

POLICY ON ETHICS

POLICY: The proper operation of democratic government requires that Selectmen and their appointees be fair, impartial and responsive to the need of the people and each other in the performance of respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used simply for personal gain; and that such Selectmen and their appointees maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, a Policy on Ethics is hereby established for all Selectmen, and all members and associate members of all Boards and appointed positions.

PURPOSE: The purpose of this policy is to establish ethical standards of conduct for all Selectmen, Board Members and Appointees by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the appearance of conflict or incompatibility, with the best interests of the Town of Mexico.

Definitions

- Agency, Town: Any board, committee or subcommittee appointed by the Board of Selectmen, or established by the Board.
- Appointee: Any person appointed to any position by the Board of Selectmen, or established by the Board.
- Board Member: Member or Associate Member of any Town agency.
- Business: Any corporation, partnership, individual, joint venture, sole proprietorship, or any other legal recognized entity organized for the purposes of making a profit.
- Clerk: Secretary or other person responsible for recording minutes of the meeting.
- Immediate Family: Spouse, and the following when living in the household of a Selectman, Board Member or Appointee: Children, parents, brothers, sisters, grandparents and others.
- Pecuniary Interest: A direct or indirect interest having monetary or pecuniary value, including, but not limited to, the ownership of shares of stock.
- Special Interest: A direct or indirect interest having value peculiar to a certain individual or group, whether economic or otherwise, which value may accrue to such individual or group as a result of the passage or denial of any order, ordinance or resolution or the approval or disapproval thereof, by the Selectmen, Boards, or Appointees and which interest is not shared by the general public.
- Town Selectmen: For purposes of this Policy references to the Selectmen shall be construed to mean the Selectmen of the Town of Mexico and any of the committees or subcommittees thereof.

STATUTORY STANDARDS: There are certain provisions of the general statutes of the State of Maine which should, while not set forth herein, be considered an intergral part of this Policy. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated by reference and made a part of this Policy on Ethics, and shall apply to all Selectmen of the Town of Mexico whenever applicable as if more fully set forth therein, to wit:

17	MRSA	3104	Conflicts of Interest; Purchases by the State
17-A	MRSA	456	Tampering with Public Records of Information
17-A	MRSA	602	Bribery in Official and Political Matters
17-A	MRSA	603	Improper Influence
17-A	MRSA	604	Improper Compensation for Past Action
17-A	MRSA	605	Improper Gifts to Public Servants
17-A	MRSA	606	Improper Compensation for Services
17-A	MRSA	607	Purchase of Public Office
17-A	MRSA	608	Official Oppression
17-A	MRSA	609	Misuse of Information
17-A	MRSA	903	Misuse of Entrusted Property
21	MRSA	533	Persons Ineligible to Serve as Election Officials
30-A	MRSA	2605	Conflicts of Interest
30-A	MRSA	5122	Interest of Public Officials, Trustees or Employe

CONTRACTS, PURCHASES AND EMPLOYMENT: No Selectman, Board Member or Appointee shall participate directly by means of deliberation, approval or disapproval, or recommendation, in the purchase of goods and services for the Town, and the award of any contracts with the Town, except as permitted under the Town's Purchasing Policies and under the laws of the State of Maine, where to his knowledge there is a financial interest or special interest other than that possessed by the public generally, in such purchase or award, held by:

- a. himself or a member of his immediate family:
- b. a business in which he or a member of his immediate family serves as an officer, director, trustee, partner or employee in a supervisory or management position; or

- c. any other person or business with whom he or a member of his immediate family are in business, or are negotiating or have an arrangement concerning future employment.

No Selectman, Board Member or Appointee shall participate by means of deliberation, approval or disapproval, or recommendation, in the decision to hire, promote, discipline, lay off or to take any other personnel action in respect to any applicant for employment or employee, as the case may be where said applicant or employee is:

- a. a member of his immediate family; or
- b. a person with whom either he or a member of his immediate family are in business.

DISCLOSURE OF CONFIDENTIAL INFORMATION: No Selectman, Board Member or Appointee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town: nor shall he use such information to advance the financial or private interest of himself or others. For purposes of this subsection, the term "confidential information" shall mean any information, oral or written, which comes to the attention of, or is available to, such Selectman, Board Member, or Appointee only because of his or her position with the Town, and is not a matter of public record. Information received and discussed during an executive session of the Mexico Selectmen or any Board shall be considered within the constraints of this section, and shall not be disclosed to any third party unless permitted by affirmative vote of such body.

GIFTS AND FAVORS: No Selectman, Board Member or Appointee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person and/or business which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town nor shall any Selectman, Board Member or Appointee: (1) accept any gift, favor or thing of value that tends to influence him in the discharge of his or her official duties; or (2) grant in the discharge of his or her official duties any improper favor, service or thing of value. Nothing herein shall prohibit the acceptance of gifts of favors by Selectmen, Board Members or Appointees from members of their immediate families.

USE OF TOWN PROPERTY: No Selectman shall use or permit the use of any Town-owned property, including but not limited to, motor vehicles, equipment and buildings, for any private purposes. Nothing herein shall prohibit the use of Town buildings and equipment at rates and/or on terms as may be established by the Board of Selectmen.

