

DRAFT PROPOSAL

Commission on Ethics and
Lobbying in Government

Resolution 24-____

COMMISSION PROCEDURES

WHEREAS, the Commission on Ethics in Lobbying and Government was created by an act of the New York State Legislature which, upon the Governor's approval, became effective on July 8, 2022, as Public Officers Law §94 (Laws 2022, chapter 56); and

WHEREAS, the creation of the Commission was, among other things, to promote integrity and transparency in the operations of the Executive and Legislative branches of the New York State Government; and

WHEREAS, the Commission in Resolution 22-04 on October 25, 2022, created six standing committees and a procedure for the establishment and use of further committees and bodies; and

WHEREAS, Resolution 22-04 provided that “[n]othing herein contained shall be deemed or construed to limit the Chair or Commission from establishing additional permanent or ad hoc committees or subcommittees or modifying these Procedural Rules which it determines to be necessary to facilitate its work and promote transparency and the goals of the Commission”: and since the adoption of Resolution 22-04 the Commission has accordingly created various committees, subcommittees, and working groups, and also delegated tasks to individual Commissioners in other ways; and

WHEREAS, the Commission has assessed the committee structure and process in light of its experience since the adoption of Resolution 22-04 and in the interests of promoting more efficiency, transparency, inclusiveness, and effectiveness;

NOW THEREFORE, BE IT RESOLVED, that Resolution 22-04 is repealed; all entities created under Resolution 22-04 are disbanded pending further action under this Resolution; and the following procedures will govern the work of the Commission:

1. Overview of How Work Can Be Delegated Within the Commission.

When the Commission finds it necessary to delegate work within the Commission, it may do so by:

- Creating a standing committee (see ¶ 2, below);
- Creating an ad hoc committee or working group (see ¶ 3, below);

- Asking an individual commissioner to serve as point person or liaison for a specific task (see ¶ 4, below); or
- Scheduling an advisory meeting (see ¶ 5, below).

Alternatively, individual Commissioners may bring proposals directly to the Commission without a prior delegation of work by the Commission (see ¶ 6, below).

2. Standing Committees.

- To create a standing committee, the Chair, in consultation with the Vice Chair and Executive Director, must propose the creation of the committee, and the full Commission must ratify the committee's creation. When the Commission votes to create a standing committee, it must specify the tasks to be performed by that committee.
- The membership of each committee shall be determined by the Chair in consultation with the Vice Chair and Executive Director.
- Chairs of committees shall be designated by the Chair.

3. Ad Hoc Committees or Working Groups.

- The Chair may establish ad hoc committees or working groups to perform specific tasks. The membership of each ad hoc committee or working group shall be determined by the Chair in consultation with the Vice Chair and Executive Director.
- When the Chair establishes an ad hoc committee or working group, the Chair shall identify the specific task or tasks to be completed by that committee or working group, typically the submission of a proposal to the full Commission for consideration. Once the identified task or tasks are completed, the ad hoc committee or working group shall disband with no further action required by the Chair.
- Whenever the Chair establishes an ad hoc committee or working group, the Chair shall immediately notify the full Commission of its establishment and membership, as well as the task or tasks the committee or working group will perform.

4. Point Persons.

As an alternative to creating committees or working groups, the Chair may designate an individual Commissioner to work with staff and complete a specified task.

5. Advisory Meetings.

When necessary, the Chair or the Executive Director may schedule a meeting to inform Commissioners of developments in the Commission's work (for example, developments in litigation or a request for informal guidance) or seek feedback from Commissioners. All Commissioners shall be invited to such meetings.

6. Proposals by Individual Commissioners.

Any Commissioner, or the Executive Director, may bring a proposal directly to the Commission, without first seeking a vote by a Committee, and have that proposal placed on the agenda for a vote at the next Commission meeting. (If any other Commissioner believes there is not sufficient time to consider that proposal, that Commissioner may move to table the proposal until the following Commission meeting.)

7. Procedures.

- a. At each meeting of the Commission, the chair of each committee or working group shall report on their progress on their assigned tasks.
- b. Committees meetings will be scheduled at the request of the Chair, Executive Director, or committee chair.
- c. After staff schedule a time for a committee to meet, accommodating the schedule of committee members to the greatest extent possible, staff will advise the full Commission of the time and date of the meeting and the issues to be discussed at that meeting and provide the full Commission with the agenda for the committee's meeting.
- d. When materials are circulated to members of a Committee, they must also be circulated to every member of the Commission who is not a member of the Committee.
- e. The Chair serves as an ex officio, voting member of each committee and working group.
- f. One Commissioner, to be designated by the Chair, must keep a list of all pending tasks on which action by Commissioners is required. The list will indicate to whom the tasks have been delegated. It must be circulated to all Commissioners each month.

Approved: _____

Dated: _____