

TOWN OF ACTON POLICY FOR CONDUCT OF ELECTED AND APPOINTED OFFICIALS

POLICY PURPOSE:

The Town of Acton adopts this Policy of Ethics and Conduct to ensure that all elected and appointed officials (hereinafter “Town Officials”), while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Acton's Town Government.

This policy is adopted pursuant to 30-A M.R.S.A. 2605(7).

A. ETHICS AND CONDUCT

The citizens and businesses of Acton are entitled to have fair, ethical and accountable local government, and the public should have full confidence that their elected and appointed officials:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial and fair in their judgment and actions;
- Use their public office for the public good; and
- Conduct public deliberations and processes openly, unless required or allowed by law to be confidential, in an atmosphere of respect and civility.

Therefore, all elected or appointed Town Officials shall conduct themselves in accordance with the following ethical standards:

- 1. Act in the Public Interest.** Town Officials will work for the common good of the Town and its citizens and businesses and not for private or personal interest or gain, and they will ensure fair and equal treatment of all persons, claims and transactions coming before them.
- 2. Comply with both the spirit and the letter of the laws, policies, ordinances and regulations.** Town Officials shall comply with the laws of the United States, the State of Maine, and the ordinances, policies and regulations of the Town of Acton in the performance of their public duties.
- 3. Conduct of Town Officials.** The professional and personal conduct of Town Officials while exercising their office must be above reproach and avoid even the appearance of impropriety. Town Officials shall refrain from harassment, abusive conduct, intoxication, dishonesty or unprofessionalism.
- 4. Alcohol and substance abuse.** Town Officials are prohibited from consuming drugs or alcohol while performing their duties. Town Officials are prohibited from performing duties while impaired or under the influence of drugs or alcohol. These restrictions apply to performance of all duties, including meeting participation.
- 5. Conduct at public meetings.** Town Officials shall prepare themselves for public issues and listen courteously and attentively to all public discussions before the body.
- 6. Statutory Standards.** Town Officials shall familiarize themselves and comply with all state laws regarding Conflicts of Interest. See e.g. 30-A M.R.S.A. 2605.

7. Disclosure of Confidential Information. No Town Official shall, without proper legal authorization, disclose confidential information obtained in the performance of their duties; nor shall he or she use such information to advance his or her financial or private interest or the financial or private interests of 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 Town Official only because of his or her position with the Town, and is not subject to public disclosure under the Freedom of Access Act. Information received and discussed during an executive session of the Board of Selectmen or any Town Board or Committee 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 unless permitted by affirmative vote of such body.

8. Gifts and Favors. No Town Official shall accept any gift, favor or thing of value, whether in the form of service, loan, thing or promise, from any person 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 Town Official: (1) accept any gift, favor or thing of value that tends to influence that individual in the discharge of his or her official duties; or (2) grant in the discharge of his or her official duties any improper favor, service or thing of value. Nothing herein shall prohibit the acceptance of gifts or favors by Town Officials from members of their immediate families. In determining whether a violation of this subsection has occurred, the Town Officials shall consider the monetary or pecuniary value of the gift, favor or thing received; any special economic value of the gift, favor or thing received may have to the recipient; the circumstances under which the gift, favor or thing concerned was received; and whether public disclosure of the receipt was made by the recipient at the time.

9. Use of Town Property. No Town Official shall use or permit 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. Nothing herein shall be deemed to prohibit private use of surplus Town property legally disposed of by the Town or its departments in compliance with established procedures.

10. Use of Public Resources. Town Officials shall not use public resources which are not available to the public in general (e.g. Town staff time, equipment, supplies, or facilities) for private gain or personal purposes not otherwise authorized by law.

11. Conflicts of Interest.

(A) Deliberation and Vote Prohibited. No Town Officials 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 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 Conflict. Any Town Official who believes that he or she or a member of his or her immediately family has a financial or special interest, other than an interest held by public generally, in any agenda item before his or her collective body, shall disclose the nature and extent of such interest and the Secretary or his designee shall make a record of such disclosure.

Such disclosure shall be made no later than the date of the first meeting of the Board or Committee at which the agenda item concerned is to be taken up for consideration, recommendation, discussion or vote and at which the Town Official is present. Additionally, any Town Official who believes that any fellow Town Official, or a member of such fellow Town Official's 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 the Secretary or his designee shall make a record of such disclosure.

(C) **Determination of Conflict.** Once the issue of conflict has been raised relative to an individual Town Official, and disclosure has been made as provided above, such individual's fellow Town Officials shall review the facts as disclosed to them, and shall vote on whether or not such individual has a financial or special interest with respect to the agenda item concerned. All conflict of interest questions relating to a particular agenda shall be resolved prior to any consideration of the item concerned, and each Town Official present shall be entitled to vote on all conflict of interest questions except those questions pertaining to that individual Town Official's alleged conflict of interest.

Upon determination that a conflict of interest in fact exists, the Town Official concerned shall be excused from participating in discussion, deliberation or vote on that relevant agenda item.

(D) **Avoidance of Appearance of Conflict.** To avoid the appearance of a violation of this section, once an individual Town Official is determined to have a conflict of interested in respect to any agenda item, and once all conflict of interest questions relating to the agenda concerned have been determined as provided in Section 11.C above, said individual shall immediately remove himself or herself from the meeting room or the area of the room occupied by the general public. He or she shall not return to his or her regular seat as a member of the body until deliberation and action on the item is completed. Npthing herein shall require an individual Town Official to remove himself or 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.

(E) **Personal Interest.** Nothing herein shall be construed to prohibit any Town Official from representing his or her own personal interest by appearing before his or her collective body on any such agenda item.

(F) **Other.** All provisions of 30-A M.R.S.A. 2605 are incorporated herein.

B. VIOLATIONS

1. **Violations.** Violations of this policy may result in any corrective measure permitted by law, including but not limited to, (1) censure, (2) removal of Officials subject to the Municipal Officers' appointment and removal authority, (3) reasonable restrictions on the Officials interactions with other employees or Officials of the Town to protect those persons from harrassment or intimidation.

2. **Effect of this Policy.** The aforementioned actions for violation of this Policy are in addition to any other measures or remedies that may be available under Maine law, including but not limited to, disciplinary measures for those officials qualifying as employees under the Town's personnel policies, or those persons subject to separate drug policies. Nothing in the Policy shall be construed to limit the private remedies of any person subject to harassment or discrimination. Nothing in this Policy shall be construed to limit the voter's ability to remove elected Officials in accordance with the Town's Recall Ordinance.

C. Adopted _____, 2019

EMW

[Signature]

Jim Stacy-Horn

I affirm that I have read and understand the Town of Acton Code of Ethics and Conduct for Elected and Appointed Officials.

Signature

Date