

**BY-LAWS  
OF THE  
HOUSING AUTHORITY  
OF THE  
CITY OF CAMBRIDGE, MASSACHUSETTS**

**ARTICLE I – THE AUTHORITY**

Section 1. Name of Authority. The name of the Authority shall be “Cambridge Housing Authority.”

Section 2. Seal of Authority. The Seal of the Authority shall be in the form of a circle and shall bear the following words:

“Cambridge Housing Authority, Massachusetts, Established 1935.”

Section 3. Office of Authority. The offices of the Authority shall be at 362 Green Street in the City of Cambridge, Massachusetts, but the Authority may have offices at such other places or place as the Authority may from time to time designate by resolution.

**ARTICLE II – DECLARATION OF POLICY**

Section 1. General Policy. It shall be the settled policy of the Board of Commissioners to determine only matters of general policy to include, but not be limited to, procurement, personnel, financial, and property use; and to delegate the execution of such general policies and administrative duties to the Executive Director and the staff of the Authority. The Board of Commissioners shall observe the Authority’s chain of command and act collectively to avoid situations where they appear to be managers instead of policy makers. The Executive Director is charged with the day-to-day responsibility of operating the Authority and executing its policies.

**ARTICLE III - COMMISSIONERS**

Section 1. Composition. The Authority shall have five commissioners, appointed or elected as provided in Massachusetts General Laws chapter 121B, as it may be amended.

Section 2. Powers and Responsibilities. The Board of Commissioners shall have general power to control and manage the affairs of the Authority consistent with Massachusetts General Laws, the Authority’s personnel policies, and these Bylaws. The Board of Commissioners shall also have the responsibility to provide oversight to ensure adherence of all pertinent legal and fiscal matters of the Authority.

Section 3. Officers. The Officers of the Authority shall be a Chairperson, a Vice-Chairperson, a Treasurer, and an officio Secretary, who shall be the Executive Director of the Authority.

Section 4. Chairperson. The Chairperson shall be a Commissioner of the Authority and qualified and willing to accept responsibilities outlined in these Bylaws, as follows:

- a. Preside at all Meetings of the Authority.
- b. Sign all contracts, deeds and other instruments made by the Authority in accordance with specific resolutions or where such signature is required by law, procurement policy or otherwise.
- c. With the approval of the Board, appoint all Standing and Ad Hoc Committees and their members and Chairs.
- d. Call Regular and Special Meetings of the Authority in accordance with these Bylaws.
- e. See that all books, reports, statements, and certificates required by law are properly kept, made and filed according to law.
- f. Enforce these Bylaws and perform all duties incidental to the position of Chairperson as is required by law.

Section 5. Vice-Chairperson. The Vice-Chairperson shall perform the duties of the Chairperson in the absence or incapacity of the Chairperson and in case of the resignation or death of the Chairperson, the Vice-Chairperson shall perform such duties as are imposed on the Chairperson until such time as the Authority shall appoint a new Chairperson.

Section 6. Treasurer. The treasurer shall be responsible for the safeguarding of all funds received by the Authority and for their proper disbursement and shall ensure that a financial report is made to the Board on at least an annual basis.

Section 7. Secretary. The Executive Director of the Authority shall be ex officio Secretary. In that capacity they shall keep the records of the Authority, shall act as Secretary of the meetings of the Authority and shall act as Secretary of the meetings of the Authority and record all votes, and shall keep a record of the proceedings of the Authority in a journal of proceedings to be kept for such purpose, and shall perform all duties incidental to this office. they shall keep in safe custody the seal of the Authority and shall have power to affix such seal to all contracts and instruments authorized to be executed by the Authority.

Section 8. Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or the By-Laws or rules and regulations of the Authority.

Section 9. Election or Appointments. The Chairperson, Vice-Chairperson and Treasurer shall be elected at the annual meeting of the Authority from among the

commissioners of the Authority, and shall hold office for one year or until their successors are elected and qualified.

Section 10. Vacancies. Should the offices of the Chairperson, Vice-Chairperson or Treasurer become vacant, the Authority shall elect a successor from its membership at the next regular meeting and such election shall be for the unexpired term of said office. When the office of Secretary becomes vacant, the Authority shall appoint a successor, as aforesaid, to serve until the position of Executive Director of the Authority shall be next filled.

