

EXCEPTIONS TO CONFLICT OF INTEREST

Board members, officers and employees will not be deemed to have a conflict of interest in any of the exceptions listed in §802 of the General Municipal Law, including:

1. Contracts with membership corporations or other voluntary not-for-profit corporations or associations (e.g., Taylor Law collectively negotiated agreements, contract with a not-for-profit health services organization). [§802(1)(f) GML] [*Note*: No Board member is prohibited from voting on collectively negotiated agreements which are applicable to his/her spouse or child];
2. Appointment of a teacher who is a relative or spouse of a Board member, is permitted upon a two-thirds supermajority vote, without limiting any Board member's right to vote. [§3016 Education Law]
3. The employment of a Board member as school physician is permitted upon a two-thirds vote of the Board. [§802(1)(i) GML]
4. Contracts entered into by the district with a person who is subsequently elected or appointed to the Board, a school district office or employment remain valid, except the contract may not thereafter be renewed. [§802(1)(h) GML]
5. A contract with a corporation of which the interest of the Board member officer or employee is, by reason of stockholding, less than 5% of the outstanding shares. [§802(2)(a) GML]
6. Contracts between the district and a Board member, officer or employee in which the total amount does not exceed \$750 in any fiscal year. [§802(2)(e) GML]
7. Where application of the conflict of interest rules would necessitate the engagement of a bank or trust company outside of the municipality or school district, the Board may designate a bank or trust company in which the Board president, treasurer or deputy treasurer has an interest in such entity. The designation shall be as a depository, paying agent or registration agent for the investment of funds. [§802(1)(a) GML]
8. A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest prohibited solely by reason of employment as an officer or employee of such other entity, if their compensation will not be directly affected as a result of the contract with the municipality or school district and duties do not directly involve the procurement, preparation or performance of any part of the contract. [*Appeal of Vivlemoe*, 33 EDR 174 (1993)]
9. The designation of a newspaper, including an official newspaper, for the publication of notices, resolutions or other proceeding where publication is otherwise required or authorized by law. [§802(1)I GML]
10. The purchase of real property or any interest therein when approved upon a petition to the State Supreme Court by the board of education. [§802(1)(d) GML]

11. Acquisition of real property or an interest in real property through eminent domain proceedings. [§802(1)(f) GML]
12. Sale of bonds and notes pursuant to section 60.10 of the Local Finance Law. [§802(1)(g) GML]