

Workshop—Conduct Policy

February 27, 2023

Notes from November 2022 workshop

- **Why a Conduct Policy is important**
 - To have a set of standards—guidelines for elected and appointed officials
 - To develop a baseline understanding of what is appropriate
 - To create clarity on where the lines are between public officials and residents
 - To hold elected/appointed officials to higher standards
 - To remind officials they are not above, but part of a governing body
 - To encourage officials to being respectful

- **What the Conduct Policy should have**
 - A mechanism for adoption by officials
 - A process for discipline/removal of officials if not adhered to
 - In itself, the Conduct Policy should be a reference guide

Contents

- 2/16/23 Draft **Boards and Committees Standard of Conduct Policy**
- **Select Board Bylaws**, Section 9 Code of Conduct
- **Communication and Social Media Policy**

Town of North Yarmouth
Boards and Committees Standard of Conduct Policy

- I. **PURPOSE** The Town recognizes that all individuals elected and/or appointed by the Town must maintain and enforce respectful discourse with their fellow elected and/or appointed members, with those who work for the Town, those who volunteer their time and services on behalf of the Town and members of the public by striving at every meeting, forum or other official interaction to treat every person fairly and with respect regardless of any differences of opinion.

This policy provides a centralized standard of conduct for all elected and appointed officials in the Town.

- II. **APPLICABILITY** This policy and all its sections shall apply to all elected and appointed officials acting on behalf of the Town and covers all their actions and communications whether spoken or written including but not limited to all electronic communications including social media.
- III. **CODE OF CONDUCT** All Town elected and appointed officials are expected to act honestly, conscientiously, reasonably and in good faith always having regard to their responsibilities, the interests of the Town and the welfare of its residents.

A. Conduct Generally and in Relation to the Community

The following guidelines are to be followed in relation to an Official's conduct generally and in relation to the community:

- Remember that you are seen as a representative of the Town of North Yarmouth and you should conduct yourself accordingly in the community.
- Recognize that the chief function of local government always is to serve the best interests of all residents of the community.
- Demonstrate respect for the public that you serve.
- Conduct yourself in a manner that imparts public confidence in our local government and your position in it.
- Be well-informed concerning the local and state duties of a board/committee member.

- Never appear to represent the opinion of your board/committee except when specifically authorized by a recorded vote to do so.
- Accept your position as a means of unselfish public service, not to benefit personally, professionally, or financially from your board/committee position.
- Unless specifically exempted, conduct the business of the public in a manner that promotes open and transparent government.

The following actions would be cause for accountability review by the Select Board:

- Failure to safeguard, or publicly sharing, confidential information.
- Failure to comply as fully as possible with all Town policies, including, without limitation, the following:
 - Harassment and Discrimination Policy
 - Fraud Policy
- Failure to comply as fully as possible with all applicable laws, including, without limitation, the following:
 - The Open Meeting Law (Title 1, Chapter 13 §403)
 - The Conflicts of Interest Statute (Title 30-A, Chapter 123 §2605)

B. Conduct in Relation to Other Elected and Appointed Officials

The following guidelines are to be followed in relation to an Official's conduct in relation to other elected and appointed officials:

- Treat all members of the board/committee to which you belong with respect despite differences of opinion; keeping in mind that professional respect does not preclude honest differences of opinion but requires respect within those differences.
- Participate and interact in official meetings with dignity and decorum fitting those who hold a position of public trust.
- Recognize your responsibility to attend all meetings to assure a quorum and promptly notify the chairperson should you for any reason be unable or unwilling to continue to serve.
- Recognize that action at official legal meetings is binding and that you alone cannot bind the board/committee outside of such meetings.
- Refrain from making statements or promises as to how you will vote on matters that will come before the board/committee until you have had an opportunity to hear the pros and cons of the issue during a public meeting.
- Make decisions only after all facts on a question have been presented and discussed.

The following actions would be cause for accountability review by the Select Board:

- Publicly rebuking or making accusations about another elected or appointed official without following the accountability protocol.
- Failure to uphold the intent of executive session by publicly sharing the privileged communication that exists in executive session.
- Attempting outside of legal meetings to bind your board/committee to actions without express authority to do so.

