

Town of Rangeley

Code of Ethic and Conduct
For
Employees, Elected, and Appointed Officials

Adopted: October 2, 2017

Policy Purpose

The Rangeley Selectmen adopts this Code of Ethics and Conduct to assure that all employees, elected, and appointed officials, (hereinafter referred to as members) while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of Rangeley's Town government.

A. ETHICS

The citizens and businesses of Rangeley are entitled to have fair, ethical, and accountable local government. To this end, the public should have full confidence that their members:

- Comply with both the letter and spirit of the laws and policies affecting the operations of government;
- Are independent, impartial, and fair in their judgment and actions;
- Use their public office for the public good, not for personal gain; and
- Conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.

Therefore, members, whether elected, appointed or hired, shall conduct themselves in accordance with the following ethical standards:

1. **Act in the Public Interest.** Recognition that stewardship of the public interest must be their primary concerns, members will work for the common good of the people of Rangeley and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims, and transactions coming before them.
2. **Comply with both the spirit and the letter of the Law and Town Policy.** Members shall comply with the laws of the nation, State of Maine and Town of Rangeley in the performance of their public duties.
3. **Conduct of Members.** The professional and personal conduct of members while exercising their office must be above reproach and avoid even the appearance of impropriety. Members shall refrain from abusive conduct, personal charges, or verbal attacks upon the character or motive of employees, other members of the Select Board, Boards, Committees, and Commissions, the staff or the public.
4. **Respect for Process.** Members shall perform their duties in accordance with the processes and rules of order established by the Selectmen.
5. **Conduct at Public Meetings.** Members shall prepare themselves for public issues; listen courteously and attentively to all public discussion before the body; and focus on the business at hand.
6. **Decisions Based on Merit.** Members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations. When making adjudicative decisions (those decision where the member is called upon to determine and apply facts peculiar to an individual case), members shall maintain an open mind until the conclusion of the hearing on the matter and base their decisions on facts presented at the hearing and the law.

7. **Communication.** For adjudicative matters pending before the body, members shall refrain from receiving information outside an open public meeting or the agenda materials, except on advice of the Town Manager. Members shall publicly disclose substantive information that is relevant to the matter under consideration by the body which they may have received from sources outside of the public decision-making process.
8. **Conflict of Interest.** In order to assure their independence and impartiality on behalf of the common good and compliance with conflict of interest laws, members shall use their best efforts to refrain from creating an appearance of impropriety in their actions and decisions. Members shall not use their official positions to influence government decisions in which they have (1) a material financial interest, (b) an organizational responsibility or personal relationship which may give the appearance of a conflict of interest, or (c) a strong personal bias. A member who has a potential conflict of interest regarding a particular decision shall disclose the matter to the Town Manager and reasonably cooperate with the Town Attorney to analyze the potential conflict. If advice by the Town Manager is to seek advice of the Town Attorney, or other appropriate State agency, a member shall not participate in a decision unless and until s/he has requested and received advice allowing the member to participate. A member shall diligently pursue obtaining such advice. The member shall provide the Chair of the appropriate Town group, a copy of any written request or advice and conform his/her participation to the advice given.
9. **Gifts and Favors.** Members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts, favors, or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.
10. **Confidential Information.** Members must maintain the confidentiality of all written materials and verbal information provided to members which is confidential or privileged. Members shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial, or other private interests.
11. **Use of Public Resources.** Members shall not use public resources which are not available to the public in general (e.g. Town staff time, equipment, supplies, or facilities) for private gain or for personal purposes not otherwise authorized by law.
12. **Representative of Private Interests.** In keeping with their role as stewards of the public interest, employees, members of the Selectmen shall not appear on behalf of the private interests of third parties before the Selectmen or any Board, Committee, Commissioners or proceeding of the Town, nor shall members of Boards, Committee, and Commissioners appear before their own bodies or before the Selectmen on behalf of the private interests of third parties on matters related to the areas of service of their bodies.
13. **Advocacy.** Members shall represent the official policies or positions of the Town Selectmen, Boards, Committees, or Commissions to the best of their ability when designated as delegates of this purpose. When presenting their individual opinions and positions, members shall explicitly state they do not represent their body or the Town of Rangeley, nor will they allow the inference that they do. Selectmen, Board, Committee, and Commission members have the right to endorse candidates for Select Board seats and other elected offices. It is inappropriate to mention or display endorsements during Selectmen,

Board, Committee, and Commission meetings or other official Town meetings.

14. **Policy Role of Members.** Members shall respect and adhere to the Selectmen-Manager structure of Rangeley Town government. In this structure, the Town Manager develops the policies of the Town with the advice of various stakeholders and adoption by the Selectmen. Except as otherwise provided by law, members shall not interfere with the administrative function of the Town or the professional duties of the Town staff; nor shall they impair the ability of the staff to implement Selectmen policy decisions.
15. **Independence of Boards, Committees and Commissions.** Because of the value of the independent advice of Board, Committees and Commissioners to the public decision-making process, members of the Selectmen shall refrain from using their position to unduly influence the deliberation of outcomes of the Board, Committee and Commission proceedings.
16. **Positive Work Place Environment.** Members shall support the maintenance of a positive and constructive work place environment for Town employees and for citizens and businesses dealing with the Town. Members shall recognize their special role in dealings with Town employees to in no way create the perception of inappropriate direction to the staff.

