



TOWN OF CASCO

SELECTBOARD RULES OF ORDER AND PROCEDURES

Section 1. Purpose: The intention of this policy is to establish reasonable rules of procedure for Board meetings and to promote the fair, orderly, and efficient conduct of the Board's behavior, proceedings, and affairs. These rules shall govern the Board's practices and procedures except as otherwise provided by law.

Section 2. Officers; Duties

Officers of the Board shall consist of a Chair and Vice-Chair to be chosen annually at the first Board meeting after the annual town meeting by and from Board members, unless otherwise agreed upon by the Board. The Board shall automatically appoint the Vice-Chair to Chair after the annual Town Meeting. The outgoing Chair is prohibited for holding an Officers position for at least one year, unless otherwise approved by the Selectboard. One of the three remaining Selectboard members shall be chosen as Vice-Chair. In the event selection of a new Chair and Vice-Chair is delayed, the current officers' terms will hold over. All members of the Selectboard are required to vote.

The Chair of the Selectboard shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine course of proceedings. In the absence of the Chair, the Vice-Chair shall preside and have the same authority. In the absence of both the Chair and Vice-Chair the members present may appoint an interim chair for the meeting.

In accordance with 30-A M.R.S.A. § 2635, "the selectboard shall exercise all administrative and executive powers of the town as provided in this subchapter. The selectboard shall deal with the administrative services solely through the town manager and may not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the selectboard from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town."

The majority of the Board shall have final say over matters before the Selectboard. With the exception of duties and powers listed in this policy, no single Selectboard member shall have more authority than another.

Section 3. Meetings: The following are Selectboard rules and procedures for conducting the Selectboard meetings. These rules may be modified as the Selectboard deems appropriate, by vote, in order to conduct the business of the Town.

- A. The Selectboard meetings require a quorum of three members to conduct the business of the Town. If three members are not present, those members present may vote to adjourn

the meeting to another time. Notice of the rescheduled meeting shall be given to all members of the Selectboard and the public.

B. Placing Items on the Agenda:

Selectboard: A Selectboard member may request an item to be considered on a future agenda. Such request shall be submitted to the Town Manager by nine the Tuesday preceding the next regularly scheduled meeting. Informational material to be included within the Selectboard's packet shall be delivered to the Town Office by noon on the Wednesday before the meeting, so that it can be copied and distributed to the Board.

Members of the Public: A member of public may request an item to be placed on a future agenda through communications with a Board member asking them to sponsor the item for the agenda. The same deadlines as for Selectmen apply.

Emergency Items and Items not on the Agenda: Emergency items and items not the agenda may be added to an agenda. Items not on the agenda may be added to the agenda only if (1) the need to consider the item arose after the posting of the agenda and; (2) there is a need to take immediate action at this meeting of the Selectboard.

The Selectboard Chair and Vice Chair will meet with the Town Manager on the Thursday before the scheduled meeting to review the agenda. The agenda and back up material will be a posted by the Friday before the scheduled meeting.

- C. The Selectboard's regular monthly meetings will be twice a month at 6:00 pm typically on the first and third Tuesdays of the month, but may occur on the second, fourth or fifth Tuesday. If the regularly scheduled meeting falls on a recognized holiday or there other scheduling conflicts, the Selectboard may schedule an alternate date. During the year, the Selectboard may meet less or more than twice a month. Meeting schedules will be posted on the Town website and at the Town office as far in advance as practical. Changes in meeting schedules will be posted on the Town website. If unscheduled special or emergency meetings are required notifications will comply with State Statute requirements for notice to the public and media.
- D. Action by the Board requires a motion, a second and a vote. In order for a vote to pass at least three board members must vote in the affirmative. In case of tied vote, a motion will be treated as automatically postponed and placed on the next Board agenda for consideration. The meeting clerk shall record who made the motion, who seconded the motion and the final vote tally.
- E. Members of the public will be welcome to offer comments during Public Participation listed on the agenda not to exceed two minutes in duration, per person. Additional information may be provided to the Board in writing, either at or in advance of the meeting. The topics may be the choice of the speaker. If topics warrant an extended discussion or require some action by the Selectboard, the Board may request that topic to be placed on a future agenda. The total amount of time set aside for this part of the meeting shall not exceed 15 minutes without a Board vote.

