

Town of New Gloucester



Code of Ethics Policy

Adopted: April 14, 2014
Revised: August 5, 2019

TOWN OF NEW GLOUCESTER CODE OF ETHICS POLICY

Purpose

The purpose of this Code of Ethics is to establish standards of ethical conduct for all Select Board members, Planning Board members, members of appointed boards and committees, and Town employees by setting forth those acts or actions which are deemed to be in conflict, or which create the appearance of conflict, with the ethical standards of the Town of New Gloucester.

This policy requires that the Town's Select Board members, Planning Board members, members of appointed boards and committees, and employees be fair, impartial, equitable and responsive to the needs of the people and each other in the performance of their respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office or employment not be used for personal gain or financial advantage; and that Select Board members, Planning Board members, members of appointed boards and committees, and Town employees maintain a standard of ethical conduct that will inspire public confidence in the integrity of the Town's government.

Statutory Standards

It is the duty of every Town officer, Town official and Town employee to support the Constitution of the United States and the Constitution of the State of Maine. There are certain provisions of the general statutes of the State of Maine which, while not set forth herein, should be considered an integral part of this Code of Ethics. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated into this Code of Ethics by reference to the extent applicable:

- 17 MRSA SS 3104 Conflicts of Interest; Purchases by the State
- 17-A MRSA SS 456 Tampering with Public Records of Information
- 17-A MRSA SS 602 Bribery in Official and Political Matters
- 17-A MRSA SS 603 Improper Influence
- 17-A MRSA SS 604 Improper Compensation for Past Action
- 17-A MRSA SS 605 Improper Gifts to Public Servants
- 17-A MRSA SS 606 Improper Compensation for Services
- 17-A MRSA SS 607 Purchase of Public Office
- 17-A MRSA SS 608 Official Oppression
- 17-A MRSA SS 609 Misuse of Information
- 17-A MRSA SS 903 Misuse of Entrusted Property
- 21-A MRSA SS 504 Persons Ineligible to Serve
- 30-A MRSA SS 2605 Conflicts of Interest
- 30-A MRSA SS 5122 Interest of Public Officials, Trustees or Employees

Avoidance of Appearance of Improper Influence

It is the goal of this Code of Ethics that every citizen shall receive fair and impartial consideration on any matter coming before the Select Board, the Planning Board, the Town's appointed boards and committees and any Town employee. No Town officer, Town official or Town employee shall make any promise or pledge to any person concerning any matter to be considered by that Town officer, Town official or Town employee in an official capacity except upon a fair and impartial consideration of the relevant facts in the appropriate forum.

Town officers, Town officials and Town employees should conduct their official and personal affairs in such a manner as to avoid any appearance of improper influence in the performance of their official duties.

Fair and impartial consideration dictates that Town officers, Town officials and Town employees make their decisions in the appropriate public forum and not take official action until they have given a careful and objective consideration to the facts pertaining to a particular issue coming before them. They should not prejudge matters coming before them in their official capacity and should not make promises or commit to a course of action until all of the relevant facts have been considered.

Disclosure of Confidential Information

No Town officer, Town official or Town employee shall use confidential or advance information obtained by virtue of office, appointment or Town employment for personal or financial advantage.

No Town officer or official shall, to the detriment of the Town, disclose confidential information concerning the property, government or affairs of the Town; nor shall he/she use such information to advance the financial or private interest of him/herself or others. For purposes of this section, the term "confidential information" shall mean any information, oral or written, which comes to the attention of, or is available to, such Town municipal officer or official only because of his or her position with the Town, and is not a matter of public record. Information received and discussed during an executive session of the New Gloucester Town Select Board called pursuant to 1 MRSA §405 et seq. shall be considered within the constraints of this section, and shall not be disclosed to any third party.

