

TOWN OF OGUNQUIT
CODE OF ETHICS
For Members of the Select Board

PREAMBLE

To ensure that the Citizens and businesses of Ogunquit have fair, impartial, ethical, and accountable local government that is responsive to the needs of the people and each other and that has the Citizens' 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 Ogunquit government requires that:

- Elected public officials comply with both the letter and spirit of laws and policies affecting the Town Government;
- Elected public officials be independent, impartial, and fair in judgment and action;
- Elected public officials work for the public good and not personal gain;
- Public deliberations and processes be conducted openly, unless legally confidential and;
- All discussions and debate be conducted in an atmosphere of respect and civility.

This Code of Ethics applies to members of the Select Board (hereinafter referred to as Members").

1. Actions in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern; Members will work for the common good of the Citizens of Ogunquit and not for any private interest or personal gain. Members shall provide fair and equal treatment of all persons, claims, and transactions that come before the Select Board.

2. Compliance with the Law

Members shall comply with the Laws of the United States, the State of Maine, and the Town of Ogunquit in the performance of their public duties. These Laws include, but are not limited to, the United States and Maine State constitutions and statutes; the Town of Ogunquit's Bylaws,

Ordinances and Policies; Ogunquit Town Charter and laws pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government, all of which are hereby incorporated herein by reference and made applicable.

3. Conduct of Members

The professional and personal conduct of Members must be above reproach and must avoid any appearance of impropriety. 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 Town boards, committees, or commissions, of Town Staff or the Citizens.

4. Respect for the 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 Ogunquit. Members must abide by any lawful decision made by a majority of the Select Board. Members should strive to thoughtfully consider the opinions and recommendations of other Members, Citizens, and Town staff appearing before the Select Board and shall remain respectful in all interactions with these individuals. Members shall have no legal authority outside of the Select Board unless this authority has been specifically delegated to the Member through an adopted policy or majority vote of the board.

5. Conduct of Public Meetings

Members shall prepare themselves for open discussion of public issues, shall listen courteously and attentively to all public discussions before the body, and shall focus on the business at hand. Members shall 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 or her best efforts to ensure that the public who attend such meetings adhere to the same standards of conduct in this Code of Ethics as outlined for Members.

6. 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, which shall properly come before the board as a whole.

7. Communication

Outside of a duly noticed formal meeting of the Board, Members are encouraged to publicly share information that is relevant to any non-confidential matter under consideration by the board. However, at no time shall such information sharing lead to promises being made as to how that Member intends to vote on that issue until it has been discussed and deliberated upon at a duly noticed meeting. Non-confidential documents including reports, studies, etc. from committees, boards, commissions, individuals, etc, presented to the Board are in the public domain and as such shall be made available to the public upon request.

Although it is proper to use electronic means of communication to share background information on a particular issue, at no time shall such sharing lead to the deliberation of any business or any decision-making prior to open discussion at a duly noticed public meeting.

Concerns involving the conduct or behavior of Town employees shall be communicated to the Town Manager and never directly with an employee. Criticism of a town employee shall never be done publicly.

8. Conflict of Interest

Members shall avoid any situation that may give rise to an actual or perceived conflict of interest. Where circumstances give rise to an actual or perceived conflict of interest, the Member shall not participate in the deliberation of that 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. Additionally, any Member who believes that any fellow Member has an actual or appearance of a conflict with any agenda item before their collective body, shall disclose that interest.

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. 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 actual or perceived conflict-of-interest questions except those questions pertaining to that Member's alleged conflict of interest.

Once any Member is determined to have a conflict of interest with respect to any agenda item, the Member shall move to the area of the room occupied by the general public. 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.

9. Gifts and Favors

Members shall not take advantage of services or opportunities for personal gain, by virtue of their public offices that are not available to the public in general. Members shall refrain from accepting or presenting gifts, favors, or promises of future benefits that might compromise independence of judgment or action, or that might give the appearance of such compromise.

