of Public Hearing and Opportunity to Comment on Proposed Rules**  
3 **Regarding Contract Filers**

4 **What are we proposing?** The Conflicts of Interest Board is proposing to amend its rule  
5 concerning annual disclosure filers whose duties involve the negotiation, authorization,  
6 or approval of contracts, leases, franchises, revocable consents, concessions and  
7 applications for zoning changes, variances and special permits.

8 **When and where is the hearing?** The Conflicts of Interest Board will hold a public  
9 hearing on the proposed rule. The public hearing will take place at [time] on [date]. The  
10 hearing will be at [TBD].

11 This location has the following accessibility option(s) available: [TBD].

12 **How do I comment on the proposed rules?** Anyone can comment on the proposed  
13 rules by:

- 14 • **Website.** You can submit comments to the Conflicts of Interest Board through  
15 the NYC Rules website at <http://rules.cityofnewyork.us>.
- 16 • **Email.** You can email comments to [rules@coib.nyc.gov](mailto:rules@coib.nyc.gov).
- 17 • **By speaking at the hearing.** Anyone who wants to comment on the proposed  
18 rule at the public hearing must sign up to speak. You can sign up before the  
19 hearing by contacting the Conflicts of Interest Board by telephone at [phone  
20 number] or by email at [email]. You can also sign up in the hearing room before  
21 the hearing begins on [date]. You can speak for up to three minutes.

22 **Is there a deadline to submit comments?** Yes, you must submit written comments by  
23 [date].

24 **Do you need assistance to participate in the hearing?** You must tell us if you need  
25 a reasonable accommodation of a disability at the hearing, including if you need a sign  
26 language interpreter. You can advise us by telephone at [phone number] or by email at  
27 [email]. You must tell us by [date].

28 **Can I review the comments made on the proposed rules?** You can review the  
29 comments made online on the proposed rules by going to the website at  
30 <http://rules.cityofnewyork.us/>. Copies of all comments submitted online, copies of all  
31 written comments, and a summary of oral comments concerning the proposed rule will  
32 be available to the public on the Conflicts of Interest Board's website  
33 ([https://www1.nyc.gov/site/coib/public-documents/open-meetings-and-public-  
34 hearings.page](https://www1.nyc.gov/site/coib/public-documents/open-meetings-and-public-hearings.page)) as soon as practicable.

1 **What authorizes the Conflicts of Interest Board to make this rule?** Sections 1043  
2 and 2603 of the City Charter and Section 12-110(b)(3)(a)(4) of the Administrative Code  
3 authorize the Conflicts of Interest Board to make this proposed rule. This proposed rule  
4 was included in the Conflicts of Interest Board’s regulatory agenda for this Fiscal Year.

5 **Where can I find the Conflicts of Interest Board rules?** The Conflicts of Interest  
6 Board Rules are in title 53 of the Rules of the City of New York.

7 **What rules govern the rulemaking process?** The Conflicts of Interest Board must  
8 meet the requirements of Section 1043 of the City Charter when creating or changing  
9 rules. This notice is made according to the requirements of Section 1043 of the City  
10 Charter.

11 **Statement of Basis and Purpose**

12 The City’s Annual Disclosure Law, found in New York City Administrative Code  
13 § 12-110, requires certain public servants to file publicly available annual disclosure  
14 reports with the Board in which they must disclose their private financial interests. One  
15 such group of public servants is described in Admin. Code § 12-110(b)(3)(a)(4), which  
16 requires the filing of an annual disclosure report by:

17 Each officer or employee of the city whose duties at any time during the  
18 preceding calendar year involved the negotiation, authorization or  
19 approval of contracts, leases, franchises, revocable consents,  
20 concessions and applications for zoning changes, variances and special  
21 permits, as defined by rule of the board and as annually determined by his  
22 or her agency head, subject to review by the board.

23 In 2004, the Board adopted a rule to define this category of filers, commonly  
24 known as “contract filers.” In the 20 years since, the Board has found that the rule has  
25 not provided enough clarity to facilitate the identification of public servants whose City  
26 job duties make them sufficiently involved in the City matters identified in the

1 Administrative Code such that they should be required to make their private financial  
2 interests available for public inspection in an annual disclosure report.

