

CODE OF ETHICS AND CONDUCT POLICY TOWN OF ALNA, MAINE

Adopted September 7, 2022

Purpose

Pursuant to Maine Statute, it is the policy of the Town of Alna that the proper operation of democratic government requires that public officers, officials and members of all boards and committees, whether appointed or elected, be independent, impartial, and responsible to the citizens; that public service not be used for personal gain; and that the public have confidence in the integrity of its municipal government.

Section 1. Authority and Statutory Standards

This policy has been prepared in accordance with 30-A M.R.S.A. § 2605(7).

Section 2. Code of Ethics

A. Act in the Public Interest

Recognizing that stewardship of the public interest is our primary concern, Members will work for the common good of all the people of Alna and not for any group, private or personal interest.

B. Comply with the Law

Members will comply with all federal and state laws and the ordinances and policies of the Town of Alna in the performance of their public duties.

C. Conduct of Members

The professional and personal conduct of Members must be above reproach. Respectful behavior in all encounters is paramount.

D. Respect for Process

Members shall act in accordance with applicable written bylaws and policies, including guidelines and ground rules that may be adopted for meetings of the bodies on which they serve.

E. Conduct of Public Meetings

Members are expected to prepare for meetings by familiarizing themselves with relevant materials, including proposals, applications, and applicable ordinances. Members are expected to listen attentively to fellow Members and the public. Members shall base their decisions on the applicable laws and ordinances and on the information that has been presented to the Board or Committee.

F. Communications

Communications includes all forms of oral, written, or electronic communication, including telephonic, e-mail, text message, the internet, *etc.*

To avoid concerns about *ex parte* communications, Members of the Select Board shall refrain from substantive communications about potential or pending decisions with each other outside of public meetings. Members of the Planning Board and Board of Appeals shall refrain from substantive discussions about pending applications

with each other, the applicant, or members of the public outside of public meetings. If communications do take place, they must be disclosed completely to the relevant Board in the next scheduled public meeting of the Board.

G. Conflict of Interest and Bias

Conflict of interest: To assure independence and impartiality on behalf of the common good, Members will not use their positions to influence Member, Board, or Committee decisions in which they have a direct or indirect pecuniary interest, or where they or an immediate family member has an organizational or personal relationship that may give the appearance of a conflict of interest with regard to a potential or pending decision. Members will at the earliest opportunity disclose any potential or perceived conflicts of interest pertaining to a matter, application or decision at hand, and will abstain from participating as a Member in all relevant Board or Committee discussions and votes on matters where such conflicts or the perception of such conflicts exist.

Bias: Members shall abstain from discussion and voting if they are biased for or against an applicant or project such that they could not make an impartial decision. Members shall strongly consider abstaining from participating in all relevant Board discussions and voting on matters where the appearance of bias is raised.

Any challenge or question of whether a Member shall be disqualified from participating in discussions of or voting on a particular matter because of conflict of interest or bias or appearance of conflict of interest or bias shall be discussed in public at the relevant meeting and the disqualification decided by a majority vote of the Members present except the Member who is being challenged. Any disclosures and abstentions, and any challenges raised and voted on, shall be documented for the record in meeting minutes.

Notwithstanding the foregoing, Members may share their expertise in public meetings as a member of the general public on relevant issues, if asked by other Members, without stating an opinion or attempting to influence a decision. In such cases, the Member will vacate their official position and seat and join the general public for the relevant discussion.

H. Gifts and Favors

Members will not take special advantage of services or opportunities for personal gain in conjunction with their official role(s) that are not available to the general public. Members will refrain from accepting any gifts, or favors, or promises of future benefits which might compromise the appearance of independent judgment.

I. Confidential Information

Members will respect the confidentiality of information regarding personnel, property, and other affairs of the Town that are not a matter of the public record. Members must not disclose such information without proper authorization, nor use such information to advance personal, financial, or other private interests.

J. Use of Public Resources

Members will not use public resources such as staff time, equipment, supplies, and access to resources or facilities for private gain or personal purposes beyond such uses as are available to the public in general.

K. Representation of Private Interests

Members will not appear before other Members, the Select Board or any Board or Committee of the Town on behalf of the private interests of third parties on any matter which has or is likely to come before the Member in the course of their official duties.

