



Town of Ogunquit, Maine Committee Handbook

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Town of Ogunquit, Maine

Board Handbook

Executive Summary

The Town of Ogunquit highly values the commitment and involvement of its citizens as participants on its Boards, Committees, and Commissions (hereafter referred to as Boards). This involvement is beneficial for the community, staff, and individual participants. Civic service can be rewarding and require an extensive time commitment. In recognition of this commitment and effort, the Town has developed a Board Handbook to help guide and safeguard the valued work of its volunteers.

The Handbook is intended to accomplish the following things:

- Promote clear expectations and consistent behavior
- Increase awareness of and compliance with Town Policies
- Limit the liability of the Town and volunteers
- Support adherence to Core Values and legal statutes
- Enrich the relationship between Staff & Board members
- Provide oversight & advocacy

The Handbook contains a set of definitions, and references to Town Policies and identifies the roles and responsibilities of staff and volunteers. The intent is to not only foster collaboration in furthering the goals of the various boards but help all involved have clear expectations of how to function efficiently and transparently.

The ability of boards to function effectively can best be achieved through a strong and consistent relationship with the Town and the members themselves. All boards are expected to adhere to the tenets of the Handbook.

Boards will receive support and oversight through either a Select Board liaison or a Staff liaison. Whether the support is direct or indirect, boards need to understand the principles outlined in the Handbook and utilize this resource.

Mission Statement

The Town of Ogunquit partners with our community members to deliver superior service most efficiently and effectively, while preserving, protecting, and enhancing the quality of life as we plan for the future.

Core Values

Culture of Excellence

We respect members of the public and each other and treat all with courtesy and dignity. We are an inviting community that welcomes diversity and embraces our differences, promoting an atmosphere of inclusion and acceptance among our residents and visitors. We rely on teamwork to provide a seamless experience for all customers. We uphold high ethical standards in our personal, professional, and organizational conduct. We continuously strive to meet the needs of community through available resources by being flexible and promoting the use of innovation.

Accountability

We accept responsibility for our personal and organizational decisions and actions while delivering cost-effective and efficient services that are done right the first time.

Communication

We openly communicate with the public and each other by sharing information and soliciting feedback to achieve our goals.

Diversity, Inclusion, Connection

We believe a thriving and vibrant community stems from the diversity of its people. To that end, we strive to ensure people from all backgrounds, experiences, and perspectives feel welcomed, respected, and accepted.

Environment

We are concerned about our natural, historic, economic, and aesthetic resources and work to preserve and enhance them for future generations.

Safety

We use education, prevention, and enforcement methods to protect life and property in the community and maintain our infrastructure and facilities to provide a safe environment in which to live, work, shop, and play.

Trust

We realize the perception of our organization is dependent upon the public's confidence in our commitment to our core values and to meeting the goals set collectively by the Town Manager and Select Board.

Ogunquit's Principles of Excellent Service

Concern for the Individual

Positive Engagement

Fair and Equitable Service

Professional Service

Timeliness

Effective Communications

Taking Ownership

Teamwork

Customer Focus

Definitions

<i>Ad-hoc</i>	Created or done for a particular purpose only as necessary.
<i>Agenda</i>	A list of items to be discussed at a formal meeting.
<i>Alternate</i>	Board member is not considered to be a full member unless moved up to full member in the absence of a full member and to meet the quorum requirements.
<i>Board</i>	A group of people is organized and appointed for a specific function, typically consisting of members of a larger group. The term is synonymous with "Committee" and "Commission" for purposes of this Handbook.
<i>By-Laws</i>	Rules outline the structure and define the work of a committee.
<i>Conflict of Interest</i>	A situation in which the concerns or aims of two different parties are incompatible.
<i>Ex-officio</i>	A non-voting member acts in a capacity by one's position or status.
<i>Harassment</i>	Creation of an unpleasant or adversary situation by uninvited and unwelcome verbal or physical conduct.
<i>Maine Freedom of Access Act</i>	A State statute that is intended to open the government of Maine by guaranteeing access to the "public records" and "public proceedings" of state and local government bodies and agencies.

<i>Meeting Minutes</i>	A written summarized record of the proceedings at a meeting.
<i>Policy</i>	A course or principle of action adopted or proposed by a government, party, business, or individual.
<i>Quorum</i>	The minimum number of members of an assembly or board that must be present at any of its meetings to conduct business.
<i>Resignation</i>	An act of retiring from or giving up a position.
Select Board Liaison	An assigned member of the Select Board who acts on behalf of the Board to facilitate a working relationship between the Select Board and the Board.
Staff Liaison	An assigned employee of the Town of Ogunquit who acts on behalf of the Town to facilitate a working relationship between the town Administration and the Board.
Town Charter	The governing document of the Town of Ogunquit, consisting of a written list of articles outlining the rights and privileges of the Town, establishes the form of government, administrative, rulemaking, and budget process and is adopted by public vote.
<i>Town Manager</i>	The chief administrative officer of the Town of Ogunquit. Refer to Article IV, Section 405 of the Ogunquit Town Charter for powers and duties of the Town Manager.
<i>Volunteer</i>	A person who freely offers to take part in an enterprise or undertake a task. Also refers to a board member for purposes of this Handbook.

Welcome

The Town of Ogunquit appreciates your willingness and commitment to serve on a board in a volunteer capacity. In this Handbook the term “board” is used to refer to any board, committee, or commission of the Town, and the term “member” shall refer to any appointed or elected volunteer serving on a board.

The Town recognizes that members have valuable skills, experiences, and insights acquired through education, life experience, occupations, or prior community service. Those qualities can be of great benefit to the Town of Ogunquit. Board members are an integral part of the Town's function, growth, and sense of community. To have an efficient board, members must be appropriately acquainted with the rules and expectations of the Town, so they understand the roles and responsibilities and carry them out in an effective manner. This Handbook is intended to instruct and assist those serving on the board of the Town of Ogunquit.

Board Formation

The Select Board is the appointing authority for all boards and has the authority to create and appoint ad hoc boards (Town of Ogunquit Charter Article III, Section 310 Powers of the Select Board). Once a board is formed, it must formulate and adopt by-laws, or rules, using the template provided (Appendix A) and may also consider adopting a Mission Statement.

Board Vacancies/Appointments/Reappointments

Vacancies on boards are often announced on the Town's website: www.ogunquit.gov and membership rosters for each board are listed, with vacancies noted, on each board page within the Town's website. A complete listing of vacancies is maintained by the Town Clerk's office. Individuals who would like to be considered for appointment must complete an application (Appendix B) and submit a paper copy of an application to the Town Clerk's office, 23 School Street, Ogunquit, ME 03907 or may email a completed application to the Town Clerk at: townclerk@ogunquit.gov. Interested candidates will be notified when an interview if required, has been scheduled with the Select Board.

For further information on Vacancies/Appointments/Reappointments refer to the policy “Ogunquit Select Board Appointments” (Appendix C).

Resignations, Removals & Other Forfeitures

A board member who is no longer able to serve should resign promptly so that the vacancy may be filled. A written resignation must be submitted to the Town Manager's office with a copy to the Chair of the board. The Chair of the board shall confirm with the Town Manager's office that the resignation will appear on the next scheduled Select Board meeting consent agenda for acceptance. Other forfeitures of office may occur as detailed in Title VIII Section 308 of the Town Charter.

Conflict of Interest

Board 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 board member's impartiality or may otherwise give rise to an appearance of a conflict of interest, the board member shall not participate in a matter unless he or she has appropriately disclosed the situation and there has been a determination by the board that participation is appropriate. Any potential conflicts of interest (financial or otherwise) must be disclosed immediately to the Select Board liaison and board Chair before discussion and voting on the issue.