REPRESENTING THIRD PARTY INTEREST BEFORE TOWN AGENCIES: No Selectman shall either appear on behalf of any third party interest before any Town agency, or represent a third party interest in any action, proceeding, or litigation in which the Town or one of its agencies is a party. Nothing herein shall prohibit a Selectman, on behalf of a constituent in the course of his or her duties as a representative of the electorate, or any Selectman, on behalf of his or her personal interest, from appearing before a Town agency. No Board Member or Appointee shall appear on behalf of any third party interest before a Town agency of which he or she is a current member. Nothing herein shall prohibit a Board Member or Appointee, on behalf of his or her personal interest, from appearing before any Town agency including that of which he or she is a current member.

VOTING: All Selectmen, Board Members or Appointees where appropriate, shall be encouraged to vote on all issues except when there is a conflict of interest or a perceived conflict of interest.

CONFLICTS OF INTEREST: Agenda Items

Deliberation and vote prohibited. No Selectman, Board Member or Appointee shall, in such capacity, participate in the deliberation or vote, or otherwise take part in the decision-making process, on any agenda item before his or her collective body in which he or a member of his immediate family has a financial or special interest, other than an interest held by the public generally.

Disclosure of Conflict. Any Selectman, Board Member or Appointee who believes that he or a member of his immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or collective body, shall disclose the nature and extent of such interest, and the Clerk shall make a record of such disclosure. Additionally, any Selectman, Board Member or Appointee, who believes that any fellow Selectman, Board Member or Appointee, or member of his or her immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before his or her collective body, shall disclose the nature and extent of such interest, and the Clerk shall make a record of such disclosure.

Determination of Conflict. Once the issue of conflict has been initiated relative to an individual Selectman, Board Member or Appointee, and disclosure has been made as provided above, such individual's fellow Selectmen, Board Members or Appointees shall vote on whether or not such individual shall be excused from participating in the deliberation or vote, or otherwise taking part in the decision-making process, on the relevant agenda item. Such individual shall be excused only upon a vote of the majority of his or her fellow Selectmen, Board Members or Appointees, that a conflict of interest in fact exists.

Avoidance of Appearance of Conflict. To avoid the appearance of a violation of this section, once any individual Selectman, Board member or Appointee is determined to have a conflict of interest in respect to any agenda item, said individual shall immediately remove himself or herself from the meeting room or to the area of the room occupied by the general public. He or she shall not return to his or her regular seat as a member of the body until deliberation and action on the item is completed. Nothing herein shall require an individual Selectman, Board Member or Appointee to remove himself or herself for any item contained on a "Consent Agenda" on which there is no deliberation, the Individual's conflict has been determined by the other members, and the right to abstain from voting on the item has been granted.

Personal Interest. Nothing herein shall be construed to prohibit any Selectman, Board Member or Appointee from representing his own personal interest by appearing before his or her collective body on any such agenda item.

Political Activities. No Selectman, Board Member or Appointee shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties for the Town. In conjunction therewith:

No selectman, Board Member or Appointee may use his official authority or position for the purposes of influencing or interfering with or affecting the results of any election, nor shall he solicit funds or contributions or accept or receive funds or contributions from Town Employees for political purposes. No Selectman, Board Member or Appointee may distribute pamphlets handbills while he or she is performing their official functions and duties with the Town. Nothing herein shall be construed to prohibit any Selectman, Board Member or Appointee from participating in the political process in their capacity as private citizens.

Incompatible Employment of Office. No Selectman, Board Member or Appointee shall occupy any other office, elected or appointed, in any other governmental entity, when the duties of such office are incompatible with the proper discharge of his or her official duties with the Town. For purposes of this Policy, the occupancy of any office elected or appointed, with any other governmental entity by any Selectman, Board Member or Appointee is hereby prohibited in any one of the following circumstances:

- Where the duties of the other office make it a physical impossibility to discharge the duties of the Town position;
- or, where one office is subordinate of the other;
- or, where one office carries the power of removal of the other,
- or, where the occupancy of both offices is otherwise prohibited by law.

APPEALS

Procedure. Any Selectman, Board Member or appointee seeking advice as to whether a particular situation constitutes a violation of this Policy shall first submit a written statement to Town Selectmen in the form of an Order describing the nature of the matter to the Selectmen. If the Selectman feels that an advisory opinion is necessary, it shall adopt the Order, by majority vote, referring the matter to the Appeals Board. A tie vote on the Order shall also cause the matter to be referred to the Appeals Board. It is the purpose and intent of this policy to provide a mechanism by which all such matters may be handled in an orderly and impartial fashion in such a manner as to protect the best interest of the citizens of the Town of Mexico and the personal and private interests of its Selectmen.

Appeals Board Duties. In the performance of its duties, the Appeals Board shall limit its review and factfinding only to those issues referred to it by the Selectmen. The Appeals Board shall render advisory opinions to the Selectmen when there is doubt as to the applicability of any provisions of this Policy to any particular situation, or if the Appeals Board finds any matter referred to it to have been based upon allegations it determines to have been frivolous, unfounded or with malice. The appeals Board shall at all times maintain appropriate records of its opinions and proceedings.

Penalties. In addition to any other penalties or policy remedies as may be provided by law, violation of this Policy shall constitute cause for censure, after notice and hearing conducted by the Selectmen.

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