Section 11. Conflict of Interest. The Board of Commissioners shall comply with the Conflict of Interest Policy (Attachment 1) which is hereby incorporated by reference.

Section 12. Committees. The Board may from time to time create Special Committees to review and make recommendations on administrative and economic practices of the Authority in collaboration with the Secretary/Executive Director. All Special Committees will report to the Board at its Regular and Special Meetings. The Board will at times ratify or revoke the action of the Special Committees. Two (2) members of the Board of Commissioners shall constitute a committee and a quorum. A majority vote of said two (2) members shall be sufficient for a determination.

Section 13. Training Requirements. Upon appointment and reappointment or election and reelection, all commissioners shall complete a training program within 90 days of assuming the commissioner's position. Commissioners shall complete a training program every 2 years. Failure to complete a training program within 90 days of assuming a position as a Commissioner or failure to complete a training program every 2 years may constitute neglect of duty and that Commissioner may be subject to removal proceedings in accordance with Massachusetts General Laws Chapter 121B Section 5B.

#### **ARTICLE IV – EXECUTIVE DIRECTOR**

Section 1. Executive Director. The Executive Director of the Authority shall have general supervision over the administration of the business and affairs of the Authority, subject to the direction of the Authority. The Executive Director shall be appointed by the Authority and shall have such term as the Authority fixes.

The Executive Director's responsibilities shall include but not be limited to, the following:

- a. General supervision over the administration of the Authority's business and affairs, subject to the direction of the Board. The Board agrees that the Executive Director shall be the Authority's chief administrative officer and shall be directly in charge of personnel and shall be responsible for the hiring and discharging of all personnel;
- b. Management and maintenance of any and all housing projects and programs of the Authority;

- c. Care and custody of all funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Board shall select;
- d. Keep regular books of accounts showing receipts and expenditures and shall render to the Board at each annual meeting, or more often as requested by the Board, an account of their transactions and the financial condition of the Authority;
- e. Prepare regular reports of the status of projects, results of present policy, and to recommend changes in policies to the Board and to keep the minutes and the records of the Authority's meetings in a satisfactory and legal form;
- f. Responsible for the selecting of tenants, the drawing and signing of leases, the collection of rents, and the use of legal actions as required under the direction of the Board and subject to the policies and procedures adopted by the Board;
- g. Negotiate contracts and make purchases in accordance with those procedures approved by the Board and maintain an adequate inventory of equipment and materials;
- h. Prepare the Management Plan, program budgets, and operating statements, as required by the Board.
- i. Administer the Authority in its fiscal, budgetary and personnel operations in a business-like manner in compliance with the regulations of the Department of Housing and Community Development and, where applicable, Department of Housing and Urban Development guidelines;

Section 2. Deputy Executive Director. The Deputy Executive Director shall act in the absence of the Executive Director and shall have co-equal authority with the Executive Director to sign all orders and checks for the payment of money.

Section 3. Chief Financial Officer. The Chief Financial Officer shall be responsible for the accounting process of the Authority. they shall have the care and custody of all the funds of the Authority and shall deposit the same in the name of the Authority in such bank or banks as the Authority may select. They shall keep regular books of accounts showing receipts of expenditures which shall be open at all times for the inspection and examination by the Authority and they shall render to the Authority at each regular meeting (oftener when requested), an account of their transaction and also of the financial condition of the Authority.

Section 4. Additional Personnel. The Authority may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions and guidelines of the Department of Housing and Community Development of the Commonwealth.

## **ARTICLE V - MEETINGS**

Section 1. Annual Meetings. The annual meeting of the Authority shall be held on the first regular meeting in January, at 5:30 p.m., at the regular meeting place of the Authority.

Section 2. Regular Meetings. Regular meetings of the Authority shall be held on the second and fourth Wednesdays of each succeeding month at 5:30 p.m., at the office of the Authority, 362 Green Street, Cambridge, Massachusetts, and the Executive Director shall notify each member of said meeting in writing at least one week prior to the holding of said regular meeting. The Notice of Meeting shall also be posted in accordance with the requirements of the Open Meeting Law of the Commonwealth.

