



Town of St. George

Select Board

Code of Ethics & Protocols

November 14, 2022

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Town of St. George Select Board

Code of Ethics and Protocols

Section 1. Declaration of Policy

To ensure that the general public and businesses of St. George have fair, impartial, ethical, and accountable local government that is responsive to the needs of the people and each other and that has the public's full confidence in the integrity of the Town's government, the Select Board has adopted this Code of Ethics. In keeping with a commitment to excellence, the effective functioning of democratic Town of St. George government requires that:

- a. members comply with both the letter and spirit of laws and policies affecting the Town Government;
- b. members be independent, impartial, and fair in judgment and action;
- c. members work for the public good and not personal interest;
- d. members demonstrate honesty and integrity in actions and statements;
- e. public deliberations and processes be conducted openly, unless legally confidential and;
- f. all discussions and debate be conducted in an atmosphere of respect and civility.

Members shall respect and adhere to the *Town Manager Plan* of government (reference *Charter of the Town of St. George, Article 103 Government*). Members shall determine the policies of the Town, with advice, information, and analysis provided by the public, Town boards, committees and Town staff.

This *Code of Ethics and Protocols* applies to members of the Select Board and hereinafter referred to as "Members".

Section 2. Standards of Ethics

Section 2.1 Statutory Standards

Although there is no code of ethics governing municipal officials in the State of Maine, both statutory and common (case) law include a variety of requirements and restrictions relating to conflict of interest, incompatibility of office, prohibited appointments or employments and bias.

The law also authorizes municipal officers to adopt an *Ethics Policy* governing the conduct of elected and appointed municipal officials (reference 30-A M.R.S.A. § 2605(7)).

Section 2.2 Compliance with the Law

Members should uphold and carry out the laws of the State of Maine, the Town Charter, ordinances and the policies of the Town.

Section 2.3 Conduct

The professional and personal conduct of Members must be above reproach, must avoid any appearance of impropriety and serve as a model of leadership and civility to the community. Members shall refrain from abusive conduct, from making personal charges or disparaging remarks, or from verbal attacks upon the character or motives of members of the public, boards/committees, or of town staffs.

Section 2.4 Attendance

Members are expected to be present at all Select Board meetings including special meetings, emergency meetings, workshops and the Annual Town Meeting. When a member cannot attend a meeting, the member must contact the Chair or his/her designee in advance.

To ensure continuity, it is expected that members attend 90% of overall meetings in a year. Members should consider resigning if unable to meet the requirements of board attendance.

Section 2.5 Respect for Process

Members shall perform their duties in accordance with the processes and rules of order established by the Select Board. Each member shall be committed to respect the democratic process that encourages meaningful involvement of the public and that governs the deliberation of public policy issues in the Town of St. George. Members must abide by decisions made by a majority of the board. Members should strive to thoughtfully consider the opinions and recommendations of others appearing before them and shall remain respectful in all interactions with these individuals. Members shall have no legal authority outside of the meetings unless this authority has been specifically delegated to the member through an adopted policy or majority vote of the board.

Section 2.6 Conduct with One Another

The Select Board is composed of individuals with a wide variety of backgrounds, personalities, values, opinions and goals. Despite this diversity, all should acknowledge the common goal of

improving the quality of life in the community, even as the members may “agree to disagree” on contentious issues.

All members, including those serving as Chair, have equal votes. No Member has more power than any other member and all should be treated with equal respect.

Members shall:

- a. practice civility and decorum in discussion and debate;
- b. respect the role of the Chair in maintaining order and equity;
- c. demonstrate effective problem-solving approaches;
- d. all have the same information with which to make decisions;
- e. be respectful of other people’s time;
- f. treat others as you like to be treated.

Section 2.7 Conduct of Public Meetings

Members shall:

- a. prepare themselves in advance for public meetings and be familiar with the topics on the agenda;
- b. fully participate in Select Board meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others;
- c. refrain from unnecessarily interrupting other speakers, from making personal comments not germane to the business of the body, and from otherwise interfering with the orderly conduct of meetings.

The Chair shall use his/her best efforts to ensure that members of the public who attend such meetings adhere to the same standards of conduct.

Section 2.8 Involvement in Community Activities

Members shall participate in scheduled activities and ceremonial functions to increase Select Board visibility, awareness and effectiveness.

Section 2.9 Decisions Based on Merit

Members shall base their decisions on the merits and substance of the matter at hand. No member shall make promises in advance as to how they will vote on a matter that may properly come before the board.

Section 2.10 Communications

Members shall:

- a. keep the community informed on local Town government affairs; encourage communication between the public and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of Town service;
- b. be cautious in representing town positions on issues. Refrain from communicating a position of the Select Board to anyone unless the full Board has previously agreed on both the positions and the language of the statement conveying the position. Remember to indicate, if appropriate, that the individual views are ones own and may not represent those of the full Board;
- c. recognize that all electronic communications sent or received in the performance of his/her duties are subject to the Freedom of Access Act and email usage is compliant with the *Select Board Email Usage Policy*.