Election of Officers

All boards shall annually elect a Chair, Vice-Chair, and a Secretary at the first regularly scheduled meeting on or after July 1. For newly formed boards meeting for the first time to elect officers, the individual with senior rank (i.e., the first person appointed by the Select Board) shall act as temporary Chair and preside over the nomination and election of officers. It is the responsibility of the newly elected Chair to notify the Town Clerk and/or Staff and Select Board liaisons of changes in membership and officers. Ongoing boards must elect officers at the first meeting held on or after every July 1 (the beginning of the fiscal year).

Responsibilities of Officers

Chair

The Chair presides at all meetings and completes administrative duties such as preparation of meeting agendas, posting of an agenda at least 48 business hours before any meeting by email to the Administrative Assistant (admin@ogunquit.gov) board members and liaisons, reservation of meeting space with the Administrative Assistant and preparation of an annual report of the board's activities. The Chair sets the tone of meetings, which shall be respectful of individuals coming before their board and between fellow board members. The Chair has the same rights as other members to offer resolutions, make motions, and vote. The Chair must familiarize themselves with the by-laws and rules of the Board as well as any applicable ordinances and statutes and shall ensure that other members abide. The Chair is responsible for communication with town staff. See "Staff Communications" for more information.

Vice-Chair

The Vice-Chair assumes all responsibilities of the Chair whenever the Chair is absent from the meeting and performs other duties, as necessary. Should the Chair resign, the Vice-Chair will serve as the Chair until such a time as the board can elect a new Chair.

Secretary

The Secretary is responsible for ensuring that meeting minutes are recorded and that this written record is filed with the Town Clerk's office once approved by the board (see Appendix K, Sample Minutes).

Alternate

Use of Alternate Members. If alternate board member positions have been created by the legislative body, and if those positions have been filled, then the chairperson may designate an alternate to take the place of a regular voting member at a particular meeting when a regular member is absent or disqualified due to a conflict of interest or otherwise. An alternate who has not been designated to take the place of a regular member at a particular meeting is not legally a board member for the purposes of that meeting; the alternate is no different than a member of the public since he/she has no right to make motions, second them, or vote. It is safest from a due process standpoint to allow alternate members to make comments or ask questions only to the extent that members of the public are allowed to do this. Neither alternates nor members of the public should be allowed to make comments once the board has closed its record and begun its deliberations and decision-making process unless the board is prepared to reopen its record and allow both comments and rebuttal. By treating alternates as members of the public for the purposes of their ability to participate in the board's discussion, the board ensures that only voting board members are involved in making the findings and conclusions that are legally required for a decision on a matter and will also make it easier for a judge to determine which board members' comments and votes were legally relevant for the purposes of the final decision if it is appealed

Code of Conduct

To ensure that the citizens and businesses of Ogunquit have a 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 a Code of Ethics (Appendix D) for its local boards.

Board members are representatives of the Town. Members shall conduct themselves to maintain public confidence in their local government and the performance of the public trust. They must treat with respect and civility the rights of all fellow members, attendees, and staff regardless of any differences of opinion. In turn, it is expected that those members of the community attending Town board meetings will display respect for the public, board members, and Town staff. Professional respect does not preclude differences of opinion but calls for respect for those differences and the people who express them. Board members are expected to act professionally at meetings even when diverse ideas and opinions are presented. If differences cannot be resolved, board members must consult the Select Board liaison who will seek to assist in finding a resolution.

Training

As part of its commitment to creating and maintaining respect for human rights and fostering equality and inclusion, the Town of Ogunquit will provide appropriate education and support for board members and volunteers so that everyone is aware of their rights and responsibilities.

Board members must obtain prior approval to attend training from either their Select Board Liaison, Staff Liaison, or the Department Head. Training expenses will be paid for by the Town. Any board member not attending the training and not cancelling in time for reimbursement to the Town will be required to reimburse the Town for the training cost. The Town reserves the right to require Board members to incur the expense and be reimbursed by the Town after completing the course and submitting a certificate to the Town.

Staff Liaison

Town staff may serve on boards as non-voting members. Staff members can provide technical support and information and will act as a liaison between other Town staff and the Town Manager to provide information regarding the work of the board and any items of significance that may arise.

Select Board Liaison

Each Select Board member elects to serve as liaison to several town boards. Attendance by the Select Board liaison at a board's meeting is at the discretion of the assigned Select Board member. The Select Board liaison keeps the Town Manager and the Select Board advised and updated on the board's progress.

Meetings

Scheduling

Depending on a board's workload, meetings may be held weekly, bimonthly, monthly, quarterly, or less frequently when appropriate. When possible, a regular meeting time, day, and place shall be established and then posted on the Town's website calendar (see Postings and Notice of Meetings below). Except in cases of emergency, Town boards shall not meet on major religious or official holidays. The Select Board requires that if a board is meeting in person that it must be at a Town building that is open to the public, encourages public attendance and participation, and meets ADA guidelines for accessibility by the public. Meetings shall not be held via email, in private homes, restaurants, or other private spaces as that may give the appearance of being secret and discourage the public from attending. A board may conduct its meetings via Zoom/Hybrid if it has publicly adopted the Town's Remote Participation Policy (Appendix E). A board may reserve a room in a Town building by contacting the Administrative Assistant's office by phone (2at 07) 646-5139 or by email: admin@ogunquit.gov.

Posting and Notice of Meetings

All meeting agendas and notices must be submitted to the Administrative Assistant's office either in person or via email to: admin@ogunquit.gov. It is the responsibility of each board Chair or designee to give notice and provide an agenda to the Administrative Assistant's office with the board's meeting

date, time, and place. Notices of meetings must be posted 48 business hours in advance (excluding Saturdays, Sundays, and legal holidays). Agendas must include all matters that the Chair anticipates will be discussed at the meeting. Changes to a posted agenda must be submitted to the Administrative Assistant's office to re-post to the website. Meetings must adhere to the topics noticed on agendas and any new substantive business shall be noticed for the next scheduled meeting. In the case of emergency meetings (sudden, unexpected occasions which require immediate action by the board), the Administrative Assistant's office must be informed, and the meeting posted as soon as possible. In the case of a meeting cancellation, notice must be given to the Administrative Assistant's office as soon as possible to post notice of the cancellation. In the case of the Town Hall closing due to weather, meetings are also generally canceled; the Town Manager must approve any exceptions.

Quorum

There must be a quorum, meaning a majority (more than half) of the regular members of the board size, to hold a meeting. When a meeting is posted and less than a quorum is available for the meeting, the following steps shall be taken:

- 1) When this is known before the meeting, the meeting must be canceled, and the Administrative Assistant's office notified to post the cancellation.
- 2) If the lack of a quorum becomes known as the members are gathering, the attending members shall simply announce and note that no hearing or meeting shall be held in the absence of a quorum. A workshop or discussion may take place, but no formal voting action shall be taken.

Recordkeeping

Each board must keep accurate records of its meetings. Once minutes are formally approved at the next scheduled meeting, that record must be submitted to the Town Clerk's office, (once corrected or amended if applicable). Minutes must be submitted not more than 30 days after the original meeting for binding boards and not more than 45 days for non-binding boards. The records of each meeting, including the draft minutes, are public information, and the Town Clerk's office shall maintain a copy of all approved minutes for public inspection.

