

BATTERY PARK CITY AUTHORITY'S PROJECT SUNLIGHT COMPLIANCE PLAN

In order to meet New York State mandated Project Sunlight Policy requirements, Battery Park City Authority and the Battery Park City Parks Conservancy (collectively, the "Authority") has created the following compliance plan (the "Plan").

Definitions

1. For the purposes of this Plan:
 - A. **Project Sunlight shall mean:** An online database that provides the public with an opportunity to see the individuals and entities that are interacting with State government decision-makers at the Authority. Project Sunlight is a component of the Public Integrity Reform Act of 2011.
 - B. **Appearance shall mean:** An interaction that is an in-person meeting or a video conference between covered individuals, related to the procurement of real property, goods or services. The location and formality of the interaction is irrelevant as to whether it constitutes an appearance, and it is irrelevant who initiates the interaction. There can be numerous appearances related to a single matter.
 - C. **Appearance shall not mean:**
 - (i) Ministerial or informational appearances, such as communications to schedule meetings or requests for information.
 - (ii) Telephone conversations.
 - (iii) Written communications such as letters, faxes or emails.
 - (iv) Appearances regarding legislation or the budget.
 - (v) Any appearance related to individuals or matters that are treated by the Authority as confidential pursuant to federal or state statute, rule or regulation.
 - (vi) Any appearance that if disclosed could endanger the life or safety of any person.
 - (vii) Participation in meetings which are open to the public, such as conferences or meetings subject to the Open Meetings Law or where a record of the meeting is otherwise publicly available.
 - D. **A covered individual at the Authority shall mean:** An individual at the Authority who has been designated a policy-maker by the Authority and any other individual of the Authority who may be designated by the Project Sunlight Liaison as being subject to the reporting requirements of Project Sunlight.
 - E. **A covered individual at the Authority shall not mean:** Independent contractors of the Authority, such as retained outside counsel.
 - F. **Covered category:** Although there are five covered categories, only the category Procurement of real property, goods and services applies to the Authority.
 - G. **Reporting:** Reporting is the act of transmitting information covered by Project Sunlight into the Project Sunlight database.
 - H. **Manager:** An individual at the Authority who can review/edit/delete entries once they have been imputed into the Project Sunlight database.

- I. **Data Enterer:** An individual at the Authority who can only input entries into the Project Sunlight database.

Plan Implementation

- The Authority will adopt this Plan, as approved by the Executive Chamber for Project Sunlight. The Plan will be posted on the on the Authority's intranet and a policy (a copy of which is attached hereto) incorporated into the Authority's employee handbook.
- The Authority will appoint a "Project Sunlight Liaison" who will be responsible for regularly communicating with Project Sunlight, and to whom all appearances shall be reported.
- The Authority will create a list of employees who have been designated as "covered individuals" and/or "reporters", which will be maintained by the Project Sunlight Liaison. Covered individuals shall make a record of an appearance by completing the Reportable Appearance Form (RAF) and forward such RAF, via email or in person, to the Project Sunlight Liaison within two business days.
- The Authority Project Sunlight Liaison, along with two other Authority employees, will be designated as Project Sunlight reporters. Authority Project Sunlight reporters will be responsible for reporting appearances into the Project Sunlight database within 5 business days of the occurrence or as soon as practicable thereafter.

Training

- The Authority will conduct a power-point training session for all covered individuals and/or reporters covering Project Sunlight Policy and how to use the Project Sunlight database. A signed certificate attesting completion of the Project Sunlight training session will be required from each participant. Completion certificates will be maintained by the Project Sunlight Liaison. Post training materials will be made available on the Authority's intranet, as well as a copy of the substantive training materials.
- The Project Sunlight Liaison will report to the Executive Chamber/OGS how the Authority's training was completed and which Authority employees were trained.

Monitoring Compliance

- The Project Sunlight Liaison will be responsible for monitoring reporting compliance for the Authority. The Project Sunlight Liaison will have both "manager" and "data enterer" access in the Project Sunlight database. The two other designated Project Sunlight reporters will have data enterer access only.
- In order to ensure that covered appearances are reported into the Project Sunlight database within 5 business days, monthly emails will be sent to covered individuals reminding them of their requirement to be in compliance with Project Sunlight.
- In addition, quarterly emails will be sent to covered individuals requiring they affirm that they have reported all applicable appearances, or that, in that quarter, no reportable appearances have occurred.

- Finally, year-end forms will be distributed to all covered individuals and/or reporters confirming compliance with Project Sunlight.

Disciplinary Plan

- Failure to comply with Project Sunlight may result in disciplinary action and a requirement to be retrained in Project Sunlight.
- The Authority may take into account factors such as whether the failure to comply was willful, inadvertent, or based on a good-faith misinterpretation of the law, and any other relevant factors.