



# SEBAGO MAINE

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## Code of Conduct

An Order to Establish a Statement of Duties and Code of Conduct for the Board of Selectmen and the Town Manager.

BE IT ORDERED BY THE BOARD OF SELECTMEN OF THE TOWN OF SEBAGO, MAINE:

That the following Statement of Duties and Code of Conduct for the Board of Selectmen and Town Manager is hereby adopted.

### Section 1. **Purpose**

The purpose of this policy is to define the executive role and attendant duties of the Board of Selectmen in carrying out its policy functions as part of Sebago's town government, to clarify the separation of the Board's executive role from the legislative role of the Town Meeting and the administrative role of the Town Manager, and to set forth a code of conduct that governs how the Board of Selectmen and Town Manager will function in relation to one another and in relation to the public that they both serve.

### Section 2. **Definitions**

A) Town Meeting – Selectmen – Manager form of government – The Town of Sebago has adopted the town meeting-selectmen-manager form of government. Under this form of government the legislative and executive functions are divided:

- The Town Meeting performs the election function and the legislative function of adopting governmental policy, levying taxes and raising and appropriating monies, authorizing the contracting of debts, etc.
- The Board of Selectmen is the executive body that interprets, processes, and sets the policies of the town and chooses the course of action between town meetings, has ultimate administrative responsibility to see that the governmental policies are carried out (but must deal with administration solely through the town manager), and appoints and supervises the Town Manager.
- The Town Manager executes and carries out the government and fiscal policies with guidance from the Board of Selectmen and has direct responsibility for and authority over all administrative functions. The Town Manager carries out the day-to-day operations of the town, acting as the Chief Administrator.
- Source of reference - JJ Haag, *The Manager Plan in Maine*, 1971, pp. 42. (see Chart 11 below)

B) Role of the Board of Selectmen - 30-A M.R.S.A. § 2635 is titled "The Board of selectmen to act as a body, administrative service to be performed through town manager, committees" and states "It is the intention of this subchapter that the board of selectmen as a body [emphasis added] shall exercise all administrative and executive powers of the town except as provided in this subchapter. The board of selectmen shall deal with the administrative services solely through the town manager and shall not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the board of selectmen from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town." (See 1987, c. 737, Pt. A, Â§2 (new); Pt. C, Â§106 (new); 1989, c. 6 (amd); c. 9, Â§2 (amd); c. 104, Pt. C, Â§Â§8, 10 (amd).)

C) Role of the Town Manager – The Town Manager is the single chief administrator accountable to the Board of Selectmen for the performance of his/her duties. The Town Manager is given the responsibility to appoint all department heads and through them all other employees. The Town Manager prepares the financial plan for approval by the legislative body and is responsible for administering the budget once enacted. The Town Manager is specifically responsible for all the administrative functions. The Town Manager coordinates all administrative activities. The Town Manager is in a position to provide expert information on the needs and status of various governmental activities. The Town Manager regulates departmental spending and reports on the financial needs of each of the branches of government. Within the framework of the policies laid down by the legislative and executive body of the town, the Town Manager can formulate and carry out an administrative plan for governmental activity allowing for regular and orderly development. (Source of reference - National Municipal League, Forms of Municipal Government, 1968, p. 12.)

### Section 3. Duties of the Board of Selectmen

A) A member of the Board of Selectmen, in relation to his or her community should:~

- Realize that his or her basic function is to make policy, with administration delegated to the Town Manager.
- Realize that he or she is one of a team and should abide by, and carry out, all Board decisions once they are made.
- Be well informed concerning the duties of a Board member on both local and state levels.
- Remember that he or she represents the entire community at all times.
- Accept the role of a member is a means of unselfish service, not to benefit personally or politically from his or her Board activities.
- Abide by the ethics guidelines established by the State and not use the position of Selectmen to obtain inside information on matters that may benefit someone personally.

B) A member of the Board of Selectmen, in his or her relations with the Town Manager, should:

- Endeavor to establish sound, clearly defined policies that will direct and support the administration of or the benefit of the staff and residents of the community.
- Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
- Give the Town Manager full responsibility for discharging his or her disposition and/or solutions.

- When a situation comes to the attention of a Board member, convey that information to the Town Manager for consideration and resolution or action as the Town Manager may deem appropriate. Inform the other Board members of suggestions and information conveyed to the Town Manager.

- Not give orders or directions to the Town Manager for action as an individual Board member.

- Not give instructions to or request assistance from Town department heads, but rather channel all such activities through the full Board and the Town Manager.

C) A member of the Board of Selectmen, in his or her relations with fellow Board members, should:

- Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.

- Not make statements or promises of how he or she will vote on matters that will come before the Board until he or she has had an opportunity to hear the pros and cons of the issue during a Board meeting.

- Uphold the intent of executive session and respect the privileged communication that exists in executive session.

- Make decisions only after all facts on a question have been presented and discussed.~

- Refrain from communicating the position of the Board of Selectmen to anyone unless the full Board has previously agreed on both the position and the language of the statement conveying the position.