Section 3. Special Meetings. The Chairperson of the Authority may, when they deem it expedient, and shall, upon the written request of two members of the Authority, call a special meeting of the Authority for the purpose of transacting any business designated in the call. The call for a special meeting shall either be delivered to each member of the Authority at least one day prior to the date of said meeting or be mailed to the business or home address of each member of the Authority at least two days prior to the date of such special meeting. Except as hereinafter provided, no business other than as designated in the call, shall be considered at such special meeting. If all the members of the Authority are present at a Special Meeting, any and all business may be transacted at such special meeting. Notice of Special Meetings shall be posted in accordance with the requirements of the Open Meeting Law of the Commonwealth.

Section 4. Executive Session. The Chairperson of the Board of Commissioners shall, upon motion of any Board member, recess a Regular or Special meeting to go into executive session to discuss only those matters permitted by the Massachusetts Open Meeting Law, as follows:

- a. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties.
- b. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;
- c. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;
- d. To discuss the deployment of security personnel or devices, or strategies with respect thereto;
- e. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;
- f. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;
- g. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

- h. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;
- i. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity; and
- j. To discuss trade secrets or confidential, competitively sensitive or other proprietary information.

Section 5. Quorum. At all meetings of the Authority, a majority of the members of the Authority shall constitute a quorum for the purpose of transacting business, provided that a smaller number may meet and adjourn to some other time or until a quorum is obtained.

Section 6. Parliamentary Authority. Except as otherwise stated in these Bylaws, all meetings shall follow the guidelines established by the Massachusetts Open Meeting Law and the Roberts Rules of Order (newly revised) shall govern the proceedings of all meetings.

Section 7. Order of Business. At the regular meetings of the Authority, the following shall be the order of business:

- a. Call to Order
- b. Roll Call
- c. Reading and approval of the Minutes of the previous Meeting
- d. Reports of the Executive Director
- e. Public Comment
- f. Bills and Communications
- g. Reports of Committees
- h. Unfinished Business
- i. New Business
- j. Adjournment

All resolutions shall be in writing and shall be copied in a journal of the proceedings of the Authority

Section 8. Manner of Voting. The voting on all questions coming before the Authority shall be by roll call, and the yeas and nays shall be entered upon the Minutes of such Meeting.

Section 9. Notice of Meetings. Public notice of meetings shall be distributed in accordance with Massachusetts Open Meeting Laws.

**ARTICLE VI – AMENDMENTS**

Section 1. Amendments to By-Laws. The by-laws of the Authority shall be amended only with the approval of at least three of the members of the Authority at a regular or a special meeting, but no such amendment shall be adopted unless at least seven days' written notice thereof has been previously given to all the members of the Authority.

**ADOPTED.**

These Bylaws are adopted on the 10th Day of March Month, 2021 Year.

*Gerard J Clark*  
BY: [Gerard J Clark \(Mar 18, 2021 09:59 EDT\)](#)

Chairperson

ATTEST.  
SEAL

## ATTACHMENT 1

### **Summary of the Conflict of Interest Law for Municipal Employees**

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them. This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil penalty of up to \$ 10,000 (\$25,000 for bribery cases) for each violation. In addition, the Commission can order the violator to repay any economic advantage he gained by the violation, and to make restitution to injured third parties. Violations of the conflict of interest law can also be prosecuted criminally.

#### **I. Are you a municipal employee for conflict of interest law purposes?**

You do not have to be a full-time, paid municipal employee to be considered a municipal employee for conflict of interest purposes. Anyone performing services for a city or town or holding a municipal position, whether paid or unpaid, including full and part-time municipal employees, elected officials, volunteers, and consultants, is a municipal employee under the conflict of interest law. An employee of a private firm can also be a municipal employee, if the private firm has a contract with the city or town and the employee is a "key employee" under the contract, meaning the town has specifically contracted for her services. The law also covers private parties who engage in impermissible dealings with municipal employees, such as offering bribes or illegal gifts. Town meeting members and charter commission members are not municipal employees under the conflict of interest law.

#### **II. On-the-job restrictions.**

##### **(a) Bribes. Asking for and taking bribes is prohibited. (See Section 2)**

A bribe is anything of value corruptly received by a municipal employee in exchange for the employee being influenced in his official actions. Giving, offering, receiving, or asking for a bribe is illegal. Bribes are more serious than illegal gifts because they involve corrupt intent. In other words, the municipal employee intends to sell his office



by agreeing to do or not do some official act, and the giver intends to influence him to do so. Bribes of any value are illegal.