In the case of real estate transactions, the potential use of confidential information and knowledge to further a Town officer's, Town official's or Town employee's personal interests requires special consideration. Purchase and sales of real estate which might be regarded as speculation for quick profit ought to be avoided, particularly in situations where the Town officer, Town official or Town employee may have inside or advance information as a result of his/her office or employment with the Town.

Voting

It is the duty of Town officers and officials to faithfully discharge the duties of their offices. In the conduct of public business, no Town officers or officials should be excused from voting except on matters involving consideration of their own official conduct, or where their personal or financial interests may create a conflict or an appearance of conflict.

It is the obligation of all Town officers and officials to fully and faithfully discharge their duties. This includes voting on all matters coming before them even when such votes will not be popular, except in circumstances where the Town officer or official is excused from voting due to a conflict or appearance of conflict under this Code of Ethics.

Disclosure of Personal Interest

The conduct of public business shall be free from any undisclosed financial or personal interests on the part of any Town officer, Town official or Town employee and from any appearance of conflict. No Town officer, Town official or Town employee shall advocate in any public meeting or in his/her official capacity on any matter in which that Town officer, Town official or Town employee has a financial or personal interest, or where there is any appearance of conflict, except upon full and timely disclosure of that interest.

Town officers, Town officials and Town employees should endeavor to avoid holding any investment, directly or indirectly, in any business, commercial enterprise, or other private activity that conflicts with their official duties as a Town officer, Town official or Town employee. In the case of members of Town boards, where such a conflict exists, it should be disclosed to the board on which that public official sits prior to consideration of any decision to be made by that Board, and if requested by the membership of that Board, the officer or official should recuse him/herself from participating in any official action on any matter to which the conflict pertains. In the case of Town employees, any such conflicts should be disclosed to the employee's immediate supervisor and the Town Manager and, at the request of the employee's supervisor or the Town Manager, the employee should refrain from participating in the consideration of official action on any matter to which the conflict pertains.

Members of Town boards and committees should disclose any personal relationship to the board on which that Town officer or official sits in any instance where there could be the appearance of a conflict of interest.

Where there is doubt about a potential conflict or appearance of conflict due to an investment, financial holding, or personal relationship, the potential conflict or appearance of conflict should be disclosed to the board on which that Town officer or official sits prior to consideration of any decision to be made by that board, and if requested by the membership of that board, the Town officer or official should recuse him/herself from participation in the consideration of any official action on any matter to which the conflict or appearance of conflict pertains.

Contracts, Purchases and Employment

No Town officer or official shall participate directly by means of deliberation, approval or disapproval, or recommendation, in the purchase of goods and services for the Town, and the award of any contracts with the Town, where to his/her knowledge there is a financial interest, or special interest other than that possessed by the public generally, in such purchase or award, held by:

1. him/herself or a member of his/her immediate family;
2. a business in which he/she or a member of his/her immediate family serves as an officer, director, trustee, partner or employee in a supervisory or management position; or
3. any other person or business with whom he/she or a member of his/her immediate family are in business, or are negotiating or have an arrangement concerning future employment.

No Town officer or official shall participate by means of deliberation, approval or disapproval, or recommendation, in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for employment or employee, as the case may be, or vote for appointed positions, where said applicant or employee is:

1. a member of his/her immediate family; or
2. a person with whom either he/she or a member of his/her immediate family are in business.

Incompatible Employment

No Town officer or official shall engage in or accept private employment or render or sell services or goods for private interests when such employment or service is incompatible with the proper discharge of his/her official duties.

Solicitation of Future Employment

A Town officer or official shall not solicit future employment with any person who has a substantial matter pending before the Select Board, Board or Committee in which the officer or official was a member. A matter is "substantial" if it involves a financial value of one thousand (\$1,000) dollars or more or involves a question of policy of comparable significance. An individual who has served as an officer or official shall not, within one (1) year after termination of his/her service, assist any person, other than the Town, in any matter that was pending before the Select Board, Board or Committee in which he/she was a member or appear before the Select Board, Board, or Committee in which he/she was a member or assist any other person to make such an appearance.