C. Conduct in Relation to the Town Manager

The following guidelines are to be followed in relation to an Official's conduct in relation to the Town Manager:

- Refrain from giving orders or directions to the Town Manager for action as an individual board/committee member.
- 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.
- Refrain from providing information to the Town Manager that you would not be willing to share with other board/committee members.

The following actions would be cause for accountability review by the Select Board:

- Giving orders or directions to the Town Manager for action as an individual board/committee member.
- Subverting the administrative chain of command to give orders or direction to employees under the purview of the Town Manager.

D. Conduct in Relation to Town Staff

The following guidelines are to be followed in relation to an Official's relation to Town Staff:

- Treat all town staff as a vital asset of your local government and the work of your board/committee. Recognize them as professionals and respect the abilities, experience, and dignity of everyone.
- As part of your board/committee work, channel all instructions to, or requests for assistance from, town staff through the Town Manager.
- Concerns about staff performance should only be made to the Town Manager through private communication.
- Officials who interact with Town staff must do so in a respectful manner and understand employees have been instructed not to take direction from any individual official on any matter.

The following actions would be cause for accountability review by the Select Board:

- Publicly criticizing an individual employee or a department without seeking resolution or redress from the Town Manager.
- Disrespecting, or trying to obstruct, a town employee in the course of their official town duties.

E. Conduct on Social Media

The following guidelines are to be followed in relation to an Official's relation to Town Staff:

- One's online persona reflects their character; it is incumbent on officials to demonstrate respect for the public that you serve.
- All officials are expected and required to conduct themselves online in a manner consistent with the Town's policies and standards of conduct.
- Officials shall be as honest and accurate as possible when posting information or news.
- It is recommended that officials refrain from providing public opinions on a matter before their Committee.
- Officials should make a clear distinction between personal and campaign social media accounts.
- Provide a link back to the Town's official website when posting Town information.
- Remember that any online communication, no matter the intended audience, has the potential to become public record.
- Respect all laws governing copyright and fair use.

The following actions would be cause for accountability review by the Select Board:

- Revealing in social media posts confidential or privileged information about the Town, its constituents, or its contractors.
- Using social media to post rumors or conjecture about the Town, its employees, constituents, officials, suppliers, vendors, or contractors.
- Representing oneself on social media as a spokesperson for the Town, without being specifically designated to do so.
- Personal attacks on other officials, town employees and constituents

IV. Accountability Measures and Review

1. All officials must sign a statement affirming that they will uphold the standards of the Conduct Policy upon taking office or accepting appointment.
2. Selectpersons as well as Chairs of Boards, Commissions and Committees and the Town Manager have the additional responsibility to intervene when actions of members appear to violate the code.
3. Complaints from any member of a Board, Commission or Committee goes directly to the Select Board. Complaints from public can be directed to the Select Board or Town Manager who may consult with one another and/or Town Attorney.
4. For Select Board related concerns, The following actions should take place:
 - A. If Selectperson believes another Selectperson has violated the conduct code, they should first attempt to informally address and resolve the matter with the other member if appropriate.
 - B. If issue is not resolved, the complaining Selectperson may ask for an executive session to discuss their complaint.
 - C. The Selectperson against which the complaint is made shall be given reasonable advance notice of the meeting at which the matter will be discussed and have the right to be heard. They may also choose to have the discussion in open session. -

Accountability Actions

Once complaint has been heard by the Select Board, the Select Board may move and vote by majority for one the following actions:

- Reprimand for elected or appointed officials, with recommendations for actions over future violations
- Formal censure for elected officials
- Recommendation of loss of committee assignment (motion and vote to that recommendation to take place at the next posted meeting of the Select Board)

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30-A M.R.S.A. § 2605 addresses this issue by providing that Town officials shall "attempt to avoid the appearance of a conflict of interest by disclosure or by abstention."