**(b) Gifts and gratuities. Asking for or accepting a gift because of your official position, or because of something you can do or have done in your official position, is prohibited. (See Sections 3, 23(b)(2), and 26)**

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

*Example of violation:* A town administrator accepts reduced rental payments from developers.

*Example of violation:* A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

**Regulatory exemptions.** There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

*Example where there is no violation :* A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

*Example where there is no violation :* A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

**(c) Misuse of position. Using your official position to get something you are not entitled to, or to get someone else something they are not entitled to, is prohibited. Causing someone else to do these things is also prohibited. (See Sections 23(b)(2) and 26)**

A municipal employee may not use her official position to get something worth \$50 or more that would not be properly available to other similarly situated individuals. Similarly, a municipal employee may not use her official position to get something worth \$50 or more for someone else that would not be properly available to other similarly situated individuals. Causing someone else to do these things is also prohibited .

*Example of violation:* A full-time town employee writes a novel on work time, using her office computer, and directing her secretary to proofread the draft.

*Example of violation:* A city councilor directs subordinates to drive the councilor's wife to and from the grocery store.

*Example of violation:* A mayor avoids a speeding ticket by asking the police officer who stops him, "Do you know who I am?" and showing his municipal I.D.

**(d) Self-dealing and nepotism. Participating as a municipal employee in a matter in which you, your immediate family, your business organization, or your future employer has a financial interest is prohibited. (See Section 19)**

A municipal employee may not participate in any particular matter in which he or a member of his immediate family (parents, children, siblings, spouse, and spouse's parents, children, and siblings) has a financial interest. He also may not participate in any particular matter in which a prospective employer, or a business organization of which he is a director, officer, trustee, or employee has a financial interest. Participation includes discussing as well as voting on a matter, and delegating a matter to someone else.

A financial interest may create a conflict of interest whether it is large or small, and positive or negative. In other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

*Example of violation :* A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

*Example of violation:* A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

*Example:* A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate

unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

*Example where there is no violation:* An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any committee discussions, the member files a disclosure with the zoning board of appeals that appointed him to his position, and that board gives him a written determination authorizing his participation, despite his company's financial interest. There is no violation.

There is also an exemption for both appointed and elected employees where the employee's task is to address a matter of general policy and the employee's financial interest is shared with a substantial portion (generally 10% or more) of the town's population, such as, for instance, a financial interest in real estate tax rates or municipal utility rates.

**Regulatory exemptions.** In addition to the statutory exemptions just mentioned, the Commission has created several regulatory exemptions permitting municipal employees to participate in particular matters notwithstanding the presence of a financial interest in certain very specific situations when permitting them to do so advances a public purpose. There is an exemption permitting school committee members to participate in setting school fees that will affect their own children if they make a prior written disclosure. There is an exemption permitting town clerks to perform election-related functions even when they, or their immediate family members, are on the ballot, because clerks' election-related functions are extensively regulated by other laws. There is also an exemption permitting a person serving as a member of a municipal board pursuant to a legal requirement that the board have members with a specified affiliation to participate fully in determinations of general policy by the board, even if the entity with which he is affiliated has a financial interest in the matter. Other exemptions are listed in the Commission's regulations, available on the Commission's website.

*Example where there is no violation:* A municipal Shellfish Advisory Board has been created to provide advice to the Board of Selectmen on policy issues related to shell fishing. The Advisory Board is required to have members who are currently commercial

fishermen. A board member who is a commercial fisherman may participate in determinations of general policy in which he has a financial interest common to all commercial fishermen but may not participate in determinations in which he alone has a financial interest, such as the extension of his own individual permits or leases.

**(e) False claims. Presenting a false claim to your employer for a payment or benefit is prohibited and causing someone else to do so is also prohibited. (See Sections 23(b)(4) and 26)**

A municipal employee may not present a false or fraudulent claim to his employer for any payment or benefit worth \$50 or more or cause another person to do so.

*Example of violation:* A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

**(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))**

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

*Example where there is no violation:* A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

**(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))**

Municipal employees may not improperly disclose confidential information or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

### **III. After-hours restrictions.**

#### **(a) Taking a second paid job that conflicts with the duties of your municipal job is prohibited. (See Section 23(b)(1))**

A municipal employee may not accept other paid employment if the responsibilities of the second job are incompatible with his or her municipal job.

