

**Town of North Yarmouth
Select Board Workshop Agenda
Tuesday, December 6, 2022
Workshop
6:00 PM
Wescustogo Hall & North Yarmouth Community Center**

Select Board Members

Brian Sites, Chairperson
Katherine Perrin, Board Member

Amy Haile, Vice-Chairperson
Andrea Berry, Board Member

Paul Hodgetts, Board Member

I. Call to Order

II. Workshop Discussion

- A. Board and Committee Appointment Process
- B. Board and Committee Conduct Policy

III. Adjournment

REMINDERS TO THE ATTENDING PUBLIC: Please mute all digital devices; Select Board meetings are open to the public, but the public may not speak unless recognized by the Chairperson first. **Workshops:** The public is welcome to attend workshops and listen to the discussion that takes place. The purpose of holding a workshop is to provide the Select Board with the opportunity to focus on specific town matters to later present at a regular business meeting. Therefore, public participation is limited to only regular business meetings of the Select Board.

North Yarmouth Select Board 2022-2023 DRAFT Committee Appointment Process

Standing Committees with statutory responsibilities

Task	Responsible Party	Recommended Timeline (6 Weeks)
Notify Select Board of vacancy	Committee Chair	ASAP
Create job description with desired candidate qualifications and application deadline	Committee Chair and SB Liaison	6 weeks from deadline
Coordinate outreach via town website, town Facebook, and town weekly email	Town Manager	4 weeks and 2 weeks from deadline
Coordinate outreach via committee Facebook, committee member outreach	Committee Chair	4 weeks and 2 weeks from deadline
Complete application	Candidate	
Send application to Select Board liaison and committee chair	Town Manager	rolling basis
Develop interview committee of committee chair, selectboard members, town manager	committee chair, selectboard members, town manager	1 week from deadline
Develop interview questions	interview committee	1 week from deadline
Conduct interviews and discuss candidate qualifications	interview committee	1 week after deadline
Recommend candidate to Select Board for appointment	interview committee	2 weeks after deadline
Register candidate for appropriate MMA training	Town Manager	ASAP

Standing Committees

Task	Responsible Party	Recommended Timeline (6 Weeks)
Notify Select Board of vacancy	Committee Chair	ASAP
Create job description with desired candidate qualifications and application deadline	Committee Chair and SB Liaison	6 weeks from deadline
Coordinate outreach via town website, town Facebook, and town weekly email	Town Manager	4 weeks and 2 weeks from deadline
Coordinate outreach via committee Facebook, committee member outreach	Committee Chair	4 weeks and 2 weeks from deadline
Complete application	Candidate	
Send application to Select Board liaison and committee chair	Town Manager	rolling basis

**North Yarmouth Select Board 2022-2023
DRAFT Committee Appointment Process**

Task	Responsible Party	Recommended Timeline (6 Weeks)
Develop interview committee of committee chair and committee members	Committee Chair	1 week from deadline
Develop interview questions	interview committee	1 week from deadline
Approve interview questions for legality	Town Manager	1 week from deadline
Conduct interviews and discuss candidate qualifications	interview committee	1 week after deadline
Share candidate qualifications and recommendation with committee, hold vote to recommend candidate	interview committee	2 weeks after deadline
Recommend candidate to Select Board for appointment	interview committee	2 weeks after deadline

Ad-Hoc Committees

Task	Responsible Party	Recommended Timeline (6 Weeks)
Notify Select Board of vacancy	Committee Chair	ASAP
Create job description with desired candidate qualifications and application deadline	Committee Chair and SB Liaison	6 weeks from deadline
Coordinate outreach via town website, town Facebook, and town weekly email	Town Manager	4 weeks and 2 weeks from deadline
Coordinate outreach via committee Facebook, committee member outreach	Committee Chair	4 weeks and 2 weeks from deadline
Complete application	Candidate	
Send application to Select Board liaison and committee chair	Town Manager	rolling basis
Develop interview committee of committee chair and committee members	Committee Chair	1 week from deadline
Develop interview questions	interview committee	1 week from deadline
Approve interview questions for legality	Town Manager	1 week from deadline
Conduct interviews and discuss candidate qualifications	interview committee	1 week after deadline
Share candidate qualifications and recommendation with committee, hold vote to recommend candidate	interview committee	2 weeks after deadline
Recommend candidate to Select Board for appointment	interview committee	2 weeks after deadline

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 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

- Remember that you represent the Town of North Yarmouth at all times.

- 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.
- 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.
- Comply as fully as possible with all Town policies, including, without limitation, the following:
 - Harassment and Discrimination Policy
 - Fraud Policy
- 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

- 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 chairman 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.

C. Conduct in Relation to the Town Manager

- 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.

D. Conduct in Relation to Town Staff

- 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 to take direction from any individual official on any matter.

E. Conduct on Social Media

- Remember that their online persona reflects their character.
- 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.
- 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.

IV. ENFORCEMENT

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 must sign a statement affirming that they will uphold the standards).
2. Board of Selectmen (Chairs of Boards, Commissions and Committees and the Town Administrator 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 Selectmen. Complaints from public directed to Town Manager who may consult with Board Chair and/or Town Attorney.

Consequences

Reprimand

Formal censure for elected officials and appointed officials.

Suspension or loss of committee assignment

Example 3

1. If the Select Board believes another member has violated the code, they should first attempt to informally address and resolve the matter with the other member if appropriate.
2. If not, the complaining Select Board member may ask for an executive session to discuss their complaint.

3. The Select Board member 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).

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.