



**Town of Readfield**  
**Rules and Order of Business**  
**[Procedures Manual for Board Members]**

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*“As a Select Board member, you not only establish important and often critical governance policies for the community, but you are also a board member, and responsible for the fiscal health, of a public corporation having an annual budget of over \$6 million. The scope of services and issues addressed by the Town organization go well beyond those frequently reported in the newspaper or discussed at Select Board meetings.”*

## **I. Purpose of Readfield’s Procedures Manual**

The Select Board of Readfield, Maine has prepared and adopted its own procedures manual to assist the Select Board by documenting accepted practices and clarifying expectations, all based on the Bylaws of the Select Board of Readfield, Maine. (See Appendix G.) Through agreement of the Select Board and staff to be bound by these practices, administration of Select Board affairs is greatly enhanced. While attempting not to be overly restrictive, procedures are established so that expectations and practices can be clearly articulated to guide Board members in their actions governing the Town of Readfield. This procedures manual will aid the Select Board in taking bold/responsible action, when necessary, to keep Readfield on the growing edge of well run, well managed, innovative towns.

The following values should be maintained by the Board:

- High energy, open minded, achievement oriented,
- Have respect and care for each other,
- Be straightforward, no hidden agendas,
- Maintain humor,
- Traditions are respected, but not binding,
- Deliberate in many voices, but govern in one, and
- Collective rather than individual decisions.

**Orientation of New Members:** It is important that members of the Board gain an understanding of the full range of services and programs provided by the organization. As new members join the Select Board, department heads and committee chairs are instructed to provide invitations for members to tour facilities and meet with key staff. At any time, if there are facilities or programs about which you would like more information, arrangements will be made to increase your awareness of these operations. An orientation list is provided in the Appendix H and will be reviewed at the Select Board Orientation meeting held in June.

## **II. Overview of Basic Town Documents**

This procedures manual provides a summary of important aspects of Select Board activities. However, it cannot incorporate all material and information necessary for undertaking the business of a Select Board. Many other laws, plans, and documents exist which bind the Select Board to certain courses of action and practices. A summary of some of the most notable documents that establish Select Board direction is provided below.

**Readfield Ordinances:** The Town 's ordinances contain local laws and regulations approved by voters. They cover a variety of laws including, but not limited to, licensing, planning and land use, Floodplain Management, and Vehicles and Traffic. Town Ordinances are available at the Town Office and on the Town Website.

**Readfield Policies:** There are an array of policies that the Select Board has reviewed and approved over the year, including an Employee Handbook which was intended to address the overall expectations of all Readfield employees and Readfield as the Employer. Town Policies are available at the Town Office and on the Town Website.

**Maine Statutes:** State Law contains many requirements for the operation of Town government and administration of meetings of Select Boards throughout the state. Readfield is organized in accordance with provisions of the statutes. Readfield has the Select Board-Town Manager form of government. This form of government prescribes that a Select Board's role is to establish polices and priorities, while the role of the Town Manager is the chief executive officer.

**Annual Budget:** The fiscal year of the Town shall begin on the first day of July and end on the last day of June of the ensuing year. The Town's annual budget provides a description of Town services and the resources used to provide services. The document contains a broad overview of the budget as well as descriptions of programs offered within each division of the organization. The Maranacook school budget is developed solely by the School Board and is voted on by the public through secret ballot.

**Comprehensive Plan:** A state-mandated comprehensive plan adopted by the Board addresses future land development plans and policies. This is required to be reviewed and re-written every ten years.

**Capital Plan:** The Town has developed an extensive capital plan for projects. The plan includes development fees, taxes, and other revenues dedicated to capital expenditures.

**Annual Report:** This document is a requirement by State law. It provides an overview of Town departments, divisions, and programs as well as some performance metrics and is published in May.

**Comprehensive Annual Financial Report (CAFR):** This set of U.S. government financial statements comprises the financial report of the Town of Readfield. It complies with the accounting requirements established by the Governmental Accounting Standards Board (GASB). GASB provides standards for the content of a CAFR in its annually updated publication Codification of Governmental Accounting and Financial Reporting Standards.

