

§ 18-1. Declaration of policy.

The operation of the City of Waterville requires ethical conduct by City officials and employees, to meet the needs of City and the people they represent. City officials and employees will promote public confidence in the integrity of City government by acting only to advance the interests of the City and never for personal or financial gain or advantage. In recognition of these goals, a Code of Ethics is hereby established for City officials and employees.

§ 18-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUSINESS — Any corporation, partnership, individual, sole proprietorship, joint venture or any other legally recognized entity organized as a for-profit entity or a nonprofit entity.

CITY EMPLOYEE — Any individual working for, on a permanent or temporary basis, and drawing an hourly wage or salary from the City of Waterville. The term "City employee" shall not include outside consultants or professional personnel providing services to the City as independent contractors under a written professional services contract or other similar engagement.

CITY OFFICIAL — Appointed or elected representatives of the City, excluding City employees.

DISCLOSURE — The act of making known information sufficient to determine the possibility of any conflict of interest between City officials or employees and entities doing business with the City of Waterville.

ETHICS — The rules of conduct recognized in respect to a particular class of human actions.

FINANCIAL INTEREST — A direct or indirect interest having monetary or pecuniary value, including, but not limited to, the ownership of shares of stock.

IMMEDIATE FAMILY — Spouse, domestic partner, whether registered or unregistered, in-laws, children, including stepchildren, parents, brothers and sisters of City officials or City employees.

RECUSAL — The act of abstaining from participation, including deliberation and voting, in an official action of the Mayor, City Council, board or commission.

SPECIAL INTEREST — Any direct or indirect interest which will allow some form of personal gain, usually of a pecuniary nature.

§ 18-3. Release of confidential information.

- A. No City official or City employee shall release confidential information concerning the property, government or affairs of the City; nor shall that official or employee use such information to advance the financial or private interest of that official or employee or others.

- B. For purposes of this section, the term "confidential information" shall mean any information, oral or written, which comes to the attention of, or is available to, such City official or City employee only because of that person's position with the City and is not a matter of public record.
- C. Information received and discussed during an executive session of the Waterville City Council called pursuant to 1 M.R.S.A. § 405 et seq. shall be considered within the constraints of this section and shall not be released to any third party unless permitted by affirmative vote of such body.

§ 18-4. City officials and City employee standards of conduct.

This code establishes standards of conduct to avoid conflicts of interest and the appearance of a conflict of interest.

§ 18-5. Statutory standards.

- A. There are certain provisions of the general statutes of the State of Maine which should, while not set forth herein, be considered an integral part of this chapter. 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 Code of Ethics, and shall apply to all City officials and City employees of the City of Waterville, whenever applicable, as if more fully set forth therein:
 - (1) 17 M.R.S.A. § 3104, Conflicts of Interest; Purchases by the State.
 - (2) 17-A M.R.S.A. § 456, Tampering with Public Records or Information.
 - (3) 17-A M.R.S.A. § 602, Bribery in Official and Political Matters.
 - (4) 17-A M.R.S.A. § 603, Improper Influence.
 - (5) 17-A M.R.S.A. § 604, Improper Compensation for Past Action.
 - (6) 17-A M.R.S.A. § 605, Improper Gifts to Public Servants.
 - (7) 17-A M.R.S.A. § 606, Improper Compensation for Services.
 - (8) 17-A M.R.S.A. § 607, Purchase of Public Office.
 - (9) 17-A M.R.S.A. § 608, Official Oppression.
 - (10) 17-A M.R.S.A. § 609, Misuse of Information.
 - (11) 17-A M.R.S.A. § 903, Misuse of Entrusted Property.
 - (12) 21 M.R.S.A. § 533, Persons Ineligible to Serve as Election Officials.¹
 - (13) 30-A M.R.S.A. § 2605, Conflicts of Interest.

1. Editor's Note: 21 M.R.S.A. § 533, which listed categories of persons ineligible to serve, was repealed by Laws 1985, c. 161, § 5. See now 21-A M.R.S.A. § 504.

(14) 30-A M.R.S.A. § 5122, Interest of Public Officials, Trustees or Employees.

- B. In regard to questions of proper ethical behavior for City employees, the City's Personnel Ordinance, Chapter 56, Personnel, § 56-9.4, Standards of conduct, shall be the governing document. Specific conflicts for board and committee members can be found in Article V, Section 7 of the City Charter.

§ 18-6. Gifts and favors.

No City official shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person and/or business which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall any elected or appointed municipal official accept any gift, favor or thing of value that tends to influence or could reasonably be expected to influence that person in the performance of official duties or was intended as a reward for any official action. This does not prohibit:

- A. Gifts or social courtesies related to a family relationship or friendship between the elected or appointed official and the donor, which are not designed to influence the proper judgment or action of the officer or employee in a matter within their authority;
- B. Public, government-sponsored or informational events, generally accepted as a condition of office, where refreshments may be served, which are not designed to influence the proper judgment or action of the elected or appointed official in a matter within their authority;
- C. Political contributions received in compliance with law;
- D. Loans obtained according to commercial practice at the prevailing rate of interest;
- E. Customary performance, merit awards or honorariums, consistent with municipal practices.

<https://www.mainelegislature.org/legis/statutes/17-A/title17-Asec605.html>

§ 18-7. Use of City property and facilities.

No City official shall use or authorize others to use City-owned property, including, but not limited to, motor vehicles, equipment and buildings, except for the following:

- A. For City business;
- B. For purposes and on terms generally available to other persons;
- C. According to a contract of employment with the City in which use of such property is part of the compensation or a term of employment.

§ 18-8. Procedure for conflicts of interest for City officials.