- F. Members of the public are welcome to submit a request to either a Selectboard member or Town Manager to be placed on a future agenda outside of Public Participation for consideration of inclusion.
- G. Members of the public shall address the Board from a designated podium. Members of the public shall refrain from speaking until recognized by the chair.
- H. Rules for approaching the podium may be waived at the discretion of the Board Chair.
- I. Rules for the public participation portion of Board meetings do not apply to public hearings. The Board may vote to waive the rules and invite public discussion when, in the opinion of the Board, the additional public discussion would be beneficial to the Board's decision-making process.
- J. **Executive Sessions:** The Selectboard has a right to meet in a private and confidential manner called Executive Sessions, as allowed or required by State and Federal law. The Selectboard shall not take any action, including votes, during Executive Sessions.

Section 4. Conflict Of Interest

The Selectboard shall rely on and abide by 30-A M.R.S.A. § 2605 Conflicts of Interest, addendum A. This includes avoiding the appearance of any potential conflict of interest by disclosure or by abstention.

Section 5. Code Of Ethics

The Selectboard shall subscribe to the Code of Ethics for Appointed and Elected Municipal Officials, addendum B, and shall avoid behavior that that may be in conflict with the Code.

Section 6. Compensation

The Selectboard shall be compensated via stipend based on Budgetary approval at the Town's Annual Town Meeting. Nothing in this process prevents an Selectboard member from waiving payment for their services.

This policy supersedes any prior policy related to this subject.

Date:

Approved by Casco Selectboard:

Eugene Connolly, Chair

Grant Plummer, Vice-Chair

Mary-Vienessa Fernandes

Robert MacDonald

Scott Avery

Addendum A

CHAPTER 123 MUNICIPAL OFFICIALS SUBCHAPTER 1 GENERAL PROVISIONS

§2605. Conflicts of interest Certain proceedings of municipalities, counties and quasi-municipal corporations and their officials are voidable and actionable according to the following provisions. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).] 1. Voting. The vote of a body is voidable when any official in an official position votes on any question in which that official has a direct or an indirect pecuniary interest. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).] 2. Contracts. A contract, other than a contract obtained through properly advertised bid procedures, made by a municipality, county or quasi-municipal corporation during the term of an official of a body of the municipality, county or quasi-municipal corporation involved in the negotiation or award of the contract who has a direct or an indirect pecuniary interest in it is voidable, except as provided in subsection 4. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).] 3. Restrain proceedings. The Superior Court may restrain proceedings in violation of this section on the application of at least 10 residents of the municipality, county or area served by the quasimunicipal corporation. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).] 4. Direct or indirect pecuniary interest. In the absence of actual fraud, an official of a body of the municipality, county government or a quasi-municipal corporation involved in a question or in the negotiation or award of a contract is deemed to have a direct or indirect pecuniary interest in a question or in a contract where the official is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or with which the unit of municipal, county government or the quasi-municipal corporation contracts only where the official is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity. When an official is deemed to have a direct or indirect pecuniary interest, the vote on the question or the contract is not voidable and actionable if the official makes full disclosure of interest before any action is taken and if the official abstains from voting, from the negotiation or award of the contract and from otherwise attempting to influence a decision in which that official has an interest. The official's disclosure and a notice of abstention from taking part in a decision in which the official has an interest shall be recorded with the clerk or secretary of the municipal or county government or the quasi-municipal corporation. A. This subsection does not prohibit a member of a city or town council or a member of a quasimunicipal corporation who is a teacher from making or renewing a teacher employment contract with the municipality or quasi-municipal corporation for which the member serves. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).] [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10

(AMD).] 5. Former municipal and county officials. This subsection applies to former municipal and county officials. A. No former municipal or county official may, for anyone other than the municipality or county, knowingly act as an agent or attorney, or participate in a proceeding before a municipal or county government body for one year after termination of the official's employment or term of office with that government body in connection with any proceeding: (1) In which the specific issue was pending before the municipal or county official and was directly within the responsibilities of that official; and (2) Which was completed at least one year before the termination of that official's employment or term of office. [PL 1989, c. 104, Pt. A, §22 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] B. No former municipal or county official may, for anyone other than the municipality or county, knowingly act as an agent or attorney, or participate in a proceeding before a municipal or county government body at any time after termination of the official's employment or term of office with that government body in connection with any proceeding: (1) In which the specific issue was pending before the municipal or county official and was directly within the responsibilities of that official; and (2) Which was pending within one year of the termination of the municipal or county official's employment or term of office. [PL 1989, c. 104, Pt. A, §22 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] C. This subsection may not be construed to prohibit former municipal or county officials from doing personal business with the municipality or county. This subsection does not limit the application of Title 17-A, chapter 25. [PL 1989, c. 104, Pt. A, §22 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] For the purpose of this subsection, a municipal or county government body includes an agency, board, commission, authority, committee, legislative body, department or other governmental entity of a municipality or county. [PL 1989, c. 104, Pt. A, §22 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] 6. Avoidance of appearance of conflict of interest. Every municipal and county official shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention. [PL 1989, c. 104, Pt. A, §22 (NEW); PL 1989, c. 104, Pt. C, §10 (NEW).] 7. Municipal officers adopt ethics policy. In their discretion, the municipal officers may adopt an ethics policy governing the conduct of elected and appointed municipal officials. [PL 1989, c. 561, §19 (NEW).] SECTION HISTORY PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§A22,C8,C10 (AMD). PL 1989, c. 561, §19 (AMD).