B. CONDUCT GUIDELINES

The Conduct Guidelines are designed to describe the manner in which elected and appointed officials should treat one another, Town staff, constituents, and others they come into contact with while representing the Town of Rangeley.

1. Elected, Appointed, and Hired Officials' Conduct with Each Other in Public Meetings

Elected and appointed officials are individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and protect the present and future of the community. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue.

- (a) *Honor the role of the Chair in maintaining order.*
It is the responsibility of the Chair to keep the comments of members on track during public meetings. Members should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (b) *Practice civility and decorum in discussion and debate.*
Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, public officials to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments.
- (c) *Avoid personal comments that could offend other members.*
If a member is personally offended by the remarks of another member, the offended member should make notes of the actual words used and call for a "Point of Personal Privilege" that challenges the other member to justify or apologize for the language used. The chair will maintain control of that

discussion.

(d) *Demonstrate effective problem-solving approaches.*

Members have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

2. Elected, Appointed, and Hired Officials Conduct with the Public in Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect should be evident on the part of the individual members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

(a) *Be welcoming to speakers and treat them with care and gentleness.*

While questions of clarification may be asked, the official's primary role during public testimony is to listen.

(b) *Be fair and equitable in allocating public hearing time to individual speakers.*

The chair will determine and announce limits on speakers at the start of the public hearing process.

(c) *Practice active listening.*

It is disconcerting to speakers to have members not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room or at personal electronic devices gives the appearance of disinterest. Members shall try to be conscious of facial expressions and avoid those that could be interpreted as "smirking", disbelief, anger, or boredom.

(d) *Maintain an open mind.*

Members of the public deserve an opportunity to influence the thinking of elected and appointed officials.

(e) *Ask for clarification, but avoid debate and argument with the public*

Only the Chair-no individual members-can interrupt a speaker during a presentation. However, a member can ask the Chair for a "Point of Order" if the speaker is off the topic or exhibiting behavior or language the member finds disturbing.

3. Elected and Appointed Officials' Conduct with Town Staff

Governance of the Town relies on the cooperative efforts of elected officials, who set policy, appointed officials who advise the elected and Town staff who implement and administer the Selectmen's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contribution may be each individual for the good of the community.

(a) *Treat all staff as professionals.*

Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

(b) *Do not disrupt Town staff from their jobs.*

Elected and appointed officials should not disrupt Town staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met. Do not attend Town staff meetings unless requested by staff even if the elected or appointed official does not say anything, his/her presence implies support, shows partiality, may intimidate staff, and hampers staff's ability to do their job objectively.

(c) *Never publicly criticize an individual employee.*

Elected and appointed officials should never express concerns about the performance of a Town employee in public, to the employee directly or to the employee's supervisor. Comments about staff performance should only be made to the Town Manager through private correspondence or conversation. Appointed officials should make their comments regarding staff to the Town Manager or Chair of the Selectmen.

(d) *Do not get involved in administrative functions.*

Elected and appointed officials in acting in their individual capacity must not attempt to influence Town staff on the making of appointments, awarding of contracts, selecting consultants, processing of development applications or granting Town licenses and permits.

(e) *Do not solicit political support from staff.*

Elected and appointed official should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support lists, etc.) from Town staff. Town staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

(f) *No Attorney-Client relationship.*

Members shall not seek to establish an attorney-client relationship with the Town Attorney, including his/her staff and attorneys contracted to work on behalf of the Town. The Town Attorney represents the Town and not individual members. Members who consult with the Town Attorney cannot establish an attorney-client relationship with the attorney.

4. Selectmen Conduct with Boards, Committees, and Commissions

The Town has established several Boards, Committees, and Commissions as a means of gathering more community input. Citizens who serve on Boards, Committees, and Commissioners become more involved in government and serve as advisors to the Town Selectmen. They are a valuable resource to the Town's leadership and should be treated with appreciation and respect.

(a) *If attending a Board, Committee, or Commission meeting be careful to only express personal opinions.*

Selectmen may attend any Board, Committee, or Commission meeting, which are always open to any member of the public. However, they should be sensitive to the way their participation- especially if on behalf of an individual, business, or developer- could be viewed as unfairly affecting the process. Any public comments by a Selectmen at a Board, Committee, or Commission meeting should be clearly made as an individual opinion and not a representation of the feeling of the entire Select Board.

(b) *Limit contact with Board, Committee, and Commission members to questions for clarification.*

It is inappropriate for a Selectmen to contact a Board, Committee, or Commission member to lobby on behalf of an individual, business, or developer and vice versa. It is acceptable for Selectmen to contact Board, Committee or Commission member in order to clarify a position taken by the Board, Committee, or Commission.