3 The Board proposes to repeal Board Rules § 4-04 and replace it with a new rule  
4 to define “contract filers” with more particularity. In drafting the proposed rule, the Board  
5 sought to accomplish two goals. First, the proposed rule seeks to limit the category of  
6 “contract filers” to public servants who have worked on the City matters enumerated in  
7 Admin. Code § 12-110(b)(3)(a)(4). To this end, proposed paragraph (a) references the  
8 City laws, policies, and rules that apply specifically to those City matters. Paragraph (b)  
9 excludes matters that may fall under the legal term “contracts” but are not sufficiently  
10 similar to the City matters enumerated in the Administrative Code. For example, the  
11 proposed rule excludes ~~certain~~ as-of-right development certifications, the acceptance of  
12 gifts to the City, and the settlement of legal claims against the City. Proposed paragraph  
13 (b) also excludes micropurchases, as defined by the City’s Procurement Policy Board  
14  (“PPB”) Rules. The PPB sets by rule a micropurchase limit for contracts which, due to  
15 the small amount of City funds expended, are excluded from the PPB Rules’  
16 competition requirements. The Board’s proposed rule would mirror the PPB Rules and  
17 similarly exclude micropurchases from triggering the filing requirement, procurements  
18 under the City’s micropurchase limit, such as items purchased with a City-issued credit  
19 card. It is the Board’s view that, on balance, the relatively small amount of City funds  
20 spent by a public servant on a micropurchase does not merit by itself the disclosure of  
21 the public servant’s private financial interests in a publicly available report, especially  
22 given the number of public servants who have authority to use City-issued credit cards

1 ~~or otherwise make micropurchases.~~ As such, public servants who have worked only on  
2 matters listed in proposed paragraph (b) would not be a “contract filer.”

3         Second, the proposed rule seeks to tailor the conduct that requires a public  
4 servant to file more closely to the “negotiation, authorization, or approval” standard in  
5 Admin. Code § 12-110(b)(3)(a)(4). In addition to identifying specific City titles where the  
6 job duties inexorably include the “negotiation, authorization, or approval” of contracts,  
7 proposed paragraph (a) describes conduct where public servants make significant  
8 decisions in accordance with the processes governing the “negotiation, authorization, or  
9 approval” of the enumerated City matters. By contrast, proposed paragraph (c) excludes  
10 conduct that does not rise to the threshold of “negotiation, authorization, or approval,”  
11 such that public servants would not be required to publicly disclose their private financial  
12 interests for performing that work. In particular, the proposed rule excludes from the  
13 category of “contract filers” those who solely develop general policies, provide legal  
14 advice, make recommendations, or perform clerical tasks.

15         In proposing changes to this rule, the Board recognizes that some City agencies  
16 have designated public servants as “contract filers” with a concern that the designated  
17 public servant could potentially engage in conduct that violates the City’s conflicts of  
18 interest law, such as by accepting a kickback from a vendor from whom a  
19 micropurchase is made. However, the possibility that a public servant could engage in  
20 conduct that violates the City’s conflicts of interest law is not a sufficient threshold for  
21 requiring the filing of an annual disclosure report; otherwise, every public servant, all of  
22 whom are subject to the City’s conflicts of interest law, should be required to file.  
23 Instead, the Administrative Code designates specific, defined categories of public



1 servants who are required to file, such as elected officials, policymakers, and high-level  
2 managers. The “contract filer” designation should be similarly targeted to capture only  
3 those public servants whose City duties warrant the type of public incursion into their  
4 private finances that the filing of an annual disclosure report necessitates.

1 **Text of Proposed Rule**

2 New material is underlined.

3 Section 4-04 of Chapter 4 of Title 53 of the Rules of the City of New York is  
4 REPEALED and new Section 4-04 is added to read as follows:

5 **§ 4-04 Contract Filers.**

6 (a) Public servants required to file an annual disclosure report pursuant to  
7 Administrative Code § 12-110(b)(3)(a)(4) include, but are not limited to, those  
8 who during the preceding calendar year held the title of agency chief contracting  
9 officer, deputy agency chief contracting officer, chief financial officer, or chief  
10 operations officer or who, except as provided in paragraphs (b) or (c), did one or  
11 more of the following:

12 (1) Procurement or Concessions. Pursuant to Procurement Policy Board  
13 Rules, Franchise and Concession Review Committee Rules, or other similar  
14 City or State law, policy, or rule:

15 (i) Conducted a presolicitation review to define the existing market for the  
16 goods, services, or construction required, estimate the expected cost, or  
17 determine the most appropriate method of procurement;

18 (ii) Was substantially involved in determining the material specifications of an  
19 invitation for bids, request for proposals, or other similar solicitation  
20 method for goods, services, construction, or a concession;

21 (iii) Approved an invitation for bids, request for proposals, or other similar  
22 solicitation method for goods, services, construction, or a concession;

23 (iv) Evaluated a bid or proposal, including but not limited to serving on a

1           selection committee; or

2           (v) Negotiated or approved: a contract, including its material terms; contract  
3           amendment; change order; task order; modification; renewal; or buy-  
4           against contract.

5           (2) **Franchises.** Pursuant to Charter § 363, or other similar City or State law,  
6           policy, or rule, approved a franchise authorizing resolution or agreement.

7           (3) **Real Property Leases.** Pursuant to Charter § 381 or § 384 or other similar  
8           City or State law, policy, or rule, negotiated or approved the purchase, lease,  
9           or sale of real property.

10          (4) **Revocable Consents.** Pursuant to Charter § 364 or other City or State law,  
11          policy, or rule:

12          (i) Determined that a petition for a revocable consent could proceed in  
13          compliance with applicable requirements; or

14          (ii) Approved a revocable consent plan or agreement.

15          (5) **Zoning.** Pursuant to the Uniform Land Use Review Procedure, approved an  
16          application for a change to the zoning resolution, a variance, or a special  
17          permit.

18          (b) The following matters shall not be considered “contracts, leases, franchises,  
19          revocable consents, concessions” or “applications for zoning changes, variances  
20          and special permits” within the meaning of Administrative Code § 12-  
21          110(b)(3)(a)(4):

22          (1) Procurements under the micropurchase limit, such as retail goods purchased  
23          with a City-issued Purchasing Card;

- 1           (2) Certification that an as-of-right development satisfies zoning regulations;
- 2           (3) Acceptance of gifts to the City; or
- 3           (4) Settlement of legal claims against the City.
- 4       (c) Public servants, other than those identified by title in paragraph (a), are not
- 5           required to file an annual disclosure report pursuant to Administrative Code § 12-
- 6           110(b)(3)(a)(4) if the only work they performed on contracts, procurement,
- 7           concessions, franchises, real property leases, revocable consents, or zoning
- 8           during the preceding calendar year was that they:
- 9           (1) Developed general policies, rules, or regulations;
- 10          (2) Provided legal advice without negotiating or determining a contract's
- 11           substantive content, including by ensuring that the content of the contract is
- 12           implemented in a valid legal agreement or by incorporating an agency's
- 13           standard contract terms and conditions;
- 14          (3) Recommended a contract be awarded without any involvement in the conduct
- 15           identified in paragraph (a); or
- 16          (4) Performed ministerial tasks, including clerical tasks such as typing, filing, or
- 17           distributing materials.

## New York City Conflicts of Interest Board

### Notice of Public Hearing and Opportunity to Comment on Proposed Rules Regarding Contract Filers

**What are we proposing?** The Conflicts of Interest Board is proposing to amend its rule concerning annual disclosure filers whose duties involve the negotiation, authorization, or approval of contracts, leases, franchises, revocable consents, concessions and applications for zoning changes, variances and special permits.

**When and where is the hearing?** The Conflicts of Interest Board will hold a public hearing on the proposed rule. The public hearing will take place at [time] on [date]. The hearing will be at [TBD].

This location has the following accessibility option(s) available: [TBD].

**How do I comment on the proposed rules?** Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Conflicts of Interest Board through the NYC Rules website at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to [rules@coib.nyc.gov](mailto:rules@coib.nyc.gov).
- **By speaking at the hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by contacting the Conflicts of Interest Board by telephone at [phone number] or by email at [email]. You can also sign up in the hearing room before the hearing begins on [date]. You can speak for up to three minutes.