Section 2.11 Disclosure of Confidential Information or Advanced Information

- a. No member, without proper legal authorization, shall disclose confidential information concerning the property, staff, or applicants for employment, government or affairs of the Town.
- b. No member shall use such information to advance the financial or private interest of him/her self or others.

- c. Information received and discussed during an executive session of the Town of St. George Select Board pursuant to 1 M.R.S.A. § 405 shall be considered within the constraints of this subsection, and shall not be disclosed to any third party unless permitted by affirmative vote of such body.

Section 2.12 Gifts and Favors

No Member shall solicit or 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.

The foregoing is not intended to prohibit normal social practices where gifts from friends, associates, and relatives are appropriate for certain occasions.

Section 2.13 Use of Town Resources

Resources not available to the general public should not be used by members for private gain or personal purposes, such as Town staff's time, equipment, supplies, or facilities.

Section 2.14 Incompatible Employment or Office

Except for positions that a Member is expressly permitted by statute or Charter to hold during his/her term of office, no member of the Select Board shall hold any other office or employment position in the Town of St. George during that term or for one year following his/her term.

In addition, no Selectperson shall hold any paid office or employment position, other than by stipend, or contractual arrangement with the Town of St. George, during the Member's term and for one year thereafter, if the employment position or contract was created or the compensation was increased by the action of the Select Board during his/her term.

Section 2.15 Diversity and Inclusion

The St. George Select Board respects and welcomes all individuals with diverse backgrounds, experiences, perspectives, and cultures to include (but not limited to) each individual's culture, nation of origin, race, religion, ethnicity, age, gender, sexual orientation, and gender identity, and ability. This commitment to diversity is the foundation for building and maintaining a high-quality workforce, government operations, and community inclusion in these processes. Diversity and inclusion are core values that build and support the strength of the Town of St.

George as a community and government.

Section 3. Conflict of Interest

Section 3.1 General Standard

Members shall avoid any situation that may give rise to an actual or perceived conflict of interest. Where circumstances may cause a reasonable person to question the member's impartiality or may otherwise give rise to an appearance of a conflict of interest, the member shall not participate in a matter unless the member has appropriately disclosed the situation and there has been a determination by the Select Board that the member's participation is appropriate.

Section 3.2 Disclosure of Conflict

- a. Any member who believes that they or a member of their *Immediate Family* has a *Financial Interest* or a *Special Interest*, other than an interest held by the public generally, in any agenda item before their collective body, shall disclose the nature and extent of such interest.
- b. Any member who believes that any fellow member, or any member of such fellow member's *Immediate Family* has a *Financial Interest* or a *Special Interest*, other than an interest held by the public generally, in any agenda item before their collective body, shall disclose such interest.
- c. Disclosure shall be made no later than the date of the first meeting of the Select Board at which the agenda item concerned is to be taken up for consideration, recommendation, discussion, or vote and at which the member is present.

Section 3.3 Determination of Conflict

- a. Once disclosure has been made as provided above or the issue of conflict has been raised relative to a member, the Select Board shall review the facts and shall vote on whether or not such member has a *Financial Interest* or a *Special Interest* with respect to the agenda item concerned.
- b. All conflict-of-interest questions relating to a particular agenda item shall be resolved prior to any consideration of the item concerned, and each member shall be entitled to vote on all conflict-of-interest questions except those questions pertaining to that member's alleged conflict of interest.

- c. All votes of conflict-of-interest questions shall be recorded. A majority vote shall determine the question except that a tie vote shall have the effect of determining that a conflict exists.
- d. If there is a determination that a conflict of interest in fact exists, the member concerned shall be excused from participating in discussion, deliberation, or vote on the relevant agenda item for so long as the agenda item shall appear on the agenda.

Section 3.4 Record of the Conflict of Interest Decision

A written record shall be produced explaining and summarizing any consideration of conflict of interest.

Section 3.5 Avoidance of Appearance of Conflict of Interest

- a. Once any member is determined to have a conflict of interest in respect to any agenda item, and once all conflict-of-interest questions relating to the agenda item concerned have been determined, as provided in this policy, the member should either immediately move to the area of the room occupied by the general public.
- b. The member shall not return to their regular seat as a member of the body until deliberation and action on the item has been completed.
- c. Nothing herein shall require an individual member to remove him or herself for any item on which there is no deliberation, on which the individual's conflict has been determined by the other members, and on which the right to abstain from voting on the item has been granted.

Section 3.6 Personal Interest

Nothing herein shall be construed to prohibit any member from representing his/her own personal interest by appearing before his/her collective body on any such agenda item, as long as the representation occurs in the area of the meeting room occupied by applicants or members of the general public.

Section 3.7 Representation of Third Party Interests

Members shall not represent the interests of third parties before any Town board, committee, or commission, nor shall they appear before any of these bodies on behalf of the interests of third parties on matters related to the areas of service of these bodies.

Section 4. Relationship to Administration

Governance of the Town relies on the cooperative efforts of elected officials, who set policy, and town staff, which analyze problems and issues, make recommendations, and implement and administer the Board's policies.