- (c) *Respect that Board, Committee and Commissions serve the community, not individual Selectmen.*
The Selectmen appoints individuals to serve on Boards, Committees, and Commissions, and it is the responsibility of the Boards, Committees, and Commissions to follow established policy established by the Selectmen. But Boards, Committees, and Commission members do not report to individual Selectmen, nor should Selectmen feel they have any power or right to threaten Board, Committee and Commission members with removal if they disagree about an issue. Appointment and re-appointment to the Board, Committee, or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board, Committee, or Commission appointment should not be used as a political "reward".
- (d) *Be respectful of diverse opinion.*
A primary role of Boards, Committees, and Commissions is to represent many points of view in the community and to provide the Selectmen with advice based on a full spectrum of concerns and perspectives. Selectmen may have a close working relationship with some individuals serving on Boards, Committees, and Commissioners but must be fair and respectful of all citizens' service on Boards, Committees, and Commissions.
- (e) *Keep political support away from public forums.*
Board, Committee, and Commission members may offer political support to a Selectmen, but not in a public forum while conducting official duties. Conversely, Selectmen may support Board, Committee, and Commission members who are running for office, but not in an official forum in their capacity as a Selectmen.

C. SANCTIONS

- (a) *Acknowledgement of Code of Ethics and Conduct.*
Selectmen who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct shall be ineligible for intergovernmental assignments or Council subcommittees. Board, Committee, and Commission members who do not sign an acknowledgement that they have read and understand the Code of Ethics and Conduct are not eligible to hold that office. Employees are required to sign the Code of Ethics and Conduct.
- (b) *Ethics Training for Local Official.*
Selectmen, Boards, Committees, Commissions, and employees, whether elected, appointed or hired, who are out of compliance with State or Town mandated requirements for ethics training shall not represent the Town on intergovernmental assignments or Selectmen subcommittees, and may be subject to sanctions.
- (c) *Behavior and Conduct.*
The Rangeley Code of Ethics and Conduct expresses standards of ethical conduct expected for members of the Rangeley Selectmen, Boards, Committees, Commissions, and employees, whether elected, appointed or hired, themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The chairs of the Boards, Committees, and Commissions and the Chair of

the Selectmen have the additional responsibility to intervene when actions of member that appear to be in violation of the Code of Ethics and Conduct are brought to their attention.

Selectmen:

Selectmen who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Select Board, lose committee assignments or other privileges afforded by the Selectmen. Serious infractions of the Code of Ethics of Conduct could leave to other sanctions as deemed appropriate by the Selectmen.

Individual Selectmen should point out to the offending Selectperson if perceived infractions of the Code of Ethics and Conduct. If the offenses continue, then the matter should be referred to the Chair in private. If the Chair is the individual whose actions are being questioned then the matter should be referred to the Vice-Chair. It is the responsibility of the Chair (or Vice Chair) to initiate action if a Selectperson's behavior may warrant sanction. If no action is taken by the Chair (or Vice Chair) then the alleged violation(s) can be brought up with the full Select Board.

Employees, Board, Committee and Commission Members:

Counseling, verbal reprimands, and written warnings may be administered by the Chair of the Select Board to Board, Committee, and Commission members failing to comply with Town policy. These lower levels of sanctions shall be kept private to the degree allowed by law. Copies of all written reprimands administered by the Chair shall be distributed in memo format to the Chair of the respective Board, Committee, or Commission, the Town Clerk, Town Attorney, Town Manager and Board of Selectmen. The Town Manager is responsible for enforcing this Code with respect to employees.

The Selectmen may impose sanctions on Board, Committee, and Commission Members whose conduct does not comply with the Town's policies, up to and including removal of office. Any form of discipline imposed by the Selectmen shall be determined by a majority vote of at least a quorum of the Selectmen at a noticed public meeting and such action shall be preceded by the report to the Selectmen with supporting documentation.

When deemed warranted, the Chair or majority of the Selectmen may call for an investigation of Board, Committee, or Commission member's conduct. Also, should the Town Manager believe an investigation is warranted, s/he shall confer with the Chair of the Select Board. The Chair shall ask the Town Manager to have an investigation conducted and report the findings back to the Select Board.

These sanctions are alternatives to any other remedy that might otherwise be available to remedy conduct that violated this code or state or federal law. In order to protect and preserve good government, any individual, who knows or reasonably believes a member acts or intends or refuses to act in a manner that is or may be in violation of law reasonably imputable to the organization, or in a manner which is likely to result in substantial injury to the organization, may report the violation to the appropriate governmental authorities.

D. IMPLEMENTATION

The Code of Ethics and Conduct is intended to be self-enforcing and is an expression of the standards of conduct for members expected by the Town. It therefore becomes most effective when members are thoroughly familiar with it and embrace its provisions.

For this reason, this document shall be included in the regular orientations for candidates for Town employees, Selectmen, applicants to Boards, Committees, and Commissions, and newly elected and appointed officials, and newly hired employees. Members entering office shall sign a statement (example below) acknowledging they have read and understand the Code of Ethics and Conduct. In addition, the Code of Ethics and Conduct shall be periodically reviewed by the Town Select Board, Committees, and Commissions and updated as necessary.