

## Plain Language Guide to Chapter 68 of the City Charter for Community Board Members

*“Public service is a public trust.”*

As a community board member, you are a public servant subject to the City’s conflicts of interest law, and you have the responsibility to serve your community in a way that promotes public confidence in governmental process and decision-making.

Conflicts of interest may arise when your community board service intersects with your private employment, property interests, volunteer work, or the financial interests of your close family members and business associates.

This plain language guide to the conflicts of interest law is intended to help you navigate some common issues that may arise during your community board service. This guide, however, is not intended to replace the language of the City Charter and the Board Rules. Please **call the Board at (212) 442-1400** and press “2” to speak with the Attorney of the Day to obtain confidential advice about whether your proposed actions comply with the conflicts of interest law. You can also reach a Board attorney by email at: [aod@coib.nyc.gov](mailto:aod@coib.nyc.gov).

## VOTING

As a community board member, you will vote on matters before the committees on which you sit or before the entire community board. Before casting your vote, consider these important conflicts of interest rules:

- You may not vote on any matter that may result in a personal and direct economic gain to yourself or to any person or firm “associated” with you.<sup>2</sup> Your associated persons and firms include:
  - ◊ close family members (specifically, your spouse or domestic partner and any parent, child, or sibling);

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<sup>1</sup> [Charter Section §2600.](#)

<sup>2</sup> [Board Rules § 1-15\(a\).](#)

- ◇ your private employer (both the entity and any individual who may hire or terminate you, assign work to you, approve your leave, or evaluate your performance);
  - ◇ if you work for a not-for-profit organization, any person who or firm that donates at least 10% of your organization's operating budget;
  - ◇ any not-for-profit organization where you serve as a board member;
  - ◇ any firm in which you have an ownership interest; and
  - ◇ any other person or firm with whom or which you have a business or financial relationship.<sup>3</sup>
- If you work for the City, or for any other governmental or quasi-governmental entity (such as a public authority or a local development corporation), you may not vote on any matter involving that entity.<sup>4</sup>

Even if the conflicts of interest law prohibits you from voting on a particular community board action, you may participate in the discussion as a community board member, but you must first disclose your private interest at the meeting.<sup>5</sup>

## *Voting: Examples*

**Example 1:** You own an apartment building located within a neighborhood-wide rezoning project and is one building of thousands that will be subject to the new rezoning rules. Although your building will be affected by the rezoning, any effect will not be personal to yourself or your building but will be applied equally to the thousands of buildings within the rezoning area. Thus, you **may vote** on the rezoning.

**Example 2:** Your sister owns an apartment in a co-op that has applied for a special permit pursuant to the Uniform Land Use Review Procedure ("ULURP"). You **may not vote** on the permit because your sister, as a shareholder of the co-op, is the applicant. You may participate in discussion after disclosing your private interest.

**Example 3:** You own a restaurant within your community district. Your restaurant has applied for a renewal of its liquor license. You **may not vote** on the renewal of your restaurant's liquor license. You may participate in discussion after disclosing your private interest.

**Example 4:** You own a restaurant within your community district. A restaurant down the block from yours has applied for a renewal of its liquor license. You **may vote** on the renewal of the other restaurant's liquor license because any impact on your private interests is speculative and indirect.

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<sup>3</sup> [City Charter § 2601\(5\)](#) and Board [Rules § 1-15\(a\)\(3\)](#).

<sup>4</sup> [Board Rules § 1-15\(b\)\(2\)](#).

<sup>5</sup> [Board Rules §§ 1-15\(a\)](#) and [1-15\(b\)\(3\)](#).

**Example 5:** You are a board member of a not-for-profit organization dedicated to composting in New York City. Your community board is considering a resolution to call on the New York City Department of Sanitation to develop curbside composting in your district. You **may vote** on the resolution, even if the organization has taken a policy position on the resolution.

**Example 6:** You are a Planner for the New York City Department of Transportation (“DOT”). DOT seeks a resolution from your community board supporting its plan to install a bike lane in your district. You **may not vote** on the resolution. You may participate in discussion after disclosing your employment with DOT.