At a minimum, minutes must include:

- A list of board members attending or absent from the meeting
- Date, location, time convened, and time adjourned
- All motions and votes, agreements, or decisions reached by consensus; assignments; mention of topics discussed
- Summaries of discussion (recommended as they clarify decisions or provide information that may be useful to the board)

Communications

Maine Freedom of Access Act

According to the State of Maine, "The Freedom of Access Act (FOAA) is a state statute that is intended to open the government of Maine by guaranteeing access to the "public records" and "public proceedings" of state and local government bodies and agencies." The act defines public records as, "any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or

governmental business." *(Further reading and exceptions specified in Title 1, Chapter 13.1 §402: <http://www.mainelegislature.org/legis/statutes/11titlesec402.html>)*

The Maine Open Meeting law, included in the Maine Freedom of Access Act, establishes the methods by which public meetings are conducted. The act applies to all meetings where transactions that affect the citizens of the state have occurred.

Email, Texting, Telephone, and other Electronic Communications

Communications between board members via phone, email, text message, or any other electronic communication method must be limited to non-substantive administrative business.

Substantive discussions or deliberations on public business involving three or more members that occur via email, telephone, or other electronic technologies are a violation of the Maine Open Meeting Law and are subject to the Maine Freedom of Access Act (FOAA). The ease by which text or email messages are sent and forwarded may inadvertently facilitate the improper discussion of public policy issues. Emails or text messages written or received in the capacity of a board member are considered public records, which must be made available for public inspection in the same manner as hard copy documents. There is no distinction in law between written and electronic records.

Communications sent or received using a member's personal computer or e-mail account are still considered a public record if it contains information relating to the transaction of public or governmental business unless the information is designated as confidential or excepted from the definition of a public record ([1 M.R.S.A. §402](#)). Employees and board members acting in their official capacity shall have no expectation of privacy in their use of electronic mail. As a result, board members must be aware that all e-mails and e-mail attachments relating to a member's participation on a board are likely public records, subject to public inspection under the FOAA.

If board members wish to share information as it pertains to the work of the board (such as a recommendation for an agenda item at an upcoming meeting or alerting fellow members of an absence) this must be limited to one-way dissemination. Recipients who "reply" or "reply all" to an email run the risk of developing a conversation that could be construed as board business. Notifying board members that an agenda has been posted or a meeting scheduled is an example of non-substantive communication. Board members may also choose to sign up to receive notification of an agenda or minutes being posted to the Town's website and view the document on the website rather than receiving such notice from a fellow board member via email (Appendix E). In no event shall any board member discuss with another board member the stance of an application that requires review and approval by the board. Such discussion shall only occur as part of a duly noticed public meeting.

Communications such as inviting fellow members to an event unrelated to the work of the board are considered non-substantive, but members shall always err on the side of caution and keep any communication outside of a public meeting strictly non-substantive. Board members must also avoid group replies to citizens that may become quorum discussions among the members that violate the Maine Open Meeting Law.

Town Website & Social Media

The town staff maintains a website for the Town of Ogunquit (www.ogunquit.gov). The website provides official communication methods for town businesses including board notices, resources, events, and publicity.

Every board has a dedicated page on the Town's website, which contains basic information about the board, meeting times, a list of board members and terms, and links to agendas and minutes of the board. Boards shall review their page periodically to ensure the information is current and accurate. These pages offer an opportunity to post and share news and resources as it relates to the work of the board. Boards are not permitted to create and/or manage independent websites or social media account pages on behalf of the board and/or Town.

Staff Communications

The Town of Ogunquit recognizes how strong communication between members of the community and its staff and volunteers, is an integral part of ensuring the community moves forward efficiently, effectively, and wholistically. To ensure we operate as one organization, the following guidelines pertain to all communications between staff and boards.

Requests for information or guidance not otherwise covered in this handbook, shall be requested through the Staff Liaison. If the board does not have a Staff Liaison, inquiries shall be submitted to the Town Manager's office. Appointments are scheduled through the Town Manager's Administrative Assistant. Alternately, requests can be emailed to (townmanager@ogunquit.gov). Boards shall not give direction or otherwise inquire directly with Department Heads unless directed by the Town Manager to do so.

Board Events

From time-to-time boards may wish to host activities or events or provide recognition for another organization's activity or event. Boards shall seek the approval of the Select Board liaison and must discuss and approve any event or activity as a board. If a board is co-sponsoring an event with another outside organization, any promotional materials must include the Town and/or board logo indicating that the Town is a co-sponsor and have a direct relationship with a Town board and/or department.

Budgets

In general, an individual board does not have a budget unless one is authorized by Town Meeting. Budget requests must be tied to goals each board generates and must include the expenses associated with stated goals. Boards must submit budget requests to the Town Manager for the upcoming fiscal year (July 1-June 30) no later than October 1.

Budget status reports are available upon request through the Treasurer's Office throughout the year. Select Board liaisons may initiate a budget review at any time during the fiscal year and this information may be considered with any future budget requests.

Purchases & Reimbursements

At a regularly scheduled meeting, all boards shall discuss and approve as a group, expenditure requests before they are made, and must consult the Town Manager regarding purchases. All purchases must adhere to the approved budget for a fiscal year and the Town Purchasing Policy. Every effort shall be made to utilize town resources (such as photocopies and printing) and cost-saving measures before purchases. Proof of expense and receipts for items must be submitted before reimbursement is requested. The Town is tax-exempt, and boards shall avoid paying sales tax (contact Treasurer if the tax-exempt certificate is required).

Invoices must be approved by the board and submitted according to the Accounts Payable Schedule provided by the Treasurer's office. Invoices are emailed to ap@ogunquit.gov after board approval, for inclusion on the next payable warrant. All invoices are approved by the Select Board at a regularly scheduled meeting, as outlined in Title 30-A, §5603a.

Receipt of Funds/Grants/Donations/Gifts

A boards engaged in grant writing activities may do so in accordance with the Town's State and Federal Awards Policy. To coordinate grant-writing efforts and avoid duplication, all grant applications must be approved by the Town Manager before submission, and a copy of the application and supporting documents must be on file with the Town. Volunteers may not enter into contracts on behalf of the Town and must coordinate any such work with a staff liaison or the Town Manager as appropriate.

Boards engaged in fundraising activities must first receive approval and coordinate with the Town Manager's office. Cash donations made outside of the Town Office are not permissible due to the inability to account for, track and verify donations received. Donations must be directed to the Treasurer's office at Town Hall, allowing for proper documentation and receipt of funds. No board may solicit or accept sponsorships of any kind without prior approval.

All persons or organizations that wish to donate to a board, including gifts of property and all monetary and non-monetary items, must be referred to the Treasurer's office. These donations must be documented, accepted by the Select Board, and managed in a manner consistent with Title 30-A, §5652 -§5655. No materials or notices will include the donor information unless authorized by the donor. Each board is permitted to announce that they have received a donation from _____ and that they have sent it to the town along with a recommendation that the town accept the donation.

Annual Town Report

All appointed boards must file an annual report of board activities for the Town Report, which is due to the Town Manager's Office each year on February 1. The Chair or other designated member shall detail board activities and a one to three-paragraph explanation of major accomplishments of the previous year as well as any plans or goals.

Additional Publications

All board members must read the Town Charter, available on the Town of Ogunquit's website: www.ogunquit.gov This is the official document granting, guaranteeing, or defining the local governing structure of the Town of Ogunquit. The Town Clerk's Office also maintains copies of this document. Familiarity with Town Ordinances and policies is recommended as they may affect the operation of various boards.

Use of Town Equipment and Facilities

Each board is responsible for its clerical work. However, with advance notice, Town Staff may be able to assist in the assembly of documents, photocopying, mailings, and other services. Town equipment and facilities may be used for official board business only. Most boards are assigned a mailbox at the Town Hall, which the Chair must check regularly.