Addendum B

TOWN OF CASCO Code of Ethics

PREAMBLE:

The proper operation of the democratic government of the Town of Casco (hereinafter "Town") requires that the Town's Selectmen, Planning Board members, members of appointed boards, and employees be fair, impartial, and responsive to the needs of the people and to each other in the performance of their respective functions and duties; those decisions and policy be made in proper channels of the Town's governmental structure; that public office or employment not be used for personal gain; and that Selectmen, Planning Board members, members of appointed boards, and Town employees maintain a standard of ethical conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, this Code of Ethics is hereby adopted as a standard of ethical conduct for all Selectmen, Planning Board members, members of appointed boards, and employees of the Town.

PURPOSE AND OBLIGATION:

The purpose of this Code of Ethics is to establish standards of ethical conduct for all Selectmen, Planning Board members, members of appointed boards, and Town employees by setting forth those acts or actions which are deemed to be in conflict, or which create the appearance of conflict, with the ethical standards of the Town of Casco.

Legal Standards: It is the duty of every Town official and Town employee to support the Constitution of the United States and the Constitution of the State of Maine. There are also certain provisions of the general statutes of the State of Maine, which, while not set forth herein, should be considered an integral part of this Code of Ethics. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as they may be amended, are incorporated into this Code of Ethics by reference to the extent applicable:

17 MRSA § 3104 Conflict of Interest; Purchases by the State
17-A MRSA § 456 Tampering with Public Records or Information
17-A MRSA § 602 Bribery in Official and Political Matters
17-A MRSA § 603 Improper Influence
17-A MRSA § 604 Improper Compensation for Past Action
17-A MRSA § 605 Improper Gifts to Public Servants
17-A MRSA § 606 Improper Compensation for Services
17-A MRSA § 607 Purchase of Public Office
17-A MRSA § 608 Official Oppression
17-A MRSA § 609 Misuse of Information
17-A MRSA § 903 Misuse of Entrusted Property
20-A MRSA § 504 Persons Ineligible to Serve as Election Officials
30-A MRSA § 2605 Conflicts of Interest
30-A MRSA § 5122 Interest of Public Officials, Trustees or Employees

A. It is the goal of this Code of Ethics that every citizen shall receive fair and impartial consideration on any matter coming before the Board of Selectmen, the Planning Board, the Town's appointed boards and any Town employee. No Town official or Town employee shall make any promise or pledge to any person concerning any matter to be considered by that Town official or Town employee in an official capacity except upon a fair and impartial consideration of the relevant facts in the appropriate forum.

1) Avoidance of Appearance of Improper Influence. Town officials and Town employees should conduct their official and personal affairs in such a manner as to avoid any appearance of improper influence in the performance of their official duties.

2) Fair and Impartial Consideration. Fair and impartial consideration means that Town officials and Town employees should make their decisions in the appropriate public forum and should not take official action until they have given a careful and objective consideration to the facts pertaining to a particular issue coming before them. They should not prejudice matters coming before them in their official capacity and should not make promises or commit to a course of action until all of the relevant facts have been considered.

B. The conduct of public business shall be free from any undisclosed financial or personal interests on the part of any Town official or Town employee and from any appearance of conflict. No Town official or Town employee shall advocate in any public meeting or in his/her official capacity on any matter in which that Town official or Town employee has a financial or personal interest, or where there is any appearance of conflict, except upon full and timely disclosure of that interest.

Guidelines

1) Financial Interests. Town officials and Town employees should endeavor to avoid holding any investment, directly or indirectly, in any business, commercial enterprise, or other private activity that conflicts with their official duties as a Town official or Town employee. In the case of members of Town boards, where such a conflict exists, it should be disclosed to the board on which that public official sits prior to consideration of any decision to be made by that Board, and if requested by the membership of that Board, the official should recuse him/herself from participating in any official action on any matter to which the conflict pertains. In the case of Town employees, any such conflicts should be disclosed to the employee's immediate supervisor and the Town Manager and, at the request of the employee's supervisor or the Town Manager, the employee should refrain from participating in the consideration of official action on any matter to which the conflict pertains.