Gifts and Favors

The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the duty of every Town officer, Town official and Town employee to refuse personal gifts, favors or special privileges in every instance where such Town officer, Town official or Town employee reasonably believes such gift, favor or special privilege would not have been extended but for the official position of such Town official or Town employee, or where there exists a reasonable belief that the donor's interests are likely to be affected by the official actions of the Town officer, Town official or Town employee, or where the gift is or may reasonably be considered to be designed to influence the official actions of the Town officer, Town official or Town employee.

No Town officer, Town official or Town employee should directly or indirectly solicit any gift or accept or receive any gift whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form of gift if it could be reasonably inferred or expected that (1) the gift was intended to influence their performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

The policy against solicitation or acceptance of gifts is limited to circumstances reasonably related to the possibility of improper influence or the appearance of improper influence. In *de minimums* situations. This guideline is not intended to preclude Town officers, Town officials and Town employees from participating in normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions and where there is no reasonable grounds to believe that a gift is motivated by an intent to improperly influence the Town officer, Town official or Town employee in the conduct of his/her official duties.

Use of Town Property and Facilities

No Town officer or official shall use or authorize others to use Town-owned property, including but not limited to, motor vehicles, equipment and buildings except for the following:

1. for Town business;
2. for purposes and on terms generally available to other persons;
3. according to a contract of employment with the Town in which use of such property is part of the compensation or a term of employment.

Representing Third Party Interests Before Town Agencies

No Town officer or official shall either appear on behalf of any third party interest before any Town agency, or represent a third party interest in any action, proceeding, or litigation in which the Town or one of its agencies is a party. Nothing herein shall prohibit a Town officer or official, on behalf of a constituent in the course of his or her duties as a representative of the electorate, or any Town officer or official, on behalf of his or her personal interest, from appearing before a Town agency. No Town officer or official shall appear on behalf of any third party interest before a Town agency of which he or she is a current member. Nothing herein shall prohibit a Town officer or official, on behalf of his or her personal interest, from appearing before any Town agency including that of which he or she is a current member. An officer or official who is employed or under retainer by a person having a matter pending before the agency of which the officer or official is a member shall disclose that fact and shall abstain from participation in the matter. Participation includes but is not limited to discussion and/or voting on the matter.

Conflicts of Interest

No Town officer or official shall, in such capacity, participate in the deliberation or vote, or otherwise take part in the decision-making process, on any agenda item before his/her collective body in which he/she or a member of his/her immediate family has a financial or special interest of a pecuniary nature, other than an interest held by the public generally.

Any Town officer or official who believes that he/she or a member of his/her immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or her collective body, shall disclose the nature and possible extent of such interest. Such disclosure shall be made no later than the date of the first meeting of the board at which the agenda item is to be taken up for consideration, recommendation, discussion or vote and at which the Select Board or appointee is present. The collective body will vote to determine if there is a conflict. Any Town officer or official who believes that any fellow Town officer or official, or a member of his/her immediate family has a financial or special interest, other than an interest held by the public generally, in any item before his/her collective body, shall disclose the possibility of such interest, and the Town Clerk or his/her designee shall make a record of such disclosure, with a copy forwarded to the Chair of the appropriate Board.

Once the issue of conflict has been initiated relative to an individual Town officer or official, and disclosure has been made as provided above, such individual's fellow Town officers or officials shall vote on whether or not such individual shall be excused from participating in the deliberation or vote.

To avoid the appearance of a violation of this section, once any individual Town officer or official is determined to have a conflict of interest in respect to any agenda item, said individual shall immediately remove him/herself from the meeting room or to the area of the room occupied by the general public. He/she shall not return to his/her regular seat as a member of the body until deliberation and action on the item is completed. Nothing herein shall require an individual Town officer or official to remove him/herself for any item contained on a "Consent Agenda" on which there is no deliberation, the individual's conflict has been determined by the other members, and the right to abstain from voting on the item has been granted.

