

DRAFT

(February 2, 2016)

Falmouth Town Council Conflict of Interest Policy

Preamble:

It is the policy of the Town of Falmouth that the proper operation of democratic government requires that public officials be independent, impartial and responsible to citizens; that public service not be used for personal gain; and that the public has confidence in the integrity of its municipal government. The purpose and intent of this Policy is to promote improved transparency and public trust and to protect the integrity of Town government against actual or reasonably perceived conflicts of interest without creating unnecessary barriers to public service.

This Policy applies to members of the Falmouth Town Council (“Councilors”). This Policy shall not prevent the Town Council from adopting additional procedures and standards intended to prevent the exercise or appearance of improper influence or bias in the conduct of Town business. This Policy is intended to supplement, but not replace, any Maine or federal law governing conflicts of interest.

Conflict of Interest:

A conflict of interest may arise when specific circumstances exist such that a Town Councilor may reasonably be presumed to be motivated by a personal interest rather than the public interest. Although not intended as an exhaustive list, this Policy targets three specific circumstances where a conflict of interest may arise, and where Town Councilors are encouraged to exercise caution before determining that their participation in decision making on a particular agenda item is in compliance with this Policy. These three circumstances are as follows:

1. When a matter before the Council could have a direct and substantial financial benefit or detriment to any Councilor or his/her immediate family members;
2. When a matter before the Council could have a direct and substantial financial benefit or detriment to the Councilor’s employer or his/her immediate family’s employer(s);
3. When a matter before the Council could have a direct and substantial financial benefit or detriment to any outside organization for whom the Councilor holds an official leadership position.

“Immediate family” is defined under this Policy to mean the Councilor’s spouse, child, (natural or adopted), parent, brother or sister, and any other person with whom a Councilor shares living quarters under circumstances that closely resemble a marital relationship or who is financially dependent on the Councilor.

Avoidance of appearance of conflict:

Town Councilors should avoid the appearance of a conflict of interest, bias or improper influence by disclosure and/or abstention.

Disclosure; Abstention:

Councilors are required under this Policy to disclose any potential conflict of interest they may have in any agenda item before the Council. Once a disclosure is made, the Councilor shall either abstain from the decision making process (including any discussion, deliberation or vote) regarding that agenda item or shall explain why he or she believes his or her abstention is not necessary. Where the Councilor believes abstention is not necessary, he or she may determine the appropriate extent of his or her participation in the decision making process.

Abstention not required:

It is not the intent of this Policy to prevent Councilors from voting on matters while acting in a legislative capacity even if their actions may be based upon strongly held personal views, so long as there is no direct and substantial financial interest in the outcome of the decision.

Moreover, given the relatively small size of the Falmouth community, Councilors may be faced from time to time with making decisions that affect their personal interests in a manner substantially similar to the interests of other Falmouth residents. For example, Town Councilors are not automatically disqualified from voting on a town-wide zoning change merely because they own land that will be affected by the zoning decision, especially if the financial benefits to the Councilor involved in the legislative action are speculative, indirect and/or insubstantial.