APPENDIX

Appendix A—Committee By-Laws Template

Committee By-Laws

Each committee must formulate by-laws and its rules of procedure. These shall be reviewed on an annual basis. The following template shall be amended to include any committee-specific guidelines providing the language below remains.

BY-LAWS OF THE _____ COMMITTEE

ARTICLE I – NAME AND PURPOSE

Section 1. Committee Name
The name of this organization shall be the _____
Committee, herein called the “Committee.”

Section 2. Purpose
The purpose of the Committee is to _____,
its
activities include:

a. The business of the Committee shall be conducted in accordance with
Maine Statutes, Town Ordinances, Town of Ogunquit Charter, and
Robert's Rules of Order.

- b. The order of business shall be:
- 1) Roll call;
 - 2) Approval of the Minutes of preceding meeting(s);
 - 3) Unfinished Business;
 - 4) New Business;
 - 5) Other Business;
 - 6) Public Comment;
 - 7) Adjournment

ARTICLE II – COMMITTEE MEMBERSHIP AND OFFICERS

Section 1. Membership
The Committee shall be comprised of up to _____ full members and
____ alternate members as established by the Select Board in their
resolution to form the committee. Full members shall be appointed to
a three-year term with an expiration date of June 30th and alternate
members shall be appointed to a one-year term with an expiration of
June 30th, unless otherwise stated in the Town Charter.

Section 2. Officers
Chair – The Chair presides at all meetings and completes administrative
duties such as preparation of meeting agendas, posting of an agenda
at least 48 business hours before any meeting by email to the
Administrative Assistant (admin@ogunquit.org), committee
members and liaisons, reservation of meeting space with the
Administrative Assistant and preparation of an annual report of the
committee's activities. The Chair sets the tone of meetings, which shall

be respectful of individuals coming before their committee and between fellow committee members. The Chair has the same rights as other members to offer resolutions, make motions, and vote. The Chair shall familiarize themselves with the by-laws and rules of the Committee as well as any applicable ordinances and statutes and shall ensure that other members abide.

Vice-Chair – The Vice-Chair assumes all responsibilities of the Chair whenever the Chair is absent from meetings and performs other duties, as necessary. Should the Chair resign, the Vice-Chair will serve as the Chair until such a time as the committee can elect a new Chair.

Secretary – The Secretary is responsible for ensuring that meeting minutes are recorded and that this written record is filed with the Town Clerk's office once approved by the committee.

Alternate – An alternate member shall remain in the public section of the meeting and only participate as a member of the public unless elevate to a full member to meet the quorum requirement

ARTICLE III - MEETINGS

- Section 1. Scheduling
Regular monthly meetings shall be held at a time and place designated by a vote of the members. Special meetings of the Committee may be called by the Chair or by a majority of the membership. Meeting schedules shall be provided to the Town Clerk's Office. All meetings must be held in a town building, meeting ADA accessibility requirements and are open to the public. The Committee may conduct meeting remotely via Zoom after adopting the Remote Participation Policy.
- Section 2. Posting of Meetings
It is the responsibility of each committee Chair or designee to give notice and provide an agenda to the Administrative Assistant's office with the committee's meeting date, time, and place. Changes to a posted agenda must be submitted to the Administrative Assistant's office to re-post to the website. Meetings must adhere to the topics noticed on agendas and any new substantive business shall be noticed for the next scheduled meeting. In the case of emergency meetings (sudden, unexpected occasions which require immediate action by the committee), the Administrative Assistant's office must be informed, and the meeting posted as soon as possible. In the case of a meeting cancellation, notice must be given to the Administrative Assistant's office as soon as possible to post notice of the cancellation. In the case of the Town Hall closing due to weather, meetings are also generally cancelled.
- Section 3. Attendance
Members who are unable to attend a meeting of the Committee shall so notify the Secretary, Chair, or Vice-Chair, prior to the meeting. Members shall make every effort to attend all meetings and perform all duties assigned by the Chair.
- Section 4. Quorum
A majority of the regular members of the Committee shall constitute a quorum. A majority of those present and voting, if a quorum is present, shall be sufficient to conduct the business of a Committee.

ARTICLE IV - CONFLICT OF INTEREST

Section 1. Committee 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 committee member's impartiality or may otherwise give rise to an appearance of a conflict of interest, the committee member shall not participate in a matter unless he or she has appropriately disclosed the situation and there has been a determination by the committee that participation is appropriate. Any potential conflicts of interest (pecuniary or otherwise) must be disclosed immediately to the Select Board liaison and committee Chair prior to discussion and voting on the issue.

ARTICLE V – ADOPTION OF BY-LAWS AND AMENDMENTS

These by-laws are effective upon adoption by a majority vote of the Committee and adoption by a majority vote of the Select Board. Amendments to the by-laws shall be adopted by a majority vote of the Committee and adopted by a majority vote of the Select Board.

Appendix B—Application for Appointment to Town Board/Committee/Commission

TOWN OF OGUNQUIT, MAINE

TOWN CLERK'S OFFICE, 23 School Street, PO Box 875, Ogunquit, Maine 03907

Telephone: (207) 646-9546 Fax: (207) 646-5920

APPLICATION FOR APPOINTMENT TO TOWN BOARD/COMMITTEE/COMMISSION

New Re-Appointment Appointment from Alternate to Full Member

Please answer all questions on the form

Name: _____
Residence: _____
Mailing (If different): _____
E-Mail Address: _____
Phone: _____

Please check your choices and list in order of priority by marking 1, 2, 3, etc.

- | | |
|--|---|
| _____ Age Friendly Community Committee | _____ Historic Preservation Commission |
| _____ Bike-Pedestrian Committee | _____ Marginal Way Committee |
| _____ Board of Assessment Review | _____ Parks & Recreation Committee |
| _____ Comprehensive Plan Committee | _____ Performing Arts Committee |
| _____ Conservation Commission | _____ Planning Board |
| _____ Facilities and Space Needs Committee | _____ Shellfish Conservation Commission |
| _____ Harbor Committee | _____ Sustainability Committee |
| _____ Heritage Museum Committee | _____ Zoning Board of Appeals |

Related experience (Including other Boards/Committees/Commissions) _____

I am a: (check those that apply)

_____ Year- Round Resident _____ Summer Resident
_____ Ogunquit Property Owner _____ Registered Voter in Ogunquit

Why would you like to serve on this committee? _____

Please check the appropriate box: I have have not attended at least two (2) meetings of the Board for which application is being made. If appointed, I agree to attend all meetings when I am able and will inform the Chairperson when I am not able to attend.

Signature of Applicant

Date

Appendix C—Ogunquit Select Board Appointments

POLICY: OGUNQUIT SELECT BOARD APPOINTMENTS

PREAMBLE:

According to the Ogunquit Town Charter, the Select Board is charged with the responsibility for the appointment and removal of members to various Town-related Boards, Committees, or Commissions. The importance of these appointments cannot be over-emphasized because of the tremendous influence the respective Boards, Commissions, and Committees have on the direction of the Ogunquit Town government.

The following policy outlines the Select Board policy for the appointment of members to Town Boards, Commissions, and Committees for which they have authority. For this policy, and since the Select Board does not directly oversee the Town Clerk position, the Town Clerk responsibilities outlined below may be assigned to another position at the discretion of the Town Manager as appropriate.