SECTION 9 - CODE OF CONDUCT

Purpose and Scope - This section of the bylaws is to define the executive role and attendant duties of the Select Board in carrying out its policy functions as part of North Yarmouth's town government, and 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.

A) Definitions

1. **Town Meeting – Select Board – Town Manager form of government.** Under this form of government the legislative and executive functions are divided:
 - a. The Town Meeting performs the election function and the legislative function of adopting governmental policy, levying taxes, raising and appropriating monies, and authorizing the contracting of debts, etc.
 - b. The Select Board 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.
 - c. The Town Manager executes and carries out the government and fiscal policies with guidance from the Select Board. The Select Board has direct responsibility for and authority over all administrative functions. The Town Manager carries out the day-to-day operations of the town, and as defined in the town Charter.

B) Duties of the Select Board

1. A member of the Select Board, in relation to his or community should:
 - a. Understand that his or her basic function is to make policy, with administration delegated to the Town Manager.
 - b. Understand that he or she should abide by, stand by, and carry out all Board decisions once they are made.
 - c. Be well informed concerning the duties of a Board member on both local and state levels.
 - d. Remember that he or she represents the entire community but must make decisions based on their best judgement.
 - e. Accept the role of member is a means of unselfish service, not to benefit personally or politically from his or her Board activities.
 - f. Abide by the ethics guidelines established by the State and not use the position of Selectperson to obtain inside information on matters that may benefit someone personally.
2. A member of the Select Board, in his or her relations with the Town Manager, should:

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- a. 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.
 - b. Refuse to act on complaints as an individual outside of Staff, Department Heads, and the Town Manager.
 - c. Give the Town Manager full responsibility for discharging his or her disposition and/or solutions.
 - d. When a situation comes to the attention of a Board member, convey that information to the Town Manager for consideration and resolution of action as the Town Manager may deem appropriate. Inform the other Board members of suggestions and information conveyed to the Town Manager.
 - e. Not give orders or directions to the Town Manager for action as an individual Board member.
 - f. Not give instructions or request assistance from Town department heads, but rather channel all such activities through the full Board and the Town Manager.
3. A member of the Select Board in his or her relations with fellow Board members, should:
- a. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.
 - b. 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.
 - c. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
 - d. Make decisions only after all facts on a question have been presented and discussed.
 - e. Refrain from communicating the position of the Select Board to anyone unless the full Board as previously agreed on both the position and the language of the statement conveying the position.
 - f. Treat with respect the rights of all members of the Board despite differences of opinion.
4. A member of the Select Board, in his or her relations with Town staff, should:
- a. Treat all staff as professionals that respects the abilities, experience, and dignity of each individual.
 - b. 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.
 - c. Never publicly criticize an individual employee. Concerns about staff performance should only be made to the Town Manager through private conversation.

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- d. Insure that all requests for staff support go through the Town Manager's office.
- e. Insure than any materials or information provided to a Selectperson from a staff member be made available to all Select Board members.

SECTION 10 - WAIVERS & AMENDMENTS

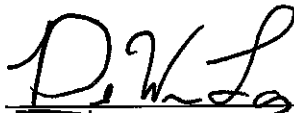
These bylaws, or any provision thereof, may be waived on any occasion by majority vote of the Select Board unless others provided by the town Charter or state law. These bylaws may be amended at any time in writing by majority vote of the Select Board.

Amended and agreed to by the Select Board this 20th day of September, 2016.


Select Board


Jeanne Chadbourne, Chair


Anne Graham


Peter Lucy


Alex Carr, Vice Chair


Paul Napolitano



Town of North Yarmouth

COMMUNICATIONS & SOCIAL MEDIA POLICY

SECTION 1 - PURPOSE

This purpose of this policy is to establish guidelines for the creation, use, and distribution of public communications and social media as a means of informing the citizens of North Yarmouth.

For purposes of this policy, communications and social media are understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include Facebook, Blogs, YouTube, Twitter, and LinkedIn. For purposes of this policy, "comments" include information, articles, pictures, videos, or any other form of communicative content posed on a Town of North Yarmouth social media site.

