

TOWN OF LIMERICK

CODE OF ETHICS

Code of Conduct

Selectmen
04/01/2013

Below are listed the Maine Statutes that are summarized in the attached code of ethics for reference.

30-A MRSA § 2605 Conflicts of Interest

30-A MRSA § 2606 Prohibited Appointments

This policy shall be known as the Code of Ethics Policy for the Town of Limerick, Maine, hereinafter referred to as "policy".

Purpose

The purpose of this policy is to direct and ensure that all public officials (elected officials, appointed officials, committee members, board members, commission members and volunteers of the Town of Limerick be ethical, fair, impartial, and responsive to each other; that decisions and policy be made utilizing proper channels and procedures of the Town's governmental structure; that public office or employment not be used for personal gain of any nature; and that such elected officials, appointed officials, committee members, board members, commission members, volunteers maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government.

It shall always be held true and forever remembered that those persons elected or appointed to a position of trust and responsibility shall perform their official duties clearly understanding that they serve not themselves, but serve those that have elected or appointed them.

Town government exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case by case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Code Provisions

Citizen Access

Every citizen is offered, and if they so choose, a fair and impartial opportunity to speak on any matter coming before the Town. This opportunity will be held consistent with the established rules of the appropriate Town Board or Committee having jurisdiction of the subject matter involved. The Board of Selectmen's meeting would be the appropriate venue to bring up any matter not covered by any other Town Board's or Committee's jurisdiction. Public requests for an opportunity to address the appropriate Board or Committee on matters that are not currently before the Board or Committee may be received by any person duly authorized by the Town to receive such requests. Nothing in this section shall interfere with the citizen's right to speak at any public meeting being conducted by the Town or its Boards and Committees. Nothing in this section shall be construed as authorizing any Board and or Committee to consider matters that are outside of that entity's legal authority.

A record shall be kept by the Town of any citizen comment. This is to be done in the appropriate Board or Committee minutes. Matters concerning issues of confidentiality shall be kept confidential to the extent that those matters and issues are protected by Federal and State of Maine Statutes.

Agenda and minutes of boards and committees should be available to the public at large in a timely fashion.

Standards of Conduct

All public officials are expected to uphold all federal, state and local laws and all duly adopted policies of the Town. All public officials will perform their duties and responsibilities as outlined in their job descriptions with the utmost professionalism and integrity.

Conflicts of Interest

All public officials must be fair and impartial in carrying out their duties and responsibilities. All public officials must ensure that their official actions do not create actual, potential, or the appearance of personal or financial gain, either directly or indirectly, for themselves, family members, or personal friends. Any actual or potential conflicts between personal interests (financial, personal relationships, or otherwise) and Town business must be fully disclosed in a timely fashion to the appropriate Board. If the Board determines that a conflict of interest does exist, then the public official must recuse him/herself from officially participating in any discussion or decision-making action on the issue. Examples of conflicts of interest or situations that might create the perception of a conflict of interest or bias include: personal investments in, or possible financial gain from, companies or businesses that contract with the Town; family or personal friends that work for a company or business that contracts with the Town; recommending a company or service provider while acting in an official capacity;

discussing and voting (except Town wide votes) on Town ordinances, policies, or plans that either directly or indirectly benefit the public official or employee, friends or the public official's employer, provided the employer is not the Town.

This conflict of interest provision does not prohibit a public official or employee from acting as a private citizen, outside of any official duties, if they are a resident of the Town.

Gifts and/or Gratuities:

The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the obligation of every public official and employee to refuse personal gifts, favors or special privileges in every instance where favor or special privilege would not have been extended but for the position of such public official or employee; where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the public official or employee; where the gift is or may reasonably be considered to be designed to influence the actions of the public official or employee. No public official shall seek personal or financial advantage by means of his her public office or appointment. No public official should directly or indirectly solicit any gift or gratuity or accept or receive any gift if it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties or the gift or gratuity was intended to serve as a reward for any official action on their part.

Confidential Information

Public officials shall not disclose to others, or use to further their personal interest or the interest of persons other than the person to whom the information relates, confidential information acquired by them in the course of their official duties.

Use of Town Equipment, Supplies, and Services

The Town's resources are provided for official town business and will not be used for personal business. Occasional, but not frequent, use of town e-mail accounts for personal use and telephones for personal local calls is permissible. However, no public official shall use town property, services, or labor personally, or make them available to others, except if such use is available to all residents and on equal terms.

Incompatibility of Office

Given the extent of Limerick's municipal staff and limited volunteer resources, there may be cases when one person will simultaneously hold more than one position or office in municipal government. If the legitimate duties of the separate offices cannot be performed with the undivided loyalty of the individual, there will exist an incompatibility of office. The Maine state statutes and Maine common law define specific incompatibilities of office and will serve to establish criteria to determine other incompatibilities which are not expressly defined in the law. Generally, if it is found that the duties of one office holder serve the purpose of providing a check with regard to the duties of the other, or that the one office could review, modify or supervise the work of the other, then the two offices cannot be simultaneously held by the same person. Additionally, no public official, whether elected or appointed shall sell services or goods from interests when such employment or service is incompatible with the proper discharge of their official duties.

Authority

This policy is adopted, pursuant to the authority provided by 30-A M.R.S.A. 2605 subsection 7, by the Board of Selectmen.

Applicability

This policy shall apply to all elected officials, appointed officials, committee members, board members, commission members and volunteers of the Town of Limerick.

Amendment

This policy may be amended or revised by a majority vote of the Board of Selectmen.

Severability

If any provision of this policy is found to be unenforceable or invalid, the remaining provision shall remain in full force and effect.

Conflict with other Policies, Ordinances, or Jurisdictions

Whenever a provision of this policy conflicts with or is inconsistent with another provision of this policy or any other policy, ordinance, regulation, statute, or other law, the more restrictive provision shall apply.

Approved and Accepted on: April 1, 2013

Board of Selectmen:

Wendy M. Thorne
Wendy M. Thorne, Chair
C. Robert DeVilleneuve
C. Robert DeVilleneuve
Dean P. LePage
Dean P. LePage