



Joint Testimony to the New York City Conflicts of Interest Board (COIB) on Proposed Rules Regarding Policymaker List

***Re: Support for Rule Changes Increasing Reporting of NYC Policymakers,
and Need for Cleaning of Policymaker Dataset on NYC Open Data Portal***

April 17, 2024

Thank you for the opportunity for our groups to submit testimony for this hearing. This testimony is being jointly submitted by Reinvent Albany, Citizens Union, and Common Cause NY.

We support [COIB's proposed rules](#) regarding city policymakers. We think the proposed rules are reasonable, and will ensure that there is timely enforcement of associated restrictions on city policymakers, including fundraising for anyone running for city office, and holding political party positions such as district leader or state committee member.

We specifically support the following changes made by COIB's proposed amendments that:

1. **Clarify the definition of "policymaker."** We think COIB's proposed language makes the definition more readable and easily understood. This is essential to proper application of the law.
2. **Change the reporting deadlines for agencies to submit their list of employees defined as policymakers to February 7th (from February 28th) – and adds a second reporting date of August 7th.** We agree with COIB's reasoning that it makes sense to have an earlier first reporting date to ensure policy makers complete financial disclosures on time. The additional reporting time will ensure that limits on political activity are able to be enforced in a more timely manner. If new individuals are hired by the city after the February reporting date, under the current process, these policymakers could go months before being notified of the restrictions on their political activities.

Additionally, the public, including journalists and watchdog organizations, will have more timely information about the individuals who are reporting as policymakers with a list that is updated twice a year, rather than once.

3. **Establish a mechanism by which an agency head can dispute a COIB determination to add or remove a policymaker from an agency's list.** We like this mechanism because it creates a uniform and logical process for agencies to correct potential mistakes or misunderstandings.
4. **Codify the current practice that COIB, not city agencies, notifies policymakers of restrictions on their political activities.** We understand that this change is merely putting into rules what is current practice, but this is important to formalize. Making COIB responsible for this notification will ensure policymakers across all agencies will be informed in a consistent, timely, and well-documented way.

We ask that the COIB make the following additional changes:

1. **Clarify the timelines in the regulations,** given that the period for publishing the policymaker list, the reconsideration period, and the notification timeline are all 30 days. For example, will the COIB be publishing a policymaker list with names that are under dispute, or that COIB believes are incomplete? Will notifications be made after the receipt of the list, as well as after names are added? We encourage the COIB to make sure that the timelines are sensible and take the reconsideration process into account.
2. **Require all policymaker data be published as open data and ensure the data is standardized and correct.** We appreciate that the proposed revisions codify that the COIB provide the list of policymakers on its website. We recommend that the rules also codify that the policymaker list be published on the NYC Open Data Portal, [as is current practice](#). However, we note that the list must be improved to ensure that the public is better able to analyze the data and determine trends over time with city agencies. Currently, the dataset is not standardized and there are multiple naming conventions for the same agencies. We ask that the dataset be cleaned to remove any errors and inconsistencies.
3. **Publish in the COIB annual report aggregate data about the changes made to the list of policymakers, including the number of determinations, additions, and subtractions from specific agencies.**

Under the current Board Rule § 1-02 (a)(3), COIB currently has the power to intervene in the list submitted by agencies, and under the proposed amendments, agencies will newly be able to dispute COIB's determinations to add or remove individuals from the list. The COIB should include information in its annual report about its activities related to the policymaker list, including how many individuals or positions were added or removed from the list because of COIB's determinations, and from what agencies. If the proposed rule is adopted, COIB should also include information about the determinations disputed by agency heads and the result of these proceedings.

As reported by [The City](#), we are concerned that some NYC agencies report a much smaller share of their employees as policymakers than others. We note in particular that COIB has flagged three large agencies for having an inordinately small share of policy makers: the New York Police Department, NYC Health + Hospitals Corporation, and the Department of Education.

The measures we are asking COIB to consider will help the City Council, Public Advocate, City Comptroller's office, and the public to better understand the scope of reporting by agencies, as well as COIB's enforcement activities.

See below a [chart of the data](#) showing changes to the numbers of policymakers reported by agencies over the last five years. Unfortunately, to do this analysis, we had to do a substantial amount of data cleaning to the policymaker list that is currently published on COIB's website and open data portal. We urge the COIB to make sure this list is clean, so it more clearly shows potential underreporting by agencies.

Thank you again for the opportunity to submit testimony. Please send any follow-up questions to Rachael Fauss at rachael [at] reinventalbany.org.

NYC Agency Policymaker List Totals - Conflicts of Interest Board Data, 2018-2024