POLICY:

1. The number of regular and alternative member positions and terms for a Town Board, Commission, or Committee is first identified in a formation/organization "Resolution" document approved by the Select Board. Thereafter, the number of regular and alternative member positions and terms for a Town Board, Commission, or Committee is identified in the Town Board, Commission, or Committee's By-Laws (may be updated from time to time), which has been approved by the Town Board, Commission, or Committee and the Select Board. Both Resolution and By-Law documents may also specify qualifications for Town Board, Commission, and Committee positions so long as they are following the Ogunquit Town Charter and Maine law.
2. The Town Clerk is charged with maintaining a current list of Town Board, Commission, and Committee positions according to an approved formation Resolution document or By-Laws, which shall include the names of appointed members and their terms, as well as any vacancies. In addition, the Town Clerk will maintain a list of applicants for Town Boards, Commissions, and Committees.
3. Vacancies to Town Boards, Commissions, and Committees positions occur when a new Board, Commission, or Committee is officially formed by a Select Board formation Resolution, when a term of an appointed member ends (even if a member is in a de facto status), when a member is removed from office in accordance with the Town of Ogunquit Charter, or when a member resigns.
4. When a regular member vacancy occurs on a Board, Commission, or Committee (but not the Budget Review Committee) before the end of a term and if there is a first alternate member already appointed, unless a first alternate member requests otherwise or is

unqualified, the Select Board may move the first alternate to the vacant regular member position to the end of the specific term. If the first alternate member requests to not be moved up or is unqualified and if there is a second alternate member already appointed, unless a second alternate member requests otherwise or is unqualified, the Select Board may move the second alternate to the vacant regular member position to the end of the specific term. If a first alternate moves to a regular member position and if there is a second alternate member appointed, the Select Board may move the second alternate member to the vacant first alternate member position to the end of the term. At the discretion of the Select Board Chair, moving up alternates may be included in the Select Board meeting consent agenda. (Note: Budget Review Committee vacancies will be filled in accordance with the Ogunquit Town Charter.)

5. When a vacancy on a Board, Commission, or Committee is not filled by an alternate member or is anticipated due to an upcoming term ending, the Town Clerk will advertise the (anticipated) vacant position opening and expected term. At minimum, the opening will be posted on the Office of the Town Clerk section of the Town website as soon as possible and included in the next Select Board meeting consent agenda packet. In addition, Board, Commission, and Committee Chairs and Select Board Liaisons are charged with advertising and recruiting qualified community members to apply. Further, the Select Board, Town Manager, Town staff, and other Board, Commission, and Committee members are encouraged to recruit qualified community members to apply for any and all vacancies and upcoming vacancies.
6. Once a vacancy is posted on the Town's website, applications are accepted for a minimum of ten business days and on a rolling basis until a position is filled. Applications forms are available in the Town Clerk's Office, as well as available on the Office of the Town Clerk section of the Town website. Member of the community applying must submit a complete application to the Town Clerk in person or via email by the end of business (4 pm) on the Wednesday before a Select Board meeting to be considered by the Select Board at their next meeting. Note, setting committee appointments on the Select Board agenda is at the discretion of the Ogunquit Select Board Chair and members, and is often based on prioritizing competing needs.) It is also noted that applications, with redactions of contact information, for Town Boards, Commissions, and Committees are public information/documents once submitted to the Town, unless otherwise deemed confidential by the Town's FOAA designee, Town Manager, or Select Board.
7. Applications are first reviewed by the Town Clerk to ensure the application is complete. The Town Clerk also verifies the applicant qualifies for the position for which they are applying. The Town Clerk may contact the applicant if the application is not complete or if there are questions or additional information needed to verify qualification. In addition to qualifications stated in Resolution or By-Laws for Town Boards, Commissions, and Committees, the following are some additional criteria for the Town Clerk to consider:

- A. Some Boards, Commissions, and Committees require member's to be residents of Ogunquit. These are: Board of Assessment Review, Conservation Commission, Planning Board, and Zoning Board of Appeals.
 - B. For Boards, Commissions, and Committees that allow non-residents of Ogunquit from nearby communities to serve, non-residents cannot make up 50% or more (or less than 50%) of the Board, Commission, or Committee members.
 - C. Members who currently serve on the Board of Assessment Review cannot serve on the Planning Board or Zoning Board of Appeals.
 - D. Members who currently serve on the Planning Board cannot serve on the Board of Assessment Review, Conservation Commission, Historic Preservation Committee, or Zoning Board of Appeals.
 - E. Members who currently serve on the Zoning Board of Appeals cannot serve on the Planning Board or Zoning Board of Appeals.
 - F. Members who currently serve on the Conservation Commission or Historic Preservation Commission cannot serve on the Planning Board.
8. Thereafter, if the Town Clerk determines the application is not complete or the applicant is not qualified, they will notify the applicant. The applicant may appeal the Town Clerk's decision to the Town Manager. The Town Manager will then issue a determination. If the Town Manager upholds the Town Clerk's decision, the applicant may then appeal the Town Manager's decision to the Select Board. Then, the Select Board will take up the matter and make a final determination. In this situation, the Select Board's decision shall be considered final. (Note: if the application is deemed incomplete at any time in this phase, the applicant may update their application or submit a new completed application rather than appeal the decision.)
 9. Once the Town Clerk, Town Manager, or Select Board confirms qualification, the Town Clerk adds the applicant to the list of applicants for the specific Town Board, Committee, or Commission, and provided the updated list of applicants to the Town Manager. On this list, the Town Clerk will also identify if the applicant currently serves on a Town Board, Commission, or Committee or has served within the past year. Once added to the list of applicants, the applicant's name will remain on the applicant list for one year from the date of their application.
 10. The Town Manager then regularly informs the Select Board Chair of applicants for Town Board, Commission, and Committees. The Town Manager also provides applicant information to all Select Board members as requested.
 11. For applicants who currently do not serve on a Town Board, Commission, or Committee, or has not served within the past year, or at the request of any Select Board member, the Select Board Chair will schedule an interview with the

applicant(s) or may assign this responsibility to the specific Town Board, Committee, or Commission's Select Board Liaison. If the Chair or Liaison do not schedule an interview within a reasonable time, any Select Board member may compel the Select Board to schedule an interview by calling for a Select Board vote on the matter according to Robert's Rule of Order. Applicant interviews will be scheduled through the Town Manager or their designee, who will contact applicants for scheduling. The Town Manager or their designee will post all interviews on the Town Calendar portion of the Town Website with at least five business days' notice, unless scheduled before, after, or during an already scheduled Select Board meeting. In addition, the Town Manager or their designee will post the interview agenda on the Select Board documentation portion of the Town's website. Select Board members will also be emailed when an interview is scheduled. Interviews may be conducted in person at the Dunaway Community Center or by using a combination of in-person at the Dunaway Community Center and electronic means according to the Select Board Remote Meeting Policy. Unless the Select Board Chair schedules an interview in Executive Session according to Maine FOAA, interviews will be open to the public to attend and observe. Interviews conducted solely in person need not be televised, live-streamed, or done using a video/audio communication platform which typically require staff support, and it is for this reason that solely in-person interviews are encouraged whenever possible. For interviews scheduled via electronic means, such means will be advertised on the Town Calendar and on the agenda for the interview, so the public is given the same access to attend and observe the interview in person or electronically.