*Example:* A police officer may not work as a paid private security guard in the town where he serves because the demands of his private employment would conflict with his duties as a police officer.

#### **(b) Divided loyalties. Receiving pay from anyone other than the city or town to work on a matter involving the city or town is prohibited. Acting as agent or attorney for anyone other than the city or town in a matter involving the city or town is also prohibited whether or not you are paid. (See Sec. 17)**

Because cities and towns are entitled to the undivided loyalty of their employees, a municipal employee may not be paid by other people and organizations in relation to a matter if the city or town has an interest in the matter. In addition, a municipal employee may not act on behalf of other people and organizations or act as an attorney for other people and organizations in which the town has an interest. Acting as agent includes contacting the municipality in person, by phone, or in writing; acting as a liaison; providing documents to the city or town; and serving as spokesman.

A municipal employee may always represent his own personal interests, even before his own municipal agency or board, on the same terms and conditions that other similarly situated members of the public would be allowed to do so. A municipal employee may also apply for building and related permits on behalf of someone else and be paid for doing so, unless he works for the permitting agency, or an agency which regulates the permitting agency.

*Example of violation:* A full-time health agent submits a septic system plan that she has prepared for a private client to the town's board of health.

*Example of violation:* A planning board member represents a private client before the board of selectmen on a request that town meeting consider rezoning the client's property.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private

employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example: A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

*Example:* A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

**(c) Inside track. Being paid by your city or town, directly or indirectly, under some second arrangement in addition to your job is prohibited, unless an exemption applies. (See Section 20)**

A municipal employee generally may not have a financial interest in a municipal contract, including a second municipal job. A municipal employee is also generally prohibited from having an indirect financial interest in a contract that the city or town has with someone else. This provision is intended to prevent municipal employees from having an "inside track" to further financial opportunities.

*Example of violation:* Legal counsel to the town housing authority becomes the acting executive director of the authority, and is paid in both positions.

*Example of violation:* A selectman buys a surplus truck from the town DPW.

*Example of violation:* A full-time secretary for the board of health wants to have a second paid job working part-time for the town library. She will violate Section 20 unless she can meet the requirements of an exemption.

*Example of violation:* A city councilor wants to work for a non-profit that receives funding under a contract with her city. Unless she can satisfy the requirements of an exemption under Section 20, she cannot take the job.

There are numerous exemptions. A municipal employee may hold multiple unpaid or elected positions. Some exemptions apply only to special municipal employees. Specific exemptions may cover serving as an unpaid volunteer in a second town position, housing-related benefits, public safety positions, certain elected positions, small towns, and other specific situations. Please call the Ethics Commission's Legal Division for advice about a specific situation.

#### **IV. After you leave municipal employment. (See Section 18)**

**(a) Forever ban. After you leave your municipal job, you may never work for anyone other than the municipality on a matter that you worked on as a municipal employee.**

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

*Example of violation:* A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

**(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.**

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

*Example :* An assistant town manager negotiates a three-year contract with a

company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

**(c) Partners. Your partners will be subject to restrictions while you serve as a municipal employee and after your municipal service ends.**

Partners of municipal employees and former municipal employees are also subject to restrictions under the conflict of interest law. If a municipal employee participated in a matter, or if he has official responsibility for a matter, then his partner may not act on behalf of anyone other than the municipality or provide services as an attorney to anyone but the city or town in relation to the matter.

*Example:* While serving on a city's historic district commission, an architect reviewed an application to get landmark status for a building. His partners at his architecture firm may not prepare and sign plans for the owner of the building or otherwise act on the owner's behalf in relation to the application for landmark status. In addition, because the architect has official responsibility as a commissioner for every matter that comes before the commission, his partners may not communicate with the commission or otherwise act on behalf of any client on any matter that comes before the commission during the time that the architect serves on the commission.

*Example:* A former town counsel joins a law firm as a partner. Because she litigated a lawsuit for the town, her new partners cannot represent any private clients in the lawsuit for one year after her job with the town ended.

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This summary is not intended to be legal advice and, because it is a summary, it does not mention every provision of the conflict law that may apply in a particular situation. Our website, <http://www.mass.gov/ethics>, contains further information about how the law applies in many situations. You can also contact the Commission's legal Division via our website, by telephone, or by letter. Our contact information is at the top of this document.