Committee Staff:

Charles Davis

**THE COUNCIL OF THE CITY OF NEW YORK**



**OFFICE OF THE GENERAL COUNSEL**

**COMMITTEE REPORT OF THE**

**COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS**

**Hon. Karen Koslowitz, Chairperson**

**February 25, 2020**

**Council Committee Room at 250 Broadway**

*New York City Conflicts of Interest Board (Candidates for**appointment by the Mayor, with the advice and consent of the City Council)*

* **Nisha Agarwal [M-217]**
* **Wayne Hawley [M-218]**

COIB promulgates rules as necessary to implement and interpret the provisions of Chapter 68 of the New York City Charter, Conflicts of Interest (Chapter 68). COIB is required to inform the public servants and City employees of Chapter 68and other related interpretive rules. COIB is furthermore required to administer an on-going program to educate public servants on Chapter 68.

COIB shall also provide training to all individuals who become public servants, to inform them of Chapter 68 and assist City agencies in conducting

on-going training programs regarding Chapter 68.

COIB is also authorized to hear and decide violations of Chapter 68,impose fines of up to $25,000 per violation and recommend penalties, including suspensions or removal from office, to the appointing authority or the body charged with the responsibility of imposing such penalties, where COIB deems it appropriate.

 COIB is moreover required to issue and publish advisory opinions regarding matters covered under Chapter 68 thataddress proposed future conduct. COIB is furthermore required to issue report of the board, annually. COIB’s mandate covers the Council as well as mayoral agency employees. COIB also collects and reviews financial disclosure reports.[[1]](#footnote-1)

COIB consists of five members who are appointed by the mayor, with the advice and consent of the City Council.[[2]](#footnote-2) The mayor must also designate one of these members as the Chair. COIB members serve a six (6) year term. COIB members are prohibited from serving more than two consecutive six-year terms.[[3]](#footnote-3) Two members of COIB constitute a quorum and all actions of COIB must be by the affirmative vote of at least two members.[[4]](#footnote-4)

COIB members are mandated to meet at least once per month. The *Charter* states that these members should be chosen for their “independence, integrity, civic commitment and high ethical standards. Members are prohibited from holding public office, seeking election to any public office, being a public employee in any jurisdiction, holding political party office, or appearing as a lobbyist before the city.[[5]](#footnote-5)

COIB members are compensated on a per diem basis, for each calendar day, when performing work for COIB. Pursuant to Chapter 68*,* the compensation shall be no less than the highest amount paid to an official appointed to a board or commission, with the advice and consent of the Council.

The mayor has the authority to remove COIB members for substantial neglect of duty, gross misconduct of office, inability to discharge powers or duties of the office or violation of this section, following written notice of such removal and an opportunity for the member to reply.[[6]](#footnote-6)

 Pursuant to the *Charter*, COIB is authorized to appoint a Counsel to serve at its pleasure and employ or retain other such officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the Counsel may be defined in writing, provided that neither the Counsel, nor any other officer, employee or consultant of COIB, shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations concerning violations of Chapter 68 of the *Charter,* or recommend or impose penalties. Also, COIB may, and has, delegated its authority to issue advisory opinions under *Charter* § 2604(e) to its Chair [*Charter* § 2602(g), and as per COIB’s Executive Director].

Ms. Agarwal is scheduled to appear before the Council’s Committee on Rules, Privileges and Elections on Tuesday, February 25. If appointed, Ms. Agarwal will replace Ms. Erika Thomas-Yuille and serve the remainder of a six-year term that expires on March 31, 2022.

Mr. Hawley is scheduled to appear before the Council’s Committee on Rules, Privileges and Elections on Tuesday, February 25. If appointed, Mr. Hawley will succeed Richard Briffault and be eligible to serve a six-year term that begins on April 1, 2020 expires on March 31, 2026.

Copies of the candidates’ résumés and the reports/resolutions message notice are annexed to this briefing paper.

**PROJECT STAFF**

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1. *Charter* §§ 2602 and 2603. [↑](#footnote-ref-1)
2. At present, COIB’s members include: Richard Briffault (Chair), Fernando Bohorquez, Jr., Anthony Crowell, Jeffrey D. Friedlander, and Erika Thomas-Yuille. [↑](#footnote-ref-2)
3. *Charter* § 2602(c). [↑](#footnote-ref-3)
4. *Charter* § 2602 (h) [↑](#footnote-ref-4)
5. *Charter* § 2602(b). [↑](#footnote-ref-5)
6. *Charter* § 2602(f). [↑](#footnote-ref-6)