

**ADMINISTRATIVE CODE
CODE OF ETHICS**

1. **Declaration of Policy.** The proper operation of a democratic government requires that all appointed and elected officials be fair, impartial and responsive to the needs of the community and each other in the performance of their respective functions, obligations and duties, and that all decisions and policy be made in proper channels of the town's government. In recognition of these high standards, a Code of Ethics is hereby established for all appointed and elected officials and town employees. This Code of Ethics is not intended to deny any individual constitutional right nor violate any personal civil rights.

2. **Statutory Standards.** A violation of any of the provisions of the statutes listed below, as amended, shall be deemed a violation of this Code of Ethics.

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
30-A MRSA § 2605	Conflicts of Interest
30-A MRSA § 5122	Interest of Public Officials, Trustees or Employees

3. **Definitions.**

- a. **Business** – Any corporation, partnership, individual, sole proprietorship, joint venture, or any other legally recognized entity organized for the purpose of making a profit.
- b. **Town official** – Any duly appointed or elected member of Town government except the members of the Select Board.
- c. **Town officer** – members of the Select Board.
- d. **Town Employee** – Any individual working for, on a permanent or temporary basis, and drawing a salary, wages or stipend from, the Town of China. The term “Town Employee” shall not include consultants or independent contractors.
- d. **Immediate Family** – Spouse, partner and other members of the household of appointed or elected official.
- e. **Financial Interest** – A direct or indirect interest having monetary or pecuniary value. Unlike under 30-A M.R.S.A. §2605(4), a municipal official need not have at least a 10% interest in a private corporation or business to be deemed to have a financial interest in the private corporation or business.
- f. **Special Interest** – A direct or indirect interest in which an officer, official and/or employee of the Town receives a value as a result of the passage or

denial of any order, ordinance or resolution which is not shared by the general public.

g. **Censure** – A judgment or resolution condemning a person for misconduct.

4. **Standards of Conduct.** The purpose of this code is to establish minimum ethical standards of conduct for all appointed and elected officials.

5. **Disclosure of Confidential Information.** No appointed or elected official or town employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the Town, nor shall he or she use such information to advance the individual financial or private interest of himself/herself or others. The term “confidential information” means any information, oral or written, which comes to the attention of, or is available to, such appointed or elected official or town employee only because of his or her position with the town and is not a matter of public record. Information received and discussed during an executive session of any Town board, committee or other body shall be considered within the constraints of this section and shall not be disclosed to any third party unless permitted or required by Federal, State or local law, by court order, or by affirmative vote of the Town body which has custody of the confidential information.

6. **Gifts and Favors.** No Town officer, official and/or town employee shall accept any valuable gift, whether in the form of service, loan, thing or promise, from any person and/or business which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town; nor shall any appointed or elected official:

- a. accept any gift, favor or thing of value that tends to influence him or her in the discharge of his or her duties; or
- b. grant in the discharge of his or her official duties any improper favor, service or thing of value.

7. **Use of Town Property.** No appointed or elected Town official or town employee shall use, or permit the use of, any Town owned property including, but not limited to motor vehicles, equipment and buildings, for any private purposes. Nothing herein shall prohibit the use of Town buildings and equipment at rates and/or on terms as may be established by the Select Board for the public at large.

8. **Conflicts of Interest.**

a. **Activities which constitute conflicts of interest:**

(1) **Participation in award of contracts.** No appointed or elected official shall participate directly or indirectly by means of deliberation, approval or disapproval, or recommendation, in the purchase of goods and services for the Town, and the award of any contracts with or by the Town where, to his or her knowledge, a financial or special interest in such purchase or award, other than one shared by the general public, will accrue to:

- a. himself or herself or a member of the immediate family;

- b. a business in which he or she or a member of his or her immediate family serves as an officer, director, trustee, partner, shareholder or employee; or
- c. any other person or business with whom he or she or a member of his or her immediate family are negotiating to have an arrangement concerning future employment.

(2) **Participation in employment decisions.** No appointed or elected official shall participate by means of deliberation, approval or disapproval, or recommendation, in the decision to hire, promote, discipline, lay-off or take any other personnel action with respect to any Town employee or applicant for Town employment, as the case may be, where the applicant or employee is:

- a. a member of his or her immediate family;
- b. a person with whom either he or she or a member of his or her immediate family are in business.

