

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

Date: February 4, 2020

Location: Conflicts of Interest Board, 2 Lafayette Street, Suite 1010, New York, New York

Present:

Board Members: Chair Richard Briffault and Members Fernando A. Bohorquez, Jr., Anthony Crowell, Jeffrey D. Friedlander, and Erika Thomas.

Board Staff: Ethan Carrier, Chad Gholizadeh, Ana Gross, Christopher Hammer, Gavin Kendall, Julia Lee, Carolyn Miller, Katherine Miller, Ari Mulgay, Yasong Niu, Jeffrey Tremblay, Clare Wiseman, and Juliya Ziskina.

Guests: Thomas Speaker, Reinvent Albany

The meeting was called to order by the Chair at approximately 9:35 a.m. The Chair stated that the meeting was being conducted pursuant to the New York State Open Meetings Law and designated the undersigned as the Recording Secretary for purposes of the meeting.

The Chair stated that the meeting was called to discuss proposed amendments to Board Rules § 4-05, Chapter 3, § 1-18, and § 1-07.

Board Rules § 4-05

After a brief introduction, the Chair asked for any comments by the Board or Staff.

There were no comments. Upon motion duly made and seconded, the Board unanimously voted to adopt the proposed amendments incorporating the proposed changes as the final rule.

Board Rules Chapter 3

After a brief introduction, the Chair asked for any comments by the Board or Staff.

There were no comments. Upon motion duly made and seconded, the Board unanimously voted to adopt the proposed amendments incorporating the proposed changes as the final rule.

Board Rules § 1-18

After a brief introduction, the Chair asked for any comments by the Board or Staff.

In the Statement of Basis and Purpose, the Board asked, and Staff agreed, to cite to examples from the advisory opinions to clarify the term “demonstrable nexus.”

Upon motion duly made and seconded, the Board unanimously voted to continue discussions at the next open meeting.

Board Rules § 1-07

After a brief introduction, the Chair asked for any comments by the Board or Staff.

The following comments constitute the changes as agreed upon by the Board and Staff to the proposed amendments to Board Rules § 1-07:

In the Statement of Basis and Purpose:

- Insert a sentence or two in the introduction to provide context for the purpose of the rule
- Include a list of the advisory opinions incorporated and not incorporated in the rule
- p. 4, carryover sentence: remove “switching sides” and replace “appearances” with “working paid or unpaid,”
- p. 11, line 12: insert “this” before factor
- p. 12, line 1: heading number to be changed to 3

In the text of Board Rules § 1-07:

- Insert “former” before “public servant” where applicable throughout rule
- § 1-07(c)(1): revise “may waive” to “in determining whether to waive the post-employment restrictions, the Board will consider” to make clear it is the Board’s determination
- § 1-07(c)(1)(ii): replace “placed” with “suited”
- § 1-07(c)(1)(iv): Insert a period after employer and delete the rest of the sentence. Incorporate 1 and 2 into the Statement of Basis and Purpose
- § 1-07(c)(1)(iv): change wording to the negative, so that a positive answer would weigh in favor of the granting of a waiver, consistent with (i)-(iii)
- § 1-07(c)(2)(i): delete “made by City agencies”
- § 1-07(d)(1): rethink the language referring to the completion of a project to properly reflect the type of consulting work addressed in the rule
- § 1-07(d)(1)(iv): replace “significantly higher” with “similar to” or “comparable to”
- Insert additional subsection stating that in the event a proposed consulting arrangement does not meet the requirements of § 1-07(d)(1) a waiver from the Board can be sought
- § 1-07(d)(2)(i): revise to state that the former public servant did not have a role in recommending or selecting the private firm

Upon motion duly made and seconded, the Board unanimously voted to continue discussions at the next open meeting.

The open meeting was adjourned at approximately 10:30 a.m.

Respectfully submitted,

Julia H. Lee
Recording Secretary