

CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

2 Lafayette Street, Suite 1010
New York, New York 10007
(212) 442-1400; (212) 437-0705 (Fax)
www.nyc.gov/ethics

February 21, 2024

Meera Joshi
Deputy Mayor for Operations
Office of the New York City Mayor
City Hall
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2024-067 (Joseph Chavez)

Dear Deputy Mayor Joshi:

This is in response to your office's submission to the Conflicts of Interest Board (the "Board"), received January 31, 2024, designating, pursuant to Board Rules Section 1-13(e)(1), Joseph Chavez, a New York City Mayor's Office of Climate and Environmental Justice ("MOCEJ") employee, to use City time and City resources to perform work for New York City Energy Efficiency Corporation ("NYCEEC"). You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Mr. Chavez may take part in NYCEEC's business dealings with the City.

Relevant Facts

You advise that at MOCEJ Mr. Chavez is Deputy Director of Resilient and Efficient Building. He manages the City's policies and programs to decarbonize and increase resiliency of the built environment. As part of this work, he oversees the NYC Accelerator Property Accessed Clean Energy ("PACE") Program, a financing tool that helps commercial and multifamily building owners fund energy efficiency and renewable energy projects.

You further advise that you have designated Mr. Chavez to serve as a member of the board of directors of NYCEEC, a not-for-profit organization that provides loans for clean energy projects in the Northeast and Mid-Atlantic. Through a contract held by the New York City Department of Citywide Administrative Services, NYCEEC manages the loan process for the NYC Accelerator PACE Program, helping building owners obtain private loans that are repaid in installments through the building owners' property tax bills. NYCEEC works closely with MOCEJ to run this program and coordinates with the New York City Department of Finance to remit loan payments collected on property tax bills to the private lender. NYCEEC currently has thirteen board members who oversee the NYC Accelerator PACE Program.

By endorsement to your office's submission to the Board, you approve of Mr. Chavez's work on behalf of NYCEEC as part of his work for MOCEJ and seek the Board's approval for his participation in business dealings between NYCEEC and the City.

Relevant Law

Charter Section 2604(b)(2), as interpreted in Board Rules Section 1-13, prohibits a public servant's use of City time or resources for non-City purposes.

Board Rules Section 1-13(e) provides that an agency head may designate a public servant to perform work on behalf of a not-for-profit corporation, association, or other such entity that operates on a not-for-profit basis, including serving as a board member or other position with fiduciary responsibilities, provided that: (i) there is a demonstrated nexus between the proposed activity, the public servant's City job, and the mission of the public servant's agency, and such work furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit; (ii) the designated public servant takes no part in the entity's business dealings with the City at the entity or at his or his agency; and (iii) within 30 days the written designation is disclosed to the Board and will be posted on the Board's website. See Board Rules Section 1-13(e)(1)(i).

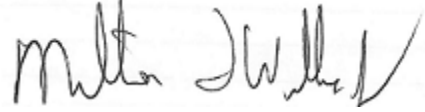
A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at his or his agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, the public servant's City job, and the mission of the public servant's agency; and that such participation furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit entity. See Board Rules Section 1-13(e)(2).

Advice

Based on the above representations and your written designation pursuant to Board Rules Section 1-13(e)(1), the Board has determined that there is a demonstrated nexus between Mr. Chavez's City job, his proposed work for NYCEEC, and the mission of MOCEJ. The Board has also determined that Mr. Chavez's participation in the business dealings between the City and NYCEEC, as described above, furthers MOCEJ's mission to promote resilient and sustainable building construction and is not undertaken primarily for the benefit or interests of NYCEEC. Therefore, the Board has determined that Mr. Chavez may participate in the business dealings between the City and NYCEEC.

The advice conveyed in this letter is conditioned on the correctness and completeness of the facts supplied to us. If such facts are in any respect incorrect or incomplete, the advice we have given to you may not apply. If at any time you would like further advice based on a change of circumstances or additional information, please contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Milton L. Williams Jr.", with a stylized flourish at the end.

Milton L. Williams Jr.
Chair

cc: Fernando A. Bohorquez Jr.
Wayne G. Hawley
Ifeoma Ike
Georgia M. Pestana

Kristen James
Joseph Chavez

NYC Mayor's Office of Climate &
Environmental Justice

To: Meera Joshi, Deputy Mayor of Operations
From: Sharon Lewis-Williams, General Counsel
Re: Designation of Executive Director Elijah Hutchinson to Serve on Board of Green Light New York, Inc. DBA Building Energy Exchange (BE-EX)
Date: February 26, 2024

Subject to your approval as Deputy Mayor of Operations, Executive Director Elijah Hutchinson may serve as an ex-officio board member of Green Light New York, Inc. OBA Building Energy Exchange (BE-EX). BE-EX is a New York City-based nonprofit organization dedicated to connecting New York City's real estate and design communities to energy and lighting efficiency solutions through education, exhibitions, technology demonstrations, and research.