SECTION 2 - STATEMENT

The Town of North Yarmouth (Town) has an overriding interest and expectation in deciding what is "spoken" on behalf of the Town regarding public and social media.

The chosen means of active communication between the Town and its citizens are local newspapers, electronic newsletters, electronic e-mails, postcards, postal correspondence, postal newsletter, local community posters, public meetings broadcasts, cable channel bulletin board, Facebook, and the Town website.

Content for announcements can be created by town officials, the Town Manager, Department Heads, the Communications Committee, or other town boards and committees. These announcements reflect matters and issues of common public interest and information that relates to the Town's functions, objectives, and mission.

The Select Board, Town Manager, or their designee will approve the content generated by any party other than that provided by town officials. If content is generated by any party other than town officials, it must meet the test of common public interest and must be nonpartisan and noncommercial.

SECTION 3 - GENERAL MANAGEMENT

1. The establishment and use by any Town department of the Town's public and social media are subject to approval by the Town Manager. The establishment and use by any Town committee of the Town's public and social media are subject to approval by the Select Board, Town Manager, or their designee.
2. Town communication and social media sites should make clear that they are maintained by the Town and that they follow the town's Communications & Social Media Policy.
3. Wherever possible, Town social media sites should link back to the official Town of North Yarmouth website for forms, documents, online services, and other information necessary to conduct business with the town.
4. The Town Manager or his/her designee will monitor content on the Town communications and social media sites to ensure adherence to both the town's Communications & Social Media Policy and the interest and goals of the Town.

5. The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. Any content removed based on these guidelines must be retained by the Town Manager for a reasonable period of time, including the time, date, and identity of the person or organization posting, when available.
6. These guidelines shall be displayed to users and made available by hyperlink.
7. The Town will approach the use of communications and social media tools as consistently as possible, enterprise wide.
8. The Town website at <http://NorthYarmouthmaine.org> will remain the Town's primary and predominant Internet presence.
9. All Town public and social media communications and/or sites shall adhere to applicable federal, state, and local laws, regulations, and policies.
10. All Town public and social media communications and/or sites are subject to the Maine Freedom of Access Act. Any content maintained in a social media format that is related to Town business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.
11. Comments on topics or issues not within the jurisdictional purview of the Town may be removed.
12. Employees representing the Town via public and/or social media communications must conduct themselves at all times as representatives of the Town in accordance with all Town policies.
13. When a Town employee responds to a comment in his/her capacity as a Town employee, he/she shall not share personal information about himself/herself or other Town employees.
14. This policy may be amended at any time by the Select Board.

SECTION 4 - CONTENT

As a public entity, the Town must abide by certain standards to serve all its constituents in a civil and unbiased manner.

1. Comments containing any of the following inappropriate forms of content shall not be permitted in or on any Town public and social media form of communications. Town sites are subject to removal and/or restriction by the Select Board, Town Manager, or their designee:
 - a. Comments not related to the original topic, including random or unintelligible comments.
 - b. Profane, obscene, violent, or pornographic content and or language.
 - c. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, or national origin.
 - d. Defamatory or personal attacks.
 - e. Threats to any person or organization.
 - f. Comments in support of or in opposition to any political campaigns or ballot measures.

- g. Solicitation of commerce, including but not limited to advertising of any business product for sale.
 - h. Conduct in violation of any federal, state, or local law.
 - i. Encouragement of illegal activity.
 - j. Information that may tend to compromise the safety or security of the public or public systems.
 - k. Content that violates a legal ownership, such as copyright, or any party.
2. A comment posted by a member of the public on any Town public or media site is the opinion of the commentator or poster only and publication of a comment does not imply endorsement of, or agreement by, the Town, nor do such comments necessarily reflect the opinions or policies of the Town.
 3. The Town reserves the right to deny access to Town public or social media sites for any individual who violates Communications & Social Media Policy, at any time and without prior notice.
 4. All comments posted to any Town Facebook site are bound by Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/terms.php>, and the Town reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities to Facebook with the intent that Facebook takes appropriate and reasonable responsive action.

Adopted by the Select Board July 21, 2015