10. Confidential Information

No Member shall, without proper legal authorization, discuss or disclose confidential information concerning the property, personnel, government or affairs of the Town, nor shall any member use such information to advance the private or financial interests of himself or herself or members of his or her immediate family. Members shall not discuss the privileged knowledge, executive

sessions, or confidential business of the board, committee, or commission with unauthorized parties, either orally or in writing. For purposes of this subsection, "confidential information" shall mean any information, oral or written, which comes to the attention of or is available to such Member due to his or her position with the Town and is not a matter of public record. Information received and discussed during any executive session shall be considered within the constraints of this section and shall not be disclosed to any party unless permitted by affirmative vote of a majority of such board.

11. Use of Public Resources

Members shall not use public resources not available to the general public for private gain or of personal purposes such as Town staff time, equipment, supplies or facilities.

12. Representation of Third Party Interests

As stewards of the public interest, Members of the Select Board 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. Nothing herein shall be construed to prohibit any Member from representing his or her own personal interest, or the interest of immediate family, by appearing before any Board on any item.

13. Advocacy

Members shall represent the official policies and positions of the Select Board when designated as delegates for this purpose to the best of their ability. When presenting personal opinions and positions Members shall explicitly state that these opinions and positions do not represent their body or the Town of Ogunquit, and they shall not allow any inference that they do.

14. Policy Role of Members

Members shall respect and adhere to the Town Manager Structure of Town government. The Select Board shall determine the policies of the Town, with advice, information, and analysis provided by Town staff, by the Town's boards, committees, and commissions, and by the Citizens.

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

15. Independence of Boards, Committees, and Commissions

Members shall refrain from using their positions to unduly influence the deliberations or outcomes of any board, committee, or commission proceeding.

16. Positive Workplace Environment

Members shall support a positive and constructive workplace environment for Town employees and for citizens and businesses dealing with the Town. Members shall recognize their special role when dealing with Town employees and shall in no way create the perception of inappropriate direction of staff.

17. Implementation

This expression of the standards of conduct expected of Members of the Select Board is intended to be self-enforcing. It is most effective when Members are thoroughly familiar with it and embrace its provisions.

For this reason, this Code of Ethics shall be included in the orientation of newly elected Select Board members. Members entering office shall *sign* a statement acknowledging they have received, read and understand the Town of Ogunquit's Code of Ethics. This Code of Ethics shall be reviewed regularly by the Select Board, which shall consider updates to the Code of Ethics as necessary.

18. Compliance and Enforcement

The Town of Ogunquit Code of Ethics expresses standards of conduct expected of Members of the Town's Select Board. Members themselves have the primary responsibility for ensuring that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The Chair and Vice-Chair have the responsibility for intervening when actions of Members appear to be in violation of this Code of Ethics. In instances where the Chair or Vice-Chair appears to be in violation of the Code of Ethics any remaining Select Board member may intervene.

In addition to any other penalties or remedies as may be provided by law, the *Select Board* may intervene and council Members whose conduct does not comply with the Town's ethical standards.

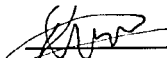
When a member violation is apparent as prescribed in this Code of Ethics the actions taken may range from a letter of reprimand by the Board, to a censure, to a request for resignation from the elected position. All penalties shall require a majority vote of the Select Board before being imposed upon the member determined to be in violation.

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

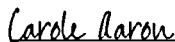
19. Separability

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

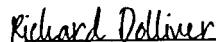
This policy, adopted by the Select Board of the Town of Ogunquit on this 21st day of June 2022.




Robert M. Whitelaw, Chair



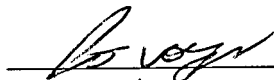
Carole J. Aaron, Vice-Chair



Richard A. Dolliver



Heath R. Ouellette



Scott A. Vogel

This code of conduct was developed based on similar codes used by other elected boards and committees in other communities.