New York City Charter Section 2604(b)(2) bars public servants from engaging in private activities that conflict with the proper discharge of their duties, including service as a director of an outside organization that does business with the City, unless the public servant is designated by an agency head to perform work on behalf of a not-for-profit organization and (i) there is a demonstrated nexus between the proposed work, the public servant's City job, and the mission of the public servant's agency; (ii) such work furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit; (iii) the public servant takes no part in the entity's business dealings with the City at the entity or their agency, and (iv) a written designation is disclosed to the Conflicts of Interest Board's ("COIB") within 30 days.¹

The Mayor's Office of Climate and Environmental Justice's ("MOCEJ") mission is to make NYC's buildings efficient and resilient, ensure New York City's infrastructure is climate- ready, transform New York City's streets and public realm into living, open spaces, and make New York City's energy clean and resilient. Through science-based analysis, policy and program development, and capacity building, and with a focus on equity and public health, MOCEJ leads

¹ See Rules of the Board, Conflicts of Interest § 1-13(e).

the City's efforts to ensure that New York City is both reducing its emissions and preparing to adapt and protect New Yorkers from the intensifying impacts of climate change.

As Executive Director of the Mayor's Office of Climate and Environmental Justice, Elijah Hutchinson oversees the daily and programmatic operations of the Office, which include the following subject areas: resilient and efficient buildings, clean energy, environmental justice, strategic partnerships, living streets and public spaces, climate-ready infrastructure and urban agriculture. Elijah Hutchinson also oversees policy development and policy implementation across all teams at the Mayor's Office of Climate and Environmental Justice, the implementation of PlaNYC commitments, and the maintaining and supporting of relationships with stakeholders across the public and private sectors.

BE-EX's is a 501(c)(3) not-for-profit organization. BE-EX's mission is to connect New York City's real estate and design communities to energy and lighting efficiency solutions through education, exhibitions, technology demonstrations, and research. It conducts professional trainings targeted at every type of building decision maker and produces reports that turn data into action and produces educational materials on energy efficiency. Further, BE-EX promotes energy efficient technologies, applications and processes through a comprehensive range of industry-leading training programs and projects. For example, recently, BE-EX led a successful Daylight Hour campaign with hundreds of global participants who turned off their lights for one hour on the sunniest day of the year. BE-EX also recently hosted a panel alongside the Natural Resources Defense Council discussing successful decarbonization pathways for tenant owned and operated buildings as they prepare for compliance with Local Law 97.

BE-EX has had business dealings with the City in the past, but no longer has active business dealings with the City. Additionally, BE-EX does not expect to have business dealings with the City in the future. Should that change, MOCEJ will return to COIB. CheckbookNYC reflects that the City spent approximately \$4,931,250.85 with BE-EX² from 2013-2023 via the Department of Environment Protection, Department of Citywide Administrative Services, and the Department of Transportation. Of that amount, CheckbookNYC indicates that in 2023, the City spent approximately \$20,000 with BE-EX. BE-EX's past business dealings have involved work with the Office of Long-Term Planning and Sustainability, which is now the Mayor's Office of Climate and Environmental Justice. BE-EX does not currently receive compensation for the performance of services related to operations of the Mayor's Office of Climate and Environmental Justice. However, BE-EX serves on the Steering Committee for the NYC Accelerator,³ which is an unpaid and advisory role. In addition, BE-EX occasionally invites representatives from Mayor's Office of Climate and Environmental Justice, as well as other city agencies, to participate as speakers at BE-EX programs and convenings. In the past, BE-EX's business dealings with the Mayor's Office of Climate and Environmental Justice included:

² Note that BE-EX appears in CheckbookNYC as both Green Light New York Inc. and Green Light New York, Inc.

³ The Mayor's Office of Climate and Environmental Justice manages the NYC Accelerator program.

Between 2013-2021, BE-EX provided energy efficiency resources, training, programs and exhibitions pursuant to a contract originally with the Department of Citywide Administrative Services, and subsequently the Department of Environmental Protection. The Mayor's Office of Climate and Environmental Justice played an active role in managing that contract.

In 2022, BE-EX provided technology explainers for the Mayor's Office of Climate and Environmental Justice under the NYC Accelerator Program.

BE-EX is governed by a Board of Directors ("Board") comprised of approximately 24 directors tasked with ensuring the organization's activities adhere to its nonprofit mission and that the Directors act as good stewards of BE-EX's resources.

