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CLIENT ADVISORY

TO: FCAM
FROM: Mead, Talerman, & Costa
RE: Disclosures of Interest for Participation in Budgett Process
DATE: January 6, 2026

This Advisory is being offered in response to the State Ethics Commission's (the "Commission") issuance of an advisory letter to a Massachusetts police chief addressing participation in the municipal budget process. At this juncture, we advise that all Fire Chief's file a written disclosure as more fully outlined below prior to participating in the budget process.

That said, we have sought further clarification from the Commission as we contend there is a difference when a Fire Chief's salary is set by contract, bylaw or ordinance, as opposed to a Fire Chief who is in negotiations regarding their compensation. We will provide updated guidance once we receive a response from the Commission.

Summary of the State Ethics Commission Advisory Letter

The Commission has determined that participation in the annual budget, when the budget includes one's own salary, (1) constitutes "participation" in a "particular manner" under G.L. c. 268A, § 19(b)(1); and (2) Such participation may raise appearance-of-conflict concerns under G.L. c. 268A, §23(b)(3) when speaking publicly about a budget that affects one's own compensation or, in some cases, the compensation of an immediate family member.

I Advance Disclosures under G.L. c. 268A, § 19(b)(1)

G.L. c. 268A, § 19, prohibits participating in a particular matter affecting a municipal employee's financial interest, unless the employee first makes a written disclosure and the appointing authority issues a written authorization.

II Appearance-of Conflict Disclosure under G.L. c. 268A, § 23(b)(3)

G.L. c. 268A, § 23(b)(3) prohibits conduct creating the appearance of improper influence by a financial interest, unless the relevant facts are disclosed in writing.

Recommendation

An officer or employee should file a written disclosure pursuant to G.L. c. 268A, §19(b)(1) and obtain a written determination from the appointing authority before participating in any aspect of the budget process that affects their compensation. This includes preparing, presenting, explaining, or providing advice or recommendations regarding the annual budget.

A written disclosure under G.L. c. 268A, § 23(b)(3) should be filed whenever participation in the budget process could reasonably be perceived as affecting an individual's own compensation or, where applicable, the compensation of an immediate family member, particularly when speaking publicly about the budget.

Disclosures should be filed annually, prior to the commencement of the budget process, and maintained on file with the appointing authority or other appropriate municipal office,¹ so that they apply through the entire budget cycle.

Officers and employees may participate in budget matters of general applicability, provided they avoid advocating for or influencing line items that directly affect their own compensation or that of an immediate family member. Where deliberations are narrowly focused on individual compensation, abstention or recusal may be appropriate.

All disclosures, determinations, and any related disclaimers should be documented and retained as part of the municipality's official records,² and referenced in meeting minutes where applicable,³ to promote transparency and demonstrate compliance with the conflict-of-interest law.

Municipalities should provide regular ethics training to officials and employees involved in the budget process⁴ and encourage consultation with municipal counsel when questions arise.

Conclusion

Based on the aforementioned advisory, we recommend that all Fire Chiefs prepare and submit disclosures pursuant to § 19(b)(1) and § 23(b)(3) each year prior to presenting their department's budget until further notice.

¹ See G.L. c. 66, § 10

² Id.

³ See G.L. c. 30A, § 22

⁴ See G.L. c. 268A, § 28 (requiring conflict-of-interest law education and certification for public employees).