Nothing herein shall be construed to prohibit any Town officer or official from representing his/her own personal interest by appearing before his/her collective body on any such agenda item.

Political Standards of Conduct

No Town officer or official shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties for the Town.

In conjunction therewith, no Town officer or official may use his/her official authority or position for the purposes of influencing or interfering with or affecting the results of any election, nor shall use his/her official authority or position to solicit/accept/receive funds or contributions from Town employees for political purposes. No Town officer or official may distribute pamphlets/handbills while he or she is performing their official functions and duties with the Town. Nothing herein shall be construed to prohibit any Town officer or official from participating in the political process in their capacity as private citizens. Acceptable conduct allows endorsements of a candidate, without the use of an official title.

Incompatible Employment of Office

No Town officer or official shall occupy any other office, elected or appointed, in any other governmental entity, where the duties of such office are incompatible with the proper discharge of his or her official duties with the Town. For purposes of this Code, the occupancy of any office, elected or appointed, with any other governmental entity by any municipal officer or official is hereby prohibited in any one of the following circumstances:

1. where the duties of the other office make it a physical impossibility to discharge the duties of the Town position; or
2. where one office is subordinate of the other; or
3. where one office carries the power of removal of the other; or
4. where the occupancy of both offices is otherwise prohibited by law.

Public Confidence

It is the duty of every Town officer, Town official and Town employee to uphold and carry out the laws of the State of Maine and the lawful ordinances and policies of the Town. No Town officer, Town official or Town employee shall knowingly take any action that would violate the laws of the State of Maine or that is inconsistent with the lawful ordinances and policies established by the Town.

Town officers, Town officials and Town employees should conduct themselves at all times so as to maintain public confidence in Town government and its lawful ordinances and policies. Town officers, Town officials and Town employees should comply with the laws of the State of Maine and the ordinances of the Town and should conduct themselves in a manner consistent with duly adopted Town policies.

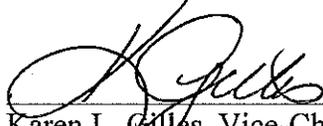
The penalties for violation of this Code of Ethics shall vary according to the type of position held:

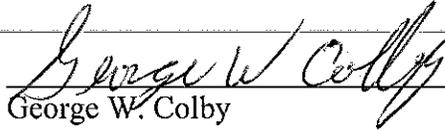
1. Elected Officers. For elected officers, when a violation is found by the elected board of which the officer is a member, the actions taken may range from a letter of reprimand by the Chair of the board, to a censure by a majority of the elected board, to a request for resignation from the elected position by a majority of the elected board.
2. Appointed Officials. For appointed boards, the same penalties shall apply as apply to elected officers, and, in addition, if the board or committee is appointed by the municipal officers of the Town, the municipal officers may remove an appointee for cause, after notice and public hearing, pursuant to 30-A M.R.S.A. §2601.
3. Town Employees. For employees of the Town, the penalties for violation of this Code of Ethics shall be governed by the Town's personnel policies as applicable, which include but are not limited to appropriate progressive discipline up to and including suspension and termination.

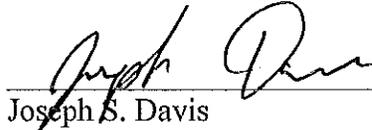
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Signed and approved by the Board of Selectmen on AUGUST 5, 2019.


Linda D. Chase, Chairman


Karen L. Gilles, Vice-Chairman


George W. Colby


Joseph S. Davis


Tammy L. Donovan

To be placed in the Pubic Officer's, Public Official's or Employee's Personnel File:

I have received, reviewed, and fully understand all of the components of the

**Town of New Gloucester
CODE OF ETHICS**

I submit the following as areas that might constitute a conflict of interest in the course of carrying out my official duties:

Name (Print) _____

Signature _____

Date _____

Supervisor Signature (if applicable) _____

Date _____