



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 entitled to vote on *any* matter concerning the member's agency. Also, a board member may not chair a committee that is likely to consider matters involving the City agency he or she works for, but may serve on the committee.

—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. While you would not be entitled to vote on a matter that would result in a "direct and personal" economic gain to you, a family member, or a business associate, it appears that in this case any benefit to you (e.g., the possible increased value of your property and that of your neighbors) would be indirect; by comparison, if the matter involved the sale of your own

property, you would not be entitled to vote.

—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. Community board members are permitted to serve as officers or directors of not-for-profit entities that are interested in business dealings with the City, but are not entitled to vote on matters that involve the not-for-profit, and would not be permitted to use their City positions to benefit the not-for-profit directly. So, the community board member may discuss (after disclosing, of course) the matter before the board, but is not entitled to vote on the matter.

—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 entitled to vote on any matter that may result in a personal and direct economic gain to the member, his or her family, or business associates. So, you may not vote on ABC's application.

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

A. No and no. A community board member may not represent a private client before his or her board; that restriction applies to your entire firm. You may, however, be able to obtain a waiver from the COIB.

Q. I am an architect and I regularly have clients appearing before my board's consents and variances committee. Can I be on that committee? Can I be the chairperson?

A. A Board member may serve on a committee that is likely to consider matters concerning the member's private interests, although the member must disclose all such interests prior to discussing them, and is not entitled to vote on those matters. However, the member may not be the chair.

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.

FOR ADDITIONAL INFORMATION, CONTACT

**NEW YORK CITY CONFLICTS OF INTEREST BOARD
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**OR VISIT THE BOARD'S WEB SITE AT
<http://nyc.gov/ethics>**

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