

## Code of Ethics/Conduct

---

### Section 1: Purpose

The City of Saco is committed to the highest ethical standards and practices, protecting employees, partners, volunteers, elected and appointed officials, vendors, and the organization from unethical, illegal or damaging actions and statements by individuals, either knowingly or unknowingly. When the City of Saco acts in an ethical manner, addresses issues proactively, and uses best business judgment and practices, it establishes a positive reputation and protect the interests of our Citizens.

The purpose of this policy is to establish a culture of transparency, openness, trust, fairness, equity, and to emphasize the employee's, citizen's, and committee member's expectation to be treated ethically and with fair business practices. This policy will serve to guide behavior and to ensure ethical conduct throughout City government, operations, and in municipal facilities. Effective ethics is a team effort involving the participation and support of every City of Saco employee as well as all appointed or elected officials. All committee members and employees should familiarize themselves with the ethics guidelines as described herein.

### Section 2: Commitment to Ethics and Proper Conduct

1. The City of Saco employees, volunteers, and elected and appointed officials will treat everyone fairly, with mutual respect, promote a team environment, and will consistently avoid the intent and appearance of unethical or compromising practices. Employees shall not act unethically or illegally at any time during their employment.
  - Every employee, volunteer, and elected and appointed official needs to apply effort and intelligence in maintaining ethics.
  - Employees, volunteers, and elected and appointed officials must, at all times, disclose any potential conflict of interests that may arise regarding their position or duties with the City of Saco.
  - Employees, volunteers, and elected and appointed officials will help the City of Saco to increase citizen, public, and vendor satisfaction by providing quality services and timely response to inquiries.
  - Employees, volunteers, and elected and appointed officials should consider the following questions to themselves when any decision, action or behavior may violate this Code, or otherwise appear unethical:
    - Is the decision, action, or behavior legal?
    - Does the decision, action, or behavior comply with all appropriate City of Saco policies?

- Does the decision, action, or behavior reflect negatively upon City of Saco values and culture?
  - Could the decision, action, or behavior adversely affect the City or our Citizen's interests, and position the city in a compromising legal position?
  - Could the decision, action, or behavior adversely affect the City or our Citizen's interests, and position the city in a compromising financial position?
  - Would you feel personally concerned if the decision, action, or behavior appeared in a news headline?
2. The City of Saco will not tolerate wrongdoing or impropriety at any time. The City of Saco will take appropriate measures if an ethical code is broken. The City of Saco will establish an ethics violation reporting mechanism to make sure the ethical code is followed by all employees, volunteers, or elected and appointed officials and that concerns regarding a potential code violation can be addressed.

### **Section 3: City Officials Commitment to Ethics and Proper Conduct**

1. The purpose of the Code of Ethics/Conduct is also to establish ethical standards for the conduct for all city business conducted by both elected and appointed Officials. City Officials, both appointed and elected, shall perform their duties with professionalism, civility, respect, and with the duty of avoiding impropriety whenever possible. The Code of Ethics described herein is hereby established for all City Officials to ensure:
  - City Officials are fair, impartial, and responsive to the needs of the people they serve and each other in the performance of their duties.
  - Decisions and policy be made within the proper channels of the city government structure, and will uphold federal, state, and local laws.
  - That public office will not be used for personal gain.
  - City Officials will maintain a standard of conduct that will inspire public confidence and reinforce the integrity of the city's government.
2. City Officials shall perform their duties in accordance with the rules and order of business established by their respective City Council, boards, committees, and commissions. They shall also act at all times in an ethical and honorable manner in all aspects of their duties including but not limited to governing the deliberation of public policy issues, meaningful engagement with community members, and the implementation of policy decisions by city staff.
3. Good stewardship of the public interests shall be the city official's primary concern. City officials shall refrain from interrupting other speakers or making comments that are offensive or interfere with the orderly conduct of meetings. During public meetings, every

effort should be made to be fair and impartial in listening to public testimony and in acting upon any matter or request. Officials shall:

- Be welcoming to speakers and treat them respectfully.
- Be fair and equitable in allocating public hearing time to individual speakers.
- Practice active listening and ask clarifying questions.
- Avoid debates or arguments with the public or city staff.
- Actively stop personal attacks on staff, committee members, or volunteers as they will not be tolerated.
- Follow parliamentary procedure in conducting public meetings.

