

TOWN OF WAYNE Code of Ethics Policy

PREAMBLE:

The Town of WAYNE requires its officials to act fairly, impartially, and responsively when performing their duties. Decisions must follow the proper channels, public office cannot be used for personal gain, and ethical standards should foster trust in the Town's government. Accordingly, this Code of Ethics sets expectations for all Town Officials.

PURPOSE AND OBLIGATION:

This Code of Ethics establishes ethical conduct standards for all Town Officials by outlining actions that may be in conflict with, or create the appearance of conflict with, the ethical standards of the Town of WAYNE.

DEFINITION:

Town Officials: Anybody working for the Town, that represents the Town in an official capacity such as:

- Elected Officials (members of the Select Board, Budget Committee, School Board Committee and Moderator),
- Appointed Officials (Aging at Home Committee, Board of Appeals, Conservation Committee, Planning Board),
- Town Employees (Aging at Home Coordinator, Animal Control Officer, Code Enforcement Officer, Emergency Management Director(s), Fire Chief(s), General Assistance Administrator, Health Officer, Local Plumbing Inspector, Road Commissioner, Town Clerk, Town Tax Collector, Town Manager, Town Treasurer),
- Town Contractors (Assessor Agent, snowplow contractor, mowing contractor) and
- Town Volunteers.

Legal Standards: Every Town Official must uphold the U.S. Constitution and the Maine Constitution. Relevant sections of Maine's general statutes, even if not listed here, are considered part of this Code of Ethics. These statutory provisions, as amended, are incorporated by reference when 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
21-A MRSA § 504	Persons Ineligible to Serve as Election Officials
30-A MRSA § 2605	Conflicts of Interest
30-A MRSA § 5122	Interest of Town Officials, Trustees or Employees

A. The purpose of this Code of Ethics is to ensure every citizen receives fair and impartial treatment from Town Officials. No Town Official shall promise or pledge any action without considering the relevant facts fairly and impartially in the appropriate setting.

1) Avoidance of Appearance of Improper Influence. Town officials 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. Town officials must make decisions publicly and only after objectively reviewing all relevant facts. They should avoid prejudging issues or committing to actions before considering every aspect of a matter.

B. This policy is designed to ensure that members of the public are treated with civility, without prejudice or bias and without impairment by all representatives of the local government.

1) Town Officials are expected to maintain civility while performing their official duties. They are to avoid using inappropriate language, making personal verbal or physical remarks, or addressing members of the public in an angry manner. If a board member experiences verbal threats or attacks, it is permitted for them to step away from their responsibilities; however, responding in a similar manner is not allowed.

2) Individuals are expected not to use drugs or alcohol before or during their official duties. Indications of drug or alcohol use, including behaviors such as argumentative conduct, unsteady movement, or impaired speech, may result in being asked to leave a board meeting and could lead to removal from their position.

3) Town officials are expected to act impartially in regard to individuals and issues. Members should base decisions solely on the facts of each case, without consideration of personal relationships, age, race, religion, sexual orientation, or other categories protected under Title VII of the Civil Rights Act. Recusal is appropriate if a member believes they cannot participate without prejudice in a matter before them. Members must also recuse themselves if they have any financial interest in an issue being considered, as this may be perceived as a potential bias. Board or committee members are required to abstain from voting when there is a conflict of interest, the appearance of such a conflict, or if they are unable to make an impartial decision. Any questions regarding a member's disqualification from voting on a specific matter will be resolved by a majority vote of the remaining members, excluding the member in question.

C. Public business shall be conducted without any undisclosed financial or personal interests by Town officials, as well as without any perception of conflict. Town officials are prohibited from advocating for any matter during public meetings or in their official capacity if they possess a financial or personal interest, or where an appearance of conflict exists, unless such interest is fully and promptly disclosed.

1) Financial Interests. Town officials are expected to avoid holding any investment, directly or indirectly, in any business, commercial enterprise, or other private activity that may conflict with their official duties as Town Officials. For members of Town boards, any existing conflicts should be disclosed to the relevant board before any related decision is considered. If requested by the board, the official should recuse themselves from participating in official actions concerning the matter in question. For Town employees, such conflicts should be reported to the employee's immediate supervisor and the Town Manager. At the request of the supervisor or Town Manager, the employee should refrain from involvement in official action regarding the matter where the conflict exists.