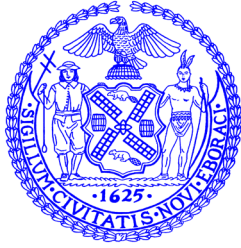
Elijah Hutchinson's position as a member of the BE-EX board meets the Conflicts of Interest Rules' requirements for serving as a board member of an outside entity on City time and with City resources. There is a clear and direct nexus between BE-EX's work, Elijah Hutchinson's City job as Executive Director, and the mission of the Mayor's Office of Climate and Environmental Justice, because each is focused on making buildings across New York City more efficient and resilient as well as a just energy transition. Additionally, the work furthers the mission of the Mayor's Office of Climate and Environmental Justice and is not undertaken primarily to benefit BE-EX because achieving a just energy transition and becoming a more resilient and energy efficient City is among the administration's top priorities.

I recommend that you approve Elijah Hutchinson's request to serve as a member of BE-EX's Board on city time.

Approved:



Meera Joshi
Deputy Mayor of Operations



CITY OF NEW YORK CONFLICTS OF INTEREST BOARD

2 Lafayette Street, Suite 1010
New York, New York 10007
(212) 442-1400; (212) 437-0705 (Fax)
www.nyc.gov/ethics

March 5, 2024

Sheena Wright
First Deputy Mayor
Office of the New York City Mayor
City Hall
New York, New York 10007

Re: Conflicts of Interest Board Case No. 2024-096 (Ana Almanzar)

Dear First Deputy Mayor Wright:

This is in response to your letter to the Conflicts of Interest Board (the "Board"), dated February 8, 2024, designating, pursuant to Board Rules Section 1-13(e)(1), Deputy Mayor for Strategic Initiatives Ana Almanzar to use City time and City resources to perform work for the Mayor's Fund to Advance New York City (the "Mayor's Fund"). You also request a determination by the Board, pursuant to Board Rules Section 1-13(e)(2), that Deputy Mayor Almanzar may take part in the Mayor's Fund's business dealings with the City.

Relevant Facts

You advise that at the Mayor's Office Deputy Mayor Almanzar oversees, among other things, the Office of Strategic Partnerships, which includes the Mayor's Fund and affiliated not-for-profit organizations. She coordinates the City's targeted, strategic investments and partnerships across multiple sectors to improve the lives of City residents.

You further advise that Deputy Mayor Almanzar serves as Chair of the board of directors of the Mayor's Fund. The Fund is a not-for-profit organization created by the City that facilitates public-private partnerships between the City and the private sector and serves as a vehicle for foundations, corporations, and individuals to contribute to City programs and initiatives. The Fund's mission is to advance initiatives to improve the lives of City residents, and its programs include strategic investments to promote mental health services, increase workforce development, and meet the needs of the City's immigrant community. The Fund is governed by a board of directors, each of whom is appointed by the Mayor and is responsible for the general management of the affairs and property of the Mayor's Fund, including approving the Mayor's Fund's budgets, approving contracts, and employing personnel. The Fund has registered with the Board as a not-for-profit

affiliated with an elected official under Chapter 9 of Title 3 of the New York City Administrative Code.

Pursuant to its by-laws, the Mayor's Fund's board of directors meets at least three times per year. As Chair and Deputy Mayor of Strategic Initiatives, Deputy Mayor Almanzar would preside over these meetings, oversee fundraising for the Mayor's Fund's initiatives, and sign checks, notes, drafts, or other negotiable instruments on behalf of the Mayor's Fund, such that she would be involved in the business dealings between the Mayor's Fund and the City.

By your letter to the Board, you approve of Deputy Mayor Almanzar's work on behalf of the Mayor's Fund as part of her work for the Mayor's Office and seek the Board's approval for her participation in business dealings between the Mayor's Fund and the City.

Relevant Law

Charter Section 2604(b)(2), as interpreted in Board Rules Section 1-13, prohibits a public servant's use of City time or City resources for non-City purposes.

Board Rules Section 1-13(e) provides that a deputy mayor may designate an agency head to perform work on behalf of a not-for-profit corporation, association, or other such entity that operates on a not-for-profit basis, including serving as a board member or other position with fiduciary responsibilities, provided that: (i) there is a demonstrated nexus between the proposed activity, the public servant's City job, and the mission of the public servant's agency, and such work furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit; (ii) the designated public servant takes no part in the entity's business dealings with the City at the entity or at their agency; and (iii) within 30 days the written designation is disclosed to the Board and will be posted on the Board's website.