L. Advocacy

When speaking on behalf of the town, Members will represent the official policies or positions of the Town to the best of their ability. When presenting personal opinions and positions, Members will explicitly state that they do not represent the Town of Alna, the Board, or the Committee with which they are affiliated, nor will they allow the inference that they do. This shall be made clear whether the opinion or positions are spoken publicly or whether they appear in print, or electronically such as e-mail, text message or on the internet, *etc.*

M. Independence of Boards and Committees

Because of the value of the independent advice of the Town's Committees and Boards to the public decision-making process, Members of the Boards and Committees will refrain from using their position to unduly influence the outcomes of the proceedings of Boards and Committees on which they do not serve.

N. Positive Work Environment

Members will support the maintenance of a positive and constructive work environment for Town employees and for citizens and businesses dealing with the Town. Members must not make inappropriate or excessively burdensome demands upon Town employees.

O. Implementation

Members will sign a Member Statement affirming that they understand and will abide by and uphold the provisions of this policy upon each election or appointment. Refusal to sign such a statement shall be grounds for termination of appointed Members, and enforcement action for elected officials as outlined below.

Section 3. Code of Conduct

Appropriate conduct by all Members is essential to effective government. This Code of Conduct outlines specific expectations regarding conduct in the following areas: General Conduct, and Conduct at Meetings.

A. General Conduct

- We will uphold the oath of office.
- We will be respectful at all times, and remind others to do the same.
- We will listen to and respect the taxpayers of Alna that we serve.
- We will represent all constituents that we serve and not just those from a specific geographic area or from a specific interest group.
- We will refer constituent or staff complaints to the appropriate municipal Member.
- We will promptly declare any actual or potential conflicts of interest between our personal lives and our municipal positions, and will avoid participating in and voting on issues that are or may appear to be a conflict of interest.
- We will promptly declare any bias and avoid the appearance of bias as we carry out our roles by clearly distinguishing our personal beliefs and opinions as separate from our duty to uphold the policies, rules, and ordinances of the town. We will avoid participating in and voting on issues that are or may appear to be influenced by bias.
- We will carry out activities professionally with honesty and integrity.
- We will be accountable for adhering to this code.
- We will respect the office we hold for the Town of Alna, at all times.

B. Conduct at Meetings

Attitudes:

- We will respect differences.
- Meetings will focus on tasks and processes, not personalities.
- We are all contributors - to the existing situation(s), to success or failure, and to the direction in which we proceed.
- We will practice self-respect and mutual respect, and remind others to do the same.
- We will criticize only ideas, not people, and only do so constructively.
- We will ensure civility in public discourse and will not tolerate threats or bullying.
- We will respect and encourage each other's participation, and support each other's right to be heard.
- We will be open to new concepts, keep an open mind, and appreciate other points of view.
- We will work as a team to implement board decisions, regardless of whether there is unanimity on each and every issue.
- We recognize that mistakes and differences of opinion, if handled constructively, contribute to the strength of the team.

Process:

- We will use our time wisely.
- We will publish our agenda and minutes.
- We will make every effort to attend meetings and be on time.
- We will maintain our focus on goals.
- We will communicate directly with one another on issues, acknowledge problems and deal with them constructively.
- We will keep our cell phones and pagers on vibrate during meetings.
- We will invite participation with one person talking at a time without interruption.

Section 4. Enforcement

The Select Board is responsible for the enforcement of this policy throughout the Town's positions, Boards and Committees. The Chairs of Boards and Committees also have the responsibility to intervene and engage the Select Board when actions of participating Members appear to be in violation of this policy or are brought to their attention.

Complaints of violations of this policy may be brought by any member of the public. A member of the Select Board will investigate the complaint and may consult with the Chair of the relevant Board or Committee, other relevant Members, Maine Municipal Association, and/or the Town's Attorney to determine whether the complaint warrants further discussion. If further discussion is warranted, a Select Board member shall inform the official who is the subject of the complaint and place the complaint on the next Select Board agenda for further discussion.

The purpose of the discussion of the complaint by the Select Board is to allow an opportunity for the Board to decide if an ethics hearing on the matter is appropriate. The Board shall conduct this discussion publicly, and allow time for all appropriate parties to be heard on the matter. If the Board votes to hold an ethics hearing, it shall be scheduled for the next regular or special meeting of the Board. The matter may be tabled to a later meeting but should be held as expeditiously as possible. If the Board votes not to have an ethics hearing, the vote shall be recorded in the minutes of the meeting and the matter is concluded without further action.