12. Any member of the Select Board may attend an interview; however, it is only required that the Town Board, Commission, or Committee Select Board Liaison attend. If the Select Board Chair or Vice-Chair do not attend an interview, the interview is conducted by the Liaison. While no Select Board appointments or decisions are made during interviews, an interview will constitute an official Select Board procedure should more than two Select Board Members attend as this would make a quorum of the Select Board. Since all interviews are posted for public transparency, there is no additional requirement for when interviews are attended by three or more members of the Select Board.
13. While there are no specific interview questions, interviews are a time for Select Board Liaison and Members to get to know applicants. Questions during interviews will focus on the applicant's interest in serving, background/experience, and hopes for serving. Questions that could be deemed discriminatory are forbidden. Whenever appropriate, applicants are also offered an opportunity to ask questions of the Select Board about the position and Town Board, Commission, or Committee.
14. If the Select Board Chair does not attend an interview, the Liaison will inform the Select Board that the interview has been completed.
15. After an interview is conducted, or if an interview is not required or requested by a Select Board Member (for applicants who currently serve on a Town Board, Commission, or Committee or has served within the past year), the Select Board

Chair will schedule the appointment consideration on the next Select Board meeting agenda or as soon as all applicable interviews for the position(s) have been conducted. Note: If applicant interviews have been offered and have not been able to be scheduled within a reasonable amount of time (generally one month), the Select Board Chair may schedule the appointments, regardless of interview status, on the Select Board agenda or must schedule the appointments, regardless of interview status, with an affirmative vote of the Select Board.

16. As with all votes, the Select board must make appointments to Town Board, Commission, and Committee vacancies at a public meeting of the Select Board. The Select Board should make every effort to consider applicants to position vacancies at a regularly scheduled meeting of the Board as soon as possible. Appointments for Town Board, Commission, and Committee members is at the discretion of the Select Board. A vacancy does not guarantee appointment, even if there is only one applicant. The Select Board does not take public comment on Town Board, Commission, or Committee appointment agenda items. There are several options for placing appointments on the Select Board agenda. They can be placed on the regular agenda (generally under new business). When listed as a regular agenda item, the available positions and terms will be listed, as well as all current applicants on file with the Town Clerk. It should be noted on the agenda if applicants are re-applying to serve on the Town Board, Commission, or Committee. There are some options where the Chair, at their discretion, may place appointments on the Select Board consent agenda. The two options include:

- A. Applicants who currently serve on a specific Town Board, Commission, or Committee may be placed on the consent agenda of the Select Board for consideration of re-appointment.
- B. If there are less applicants than there are open positions on a Town Board, Commission, or Committee.

If placed on a consent agenda, the consent agenda will specify the term of the position for each applicant being considered. If there are multiple terms available, the Select Board Chair, at their discretion, will make a term determination for the consent agenda consideration.

17. Once a person is appointed to a position on a Board, Commission, or Committee, the formal document appointing the individual will be prepared by the Town Clerk and shall be signed by at least three members of the Select Board voting in the affirmative for the appointment (non-affirmative voting members of the Select Board are encouraged to also sign). Appointees will be duly notified of their appointment by the Town Clerk and will be requested to come to the Town Clerk's Office to be sworn in or provide documentation of their swearing-in according to Maine law and the Town Charter, and sign the Code of Ethics at the earliest possible date, but in no

case more than thirty business days. If more than thirty business days pass before being sworn in or before providing swearing-in documentation and signing the Code of Ethics, the individual is no longer considered an appointee and their name shall be returned to the list of applications maintained by the Town Clerk. Once sworn in or documentation of being sworn in is provided to the Town Clerk and after signing the Code of Ethics, the Town Clerk will notify the appropriate Town Board, Commission, or Committee Chair of the appointment by the Select Board and that the appointee is able to vote during meetings of that Town Board, Commission, or Committee. The Chairperson will assure that the appointee is introduced to members of the respective Town Board, Commission, or Committee at or before the first regular meeting following the member's appointment.

18. Before their first meeting as a voting member, or shortly thereafter, initial training (proper preparation for the duties) shall be completed according to the Town Clerk and Chair of the Town Board, Commission, or Committee. The Chair oversees training for day-to-day work of the Town Board, Commission, or Committee. The Town Clerk oversees training for the Code of Ethics, Town Charter, and Maine/Federal laws such as FOAA, etc. Ongoing training is also emphasized as an important facet to accepting appointments to any Town Board, Commission, or Committee. If a Town Board, Commission, or Committee Chair or Town Clerk have concerns regarding a Town Board, Commission, or Committee member's training, they shall first speak with the member. If they continue to have concerns thereafter, they should refer the matter to the Town Manager, Select Board Liaison, or Select Board Chair.
19. Annually, on June 30th, when the terms of some members of Town Boards, Commissions, and Committees expire. Between 45-60 business days before an appointee term expires, the Town Clerk will update anticipated vacancies online and will notify members whose terms are expiring that she has posted the anticipated opening and they should re-apply if they wish to be considered for re-appointment. The Town Clerk will also inform the Town Board, Commission, or Committee Chair, as well as the Select Board Chair and Liaison to the appropriate Board, Commission, or Committee. Members whose terms have expired may continue to serve as a de facto member of a Town Board, Commission, or Committee until they resign, are formally re-appointed, or a replacement is appointed by the Select Board, or unless the Select Board takes specific action to the contrary. The Select Board reserves the right to take up specific action precluding some or all individuals from participating as de facto members.
20. Town Board, Commission, and Committee members serve until their term ends (unless de facto till they are re-appointed, replaced, or removed), they resign, or they are removed from office by the Town of Ogunquit Charter.
 - A. After specific action of the Select Board, if a member is not re-appointed, is replaced after their term expired, or is removed, the Town Clerk will notify the individual and the Chair of the specific Town Board, Commission, or Committee

that they can no longer serve as a (de facto) regular or alternate member. Past members are welcome to always participate in Town Board, Commission, and Committee meetings as appropriate for all community members.

- B. Members who wish to resign from their position, shall notify the Town Board, Commission, or Committee Chair in writing (can be via email), and shall copy their written notification to the Town Clerk, Town Manager, Select Board Liaison, and Select Board Chair.
- a. Once a resignation is obtained by a Town Board, Commission, or Committee Chair, the Chair shall place the resignation the next Board, Commission, or Committee meeting agenda. According to Robert's Rules, the Board, Commission, or Committee shall vote to accept the member's resignation. Thereafter, the Chair shall inform the Town Clerk of the accepted resignation.
 - b. The Town Clerk will then inform of the Town Manager of the official resignation and vacancy. The Town Manager will then inform the Select Board Chair and the resignation will be included in the next Select Board meeting consent agenda packet.

*For the Ogunquit Conservation Commission, if associate (term in Maine law) members are ever appointed, they shall be treated as "alternative members" in this policy.

** The Town of Ogunquit, its employees, and its Officers, including those appointed by the Select Board, shall abide by all federal and state laws/regulations, as well as the Town Charter. If any provisions of this policy are considered not valid, enforceable, binding, and/or legal it will not cancel or void the rest of this policy. The remainder of the policy will continue to be valid and enforceable, to the maximum extent of the laws and regulations set forth by federal, state, or Ogunquit's Town Charter.

Adopted at Select Board's Meeting:
February 1, 2022

Appendix D—Code of Ethics for Boards and Committees



TOWN OF OGUNQUIT CODE OF ETHICS FOR BOARDS, COMMITTEES, AND COMMISSIONS

This Code of Ethics applies to members of all elected and appointed Town boards, committees, and commissions (hereinafter referred to as "Members") other than the Select Board, which has its own separate Code of Ethics.

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 for its local boards, committees and commissions (hereinafter collectively "board" or "boards"). In keeping with a commitment to excellence, the effective functioning of democratic Town of Ogunquit government requires that:

- Members comply with both the letter and spirit of laws and policies affecting Town government;
- Members be independent, impartial, and fair in judgment and action;
- Members 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.

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 their respective 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; and the Town of Ogunquit's Charter, Bylaws, Ordinances and Policies.

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; or of Town Staff; or of citizens. Members shall not use their official positions to secure unwarranted privileges or advantages for themselves or others. This conduct applies to all town affiliated matters in both on and offline media.

