

TOWN OF UNION Code of Ethics

PREAMBLE:

The proper operation of the democratic government of the Town of Union (hereinafter “Town”) requires that the Town’s Selectmen, Planning Board members, members of appointed boards, members of all town appointed committees (also referred to as Town Officials) and employees be fair, impartial and responsive to the needs of the people and to 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; and that Selectmen, Planning Board members, members of appointed boards, members of all town appointed committees and Town employees maintain a standard of ethical conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, this Code of Ethics is hereby adopted as a standard of ethical conduct for all Selectmen, Planning Board members, members of appointed boards, and employees of the Town.

PURPOSE AND OBLIGATION:

The purpose of this Code of Ethics is to establish standards of ethical conduct for all Selectmen, Planning Board members, members of appointed boards, members of all town appointed 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 Union.

Legal Standards: It is the duty of every category of Town official (as described above) and Town employee to support the Constitution of the United States and the Constitution of the State of Maine. There are also 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 they may be amended, are incorporated into this Code of Ethics by reference to the extent applicable:

17 MRSA § 3104 Conflict of Interest; Purchases by the State
17-A MRSA § 456 Tampering with Public Records or Information
17-A MRSA § 602 Bribery in Official and Political Matters
17-A MRSA § 603 Improper Influence
17-A MRSA § 604 Improper Compensation for Past Action
17-A MRSA § 605 Improper Gifts to Public Servants
17-A MRSA § 606 Improper Compensation for Services
17-A MRSA § 607 Purchase of Public Office
17-A MRSA § 608 Official Oppression
17-A MRSA § 609 Misuse of Information
17-A MRSA § 903 Misuse of Entrusted Property

20-A MRSA § 504 Persons Ineligible to Serve as Election Officials
30-A MRSA § 2605 Conflicts of Interest
30-A MRSA § 5122 Interest of Public Officials, Trustees or Employees

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

1) Avoidance of Appearance of Improper Influence. 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. Fair and impartial consideration means that Town Officials and Town employees should make their decisions in the appropriate public forum and should 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.

B. The conduct of public business shall be free from any undisclosed financial or personal interests on the part of any Town Official or Town employee and from any appearance of conflict. No Town Official or Town employee shall advocate in any public meeting or in his/her official capacity on any matter in which that 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.

Guidelines

1) Financial Interests. 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 Official or Town employee. In the case of members of Town boards and committees where such a conflict exists, it should be disclosed to the board or committee on which that public official sits prior to consideration of any decision to be made by that Board or Committee, and if requested by the membership of that Board or Committee, the 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.

2) Personal Interests. Members of Town boards and committees should disclose any personal relationship to the board or committee on which that Town Official sits in any instance where there could be the appearance of a conflict of interest. For example, if the Official's spouse or domestic partner works for a developer appearing before that Town board or committee, that fact should be disclosed.

Avoidance of Appearance of Conflict. 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 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 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.

C. 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 Official and Town employee to refuse personal gifts, favors or special privileges in every instance where such 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 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 Official or Town employee.

1) Gifts. No 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.

2) Limitation. 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 minimus* situations, such as meal checks, a modest maximum amount shall be established by the Selectmen from time to time as a guideline to be applied under this Code of Ethics. That amount is initially established under this Code of Ethics at a maximum of twenty-five (25) dollars. Furthermore, this guideline is not intended to preclude 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 Official or Town employee in the conduct of his/her official duties.

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

1) Town Officials and Town employees should not disclose to others, or use confidential information acquired by them in the course of their official duties, to further their personal interests.

2) Real Estate Transactions. In the case of real estate transactions, the potential use of confidential information and knowledge to further a 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 Official or Town employee may have inside or advance information as a result of his/her office or employment with the Town.

E. It is the duty of Town Officials to faithfully discharge the duties of their offices. In the conduct of public business, no Town 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.

1) It is the obligation of all Town 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 Official is excused from voting due to a conflict or appearance of conflict under this Code of Ethics.

F. It is the duty of every 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 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.

1) Public Confidence. 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 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.

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

1. Elected Officials. For elected officials, when a violation is found by the elected board of which the official 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 officials, 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, and collective bargaining agreements as applicable, which include but are not limited to appropriate progressive discipline up to and including suspension and termination.

H. This Code of Ethics may be amended from time to time by a majority of the members of the Select Board of the Town.

Adopted by the Union Board of Selectmen on July 1, 2014