

**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.

~~The Town elected and appointed officials must refrain from communicating or acting in a disrespectful, abusive and/or threatening manner towards members of the community, other elected or appointed officials, the Town Manager, and/or Town Staff.~~

~~All elected and appointed officials must fully comply with the Town's Anti-Harassment and Anti-Discrimination Policy.~~

~~Further, all elected and appointed officials of the Town must assume the following responsibilities:~~

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:

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Remember that you are seen as a representative of the Town of North Yarmouth at all times 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.

~~Safeguard confidential information.~~

~~Conduct official business in such a manner that you cannot be improperly influenced in the performance of your official duties.~~

- 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

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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. ~~Formal notice to resign from a board/committee requires written notification to the Town Manager.~~
- 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 ~~quasi-judicial~~ 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.
- ~~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.

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.

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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:

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

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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.

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D. Conduct in Relation to Town Staff

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

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- 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.
- Treat all staff as professionals and respect the abilities, experience, and dignity of everyone.
- Refrain from giving instructions to or requesting assistance from Town staff but rather channel all such activities through the Town Manager.
- Never publicly criticize an individual employee or a department. 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 ~~should not be expected~~ have been instructed not to take direction from any individual official on any matter.

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- 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.

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E. E. Conduct on Social Media

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

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- ~~Remember that their~~One's online persona reflects their character; it is encumbant 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 must not reveal any confidential or privileged information about the Town, its constituents, or its contractors.~~
- Officials shall be as honest and accurate as possible when posting information or news.
- ~~Officials should not use social media to post rumors or conjecture about the Town, its employees, constituents, officials, suppliers, vendors, or contractors.~~
- ~~Officials may only express their personal opinions and should never represent themselves on social media as a spokesperson for the Town, unless specifically designated to do so.~~
- It is recommended that officials refrain from providing public opinions on a matter before their Committee. Comments include "liking" a post or other similar responses on a social media site.
- ~~Officials should~~ make a clear distinction between personal and campaign social media accounts.
- ~~Consult the Town Manager for applicable record retention schedule and method, before deleting posts or comments, or blocking citizen 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.
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IV. ~~ENFORCEMENT~~Accountability Measures and Review

Example 1

~~If any elected or appointed official is accused of violating the Town's Harassment and Discrimination Policy, the Town Manager shall refer the matter for investigation to a disinterested outside firm or individual qualified to investigate the alleged conduct. The Town Manager shall not be obliged to obtain any additional authority; this Code shall be sufficient authority. The firm or individual to whom the matter is referred shall promptly investigate the matter and report back findings of fact and recommendations to the Town Manager. The Town Manager shall share the reported findings and recommendations with the elected official's board/ committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter.~~

~~In addition to any other remedies or enforcement options available under the law, each board or committee may vote to censure any elected/appointed member and the appointing authority may decline to reappoint an individual who violates any provision of this Code of Conduct.~~

~~If an elected or appointed official is accused of violating any other provision of this Code of Conduct, the board or committee that the official represents or if applicable the appointing authority may take such action as is authorized by law and as it deems fit or it may vote upon request of the Town Manager or on its own to refer the matter to a disinterested outside firm or individual qualified to investigate the alleged conduct. This firm or individual shall promptly investigate the matter and report back findings of fact and recommendations to the Town Manager. The Town Manager shall share the reported findings and recommendations with the board/committee. The board/committee shall then take such action as is authorized by law and as it deems fit in response to the matter. These remedies shall be in addition to, and not in substitution for, any other remedies that may be available by law.~~

Example 2

- ~~1. Self-Enforcing (members~~All officials~~) must sign a statement affirming that they will uphold the standards of the Conduct Policy upon taking office or accepting appointment).~~
- ~~2. Board of Select~~persons as well as men~~(Chairs of Boards, Commissions and Committees and the Town Administrator~~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 ~~Board of the Selectmen~~Select Board. Complaints from public can be directed to the Select

Board or Town Administrator/Manager who may consult with Board Chair one another and/or Town Attorney.

4. -

For Select Board related concerns, The following actions should take place:

~~— Consequences~~

~~— Reprimand~~

~~— Formal censure for elected officials.~~

~~— Suspension or loss of committee assignment~~

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~~— Example 3~~

~~A. 1. If City Councilor/Selectperson believes another member/Selectperson has violated the conduct code, they should first attempt to informally address and resolve the matter with the other member if appropriate.~~

~~B. 2. If not issue is not resolved, the complaining City Councilor/Selectperson may ask for an executive session to discuss their complaint.~~

~~C. 3. The City Councilor/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.~~

~~Consequences~~

~~Sanction, including a public statement as to the reason.~~

~~Sanction may be in form of oral reprimand, written reprimand, or formal sanction.~~

~~Severe offenses may result in expulsion from office (requires super-majority vote).~~

~~Accountability Actions~~

~~Once complaint has been heard by the Select Board, the Select Board may move and vote by majority for one 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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~~Based on a review of these municipalities and other model Codes of Ethics/Conduct from various civic institutions, initial review by a Town Administrator or Board/Council in executive session is important so as to eliminate any spurious claims from being made broadly public. If after initial review of the complaint there is concern a violation has occurred, a transparent public process to address the issues best maintains public trust.~~

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