

ADMINISTRATIVE CODE

CODE OF ETHICS

Sec. 101 code of Ethics

**101.1. Declaration of Policy.** The proper operation of democratic government requires that Selectmen be fair, impartial 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 not be used for personal gain; and that such Selectmen maintain a standard of conduct that will inspire public confidence in the integrity of the Town’s government. In recognition of these goals, a Code of Ethics is hereby established for all Selectmen. This Code of Ethics is no intended to deny Selectmen their constitutional rights nor violate their civil rights.

**101.2 Statutory Standards.** There are certain provisions of the general statutes of the State of Maine which should, while not set forth herein, be considered an integral part of this Ordinance. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated by reference and made a part of this Code of Ethics, and shall apply to all Selectmen whenever applicable as if more fully set forth therein, to wit:

- 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 MRSA SS 533 Persons Ineligible to Serve as Election Officials
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- 30-A MRSA SS 2605 Conflicts of Interest
  - 30-A MRSA SS 5122 Interest of Public Officials, Trustees or Employees

**101.3 Definitions**

- A. Business – Any corporation, partnership, individual, sole proprietorship, joint venture, or any other legally recognized entity organized for the purposes of making a profit.

- B. Selectmen – Duly elected member of the Town of Norridgewock Board of Selectmen.
- C. Town Employee – any individual working for, on a permanent or temporary basis, and drawing a salary, wages or stipend from the Town of Norridgewock, except employees of School Administrative District 54. The term “Town Employee” shall not include consultants or special personnel providing services on a short-term contractual basis for less than one year.
- D. Immediate Family – Spouse, and the following when living in the household of a Selectman or appointee of the Selectmen: children, parents, brothers, and sisters or significant other.
- E. Financial Interest – A direct or indirect interest having monetary or pecuniary value including, but not limited to the ownership of shares of stock.
- F. Special Interest – A direct or indirect interest having value peculiar to a certain individual or group, whether economic or otherwise, which value may accrue to such individual or group as a result of the passage or denial of any order, ordinance or resolution or the approval or disapproval thereof, by the Selectmen or their appointees, and which interest is not shared by the general public.
- H. Censure – A judgment or resolution condemning a person for misconduct.

**101.4 Standards of Conduct** – The purpose of this code is to establish minimum ethical standards of conduct for all Selectmen by setting forth those act or actions deemed to be in conflict or incompatible, or to created the appearance of conflict or incompatibility, with the best interest of the Town of Norridgewock.

**101.5 Conflicts of interest** – No Selectman 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 for any contracts with or by the Town (except that he or she may be allowed to submit bids for same in accordance with the Town ordinances and under the laws of the State of Maine), where to his or 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:

- A. Himself or herself or a member of his or his or her immediate family ;

- B. a business in which he or she or a member of his or her immediate family serves as an officer, director, trustee, partner or employee in a policy making position; or
- C. any other person or business with whom he or she or a member of his or her immediate family are in business, or are negotiating to have an arrangement concerning future employment.

No Selectman 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 Town employment or Town employee, as the case may be, where the applicant or employee is:

- A. a member of his or her immediate family;
- B. A person with whom either he or she or a member of his or her immediate family are in business.

**101.6 Disclosure of Confidential Information** – No Selectman shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall he or she use such information to advance the financial or private interest of himself or herself or others. For purposes of this subsection, the term “confidential information: shall mean any information, oral or written, which comes to the attention of, or is available to, such Selectman 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 committee shall be considered within the constraints of this section, and shall not be disclosed to any third party unless permitted by affirmative vote of such body.

**101.7 Gifts and Favors** – No Selectman shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person and/or business which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any Selectman:

- a) Accept any gift, favor or thing of value that tends to influence him or her in the discharge of his or her official duties; or
- b) Grant in the discharge of his or her official duties any improper favor, service or thing of value.

**101.8 Use of Town Property** – No Selectman shall use, or permit the use of, any Town owned property including, but not limited to motor vehicles, equipment and buildings, for any private purposes. Nothing herein shall prohibit the use of Town buildings and equipment at rates and/or on terms as may be established (for the public at large).

**101.9 Conflicts of Interest**

(A) Deliberation and Vote Prohibited

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

(B) Disclosure of Interest in Agenda Items

Any Selectman who believes he, or a member of his 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 extent of such interest, and have it recorded by the Clerk on the Town records of such item.

(C) Determination of Conflict

Once the issue of conflict has been initiated relative to the individual Selectman, and disclosure has been made as provided above, the individual initiating the issue of conflict may request unanimous consent for the affected individual to be excused from participating in the deliberation or vote on the agenda item; if there is any objection to this unanimous consent request, such individual's fellow Selectman shall vote on whether or not such individual shall be excused from participating in the deliberation or vote, or otherwise taking part in the decision making process, on the relevant agenda item. Such individual shall be excused only upon a vote of the majority of his or her fellow Selectmen, that a conflict of interest in fact exists.

(D) Avoidance of Appearance of Conflict

Once any individual Selectman, has been determined to have a conflict of interest in respect to any agenda item, said individual may immediately remove himself or herself from the meeting room, or to the area of the room occupied by the general public, until deliberation and action on the agenda item has been completed.

(E) Personal Interest

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

**101.10 Disclosure Statement by Selectmen** – Every Selectman shall file with the Town Clerk within thirty (30) days after the effective date of this Section, and during the month of April during each calendar year thereafter, a written statement under

oath containing the following information, to the best of his or her knowledge or belief:

The name of each person or business doing business with the Town in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year from which such Selectman, or a member of his immediate family, has received money or other thing or value in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year, including campaign contributions.

For purposes of this Code, a list prepared by the Town Clerk of those persons or businesses doing business with the City in amount in excess of one thousand dollars (\$1,000.00) for the preceding calendar year shall be determinative for purposes of reporting under this section.

**101.11 Political Activities** – No Selectman 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 Selectman may solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes.

Nothing herein shall be construed to prohibit any Selectman from participating in the political process in his or her capacity as a private citizen.

**102 Penalties** – In addition to any other penalties or remedies as may be provided by law, violation of this Code shall constitute cause for censure, after notice and hearing conducted by the Board. A majority of the Board of Selectmen shall conduct such proceedings. In addition, on the application of at least ten (10) residents of the Town, the Superior Court may restrain proceedings in violation of this code.

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

**104 Adoption** – Administrative Code – Code of Ethics is adopted pursuant to Title 30-A M.R.S.A. Section 2605 (7) by the Board of Selectmen this 23<sup>rd</sup> day of February, 1994.

10. **ETHICS**

The members of the Board of Selectmen commit themselves to the highest ethical standards and adopt as their own the ethics policy approved by a prior Board in February, 1994. However, this policy should be reviewed and submitted to town Meeting to make it applicable to all elected officials of the Town of Norridgewock.

Board members shall make diligent effort to remain open-minded and receptive during any debate or deliberation, and shall not take an uncompromising or unyielding position prior to the discussions by the full Board. Individual members shall not contrive, scheme, nor barter votes on issues prior to meeting discussions, in order for the democratic process to continue unfettered in the public view. Rather, they shall examine the issues thoroughly in advance, so far as possible. They will solicit and share information with each other and the Town Manager, and permit the public Board discussions to determine the votes they will make, recognizing the need for negotiation and compromise on some occasions.

Adopted by the Board of Selectmen of the Town of Norridgewock this 3<sup>rd</sup> day of April, 2013

***Original signed document at the Town Office***

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Ronald Frederick

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Matthew Everett

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Charlotte Curtis

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James Hilton

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Sallie Wilder