A final note on voting and recusals: These rules are not intended to affect a community board’s quorum requirements or how the community board counts votes of members entitled to vote. Those requirements are laid out elsewhere in the City Charter.

## Chairing Community Board Meetings and Committees

You may be appointed to serve on a committee or subcommittee at your community board. You can serve on any committee to which you are appointed, but there are several rules to consider before you chair a community board meeting, committee, or subcommittee:

- You may not chair any specific meeting of the community board, committee, or subcommittee at which it is considering any matter particularly affecting your private employer, financial interest, or other private interest.<sup>6</sup>
- You may not serve as the chair of any community board committee or subcommittee that reviews matters particularly affecting your private employer, financial interest, or other private interest, including the interest of a person or firm “associated” with you, three or more times over a twelve-month period.<sup>7</sup>
- In addition, if you are employed by a government or quasi-government entity, you may not chair any community board committee or subcommittee that has jurisdiction over matters within the entity’s responsibilities.<sup>8</sup>

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<sup>6</sup> [Board Rules §§ 1-15\(c\)\(1\)\(i\)](#) and [\(c\)\(2\)\(i\)](#).

<sup>7</sup> [Board Rules §§ 1-15\(c\)\(1\)\(ii\)](#) and [\(iii\)](#).

<sup>8</sup> [Board Rules § 1-15\(c\)\(2\)](#).

# General Conflicts of Interest Provisions

The City's conflicts of interest law contains several provisions that apply to all public servants, including community board members:

- You may not use community board resources—including your community board email account, social media, computer, telephone, letterhead, vehicle, equipment, supplies, and personnel—for any non-City purpose, including your personal, business-related, or political activities.<sup>9</sup>
- You may not have an interest in a firm that does business with your community board, such as by contracting with or providing services to your community board.<sup>10</sup>
- You may not use or appear to use your position as a community board member to obtain a benefit—such as a gift, other financial gain, contract, license, or privilege—for yourself or for any “associated” person or firm.<sup>11</sup>
- You may not use or disclose confidential information obtained as part of your community board service.<sup>12</sup>
- You may not accept a “valuable gift,” defined as a gift or series of gifts worth \$50 or more over any twelve-month period, given to you as a community board member.<sup>13</sup>
- You may not represent your employer, any private clients, or other private interests in a presentation before your community board.<sup>14</sup>
- You may not appear as attorney or counsel against the interests of the City in any litigation to which your community board is a party.<sup>15</sup>
- You may not ask a staff member of your community board to volunteer, donate to, or otherwise participate in any political campaign.<sup>16</sup>
- You may not enter into a business or financial relationship with a staff member of your community board. Some types of prohibited business or financial relationships between a community board member and a community board staffer include:

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<sup>9</sup> [City Charter § 2604\(b\)\(2\)](#) and [Board Rules § 1-13\(b\)](#).

<sup>10</sup> [City Charter § 2604\(a\)\(1\)\(a\)](#).

<sup>11</sup> [City Charter § 2604\(b\)\(3\)](#).

<sup>12</sup> [City Charter § 2604\(b\)\(4\)](#).

<sup>13</sup> [City Charter §§ 2604\(b\)\(3\)](#) and [2604\(b\)\(5\)](#).

<sup>14</sup> [City Charter § 2604\(b\)\(6\)](#) and [Board Rules § 1-15\(b\)\(1\)](#).

<sup>15</sup> [City Charter § 2604\(b\)\(7\)](#).

<sup>16</sup> [City Charter §§ 2604\(b\)\(9\)](#) and [\(b\)\(11\)](#).

- ◇ employment or other similar relationship (such as attorney-client or agent-principal);
- ◇ a loan or loans totaling \$25 or more;
- ◇ purchase or sale of property valued at \$25 or more;
- ◇ shared ownership of property, including in a cooperative apartment building with fewer than six units;
- ◇ cohabitation;
- ◇ the payment of each other's recurring expenses, such as rent or payments for a vehicle.<sup>17</sup>

*This material is intended as a general guide. It is not intended to replace the text of the law (City Charter § 2604). For more information or to obtain answers to specific questions, you may write or call the Board.*

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<sup>17</sup> **[City Charter §§ 2604\(b\)\(14\)](#)** and **[Board Rules § 1-10](#)**.