If an ethics hearing is held, a Select Board Member shall preside over the hearing and allow ample time for all appropriate parties to be heard on the matter. Once the hearing is closed, the Select Board shall discuss and vote on any motion. The result shall be recorded in the minutes of the meeting. If no motion reaches the floor or the motion fails, this result shall also be recorded.

Motions by the Select Board to acknowledge violations of this policy by an elected official shall be in the form of a censure. Motions by the Select Board to acknowledge inappropriate conduct by an appointed Member may be in the form of a reprimand, censure, suspension from office for a fixed period, or removal from office. A reprimand shall normally be verbal, with guidance as to standards of behavior expected in future. A censure shall be transmitted in

writing to the person censured, and to the Chair of the Board or Committee concerned if any. Suspension from service on a Board or Committee shall be for a period of not more than three meetings of the Board or Committee concerned. Removal from office shall take place with immediate effect or as allowed by law.

Section 6. Amendments

This policy may be amended by a unanimous vote of the Select Board when such amendment is published in a properly noticed meeting agenda, the opportunity for public comment is provided, and the amendment is discussed prior to a vote. Any amendment to this policy shall apply only to Members elected/appointed after the date the amendment is adopted.

Section 7. Severability

If any section, subsection, sentence, clause, or phrase of this policy is for any reason held to be invalid or unconstitutional, such validity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of the policy.

Section 8. Conflicts with Other Ordinances or Policies

Whenever a provision of this policy conflicts with or is inconsistent with another provision of this policy or of any other policy, ordinance, regulation or statute, the more restrictive provision shall control.

Section 9. Effective Date

This policy shall become effective upon the date of adoption.

Section 10. Definitions

Conflict of interest: Direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family, to his or her employer, or the employer of any member of the person's immediate family. It shall also include a situation where the Member by reason of his or her interest is placed in a situation of temptation to serve his or her own personal, occupational or organizational interest instead of the public's interest.

Ex Parte Communication: An oral, written or electronic communication not on the public record with respect to which reasonable prior notice to all relevant parties is not given.

Immediate Family: Domestic partner, spouse, children, grandchildren, parents, grandparents, siblings, aunts and uncles. This includes family members related by marriage, domestic partnership and adoption.

Member: A member of any Board or Committee and all elected and appointed positions of the Town of Alna.

Town of Alna Code of Ethics and Conduct Policy
Member Conflict of Interest Statement and Disclosure

As _____(insert Elected/Appointed role and Board/Committee,) I agree to uphold the Town of Alna Code of Ethics and Conduct Policy for elected and appointed officials and conduct myself by the following standards.

I will:

- Uphold the oath of office.
- Be respectful at all times, and remind others to do the same.
- Listen to and respect the taxpayers of Alna that I serve.
- Represent all constituents that I serve and not just those from a specific geographic area or from a specific interest group.
- Refer constituent or staff complaints to the appropriate municipal Member.
- Promptly declare any potential conflicts of interest between my personal life and my municipal position, and I will avoid participating in and voting on issues where there may be or may appear to be a conflict of interest.
- Avoid the appearance of bias as I carry out my role by clearly distinguishing my personal beliefs and opinions as separate from my duty to uphold the policies, rules and ordinances of the town. I will avoid participating in and voting on issues where they may be or may appear to be influenced by bias.
- Carry out activities professionally with honesty and integrity.
- Be accountable for adhering to this code.
- Respect the office I hold for the Town of Alna, at all times.
- Allow other board members to go on record as to their opinion of the existence of a conflict, and to vote to disqualify me from participating in and voting on the matter, if questions are raised as to a potential conflict of interest or the appearance of bias. I also agree to abide by the outcome of the Board's decision.

List of entities/person(s) doing business with the Town from which the person named on this form or any member of his/her immediate family received more than \$1,000 during the preceding fiscal year.

List of entities/person(s) doing business with the Town that the person named on this form or any member of his/her immediate family has an ownership interest in that exceeds \$1,000, including, but not limited to the ownership of shares of stock.

List of any non-profit or for-profit entities that do business or may potentially do business with the Town for which the person named on this form or a member of his/her immediate family holds a position of officer or board member. Please include the name of position served, the term of service, and compensation received (if it is more than \$1,000 per year in the aggregate.)

I am involved or affiliated with the following persons, activities, entities or matters that I am aware have a potential to affect or be affected by a pending town decision which might cause a conflict of interest in certain matters of Town business in the course of fulfilling my duties:

Name

Signature

Date

To be filed with the Town Clerk upon each election or appointment or when additional disclosure is warranted.