

# Town of Howland

## ETHICS ORDINANCE As Amended on June 23, 2014

### Section 1. Declaration of Policy.

The proper operation of democratic government requires that the Board of Selectmen and their appointees be fair, impartial and responsive to the needs of the people and each other in the performance of their respective functions and duties; that decisions and policy be made in proper channels of the Town's governmental structure; that public office not be used for personal gain; and that Town employees, Town Selectmen and Town appointees maintain a standard of conduct that will inspire public confidence in the integrity of the Town's government. In recognition of these goals, an Ethics Ordinance is hereby established for all Town employees, Town Selectmen and members and associate members of all the Town boards and any other town officials now existing or hereafter created.

### Section 2. Definitions.

As used in this code, the following terms shall have the meanings indicated:

**BOARD** – All statutory and nonstatutory boards now existing or hereafter created by virtue of any ordinance, order or resolve adopted by the Town of Howland or its Board of Selectmen.

**BOARD MEMBER** – Any person elected to membership or associate membership on a Town board or appointed to such a board by or under the authority of the Town Meeting or Board of Selectmen.

**BOARD OF SELECTMEN** – For purposes of this ordinance, references to the Board of Selectmen shall be construed to mean the Board of Selectmen of the Town of Howland and any of the committees or subcommittees thereof.

**BUSINESS** – Any corporation, partnership, individual, sole proprietorship, joint venture or any other legally recognized entity organized for the purposes of making a profit.

**FINANCIAL INTEREST** – A direct or indirect interest having monetary or pecuniary value, including but not limited to the ownership of shares of stock. A Town employee, Town Selectman, board member or commission member or any member of that person's immediate family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to assets held by the trust.

**IMMEDIATE FAMILY** – Spouse, children, parents, siblings, including step, half, and in-law relations, and domestic partner of a Town employee, Town Selectman, board member or commission member.

SELECTMEN – A member of the Howland Board of Selectmen.

TOWN EMPLOYEE – Any individual working for, on a permanent or temporary basis, and drawing an hourly wage or salary from the Town of Howland. The term “Town employee” shall not include outside consultants or professional personnel providing services to the Town as independent contractors under a written professional services contract or other similar engagement.

### Section 3. Standards of Conduct.

#### 3.A. Purpose.

The purpose of this Ordinance is to establish ethical standards of conduct for all Town employees, Town Selectmen, and board and commission members by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the appearance of conflict or incompatibility, with the best interests of the Town of Howland.

#### 3.B. Statutory Standards.

There are certain provisions of the general statutes of the State of Maine which should, while not set forth herein, be considered an integral part of this ordinance. Accordingly, the provisions of the following sections of the general statutes of the State of Maine, as may be amended, are hereby incorporated by reference and made a part of this Ethics Ordinance and shall apply to all Town employees, Town Selectmen, board members and commission members of the Town of Howland whenever applicable as if more fully set forth therein:

- A. 17 M.R.S.A. §3104, Conflicts of interest; purchases by the state.
- B. 17-A M.R.S.A. §456, Tampering with public records or information.
- C. 17-A M.R.S.A. §602, Bribery in official and political matters.
- D. 17-A M.R.S.A. §603, Improper influence.
- E. 17-A M.R.S.A. §604, Improper compensation for past action.
- F. 17-A M.R.S.A. §605, Improper gifts to public servants.
- G. 17-A M.R.S.A. §606, Improper compensation for services.
- H. 17-A M.R.S.A. §607, Purchase of public office.
- I. 17-A M.R.S.A. §608, Official oppression.
- J. 17-A M.R.S.A. §609, Misuse of information.
- K. 17-A M.R.S.A. §903, Misuse of entrusted property.
- L. 21-A M.R.S.A. §504, Persons ineligible to serve.
- M. 30-A M.R.S.A. §2605, Conflicts of interest.
- N. 30-A M.R.S.A. §5122, Interest of public officials, trustees or employees.

### Section 4. Personal Financial Interests.

Any Selectman, board member, or other town official or town employee who has a conflict of interest, including but not limited to a direct or indirect financial interest by reason of ownership

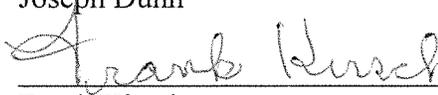
of stock in any corporation, in any contract with the Town or in the sale of any land, material, supplies or services to the Town or to a contractor of or to the Town, shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a Town Selectman, board member or employee in the making of such sale or in the making or performance of such contract.

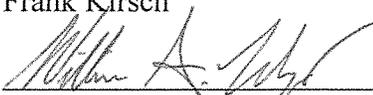
In addition, any private corporation, business, or other economic entity of which a Selectman, board, member, or other town official or town employee is directly or indirectly the owner of at least 10% of the stock of said private corporation or owns at least a 10% interest in said business or other economic entity is hereby prohibited from (i) bidding or otherwise participating in a bid process for any contract award including, but not limited to, any contracts for the sale of land, material, supplies, or other services to the Town; and (ii) receiving any contract award including, but not limited to, any contracts for the sale of land, material, supplies, or other services to the Town. Any violation of this section shall disqualify a bid or render a contract or sale voidable by the Town Manager and the Board of Selectmen.

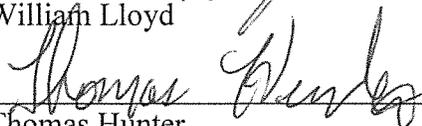
Any Town Selectman, board member or employee who willfully conceals such a financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall be subject to forfeiture of his/her office or position. Violation of this section with the knowledge express or implied, of the person or corporation contracting with or making a sale to the Town shall render the contract or sale voidable by the Town Manager and the Board of Selectmen.

Adopted as printed this 23<sup>rd</sup> day of June, 2014 by the Howland Board of Selectmen:

  
\_\_\_\_\_  
Glenn Brawn, Chairman

\_\_\_\_\_  
Joseph Dunn  
  
\_\_\_\_\_  
Frank Kirsch

  
\_\_\_\_\_  
William Lloyd

  
\_\_\_\_\_  
Thomas Hunter

Attest:

  
\_\_\_\_\_  
Town Clerk