



Commonwealth of Massachusetts **STATE ETHICS COMMISSION**

One Ashburton Place - Room 619
Boston, Massachusetts 02108

Maria J. Krokidas
Chair

David A. Wilson
Executive Director

October 19, 2021

BY U.S. MAIL

Skipper Manter, Chair
Select Board
Town of West Tisbury
1059 State Road
PO Box 278, 1st Floor
West Tisbury, MA 02575



Re: Conflict of Interest Law Significance of Town Population Increase

Dear Mr. Manter:

According to the 2020 U.S. Census, the population of the Town of West Tisbury now exceeds 3,500 persons. As you may be aware, this increase in population has significance under the state conflict of interest law, General Laws chapter 268A.

Specifically, the town's population increase eliminates one of the exemptions to G.L. c. 268A, § 20 previously available to appointed West Tisbury employees. Section 20 generally prohibits a municipal employee from having a financial interest in a contract made by a municipal agency of the same municipality. As set forth in the final paragraph of section 20, an employee in a town having a population of less than 3,500 may hold more than one appointed position with the town, provided that the Select Board approves the exemption. State law requires that the Commission rely on the last preceding national census when interpreting the conflict of interest law. Due to the increase in the population of West Tisbury to over 3,500 persons, this exemption is no longer available to its appointed employees.

Pursuant to State Ethics Commission regulation 930 CMR 6.24(2), any appointed municipal employee who was previously eligible for and is still using an exemption duly granted, may continue to use the exemption until 120 days after this notice to the municipality. Thereafter, any such employee must either satisfy the requirements of another exemption to section 20, or comply with that section by reducing the number of appointed positions to one.

If town employees have questions about how this change will affect them, they may contact the Commission's Legal Division at (617) 371-9500, and ask to speak to the Attorney of the Day for advice.

Very truly yours,

/s/ Eve Slattery

Eve Slattery
General Counsel

cc: Jennifer Rand, Town Administrator (by U.S. mail and email)
Ronald H. Rappaport, Town Counsel (by U.S. mail and email - rrappaport@rrklaw.net)