Members shall not interfere with the administrative functions of the Town or with the professional duties of its staff, nor shall they impair the ability of staff to implement the policy decisions of the Select Board.

Members shall:

- a. respect the proper roles and responsibilities of the Select Board and Town Manager in ensuring open and effective government. Follow the principles identified in the *Roles for Select Board and Town Manager*, adopted by the Select Board on November 5, 2012;
- b. not get involved in administration functions or attend staff meetings unless requested by the Town Manager;
- c. depend upon the town staff to respond to citizen concerns and complaints. It is the role of Members to pass on concerns and complaints on behalf of their constituents. It is not, however, appropriate to pressure staff to solve a problem in a particular way;
- d. be aware of their effect on staff morale, through policy, public comments and personnel interactions. Staff should realize they are respected, valued and their opinion is desired;
- e. treat all staff as professionals. Questions of staff members or requests for additional background information should be directed only to the Town Manager;

- f. never publicly criticize an individual employee. All critical comments about staff performance should only be made to the Town Manager through correspondence or conversation. Criticism is differentiated from questioning facts or the opinion of staff.

Section 5. Relationship to Boards, Committees, and Commissions

Boards and Committees may perform a particular separate function and/or serve as advisors to the Select Board. Individual Members serve as representatives to boards and committees according to the assignments agreed upon by the full Select Board. In this role, they are expected to represent the full Board in providing guidance to the Board or Committee. They shall not serve on the board or committee itself, nor seek to direct or intimidate its members. In other instances, Members may attend Board or Committee meetings as individuals, and should follow these protocols:

Members shall:

- a. when attending a Board or Committee meeting, identify your comments as personal views or opinions;
- b. limit contact with the Board or Committee members to questions of clarification;
- c. refrain from using their positions to unduly influence the deliberations or outcomes of any board or committee proceedings or to inhibit free discussion and exchange of ideas of these groups;
- d. not make commitments for the Select Board as a whole or for Administration;
- e. remember that Committees are advisory to the Select Board as whole, not an individual Member;
- f. address concerns about an individual Board or Committee member with tact;
- g. be respectful of diverse opinions;

- h. maintain an active liaison/representative relationship.

Section 6. Compliance and Enforcement

Members have the primary responsibility for ensuring that ethical standards are understood and met. Members should review Select Board procedures and protocols at least annually.

The Select Board Chair has the responsibility for intervening when actions of members appear to be in violation of this Code of Ethics.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a board but may be used as a basis for the board to reconsider its decision.

Section 6.1 Violations of Ethical Standards by Select Board Members

When any member believes there has been a breach of the ethical standards set forth herein by another Member, he or she may ask to enter into executive session pursuant to 1 M.R.S.A. §405 for purposes of informal discussion of and resolution of an ethical issue. During such session, the member shall specify which area(s) of this policy he/she feels have been breached and by whom. After discussion among all members, the Select Board shall leave executive session, and may proceed with formal action only by majority vote of the Members not alleged to have breached the ethical standards.

Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by policies, ordinances or statutes.

Section 6.2 Reporting of Violations of Ethical Standards by the Public and Town Staff

When a members of the public or Town Staff believes there has been a breach of the ethical standards, they should report the breach to any member of the Select Board. The member will notify the Select Board Chair of the alleged breach, who will then schedule an executive session(s) of the Select Board for the purpose of investigating the alleged violation, determining if a violation did occur, and taking appropriate disciplinary action.

Section 6.3 Penalties for Select Board Members

When a Member is found in violation of this policy, the actions taken may range from a letter of reprimand by the Chair, to a censure by a majority of the elected board, to a request for resignation from the Select Board by a majority of its members.

Section 7. Disclosure Statement

1. Members shall annually, and/or within 14 days of change, provide the Town Clerk a physical address, mailing address, e-mail address and contact telephone numbers.
2. Members shall file with the Town Clerk annually during the month of July a written statement containing the following information, to the best of the official's knowledge and belief:
 - a. The name of each person or business doing business with the Town in an amount in excess of one thousand dollars (\$1,000) during the preceding calendar year from which such official or a relative has received money or other thing of value in an amount in excess of one thousand dollars (\$1,000) during the preceding calendar year.
 - b. The Town Treasurer shall provide a list to the Members of the persons or businesses doing business with the Town in an amount in excess of one thousand dollars (\$1,000) during the preceding year.
 - c. Income, financial investments, and deposits and account with commercial or savings banks, savings and loan associations, or credit unions shall not be considered to be a financial interest within the meaning of this section.

Section 8. Effective Date

This policy shall be effective November 14, 2022 immediately upon adoption by the Members.

Section 9. Definitions

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

Censure - a judgment or resolution condemning a person for misconduct.

Financial Interest - a direct or indirect interest having monetary or pecuniary value, including, but not limited to, the ownership of shares of stock.

Immediate Family - spouse, children, parents, in-laws, siblings, and those with whom they share a committed relationship

Special Interest - includes 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. An employer or supervisor – employee relationship between a Member and any person appearing before that Member

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