2) Personal Interests. Members of the Town boards should disclose any personal relationship to the board on which that Town official sits in any instance where there could be the appearance of a conflict of interest. For example, if the official's spouse or domestic

partner works for a developer appearing before that Town board, that fact should be disclosed.

3) Avoidance of Appearance of Conflict. Where there is doubt about a potential conflict or appearance of conflict due to an investment, financial holding, or personal relationship, the potential conflict or appearance of conflict should be disclosed to the board on which that Town official sits prior to consideration of any decision to be made by that board, and if requested by the membership of that board, the Town official should recuse him/herself from participation in the consideration of any official action on any matter to which the conflict or appearance of conflict pertains.

C. The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the duty of every Town official and Town employee to refuse personal gifts, favors or special privileges in every instance where such Town official or Town employee reasonably believes such gift, favor or special privilege would not have been extended but for the official position of such Town official or Town employee, or where there exists a reasonable belief that the donor's interests are likely to be affected by the official actions of the Town official or Town employee, or where the gift is or may reasonably be considered to be designed to influence the official actions of the Town official or Town employee.

1) Gifts. No Town official or Town employee should directly or indirectly solicit any gift or accept or receive any gift whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form of gift if it could be reasonably inferred or expected that (1) the gift was intended to influence their performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

2) Limitation. The policy against solicitation or acceptance of gifts is limited to circumstances reasonably related to the possibility of improper influence or the appearance of improper influence. In *de minimus* situations, such as meal checks, a modest maximum amount shall be established by the Selectmen from time to time as a guideline to be applied under this Code of Ethics. That amount is initially established under this Code of Ethics at a maximum of twenty- five (25) dollars. Furthermore, this guideline is not intended to preclude Town officials and Town employees from participating in normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions and where there is no reasonable grounds to believe that a gift is motivated by an intent to improperly influence the Town official or Town employee in the conduct of his/her official duties.

D. No Town official or Town employee shall use confidential or advance information obtained by virtue of Town office, appointment, or Town employment for personal or financial advantage.

1) Town officials and Town employees should not disclose to others, or use confidential information acquired by them in the course of their official duties, to further their personal interests.

2) Real Estate Transactions. In the case of real estate transactions, the potential use of confidential information and knowledge to further a Town official's or Town employee's personal interests requires special consideration. Purchase and sales of real estate which might be regarded as speculation for quick profit ought to be avoided, particularly in situations where the Town official or Town employee may have inside or advance information as a result of his/her office or employment with the Town.

E. It is the duty of Town officials to faithfully discharge the duties of their offices. In the conduct of public business, no Town officials should be excused from voting except on matters involving consideration of their own official conduct, or where their personal or financial interests may create a conflict or an appearance of conflict.

1) It is the obligation of all Town officials to discharge their duties fully and faithfully. This includes voting on all matters coming before them even when such votes will not be popular, except in circumstances where the Town official is excused from voting due to a conflict or appearance of conflict under this Code of Ethics.

F. It is the duty of every Town official and Town employee to uphold and carry out the laws of the State of Maine and the lawful ordinances and policies of the Town. No Town official or Town employee shall knowingly take any action that would violate the laws of the State of Maine or that is inconsistent with the lawful ordinances and policies established by the Town.

1) Public Confidence. Town officials and Town employees should conduct themselves at all times so as to maintain public confidence in Town government and its lawful ordinances and policies. Town officials and Town employees should comply with the laws of the State of Maine and the ordinances of the Town and should conduct themselves in a manner consistent with duly adopted Town policies.

G. The penalties for violation of this Code of Ethics shall vary according to the type of position held.

1) Elected Officials. For elected officials, when a violation is found by the elected board of which the official is a member, the actions taken may range from a letter of reprimand by the Chair of the board, to a censure by a majority of the elected board, to a request for resignation from the elected position by a majority of the elected board.

2) Appointed Officials. For appointed boards, the same penalties shall apply as apply to elected officials, and, in addition, if the board or committee is appointed by the municipal officers of the Town, the municipal officers may remove an appointee for cause, after notice and public hearing, pursuant to 30-A M.R.S.A. §2601.

Addendum B

3) **Town Employees.** For employees of the Town, the penalties for violation of this Code of Ethics shall be governed by the Town's personnel policies, and collective bargaining agreements as applicable, which include but are not limited to appropriate progressive discipline up to and including suspension and termination.

H. This Code of Ethics may be amended from time to time by a majority of the members of the Select Board of the Town.