- Treat with respect the rights of all members of the Board despite differences of opinion.

D) A member of the Board of Selectmen, in his or her relations with Town staff, should:

- Treat all staff as professionals that respects the abilities, experience, and dignity of each individual.

- Limit contact to specific Town staff. Questions of Town staff and/or requests for additional background information should be directed only to the Town Manager.

- Never publicly criticize an individual employee. Concerns about staff performance should only be made to the Town Manager through private conversation.

- Insure that all requests for staff support go through the Town Manager's office.

- Insure that any materials or information provided to a Selectmen from a staff member be made available to all Selectmen.

#### Section 4. **Duties of the Town Manager**

Based on 30-A M.R.S.A. § 2636, the Maine statute that delineates most of the authorities and responsibilities of a town manager, the Town Manager shall:

- Be the chief executive and administrative official of the Town of Sebago;

- Be responsible to the Board of Selectmen for the administration of all departments and offices over which the Board has control.

- Execute all policies, laws and ordinances of the Town of Sebago;
- Serve in any office as the head of any department under the control of the Board of Selectmen when so directed by the Board of Selectmen;
- Appoint, subject to confirmation by the Board of Selectmen, supervise and control the heads of departments under the control of the selectmen when the department is not headed by the town manager above:
- Unless otherwise provided by municipal policy or ordinance, the manager shall appoint, supervise and control all town officials whom the municipal officers are required by statute to appoint, except members of boards, commissioners, committees and single assessors; and appoint, supervise and control all other officials, subordinates and assistants, except that he or she may delegate this authority to a head of a department, and report all appointments to the Board of Selectmen;
- Act as purchasing agent for all departments in accordance with the Purchasing Policy of the Town of Sebago;
- Attend all meetings of the Board of Selectmen, except when his or her removal is being considered;
- Make recommendations to the Board of Selectmen for the more efficient operation of the municipality;
- Attend all meetings and hearings of the municipality;
- Keep the Board of Selectmen and the residents of the municipality informed as to the financial condition of the town;
- Collect data necessary for the preparation of the annual operating budget and present a draft operating budget to the Board and to the Sebago Budget Committee for consideration;
- Assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices.
- Never publicly criticize an individual employee. Concerns about staff performance should only be made to the Town Manager through private conversation.
- Have exclusive authority to remove for cause after notice and hearing all persons whom he is authorized to appoint or hire and report all removals to the Board.
- Perform such other duties related to the functions, duties and authorities set forth herein, as may be prescribed by the Board of Selectmen and by any applicable state or local laws or ordinances.

## **Section 5. Code of Conduct of the Board of Selectmen**

The Board of Selectmen shall conduct its duties in accordance with this code of conduct to the extent possible:

- Be responsible elected officials dedicated to the concepts of effective and democratic local government.
- Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of

social responsibility as a trusted public servant.

- Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the public.
- Conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.
- Not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by policies, ordinances or statutes.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people, to the maximum extent possible.
- Adopt and implement town policy that is fair, impartial, and meets the objective of furthering the quality of life in Sebago for its citizens.
- Work cooperatively as a Board of Selectmen in presenting issues involved in referenda such as bond issues, annexations, and similar matters.
- Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
- Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
- Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.  
Handle all personnel matters in a confidential manner, respecting the rights of the employee involved and refraining from any public criticism of the Town Manager or other town employees who are appointed by the Board of Selectmen.
- Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.
- Not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.
- Not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.
- Not engage in, solicit, negotiate for, or promise to accept private employment, nor should he or she render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

## **Section 6. Code of Conduct of the Town Manager**

Based on Maine Town City Management Association Code of Ethics, the Town Manager shall conduct his or her duties in accordance with this code of conduct to the extent possible:

- Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

- Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
- Be dedicated to the highest ideals of honor and integrity in all public, personnel, and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
- Conduct his or her official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.
- Not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by policies, ordinances or statutes.
- Recognize that the chief function of local government at all times is to serve the best interests of all of the people.
- Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
- Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
- Refrain from all political activities, which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
- Assist the Board of Selectmen in presenting issues involved in referenda such as bond issues, annexations, and similar matters.
- Make it a duty continually to improve his or her professional ability and to develop the competence of associates in the use of management techniques.
- Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
- Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
- Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline. Concerns about staff performance should only be made directly with the affected individuals through private conversation.
- Never publicly criticize an individual employee, a taxpayer, an individual Selectmen or the Board of Selectmen. Concerns should only be expressed through private conversations with the individual employee, the taxpayer, or the Board as appropriate.
- In dealing with individual employees, taxpayers, and Selectmen make every effort to spend more time listening than talking, and strive to be perceptive and understanding of their concerns.

- Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.
- Not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.
- Not disclose to others, or use to further his or her personal interest, confidential information acquired by them in the course of their official duties.
- Not engage in, solicit, negotiate for, or promise to accept private employment, nor should he or she render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of his or her official duties.

Adopted this 20th day of May2008.

ATTEST: Robert C. Nicholson, Town Manager

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