

Town of Kennebunkport, ME

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Code of Ethics Policy

Town of Kennebunkport Code of Ethics Policy

Section 1. Title

This policy shall be known as the Code of Ethics Policy for the Town of Kennebunkport, Maine, hereinafter referred to as "policy".

Section 2. Purpose

The purpose of this policy is to direct and ensure that all public officials (elected officials, appointed officials, committee members, board members, commission members, volunteers) and employees of the Town of Kennebunkport be ethical, fair, impartial, and responsive to each other; that decisions and policy be made utilizing proper channels and procedures of the Town's governmental structure; that public office or employment not be used for personal gain of any nature; and that such elected officials, appointed officials, committee members, board members, commission members, volunteers, and employees maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government.

It shall always be held true and forever remembered that those persons elected or appointed to a position of trust and responsibility shall perform their official duties clearly understanding that they serve not themselves, but serve those that have elected or appointed them.

Town government exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case by case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Section 3. Code Provisions

Citizen Access

Every citizen is offered, and if they so choose, a fair and impartial opportunity to speak on any matter coming before the Town. This opportunity will be held consistent with the established rules of the appropriate Town Board or Committee having jurisdiction of the subject matter involved. The Board of Selectmen's meeting would be the appropriate venue to bring up any matter not covered by any other Town Board's or Committee's jurisdiction. Public requests for an opportunity to address the appropriate Board or Committee may be received by any person duly authorized by the Town to receive such requests. Nothing in this section shall interfere with the citizen's right to speak at any public meeting being conducted by the Town or its Boards and Committees.

A record shall be kept by the Town of any citizen comment. This is to be done in the appropriate Board or Committee minutes. Matters concerning issues of confidentiality shall be kept confidential in so far as those matters and issues are protected by Federal and State of Maine Statutes.

Agenda and minutes of boards and committees should be available to the public at large in a timely fashion.

Standards of Conduct

All public officials and employees are expected to uphold all federal, state and local laws and all policies of the Town. All public officials and employees will perform their duties and responsibilities as outlined in their job descriptions with the utmost professionalism and integrity.

Conflicts of Interest

All public officials and employees must be fair and impartial in carrying out their duties and responsibilities.

All public officials and employees must ensure that their official actions do not create actual, potential, or the appearance of personal or financial gain, either directly or indirectly, for themselves, family members, or personal friends. Any actual or potential conflicts between personal interests (financial, personal relationships, or otherwise) and Town business must be fully disclosed in a timely fashion to the appropriate Board/Committee if the individual holds an elected office or is a volunteer public official, or to the Town Manager if the individual is an employee. If the Board/Committee or Town Manager determines that a conflict of interest does exist, then the public official or employee must recuse him/herself from officially participating in any discussion or decision-making action on the issue. Examples of conflicts of interest include: personal investments in, or possible financial gain from, companies or businesses that contract with the Town; family or personal friends that work for a company or business that contracts with the Town; recommending a company or service provider while acting in an official capacity; discussing and voting (except Town wide votes) on Town ordinances, policies, or plans that either directly or indirectly benefit the public official or employee, friends or the public official's or employee's employer, provided the employer is not the Town. (See also Administrative Code Article IX, Section 9).

This conflict of interest provision does not prohibit a public official or employee from acting as a private citizen, outside of any official duties, if they are a resident of the Town.

Gifts and/or Gratuities:

The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the obligation of every public official and employee to refuse personal gifts, favors or special privileges in every instance where favor or special privilege would not have been extended but for the position of such public official or employee; where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the public official or employee; where the gift is or may reasonably be considered to be designed to influence the actions of the public official or employee. No public official or employee shall seek personal or financial advantage by means of his public office, appointment or employment. No public official or employee should directly or indirectly solicit any gift or gratuity or accept or receive any gift if it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties or the gift or gratuity was intended to serve as a reward for any official action on their part.

Confidential Information

Public officials and employees shall not disclose to others, or use to further their personal interest or the interest of persons other than the person to whom the information relates, confidential information acquired by them in the course of their official duties.

Use of Town Equipment, Supplies, and Services

The Town's resources are provided for official town business and will not be used for personal business. Occasional, but not frequent, use of town e-mail accounts for personal use and telephones for personal local calls is permissible. However, no public official or employee shall use town property, services, or labor personally, or make them available to others, except if such use is available to all residents and on equal terms.

In addition, Town equipment or supplies will not be used by any employee in his/her private business. No Town services shall be used by a Town employee for a personal or business basis, such as plowing a private driveway. Motor vehicles assigned to Town employees shall be used for Town business only and as specified by his/her employment contract and within the rules of the Department and the Town. The Town's letterhead shall not be used for personal correspondence or in personal business correspondence. Neither paid consulting work nor paid speaking engagements, nor other outside employment, may be engaged in during an employee's normal working hours.

