

## ARTICLE IV Code of Ethics

### § 3-12. Declaration of policy.

The proper operation of democratic government requires that Town Councilors be fair, impartial and responsive to the needs of the people and each other in the performance of their 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 for personal gain; and that such Councilors maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, a Code of Ethics is hereby established for all Town Councilors, which is not intended to deny Council members their constitutional rights or violate their civil rights.

### § 3-13. Definitions.

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

**BUSINESS** — Any corporation, partnership, individual, sole proprietorship or joint venture or any other legally recognized entity organized for the purposes of making a profit.

**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** — A spouse or domestic partner, and the following when living in the household of a Town Council member: children, parents, brothers and sisters, stepparents, stepchildren, stepbrothers and stepsisters.

**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 general public.

**TOWN COUNCILOR** — A member of the Standish Town Council.

**TOWN EMPLOYEE** — Any individual working for, on a regular or temporary basis, and drawing a salary, wages or stipend from the Town of Standish. The term "Town employee" shall not include consultants or special personnel providing services on a short-term contractual basis.

### § 3-14. Standards of conduct.

The purpose of this Code is to establish ethical standards of conduct for all Town Councilors by setting forth those acts or actions deemed to be in conflict or incompatible, or which create the appearance of conflict or incompatibility, with the best interest of the Town of Standish.

### § 3-15. Conflicts of interest.

- A. The question of whether a Town Council member has a conflict of interest in any question or contract on which the Council is voting shall be answered by referring

to 30-A M.R.S.A. § 2605.

- B. No Councilor 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 that he/she may be allowed to submit bids for the same in accordance with the laws of the State of Maine, where to his/her knowledge there is a financial interest or special interest other than that possessed by the public generally, in such purchase or award, held by:
- (1) Himself/herself or a member of his/her immediate family;
  - (2) A business in which he/she or a member of his/her immediate family serves as an officer, director, trustee, partner or employee in a supervisory or management position; or
  - (3) Any other person or business with whom he/she or a member of his/her immediate family is in business or negotiating or has an arrangement concerning future employment.
- C. No Town Councilor shall participate by means of deliberation, approval or disapproval or recommendation in the decision to hire, promote, discipline or lay off or to take any other personnel action in respect to any applicant for employment or employee, as the case may be, where the applicant or employee is:
- (1) A member of his/her immediate family; or
  - (2) A person with whom either he/she or a member of his/her immediate family is in business.
- D. No Councilor shall purchase any Town asset while in office.
- E. Council and Town Manager appointed personnel shall not purchase any Town asset so long as that individual is employed by the Town of Standish.

### **§ 3-16. Disclosure of confidential information.**

No Town Councilor shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall he/she use such information to advance the financial or private interest of herself/himself or others. 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 Town Councilor 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 Standish Town Council or any Town agency 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.

### **§ 3-17. Gifts and favors.**

No Town Councilor 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 Town; nor shall any Town Councilor accept any gift, favor or thing of value that tends to influence him/her in the discharge of his/her official duties or grant in the discharge of his/her official duties any improper favor, service or thing of value.

**§ 3-18. Use of Town property.**

No Town Councilor 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.

**§ 3-19. Disclosure of interest in agenda items.**

Any Town Councilor who believes he/she or a member of his/her immediate family has a financial or special interest, other than an interest held by the public generally, in any proposed order, ordinance or resolve on the agenda of the Standish Town Council shall disclose the nature and extent of such interest and have it recorded by the Clerk on the Town records of such item. Once such disclosure has been made, such Town Councilor shall refrain and shall be prohibited, at the discretion of the other members of the Council, from voting or otherwise participating in the deliberations and the decision making process on such item. Nothing herein shall be construed to prohibit any Town Councilor from representing his/her own personal interest in any such item.

**§ 3-20. Disclosure statement by Town Councilors.**

- A. Every Town Councilor shall file with the Town Clerk within 30 days after the effective date of this Article, and during the month of July during each calendar year thereafter, a written statement, under oath, containing the following information to the best of his/her knowledge and belief: the name of each person or business doing business with the Town in an amount in excess of \$1,000 during the preceding calendar year from which such Councilor or a member of his/her immediate family has received money or other thing or value in an amount in excess of \$1,000 during the preceding calendar year, including campaign contributions. **[Amended 8-10-2004 by Order No. 92-04]**
- B. For purposes of this Code, a list prepared by the Finance Director of those persons or businesses doing business with the Town in amount in excess of \$1,000 for the preceding calendar year shall be determinative for purposes of reporting under this section. Income from and financial investments in policies of insurance and deposits and accounts from commercial or savings banks, savings-and-loan associations or credit unions shall not be considered to be a financial interest within the meaning of this section.

**§ 3-21. Political activities.**

No Town Councilor may use his/her official authority or position for the purposes of

unduly influencing or interfering with or affecting the results of any election, nor shall he/she solicit funds or contributions or accept or receive funds or contributions from Town employees for political purposes.