- A. Any City official who believes that the official or a member of that person's immediate family has a financial or special interest, other than an interest held by the public generally, in any agenda item before the collective body shall publicly disclose the nature and possible extent of such interest. The collective body will vote to determine if there is a conflict.
- B. Any City official who believes that any fellow City official or employee or a member of that person's immediate family has a financial or special interest, other than an interest held by the public generally, in any item before a board or commission shall seek the legal opinion of the City Solicitor.
- C. If the City official disagrees with the City Solicitor's legal opinion, the determination of a conflict will be decided by the collective body. The decision of the collective body, by majority vote, will be final.
- D. To avoid the appearance of a violation of this section, once any individual City official is determined to have a conflict of interest in respect to any agenda item, said individual shall cease to participate in any deliberation or voting on that agenda item.
- E. Nothing herein shall be construed to prohibit any City official from representing the official's own personal interest by appearing before the collective body on any such agenda item.
- F. The Chair of each board or committee governed by this code shall request disclosure of possible conflicts of interest of its members at the commencement of each meeting.
- G. During the term of office, neither Councilors nor the Mayor shall hold any other public office, the salary of which is payable by the City.

§ 18-9. Disclosure statements by City officials, City Manager and department heads.

- A. Within 30 days of taking the oath of office, every member of the City Council and the Mayor shall file a completed disclosure form, concerning the official, the official's spouse or the official's registered or unregistered domestic partner, with the City Clerk, with copies forwarded to the members of the City Council and the Mayor.
- B. Within 30 days of taking the oath of office, appointed officials of the Planning Board, Board of Zoning Appeals and the Board of Assessment Review shall file a completed disclosure form, concerning the official, the official's spouse or the official's registered or unregistered domestic partner, with the City Clerk, with copies forwarded to the members of appropriate board.
- C. The City Manager and all department heads or their designee shall file a completed disclosure form, concerning the disclosing party, the disclosing party's spouse or the disclosing party's registered or unregistered domestic partner, with the City Clerk, with copies sent to the City Manager.

D. Disclosure forms.

- (1) Disclosure forms shall contain the following information:
 - (a) Disclosing party's contact information.
 - (b) A list of the current employer(s) from which payments or compensation are received for the disclosing party, and the disclosing party's spouse or registered or unregistered domestic partner.
 - (c) A list of the name(s) of each nonprofit and/or for-profit entity, whether incorporated or not, for which such disclosing party, disclosing party's spouse or registered or unregistered domestic partner holds a position of officer or member of any board.
- (2) Every disclosing party required to file a disclosure statement shall file amendments to the disclosure statement as may be required to ensure the continued accuracy thereof.
- (3) Disclosure statements shall made be under oath to the best of the disclosing party's knowledge and belief, with a certifying statement that they have read the Code of Ethics:
- (4) The City Clerk shall make copies of the completed forms available upon request.

§ 18-10. Training requirements for City officials, City Manager and department heads.

- A. Training shall be required for all those to whom the submittal of disclosure statements is required as detailed in § 18-9.
- B. The Ethics Committee shall develop the training requirements.
- C. Required training shall be completed by participating in a training presentation and submitting a certificate of completion to the City Clerk.
- D. Training must be completed at the same time intervals required in submittal of disclosure statement forms detailed in § 18-9.

§ 18-11. Political standards of conduct.

- A. No City official or employee shall participate in any political activity which would be in conflict or incompatible with the performance of their official functions and duties for the City.
- B. No City official may use their official authority or position for the purposes of interfering with or affecting the results of any election, nor shall the official solicit funds or contributions or accept or receive funds or contributions from City employees for political purposes.

- C. No City official may distribute pamphlets/handbills while performing their official functions and duties with the City.
- D. Nothing herein shall be construed to prohibit any City official from participating in the political process in their capacity as private citizens. Acceptable conduct would allow endorsements of a candidate, without the use of an official title. "I, John Doe, support Jim Smith for Council," not "as John Doe, Board member, I support Jim Smith for Council."
- E. Except for official functions and duties, political pins can be worn. During Council or board meetings, view of such pins would not be appropriate.
- F. Hatch Act.
 - (1) Under the provisions of the Hatch Act, which applies to entities receiving federal funds, City employees are not prevented from enrolling in political or party organizations, expressing political views, campaigning for or against issues, signing nominating papers or voting in all elections, caucuses and primaries with complete freedom.
 - (2) Under provisions of the Hatch Act, employees are prohibited from using their authority or influence to interfere with an election, may not solicit or discourage political activity of any person who has business before the City and may not engage in political activity while on duty. Employees wishing additional information are advised to contact the Human Resource Officer or the City Solicitor.

§ 18-12. Social media use by City officials.

- A. In use the use of personal social media, City officials shall not:
 - (1) Share proprietary or classified information;
 - (2) Violate City policies;
 - (3) Use the City Seal, logo or images; and
 - (4) Purport to represent the City.
- B. City officials will need specific authority by the City Council to represent the City in all social media matters.

§ 18-13. Ethics Committee.

- A. Ethics Committee membership. In accord with the provisions of the City Charter, an Ethics Committee has been created consisting of seven members who will be sworn in on appointment by the Mayor and approval by the City Council. The term of each member shall be three years. Members must be residents of the City of Waterville. There shall be no limit on the consecutive number of terms a member may serve.

- B. Duties. The Ethics Committee shall meet at least once annually to elect a Chair and to make recommendations for revisions to this chapter, as necessary, to the City Council. A formal review of the entire Ethics Ordinance shall be completed every three years and reported to the City Council in writing.
- C. Advisory opinion. The Ethics Committee, or a quorum of at least five members, shall be convened on request for an advisory opinion by the City Council or City Manager.

§ 18-14. Severability.

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