A CAFR is audited by an external firm hired by Select Board. The document is composed of three sections: Introductory, Financial and Statistical. It combines the financial information of fund accounting and Enterprise Authorities accounting. Our accounting firm audits this document for Board acceptance each year.

### **III. Readfield Select Board: General Powers and Responsibilities**

**A. Select Board Generally:** The powers of a Select Board in Maine to establish policy are quite broad. Essentially, Boards may undertake any action related to Town affairs other than those forbidden or preempted by State or Federal law. Specifically, the Board shall have the power, in the name of the Town, to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which the Constitution and laws of the State of Maine do not specifically forbid.

It is important to note that the Board acts as a body. No member has any extraordinary powers beyond those of other members. While the Town Manager has some additional ceremonial and administrative responsibilities as described below, in the establishment of policies, voting, and in other significant areas, all Board members are equal.

It is also important to note that policy is established by at least a majority vote of the Board. While individual members may disagree with decisions of the majority, a decision of the majority does bind the Town to a course of action. In turn, it is staff's responsibility to ensure the policy of the Board is upheld. Actions of staff to pursue the policy direction established by a majority of Board do not reflect any bias against Board members who held a minority opinion on an issue.

Limitations are imposed on a Board member's ability to serve on advisory boards of the Town. No member of the Board shall be appointed to or serve as a voting member of any Select Board, committee, or commission, whether composed of citizen volunteers, Town employees, or a combination of both, except where the committee specifically requires a Select Board representative, such as the multitown Solid Waste and Recycling Committee. This is not construed as prohibiting members of the Board from serving on committees or subcommittees of the Board itself, or of agencies representing other levels of government.

In fact, Board members are encouraged to participate and provide leadership in regional, state, and national programs and meetings. Board members are strongly encouraged to report to the Board on matters discussed at subcommittees and other regional, state, and national board/agency/group activities in which they have been involved.

Board members may choose to participate in community activities, committees, events, and task forces. When a Board member participates in these types of activities, the Board member is acting as an interested party rather than acting on behalf of the Select Board.

Select Board members should familiarize themselves with all Ordinances, Policies, Permit Applications and the State Fireworks Law, all of which are listed in Appendix F and can be located and read on the Town website [readfieldmaine.org](http://readfieldmaine.org)

**B. Hiring of a Town Manager:** The Select Board hires one position within the Town organization: the Town Manager who serves at the will of the Select Board.

1. The Town Manager is an employee of the Town and shall have an employment agreement that specifies the terms of employment including an annual evaluation by the Select Board.
2. The Town Manager shall receive a negotiated contractual salary.
3. The appointment shall be for a term of up to three (3) years.
4. The Town Manager is responsible for all other personnel appointments within the Town.

**C. Role of the Town Manager:** The Town Manager is the functional head of the Town. The specific duties of the Town Manager are laid out in the Town Manager Roles and Responsibilities document which is included here in Appendix I.

The Town Manager is assigned by the Select Board to consult and coordinate with the Select Board Chair and Vice-Chair in the development of agendas for meetings of the Select Board. The scope of such review focuses on the timing of business items and the volume of business that can be considered at any one meeting. Such review does not allow for a unilateral unlimited delay of items to be considered by the Board. Should any significant disagreement arise regarding the scheduling of items, these matters are to be resolved by the full Select Board.

The Town Manager may call attention to any point the Town Manager may believe is a critical factor relating to an item before the Select Board during their meeting.

**D. Deputy Town Manager:** Appointed by the Town Manager. The Deputy Town Manager shall perform the duties of the Town Manager during the Town Manager's absence or disability. The Deputy Town Manager shall serve in this capacity at the pleasure of the Select Board. In the event of a vacancy in the office of Town Manager, the Deputy Town Manager shall assume the office of Town Manager with all the duties and obligations of that office until a new Town Manager is hired by the Select Board.