#### **Section 4: City Officials-Conflict of Interest**

1. City Officials shall not deliberate, act upon, approve, disapprove, or recommend any matter or decision in which they have or hold a material personal interest, nor upon the purchase of goods or services for the city if they or a family member will derive personal benefit from such purchase, or the award any contracts for the city, where there is financial or special interest of the Official other than that possessed by the general public. Officials should refrain from acting if the purchase, contract, or award is held by:
  - The City Official or a relative of the official.
  - A business in which the City Official or relative serves as an officer, director, trustee, partner, or employee in a supervisory or management position.
  - Any other person or business with whom the official or relative is in business with or is negotiating for a future contract.
2. City Officials shall not participate in the deliberation, approval or disapproval, or recommendation of hiring, promoting, disciplining, terminating, or any other personnel actions in respect to any employee or applicant that is:
  - A relative of the city official.
  - A person with whom the city official or relative is in business.

Any city official who believes there is a conflict of interest as described above shall disclose the nature and extent of such interest and have it recorded on record of the meeting in which it arises. Once such disclosures have been made, the City Official shall refrain from further deliberation or voting on the item concerned.

3. City Officials shall not participate in any political activity which would be in conflict or incompatible with their official functions and duties of the city. City officials shall not use official authority or position for the purposes of influencing or interfering with or affecting the results of any election.
4. Members of City boards, commissions, committees, and the City Council are prohibited from accepting anything of value or any compensation other than their normal salary for any service rendered in connection with that person's duties with the City.

### **Section 5: Regulation of Conduct and Sanctions including during Public Meetings**

1. **Public Disruption:** If members of the public do not follow proper conduct after a warning, they may be barred from further testimony for a public hearing item or removed from the meeting.
2. **Inappropriate Staff Behavior:** The City Administrator will discipline staff in accordance with standard city procedures for violations of the code of ethics/conduct in their dealings with the public, council, and other boards, committees, and commissions.

**Appointed Officials:** The chairs of Boards, Committees, and Commissions, or the Mayor have the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Ethics and Conduct are brought to their attention. If the behavior continues, the Board Chairperson will submit a request for removal to the Mayor.

Board members who repeatedly or intentionally do not follow proper conduct whether outside of, or before, during, or after, their Public Meetings may be sanctioned by the Mayor, including removal from the board, committee, or commission, with cause. The Mayor may administer counseling, verbal reprimands, written warnings, or suspensions to Board, Committee, and Commission members failing to comply with the policy.

Upon official notification from a board or commission Chairperson, or upon the Mayor's judgement, the Mayor will bring forward a claim of violation of the Code of Conduct and request a hearing with the City Council, provided that the member shall be first notified in writing.

The City Council may impose sanctions on Board, Committee, and Commission members whose conduct does not comply with the City's policies, up to and including removal from office.

A board member who is designated for removal must be notified in writing at least 10 days prior to the City Council hearing. The official notification must clearly identify the Code of Conduct violations, along with the date and time of the hearing.

Any form of discipline imposed by the City Council shall be determined by a majority vote of at least a quorum of the Council at a noticed public meeting.

3. **Council member Behavior and Conduct:** City Council members who repeatedly or intentionally do not follow proper conduct whether outside of, or before during or after, their Council Meetings may be reprimanded or formally censured by the Mayor and City Council. Council members should point out infractions of this code when they arise. Council members have a duty to report violations of the Code of Conduct to the Mayor.

If the matter continues, it should be referred to the Mayor in private for initial review. The allegation will be investigated. It is the Mayor's responsibility to take the next appropriate action. These actions can include but are not limited to discussing and counseling the individual on the violations; recommending review and possible sanction to the full Council; or forming a Council ad hoc subcommittee to review and investigate the allegations. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by Council.

## Appendix A

### Definitions

**Behavior:** External appearance or action, manner of behaving or carrying oneself.

**City employee:** An individual working for the city on a permanent or temporary basis, drawing wages or a stipend from the city.

**City officials:** All persons elected by the voters or appointed by the City Council or Mayor to serve on a board, committee, or commission.

**Financial interests:** A direct or indirect interest having monetary or pecuniary value including, but not limited to, ownership shares of stock, membership interests in a business, etc.

**Personal interests:** Any interest, financial or otherwise, of the city official or city employee (concerned as a resident, landowner, or taxpayer) which may be positively or adversely affected by the matter, decision or action under consideration.

**Relative:** Any person who is related by blood or marriage, or similarly related such as domestic partners, adopted children, and foster children.

**Sanction:** The following forms of sanction may be issued (from least severe to most severe) not necessarily in this order: oral reprimand, written reprimand, suspension, and formal sanction. A formal sanction may include removal from the board.

**Special Interest:** A person or group having an interest in a particular part of the economy and receiving or seeking special advantages thereafter to the detriment of the public.