Incompatibility of Office

Given the extent of Kennebunkport's municipal staff and limited volunteer resources, there may be cases when one person will simultaneously hold more than one position or office in municipal government. If the legitimate duties of the separate offices cannot be performed with the undivided loyalty of the individual, there will exist an incompatibility of office. The Maine state statutes and Maine common law shall define specific incompatibilities of office and will serve to establish criteria to determine other incompatibilities which are not expressly defined in the law. Generally, if it is found that the duties of one office holder serve the purpose of providing a check with regard to the duties of the other, or that the one office could review, modify or supervise the work of the other, then the two offices should not be simultaneously held by the

same person. Additionally, no public official, whether elected or appointed, or employee, whether paid or unpaid, shall sell services or goods from private interests when such employment or service is incompatible with the proper discharge of their official duties.

Section 4. Authority

This policy is adopted, pursuant to the authority provided by 30-A M.R.S.A. 2605 subsection 7, by the Board of Selectmen.

Section 5. Applicability

This policy shall apply to all elected officials, appointed officials, committee members, board members, commission members, volunteers, and employees of the Town of Kennebunkport.

Section 6. Effective Date

This policy shall become effective _____.

Section 7. Amendment

This policy may be amended or revised by a majority vote of the Board of Selectmen.

Section 8. Severability

If any provision of this policy is found to be unenforceable or invalid, the remaining provision shall remain in full force and effect.

Section 9. Conflict with other Policies, Ordinances, or Jurisdictions

Whenever a provision of this policy conflicts with or is inconsistent with another provision of this policy or any other policy, ordinance, regulation, statute, or other law, the more restrictive provision shall apply.

Section 10. Educating Public Officials and Town Employees

Following approval of the Code of Ethics Policy by the Board of Selectmen, current employees and public officials will receive a copy of this code and will be required to sign a form acknowledging that they have received a copy of this code and that they understand its contents.

Following implementation of the Code of Ethics Policy each newly elected or appointed public official and newly hired employee will sign a form when they take the oath of office acknowledging that they have received a copy of this code and understand its contents.

Section 11. Ethics Committee

The Ethics Committee will consist of five residents of the Town and will be appointed by the Town

Moderator. Initially, the appointed members of the committee will determine by lot the length of their term, such that: a) two committee members will serve a one year term, b) two committee members will serve a two year term, and c) one committee member will serve a three year term. After the first year, 2 new committee members will be appointed by the Town Moderator for a term length of three years. The members of the committee will elect a chairperson each year. There is no limit on number of terms a committee member may serve.

The Ethics Committee shall: a) have the power to investigate all written complaints which are filed, b) establish forms by which public officials, employees, and residents of the Town may file complaints or request an inquiry be made, and c) only review complaints based on alleged violations of Section 3 of this policy.

Section 12. Complaints

Any individual having information that a public official or employee is acting in violation of the Code of Ethics Policy of the Town may file a complaint. The complaint will be in writing and will provide the specific provision of the Code of Ethics Policy believed to be violated with details to support the allegation. The complaint must be signed and dated by the complainant. Any public official or employee against whom a complaint has been filed will be given a copy of the complaint.

Complaints and proceedings against employees will be in accordance with applicable Collective Bargaining Agreements and personnel policies.

Complaints against any public official will go through the Ethics Committee. A quorum, which consists of three or more committee members, is required for purposes of determining the merits of a complaint and for meetings or hearings involved in the investigation of a complaint and final decision

The Ethics Committee will have fourteen (14) days from receipt of the complaint to determine if the complaint has sufficient merit to warrant a hearing. If the complaint is without substance and warrants no further action, the Ethics Committee will forward their findings to the complainant and the public official involved.

If the Ethics Committee determines that the complaint has sufficient merit to warrant a hearing, it will have thirty (30) days to investigate, hold hearings, and submit a final written report on its findings to the complainant, public official involved, and the Board of Selectmen. In the event the Ethics Committee finds that there has been a violation of the Code of Ethics Policy, the Board of Selectmen will consider what action to take against the individual, ie., censure, call for resignation, simply place on file, etc.

The Ethics Committee will have the sole discretion for setting the rules regarding the conduct of hearing. The committee will seek to make sure that both the complainant and the public official involved have an opportunity to be heard and to present evidence. The committee may limit testimony if it is demonstrated to the satisfaction of the committee that such testimony is irrelevant, redundant, unnecessary or unreliable.

The Ethics Committee may require any public official to appear before it to provide testimony regarding pending complaints. The Ethics Committee, for this purpose, may administer oaths and require the production of evidence such as documents. The Ethics Committee will also have access to Town counsel.

All complaints, investigations and proceedings are confidential.