A public servant designated pursuant to Board Rules Section 1-13(e)(1) may take part in the entity's business dealings with the City at the entity and/or at their agency if, after written approval of the agency head, the Board determines that there is a demonstrated nexus between the proposed participation, the public servant's City job, and the mission of the public servant's agency; and that such participation furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit entity. See Board Rules Section 1-13(e)(2).

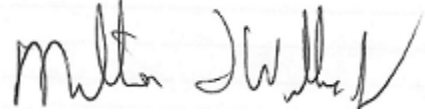
Advice

The Board has determined, based on the above representations and your written approval, that there is a demonstrated nexus between Deputy Mayor Almanzar's work at the Mayor's Office, her work for the Mayor's Fund, and the mission of the Mayor's Office. The Board has also determined that Deputy Mayor Almanzar's participation in the business dealings between the City and the Mayor's Fund furthers the Mayor's Office's

mission. Accordingly, Deputy Mayor Almanzar may use City time and City resources to perform work for the Mayor's Fund and may be involved in business dealings between the Mayor's Fund and the City. See Board Rules Section 1-13(e)(2).

The advice conveyed in this letter is conditioned on the correctness and completeness of the facts supplied to us. If such facts are in any respect incorrect or incomplete, the advice we have given to you may not apply. If at any time you would like further advice based on a change of circumstances or additional information, please contact us.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Milton L. Williams Jr.', with a stylized flourish at the end.

Milton L. Williams Jr.
Chair

cc: Fernando A. Bohorquez Jr.
Wayne G. Hawley
Ifeoma Ike
Georgia M. Pestana

Bill Heinzen
Ana J. Almanzar



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

To: First Deputy Mayor Sheena Wright
From: Bill Heinzen, Special Counsel, Office of the Chief Counsel
Re: Designation of Maria Torres-Springer to use City time and resources to perform work on behalf of the Perelman Performing Arts Center
Date: March 5, 2024

Subject to your approval and designation, Deputy Mayor Maria Torres-Springer may serve as a member of the Perelman Performing Arts Center (the "PACNYC") Board of Trustees on using City resources including City Time.

New York City Charter Section 2604(b)(2) bars public servants from engaging in private activities that conflict with the proper discharge of their duties, including service as a director of a not for profit using City resources, unless the public servant is designated by an agency head to perform work on behalf of a not-for-profit organization and (i) there is a demonstrated nexus between the proposed work, the public servant's City job, and the mission of the public servant's agency; (ii) such work furthers the agency's mission and is not undertaken primarily for the benefit or interests of the not-for-profit; (iii) the public servant takes no part in the entity's business dealings with the City at the entity or their agency, unless an agency head approves the public servant taking part in such business dealings and upon COIB's determination that elements (i) and (ii) above have been met; and (iv) a written designation is disclosed to COIB within 30 days.¹

As Deputy Mayor, Maria Torres Springer is charged with spearheading the Administration's efforts to strengthen the City's economy, housing and workforce. As part of that role, Ms. Torres-Springer oversees the Department of Cultural Affairs and is responsible for expanding New Yorkers' access to cultural services, as well fostering the economic growth spurred by New York's entertainment and artistic sectors, including jobs and tourism. The PACNYC is also an important piece of the City's longterm plan to recover from the attacks of September 11, 2001 and re-orient business and cultural connections in downtown Manhattan.

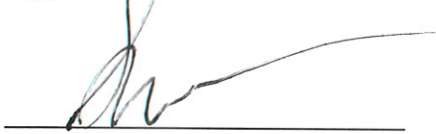
¹ See Board Rule 1-13(e).

PACNYC is a 501(c)(3) organization which opened in 2023 with the mission of creating connections within the City by cultivating bonds between extraordinary artists and communities through its performances. PACNYC also operates a civic alliances program which maintains ongoing relations with anchor organizations committed to serving New Yorkers and project-based alliance aimed at creating dialogue and programming around PACNYC specific events, performances, and productions. PACNYC is governed by a Board of Trustees (the "Board").

Ms. Torres-Springer's proposed service on the PACNYC's Board meets the Conflicts of Interest Rules' requirements for serving as a board member of an outside not for profit entity on City time and with City resources. There is a clear and direct nexus between the PACNYC's mission, Ms. Torres-Springer's City jobs, and the mission of the Mayor's Office, given the focus of the Mayor's Office on promoting the City's key cultural institutions and economic growth.

If you approve Ms. Torres-Springer's designation to serve as member on the PACNYC's Board of Trustees using City resources, please sign below.

Approved:

A handwritten signature in blue ink, appearing to read 'Sheena', is written over a horizontal line.

Sheena Wright
First Deputy Mayor