2) Personal Interests. Town officials should disclose any personal relationships that could appear as conflicts of interest, such as if a spouse or partner works for a developer appearing before the board.

3) Avoidance of Appearance of Conflict. If there is uncertainty about a possible conflict of interest or the appearance of one arising from an investment, financial holding, or personal relationship, the situation should be disclosed to the relevant board before any related decisions are made. If the board members request it, the Town official should recuse themselves from participating in discussions or decisions related to the matter in question.

Ex. Town Official may hire a local contractor to perform work on personal property but must recuse themselves from hiring a local contractor for Town work.

Every elected or appointed board will have on the agenda an agenda item placed on the agenda named "Conflict of Interest." At this time, any Town Officials will be required to disclose any potential "conflict of interest" to the board for discussion.

D. Decisions regarding public business should be made free from the influence of gifts, favors, or special privileges. Town Officials are required to refuse any personal gift, favor, or privilege that appears to be offered due to their official position, if the donor's interests may be affected by official actions, or if it could reasonably be seen as an attempt to influence them.

1) Gifts. Town Officials must not directly or indirectly solicit, accept, or receive any form of gift—including money, services, loans, travel, entertainment, hospitality, promises, or other items—if it can reasonably be inferred or expected that: (1) the gift is intended to influence the performance of their official duties; or (2) the gift is intended as a reward for any official action taken by them.

2) Limitation. The policy regarding the solicitation or acceptance of gifts applies to situations where there may be improper influence or the appearance of such influence. In minor cases, such as meal payments, the Select Board will periodically establish a modest maximum amount as a guideline under this Code of Ethics. The initial maximum is set at twenty-five dollars (\$25.00). This guideline does not prevent Town Officials from taking part in ordinary social situations where gifts between friends, associates, and relatives are customary for certain occasions and there is no reasonable basis to believe a gift is intended to influence Town Officials in their official responsibilities.

E. No Town Officials shall use confidential or advance information obtained by virtue of their status as a Town Official for personal or financial advantage.

1) Town Officials 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 real estate transactions, it is important to consider the potential for confidential information obtained by Town Officials to be used for personal benefit. Transactions involving the purchase or sale of real estate that could be considered speculative should be carefully reviewed, especially when Town Officials may have access to privileged or advance information due to their position or employment with the Town.

Ex. Any Town Official involved in the acquiring of Town property cannot be party to purchasing said Town property.

F. Town officials should faithfully discharge the duties of their offices. 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 because of a law, ordinance or conflict or appearance of conflict under this Code of Ethics.

G. It is the duty of every Town Officials to uphold and carry out the laws of the State of Maine and the lawful ordinances and policies of the Town. No Town Officials 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.

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

Elected Officials. If an elected official violates policy, their board may respond with actions such as a letter of reprimand from the Chair, censure by majority vote of the board, or a request by a majority of the board for resignation.

Appointed Officials. Appointed boards and officials face the same penalties as elected officials. Additionally, if appointed by the municipal officers, appointees may be removed for cause after notice and a public hearing, as required by 30-A M.R.S.A. §2601.

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, as applicable, which include but are not limited to appropriate progressive discipline up to and including suspension and termination.

Town Contractors: For Town Contractors, when a violation is found by the Town Select Board, the Select Board shall consider any or the actions taken may range from a letter of reprimand by the Select Board, to end contract for cause.

Town Volunteers: For volunteers of the Town, the penalties for violation of this Code of Ethics shall be governed by the Town's personnel policies, as applicable, which include but are not limited to appropriate progressive discipline up to termination.

All Town Officials shall review this policy annually. Board chairpersons will do an annual review with their boards, and the Town Manager will review annually with employees. All contracts must reference the Town's Code of Ethics.


All Town Officials are required to sign a notice each year confirming their review of this policy and their intent to comply with it. For contractors, signing the Town's contract indicates agreement with the terms outlined in the Town's Code of Ethics.


Town Officials must use this policy at meetings. If someone appears to violate this Code of Ethics, the violation shall be reported to the Town Manager.

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


Adopted by the Select Board this 2nd day of September, 2025.

Select Board Members


Marianne Butak


Henry Steck


Lloyd Irland


Hazel Stevenson


Tom Moran