**Is there a deadline to submit comments?** Yes, you must submit written comments by [date].

**Do you need assistance to participate in the hearing?** You must tell us if you need a reasonable accommodation of a disability at the hearing, including if you need a sign language interpreter. You can advise us by telephone at [phone number] or by email at [email]. You must tell us by [date].

**Can I review the comments made on the proposed rules?** You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public on the Conflicts of Interest Board's website (<https://www1.nyc.gov/site/coib/public-documents/open-meetings-and-public-hearings.page>) as soon as practicable.

1 **What authorizes the Conflicts of Interest Board to make this rule?** Sections 1043  
2 and 2603 of the City Charter and Section 12-110(b)(3)(a)(4) of the Administrative Code  
3 authorize the Conflicts of Interest Board to make this proposed rule. This proposed rule  
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11 **Statement of Basis and Purpose**

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21 permits, as defined by rule of the board and as annually determined by his  
22 or her agency head, subject to review by the board.

23 In 2004, the Board adopted a rule to define this category of filers, commonly  
24 known as “contract filers.” In the 20 years since, the Board has found that the rule has  
25 not provided enough clarity to facilitate the identification of public servants whose City  
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20 Second, the proposed rule seeks to tailor the conduct that requires a public  
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9           In proposing changes to this rule, the Board recognizes that some City agencies  
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1 **Text of Proposed Rule**

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3 Section 4-04 of Chapter 4 of Title 53 of the Rules of the City of New York is  
4 REPEALED and new Section 4-04 is added to read as follows:

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9 officer, deputy agency chief contracting officer, chief financial officer, or chief  
10 operations officer or who, except as provided in paragraphs (b) or (c), did one or  
11 more of the following:

12 (1) Procurement or Concessions. Pursuant to Procurement Policy Board  
13 Rules, Franchise and Concession Review Committee Rules, or other similar  
14 City or State law, policy, or rule:

15 (i) Conducted a presolicitation review to define the existing market for the  
16 goods, services, or construction required, estimate the expected cost, or  
17 determine the most appropriate method of procurement;

18 (ii) Was substantially involved in determining the material specifications of an  
19 invitation for bids, request for proposals, or other similar solicitation  
20 method for goods, services, construction, or a concession;

21 (iii) Approved an invitation for bids, request for proposals, or other similar  
22 solicitation method for goods, services, construction, or a concession;

23 (iv) Evaluated a bid or proposal, including but not limited to serving on a

1           selection committee; or

2           (v) Negotiated or approved: a contract, including its material terms; contract  
3           amendment; change order; task order; modification; renewal; or buy-  
4           against contract.

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8           City or State law, policy, or rule, negotiated or approved the purchase, lease,  
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11          policy, or rule:

12          (i) Determined that a petition for a revocable consent could proceed in  
13          compliance with applicable requirements; or

14          (ii) Approved a revocable consent plan or agreement.

15          (5) **Zoning.** Pursuant to the Uniform Land Use Review Procedure, approved an  
16          application for a change to the zoning resolution, a variance, or a special  
17          permit.

18          (b) The following matters shall not be considered “contracts, leases, franchises,  
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21          110(b)(3)(a)(4):

22          (1) Procurements under the micropurchase limit, such as retail goods purchased  
23          with a City-issued Purchasing Card;

1       (2) Certification that an as-of-right development satisfies zoning regulations;

2       (3) Acceptance of gifts to the City; or

3       (4) Settlement of legal claims against the City.

4       (c) Public servants, other than those identified by title in paragraph (a), are not  
5       required to file an annual disclosure report pursuant to Administrative Code § 12-  
6       110(b)(3)(a)(4) if the only work they performed on contracts, procurement,  
7       concessions, franchises, real property leases, revocable consents, or zoning  
8       during the preceding calendar year was that they:

9       (1) Developed general policies, rules, or regulations;

10       (2) Provided legal advice without negotiating or determining a contract's  
11       substantive content, including by ensuring that the content of the contract is  
12       implemented in a valid legal agreement or by incorporating an agency's  
13       standard contract terms and conditions;

14       (3) Recommended a contract be awarded without any involvement in the conduct  
15       identified in paragraph (a); or

16       (4) Performed ministerial tasks, including clerical tasks such as typing, filing, or  
17       distributing materials.