4. Respect for the Process

Members shall perform their duties in accordance with the processes and rules of order established by the respective 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 business in the Town of Ogunquit. Members should strive to thoughtfully consider the opinions and recommendations of other Members, citizens, and Town staff appearing before their respective board and shall remain respectful in all interactions with these individuals.

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 these same standards of conduct for the conduct of public meetings.

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

A. Communications Outside of Board Meetings:

- (i) To preserve public confidence in the fairness of board deliberations and decisions, the board should ensure that the public and interested parties have the opportunity to know, and respond to, all information the board considers in making its decisions. The board should also ensure that each Member has the opportunity to know and consider the information available to other Members.

- (ii) When considering items or issues in the public process, the board deals with parties who are directly affected by the board's decision (such as the applicant and neighbors of a proposed project). Each of these interested parties need the assurance that other interested parties will not have unfair advantage in presenting their version of the relevant facts or concerns to the board. In such cases, therefore, Members shall avoid communicating with applicants or other interested parties about the proposal outside of board meetings at which the proposal is being considered. Communications with applicants or other interested parties about the proposal outside of board meetings at which the proposal is being considered or information provided to a Member outside of an official board meeting ("*ex parte* communications") can occur in person, via telephone, fax, e-mail, or other method of communication, and should be avoided.
- (iii) A Member who is approached with an *ex parte* communication should actively discourage the person from doing so and encourage the person to submit the information to the board in writing or through oral testimony at a board meeting. The Member should explain that, by providing information outside the public meeting, the person may be causing constitutional due process problems with the board's process and that the board may not legally be able to consider the information the person is trying to present.
- (iv) If a Member receives unsolicited communications about an item or issue, outside of a board meeting, the Member has the duty to reveal the communications during the board's consideration of the proposal. This ensures that the communicated information will become part of the record and that other Members and interested parties will have an opportunity to consider and refute the information.
- (v) Comprehensive Plan, Zoning Ordinance, or Subdivision Regulation amendments are legislative determinations to be made by the Town Meeting, and when considering such matters the Planning Board's role is advisory. When the Planning Board considers such issues it often finds access to a broad range of public input helpful in making a decision on the issue. In such cases, therefore, Planning Board members may communicate with interested persons outside of the meetings at which the issue is being considered, but each Planning Board member has the duty to reveal the general nature and scope of relevant information and opinions gleaned from such communications during the Planning Board's consideration of the issue. To ensure that each Planning Board member's decision is based on the full range of information and public opinion available to the Planning Board, Members should avoid committing themselves to a position on the issue during any outside communications.

- (vi) Under no circumstances should Members meet with someone representing just one side of an item or issue outside a public meeting setting. Further, Members should not discuss a pending application with a Code Enforcement Officer, Town Planner, Town Engineer, or other Town Staff outside a public board meeting in order to avoid due process problems.
- (vii) Town Staff shall ensure that any communications between Members and themselves that constitute an *ex parte* communication are revealed to the entire board at the next available public meeting for which that item is discussed.

B. Use of E-mail to Communicate:

- (i) Members shall avoid the use of e-mail for deliberation, discussion, or for voting on matters properly confined to public meetings; e-mail should be used for non-substantive matters such as scheduling meetings, dissemination of information and reports, and developing agendas for future meetings.
- (ii) In the event this provision on use of e-mail is not followed, or if there is a question whether substantive matters properly confined to public meetings were discussed or deliberated on via e-mail by three or more members of any Town board, those e-mails in question should be printed and disclosed to the public at the next public meeting of the board.
- (iii) Under Maine's Freedom of Access ("Right to Know") law, all e-mail and e-mail attachments received or prepared for use in matters concerning Town business or containing information relating to Town business are likely to be regarded as public records which may be inspected by any person upon request, unless otherwise made confidential by law.

C. Communications about Town Staff

All Members' concerns about the conduct or behavior of Town employees shall be communicated to the Town Manager in a respectful and discrete manner 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 remaining Members of the 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 alleged interest.

Once disclosure has been made as provided above or if the issue of conflict has been raised relative to a Member, the respective 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.

If excused from participation in a matter, a Member may not sit with the board during its consideration of the matter, and may not vote on the matter, but shall take a seat in the audience and may participate as a member of the public. The Member shall not return to his or her regular seat as a member of the body until deliberation and action on the item has been completed.

*** Financial Interest-** financial interest shall mean any direct or indirect interest having monetary or pecuniary value, including but not limited to ownership of the business or its shares of stock. (See 30-A M.R.S.A. § 2605, as may be amended.)

**** Special Interest-** A direct or indirect personal involvement that might reasonably be expected to impair his/her objectivity or independence of judgment, including a situation where, by reason of the Member's interest, the Member is placed in a situation of temptation to serve his/her own personal interests to the prejudice of the interests of the Town.

9. Gifts and Favors

Members shall not take advantage of services or opportunities for personal gain by virtue of their service on a Town board that is 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 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 family. Members shall not discuss the privileged knowledge, executive sessions, or confidential business of the board with any third 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 otherwise publicly available. Information received and discussed during any executive session shall be

considered within the scope 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 for personal purposes such as Town staff time, equipment, supplies or facilities.

12. Representation of Third Party Interests

As stewards of the public interest, 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. 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 Town of Ogunquit 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 those of their board or the Town of Ogunquit, and they shall not allow any inference that they do.

14. Policy Role of Select Board

Members shall respect and adhere to the Town Manager form 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 citizens.

Members shall therefore not interfere with the administrative, executive 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. Members should also refrain from bringing matters currently under discussion and review by their respective board up for discussion before any other board, committee, or commission unless expressly authorized to do so by affirmative vote of a majority of the Member's board.

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 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 and appointed board members. Members shall sign a statement acknowledging they have received read and understand this 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 boards. 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.

Initially, the Chair and Vice-Chair of the board have the responsibility for intervening when actions of Members appear to be in violation of this Code of Ethics.

When a Member violates the Code of Ethics, the actions taken may range from a letter of reprimand by the respective board, to a censure by the respective board, to a request for resignation from the position. All such action shall require a majority vote of the respective board before being imposed upon the Member determined to be in violation.

If that board intervention fails or is ineffective, the Select Board may intervene and counsel Members whose conduct does not comply with the Town's ethical standards or take such other action as it deems appropriate under the circumstances.

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.

I have read and accept the above Code of Ethics as witnessed by my signature below:

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

Signature

Date

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

Approved by the Select Board at their meeting on June 21, 2022.

Appendix E—Remote Participation Policy

REMOTE PARTICIPATION POLICY

Town of Ogunquit Board/Committee/Commission Name

Pursuant to 1 M.R.S.A. § 403-B, and after public notice and hearing, the Board/Committee/Commission (the “Committee”) adopts this policy governing remote participation in public meetings and proceedings.

PURPOSE

The purpose of this policy is to provide a framework for when remote participation is allowed for members of the Committee as well as members of the public and Town staff and to outline acceptable methods of remote communication.

A. LIMITED IN SCOPE

The Committee members are expected to be physically present for meetings except when being physically present is not practicable, including but not limited to the following circumstances:

1. The existence of an emergency or urgent issue that requires the full Committee to meet remotely.
2. Illness, other physical condition, or temporary absence from the Town that causes a member of the Committee to face significant difficulties traveling to and attending in person.

A Committee member who is unable to attend a meeting in person shall notify the Chair as far in advance of the meeting as possible. The Chair is authorized to make a determination as to whether remote participation by the Committee or certain Committee member(s) is permissible under the circumstances.