(3) **Deliberation and vote on other agenda items.** No appointed or elected official shall participate in the deliberation or vote, or otherwise take part in the decision-making process, on any other agenda item before the Town board, committee or other body of which he or she is a member, in which he or she or a member of his or her immediate family has a financial or special interest, other than an interest shared by the public generally.

b. Determination of existence of conflict:

(1) Any appointed or elected official who has a conflict of interest, as defined above, shall disclose that fact to the Town board, committee or other body of which he or she is a member. The member shall not participate in the deliberations relating to the issue or matter with respect to which he or she has a conflict and shall abstain from voting on any issue or matter with respect to which he or she has a conflict.

(2) Any appointed or elected member of a Town board, committee or other body may move to determine whether or not any other member of said board, committee or other body has a conflict of interest as defined above. If seconded, the board, committee or other body shall collectively discuss and vote on whether or not said member has a conflict of interest. The affected member may participate in the discussions leading up to the vote but may not vote on the issue of whether or not a conflict exists. If a majority of the members entitled to vote determine that a conflict exists, the affected member must abstain from voting on the issue or matter on which he or she has been determined to have a conflict and may not participate in any discussions or deliberations leading up to said vote.

(3) Any registered voter of the Town, or any appointed or elected official of the Town or of any Town board, committee or other body, if he or she

the affected member must abstain from voting on the issue or matter on which he or she has been determined to have a conflict and may not participate in any discussions or deliberations leading up to said vote.

(3) Any registered voter of the Town, or any appointed or elected official of the Town or of any Town board, committee or other body, if he or she believes an appointed or elected member of a Town board, committee or other body has a conflict of interest, and that conflict of interest has not been recognized or determined under either (1) or (2) above, may bring said alleged conflict to the attention of the Select Board or any member of the Select Board. Upon motion and second, the Select Board may then determine by majority vote whether or not a conflict in fact exists. If the Select Board determines that a conflict exists, it may censure the member who is determined to have the conflict if that member participated in the deliberations on, or voted on, the matter with respect to which he or she was determined to have a conflict. The Select Board may also prohibit said member from participating in the deliberations on, or voting on, said matter in the event it was to come up again, unless and/or until the conflict is eliminated.

c. Personal Interest. Nothing herein shall be construed to prohibit any appointed or elected official or town employee from representing his or her personal interest by appearing before any Town board, committee, or other body as a citizen of the Town of China.

9. Disclosure Statement by Appointed or Elected official of the Town of China. Within thirty (30) days of his or her appointment or election, or if already appointed or elected at the time this code of ethics is adopted, within thirty (30) days of such adoption, and in January of each year thereafter, all Town officials, whether appointed or elected, shall file with the Town Clerk a written statement under oath containing the following information, to the best of his or her knowledge or belief:

The name of each entity (person or business) with which the Town of China has done business within the preceding calendar year, which has received from the Town monies, services and/or other things, singly or in combination, of a value in excess of one thousand dollars (\$1,000.00) during the preceding calendar year, **and** from which the Town official, or his or her immediate family, has received monies, services or any other thing, singly or in combination, of a value in excess of one thousand dollars (\$1,000.00) during the preceding calendar year.

The Town clerk shall compare the list filed by the Town official with a list of businesses that have done business with the Town during the preceding calendar year.

10. Political Activities. No Town officer, official and/or town employee shall participate in any political activity, which would be in conflict or incompatible with the

12. **Penalties.** In addition to any other penalties or remedies provided in this code or by law, violation of this code shall constitute cause for censure, after notice and hearing conducted by a majority of the Board of Selectmen

13. **Separability.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this code.

14. **Adoption.** This ethics policy was adopted by the Board of Selectmen, pursuant to 30-A M.R.S.A. §2605(7), on April 6, 2015. The policy shall be entitled “Administrative Code – Code of Ethics”.

I acknowledge that I have read and understood the Administrative Code, Code of Ethics and agree to abide by the Code or be subject to the aforementioned penalties.

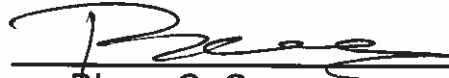
_____	_____	_____
Signature	Printed Name	Date

Witnessed by:

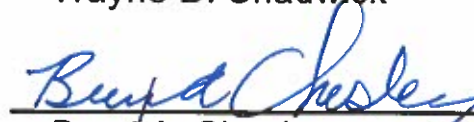
_____	_____	_____
Signature	Printed Name	Date


Municipal Officers, Town of China:

Given under our hands this 4th day of December, AD 2023


Blane C. Casey


Wayne D. Chadwick


Brent A. Chesley


Jeanne S. Marquis


Janet M. Preston