

COMMISSION ON ETHICS AND LOBBYING IN GOVERNMENT

PROPOSED MEETING GUIDELINES

I. Commission Declaration.

The stated mission of the Commission on Ethics and Lobbying in Government—created by the Ethics Commission Reform Act of 2022— is to exemplify the highest ethical standards and restore public trust in government through education, compliance, and vigorous enforcement of the state’s ethics and lobbying laws. The Commission has broad oversight over the executive and legislative branches of government. The Commission pursues its mission through four core functions, including education and training, advice and guidance, public disclosure, and enforcement. As a deliberative and public body, the Commission must meet at least quarterly and is subject to both the Freedom of Information Law and the Open Meetings Law. The Commission is committed to conducting its meetings in accordance with the law while also protecting the integrity and confidentiality of the investigative and enforcement matters under its mandate. The policies set forth below endeavor to implement these goals.

II. Definitions.

- a. **“Meeting”** means the official convening of a quorum, as defined in Executive Law § 94(4)(h), of the Commission on Ethics and Lobbying in Government for the purpose of conducting the functions of the Commission pursuant to statute. A commissioner shall be deemed to participate for purposes of a quorum when present in the same physical location or locations where the public can attend, consistent with Public Officers Law § 103-a.
- b. **“Executive Session”** means that portion of a meeting not open to the general public, consistent with Public Officers Law § 105.

III. Meetings and Hearings.

- a. The Commission shall endeavor to ensure that matters that can be addressed publicly are addressed in a public proceeding. Generally, unless doing so would be inconsistent with law, the following types of matters should be open to the public:
 - a.i. Proceedings relating to proposed guidelines and policies
 - a.ii. Proceedings relating to rulemaking and the promulgating of regulations
 - a.iii. Proceedings involving administrative matters of the Commission
 - a.iv. Discussions or proceedings involving reports on agency statistics or performance-related data, including any reports involving the Commission’s publicly available data
 - a.v. Any other matter, consistent with law and Section V below, that would be open to the public pursuant to the Open Meetings Law.

- b. The Commission shall make every reasonable effort to ensure meetings are held in facilities able to accommodate members of the general public adequately and barrier-free, consistent with the Open Meetings Law and the Public Buildings Law.
- c. The Commission shall make reasonable efforts to ensure that meetings open to the general public are also open to audio and video recording, webcast, broadcast, and the use of still photography. Such recording, webcast, broadcast, and photography, and the equipment and personnel necessary to perform those functions, shall be reasonably accommodated so as not to interfere with the orderly proceedings of the Commission.
- d. Any materials presented to the Commission during the public session of a meeting or proceeding for consideration by the Commission as a body shall be posted on the Commission's website prior to the meeting to the extent practicable and in accordance with applicable law.

IV. Public Notice.

Public notice of the time and place of a meeting scheduled shall be conspicuously posted on the Commission's website prior to the meeting, and at least seventy-two hours before such meeting, in accordance with the Open Meetings Law. Such notice shall identify the location(s) of the meeting as well as indicate whether the Commission itself plans to webcast the meeting and its internet address for the public to access such webcast.

V. Conduct of Executive Sessions.

- a. Upon a majority vote of the Commission, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, the Commission shall conduct an executive session for the purposes enumerated below:
 - a.i. Any matter relating to a specific investigation, enforcement, or adjudication pursuant to the confidentiality restrictions of Executive Law § 94, including deliberations regarding a hearing officer's recommendations or findings. Commission votes regarding a hearing officer's recommendation or findings, or votes regarding a proposed settlement or to close a matter, will be recorded, and such votes will be made public to the extent called for by the provisions of Executive Law §94. The recording of votes shall reflect whether each commissioner concurred, dissented, abstained, or was absent.
 - a.ii. Matters appealed to the Commission pursuant to guidelines, regulation, policy, or statute wherein a vote by the Commission constitutes final agency action, such as an appeal from the executive director's denial to delete or exempt certain information from financial disclosure statements as set forth in 19 NYCRR Part 941.19.
 - a.iii. Matters involving proposed, pending, or ongoing litigation; personnel matters or property; and any other matter enumerated in Public Officers Law § 105.

- b. Attendance at an executive session shall be permitted to any member of the Commission and any other persons authorized by the Commission who have signed a non-disclosure agreement.

VI. Minutes and Recording of Votes.

- a. Minutes shall be taken at all open meetings of the Commission, which shall consist of a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereon. Minutes shall be made available to the public upon their approval by the Commission.
- b. Minutes shall be taken at executive sessions of any action that is taken by formal vote, which shall consist of a record or summary of the final determination of such action, and the date and vote thereon.

VII. Abstention.

- a. Abstaining from a vote should occur when a member believes they have insufficient information upon which to base a vote to act in an official way. In that instance, a member shall be allowed to abstain from a vote after fully disclosing to the Commission that such member is without enough specific information on which to base a decision or determination.
- b. In all other circumstance, a member should refrain from abstaining from voting on a question properly put before the Commission, since each member has a duty to express their opinion on a question by casting a vote.
- c. It is possible that matters may be added to the Commission Meeting Agenda before notice can be communicated to members. These additions may be the basis for a member to abstain. Staff shall be available to advise as to such possible abstention, if requested. However, the final decision on any abstention is the member's responsibility.
- d. In any instance in which a member abstains from voting on a question properly put before the Commission, that abstention shall be final and recorded with the yeas and nays on the vote, together with the reason for the member's abstention.

VIII. Effective Date.

The Meeting Guidelines became effective upon the effective date of Chapter 56, Laws of 2022.