



Community Boards

—City employees who serve on community boards—

Q. I work for the Department of City Planning. Can I vote on City Planning items at my community board? Can I chair the land use committee?

A. No and no. A community board member who is a City employee is not permitted to vote on any matter concerning the member's agency. Also, a board member who is a City employee may serve on a committee that considers matters that come before the employee's agency but cannot be the chairperson.

—Misuse of confidential information—

Q. My committee just received an advance copy of a Request for Proposals (RFP) from the Department of Citywide Administrative Services for the development of some vacant lots. The RFP will not be available to the public until next month. My husband's business partner is a real estate developer. Can I tell my husband's partner about this RFP now?

A. No. Public servants may not use their positions to obtain any financial gain or advantage for themselves, their spouses or associates, or disclose or use any confidential information concerning the City.

—Misuse of position for economic gain—

Q. The Parks Department is asking my community board to support its proposal to build a park on a city-owned vacant lot across the street from my house. Can I vote on this item?

A. Yes, because a vote on this matter would not result in a direct and personal economic gain to you, the board member.

—*Not-for-profits*—

Q. I serve on the board of directors of a not-for-profit organization that is requesting City funding for an after-school program. Can I vote on a community board resolution supporting this request?

A. No. Public servants *are* permitted to serve as officers or directors of not-for-profit entities that are interested in business dealings with the City, provided that they take no direct or indirect part in such business dealings. So, the community board member **CANNOT** vote on the matter, but **CAN** partake in discussions on the matter.

Q. I serve as the paid Executive Director of a not-for-profit. A matter is coming up for vote at my community board that will not directly impact the not-for-profit where I work, but could have direct financial impact on one of the board members of my not-for-profit. Since I serve at the pleasure of my board members, am I allowed to vote or discuss this matter?

A. Because at your particular not-for-profit, your board controls whether or not you work there, you have a potential conflict of interest when one of these “bosses” of yours stands to gain from an action taken by your community board. In this particular case, once you disclose your conflict, you are free to discuss, but you **MAY NOT** vote on the matter.

Q. My spouse works for a local not-for-profit that has a matter coming before the community board where I serve. May I vote on and/or discuss this matter?

A. The answer to this question is, “it depends.” You should call the Conflicts of Interest Board for legal advice on this question. A number of factors will need to be weighed, including, in what capacity does your spouse serve the not-for-profit, how large is the organization, and how likely is it that the vote will result in a direct financial benefit to your spouse.

—*Outside financial interests*—

Q. I am an employee of ABC Properties, a real estate developer. ABC wants to construct a building in my district, and has applied for a zoning variance

to build a larger building. When the application comes before my community board, can I discuss the project with my fellow board members? Can I vote on it?

A. A community board member is permitted to have an interest in a firm that may be affected by an action of the board. The member must disclose the interest to the board, and is then free to discuss the matter with his or her fellow board members. *However*, a community board member is not permitted to vote on any matter that may result in a personal and direct economic gain to him/herself or anyone associated with the member. So no, you cannot vote on this matter.

Q. My firm represents ABC Properties on the project described above. Can I appear on behalf of ABC before my board? Can my partner?

A. A community board member may not represent a private client before his or her board, whether the member is a lawyer, architect, engineer, planner, or any other representative. However, the member may be able to obtain a waiver from the Conflicts of Interest Board to permit the member's partner to represent the client before the board.

Q. Does having a potential conflict of interest affect my potential committee assignments? What about serving as a chairperson?

A. A community board member may serve on a committee, even if that committee is likely to consider matters concerning the member's private interests. Of course, the member must disclose the interests as they come before the committee and may participate in discussions related to the interests, but is NOT permitted to vote on those matters. If, however, you serve on such a committee that is likely to consider your private interests, you may not be the chair of that committee.

EXAMPLE: John is a community board member who owns a bar located in the district. John may sit the committee that considers liquor license applications. Any matters relating directly to his bar would pose a conflict of interest for John. Before participating in discussions related to his bar, John would need to disclose ownership of the bar, would be free to participate in discussions related to the bar, but would NOT be eligible to vote on those issues. Also, John could not serve as chairperson of this committee.

Q. I own a stationery store near our board's district office. Can the board purchase stationery and supplies from me?

A. No. A board member may not have an interest in a firm that is directly engaged in business dealings with the board itself.

—Soliciting donations for the community board—

Q. My board wants to publish a Youth Services Directory. Can we ask for donations from local businesses to pay for printing the directory?

A. Yes, with certain conditions. A community board can solicit and accept donations from individuals and firms, except where those individuals and firms have matters before or about to come before the board, or where a solicitation would likely be perceived as a promise of special treatment in return for a contribution.

These materials are intended as a general guide. For more information on the Board or on the conflicts of interest law, call or write the Board.

FOR ADDITIONAL INFORMATION, CONTACT

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***OR VISIT THE BOARD'S WEB SITE AT
<http://nyc.gov/ethics>***