B. REMOTE PARTICIPATION REQUIREMENTS

1. Remote Methods of Participation

The remote method of participation may be through telephonic or video technology that allows for the simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Methods of participation cannot be by text-only means such as e-mail, text messages or chat functions.

2. Committee

- a. A Committee member who participates in a public proceeding by remote methods is present for purposes of a quorum and voting.
- b. All votes taken during any public proceeding when one or more members of the Committee are participating by remote means shall be by roll call vote that can be seen and heard if using video technology and heard if using only audio technology.

3. Members of the Public

- a. Members of the public must be given meaningful opportunity to participate remotely when a member of the Committee is participating remotely.
- b. Members of the public and Town staff may be given the opportunity to participate remotely at any Committee meeting, regardless of whether any Committee members are participating remotely.
- c. If the Committee allows or is required to provide an opportunity for public input during the meeting, an effective means of communication between the members of the body and the public must be provided.

- d. The Committee may not determine that public attendance at a proceeding will be limited solely to remote methods, except in the case of an emergency or urgent issue that requires the full Committee to meet remotely.

4. Notice Requirements

- a. Notice of all Committee meetings must be provided in accordance with 1 M.R.S.A. § 406 and applicable Town requirements.
- b. When the public may attend via remote methods the notice must include the means by which the public can participate remotely.
- c. Unless the entire Committee is meeting remotely, due to an emergency or urgent issue, the notice shall include the physical location of the meeting for those that would like to attend in person.

5. Meeting Materials

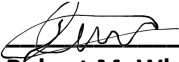
All documents and materials considered by the Committee must be made available to the public who attend remotely, electronically, or otherwise, to the same extent they are customarily made available to members of the public who attend in person, as long as additional costs are not incurred by the Town.

Adopted on this day by a majority of the Board/Committee/Commission Name:

Dated:

Adopted on this day by a majority of the Select Board:

Dated: January 10, 2023



Robert M. Whitelaw, Chair



Carole J. Aaron, Vice Chair



Richard A. Dolliver



Heath R. Ouellette



Scott A. Vogel

Appendix F—Committee Listing

AGE FRIENDLY COMMUNITY COMMITTEE
BOS Meeting 06.30.2020 – By-Laws/7 Members – 3 Year Terms
Meeting Schedule: 3 rd Wednesday of Month @ 6pm

BIKE-PEDESTRIAN COMMITTEE
BOS Meeting 06.05.2018 – By-Laws/7 Members – 3-Year Terms & 2 Alternates – 1 Year Term
Meeting Schedule: 3 rd Wednesday of Month @ 10am

BOARD OF ASSESSMENT REVIEW
3 Members – 3 – Year Terms & 2 Alternates – 1 Year Term
Meeting Schedule:

BUDGET REVIEW COMMITTEE
5 Members – 3 Year Terms (Elected) & 2 Alternates – 1 Year Term (Appointment)
Meeting Schedule:

CONSERVATION COMMISSION
7 Members (ordinance) 3 Year Terms & 2 Alternates – 1 Year Term
Meeting Schedule: 1 st & 3 rd Thursday of Month @ 6:30

FACILITIES & SPACE NEEDS
7 Members (ordinance) 3 Year Terms & 2 Alternates – 1 Year Term-ADHOC
Meeting Schedule: Every other Monday @ 9:00am

<p style="text-align: center;">HARBOR COMMITTEE</p> <p style="text-align: center;">5 Members -3-Year Terms & 2 Alternates – 1 Year Term</p>
<p style="text-align: center;">Meeting Schedule:</p>

<p style="text-align: center;">HERITAGE MUSEUM COMMITTEE</p> <p style="text-align: center;">9 Members – 3 – Year Terms & 2 Alternates – 1 Year Term</p>

<p style="text-align: center;">HISTORIC PRSERVATION COMMISSION</p> <p style="text-align: center;">5 Members – 3 Year Terms & 2 Alternates 1 Year Term</p>
<p style="text-align: center;">Meeting Schedule: 2nd & 4th Wednesday @11:00am</p>

<p style="text-align: center;">MARGINAL WAY COMMITTEE</p> <p style="text-align: center;">7 Members 3 Year Terms & 2 Alternates 1 Year Term</p>
<p style="text-align: center;">Meeting Schedule: 1st Monday of Month</p>

<p style="text-align: center;">PARKS & RECREATION COMMITTEE</p> <p style="text-align: center;">7 Members 3 Year Terms</p>
<p style="text-align: center;">Meeting Schedule:</p>

<p style="text-align: center;">PERFORMING ARTS COMMITTEE</p> <p style="text-align: center;">9 Members 3 Year Terms & 2 Alternates 1 Year Terms</p>
<p style="text-align: center;">Meeting Schedule: 3rd Friday of Month @ 10:00am</p>

PLANNING BOARD
5 Members 3 Year Terms & 2 Alternates 1 Year Terms

Meeting Schedule: 2nd & 4th Monday @6pm

SELECT BOARD
5 Members - 3 Year Terms (Elected)

Meeting Schedule: 1st & 3rd Tuesday

SHELLFISH CONSERVATION COMMISSION
5 Members 3 Year Terms & 2 Alternates

Meeting Schedule:

SUSTAINABILITY COMMITTEE
6 Members 3 Year Terms 2 Alternates 1 Year Term

Meeting Schedule:

WELLS-OGUNQUIT CSD TRUSTEES
3 Members 3 Year Terms

Meeting Schedule:

ZONING BOARD OF APPEALS
5 Members 3 Year Terms & 2 Alternates 1 Year Term

Meeting Schedule: 2nd Thursday of Month

Appendix G—Sample Agenda



Committee Name
Meeting Date
Meeting Time
6:00pm – Meeting
Dunaway Community Center
23 School Street, Ogunquit, Maine

This meeting is being held at the Dunaway Community Center. Members of the public may attend in person, watch on Town Hall Streams (https://townhallstreams.com/towns/ogunquit_maine), or participate remotely via Zoom using the link the below.

Connecting by computer or mobile device:
Register in advance or at the time of the meeting:
After registering, you will receive a confirmation e-mail with information to join the meeting.
Connecting by land line/telephone:
If you want to call in to the meeting, dial:
Webinar ID:
Password:

Agenda

6:00pm MEETING

1.0 WELCOME AND CALL TO ORDER

- 1.1 Roll Call
1.2 Pledge of Allegiance

2.0 APPROVAL OF MINUTES

- a. Meeting Date
b. Meeting Date

3.0 UNFINISHED BUSINESS

- 3.1 List Items
a.
b.
3.2 List Items
a.
b.

4.0 NEW BUSINESS

- 4.1 List Items
a.
b.
4.2 List Items
a.
b.

5.0 OTHER BUSINESS

- 5.1 List Items
a.
b.
5.2 List Items

- a.
- b.

6.0 PUBLIC COMMENTS

The Committee welcomes the public to comment and ask questions about the Committee matters, and any items on the agenda. Questions are not always answered immediately; the Committee has agreed to answer questions by the next regularly scheduled meeting whenever possible. We ask that people keep comments brief and to the point (no more than three minutes and one time per meeting, except when public comment is solicited on specific agenda items), as well as that your comments be respectful of the community we aspire. We also ask that if you have a complaint or concern, it would be most helpful if you also offer a solution or solutions. Please begin your comments by stating your name and your affiliation with Ogunquit (i.e., resident, taxpayer, voter, business

7.0 ADJOURN

Acknowledgment and Receipt of Handbook

By signing below, I hereby acknowledge receipt of this Handbook and understand it is my responsibility to read and abide by the procedures and policies herein.

Signature of Committee Member/Volunteer

Printed Name of Committee Member/Volunteer

Date

Witness

Paper Copy

Electronic Copy