**E. Appointment of Advisory Bodies:** The Town has several standing boards/committees/commissions. In addition, special-purpose citizen committees are encouraged and are often appointed by the Select Board to address issues of interest. Some boards/committees/commissions will consist of a Select Board member who in some cases have voting privileges. The members who are residents of Readfield are nominated by the Town Manager and confirmed by the full Board. The following procedures reflect the policy of the Select Board regarding the appointment of volunteer citizens to the various advisory bodies of the Town.

1. The establishment of these procedures ensures that well-qualified, responsible and willing citizens are given the opportunity to serve the Town and participate in the governing of their community. These procedures apply to all appointments and reappointments to standing advisory bodies.
2. **Qualifications:** A member must be knowledgeable in the areas of interest of the board/commission on which they wish to serve. All members must be residents of the Town of Readfield during the term of appointment. Non-residents may participate in committee activities but cannot hold an official appointment.
3. Names to be considered for appointment will be submitted to the Town Manager. The applicant must be at least 18 years of age at the time of appointment unless it is specified that a youth member is desired. While seated commission members may request that the Town Manager seek certain qualifications from new appointees, only the Select Board appoints.

4. Terms: Unless otherwise stated by the Code, the term of office on most boards/committees/commissions is three (3) or five (5) years for regular members. The term of office for alternate members varies.
5. No person should serve on more than one board/committee/commission at a time. However, individuals with special qualifications may be asked to serve on an additional board/committee/commission, and some boards/committees/commissions may require representation from other bodies.

**F. Board Role in Disaster (Emergency Management):** It is the intent and purpose of this article to establish an office that will ensure the complete and efficient utilization of all Readfield facilities to prepare for and respond to disasters; natural, fabricated enemy attack, or others. The Office of Emergency Management will be the coordinating agency for all activity in connection with emergency planning. This article will not adversely affect the work of any volunteer agency organized for relief in disaster emergencies. It will be the instrument through which the community officials may exercise the authority and discharge the responsibilities vested in them in Title 37-B, M.R.S.A. §781-834. The Board's role is described in the Emergency Management Regulations.

#### IV. Support Provided to Select Board

- A. **Staff/Clerical Support:** General staff and administrative support to members of the Select Board is provided through the Town Manager's Office. Support services including scheduling of appointments, receipt of telephone messages, assistance with the Internet and town assigned email, and other reasonable items as needed.
- B. **Interference with Administration:** Except for the purposes of inquiries, the Select Board, or any of its members, shall deal with Town employees who are subject to the direction and supervision of the Town Manager solely through the Town Manager. The Select Board, or any of its members, shall not give orders to any such employees either publicly or privately. Sensitivity to the workload of support staff members in the Town Manager's Office is appreciated. Please note that the individual may have other work assigned with high priority. Should requested tasks require significant time commitments, prior consultation with the Town Manager is requested.
- C. **E-mail & Computer Access:** Each Board member is provided with a Town of Readfield email account for corresponding to constituents, other members of Board, and other Town related contacts. Please use the Town's e-mail system for the conduct of official business, and not for personal or political reasons.
1. All email correspondence, both in and out of Town issued email accounts are public records under the "Right to Know Law". This means that they open for public viewing in the event of any legal discovery including inquires under the Maine Freedom of Access Act (FOAA). Emails are retained via backup procedures for these purposes, this includes emails deleted from your mailbox.
  2. Access to email is currently provided to Board in two forms through a local Microsoft Exchange server with web backup. Microsoft Outlook offers both app-based and browser-based options for use by Town employees and elected officials. Microsoft Outlook is operating system agnostic and can be used on any computer.
  3. Computer access for Select Board members is provided through Surface tablets assigned to each Board member, which will be outlined later in the document.
  4. Distribution of email accounts and email access is given after the Board is inaugurated.
  5. The appropriation of email accounts are as follows:
    - Town Manager and all Board Members are given a Town email address;
    - In June following an election, the Select Board receive @Readfieldmaine.org addresses;
    - A packet containing information on how to access the email system and a detailed instructional packet is provided after inauguration.
    - Automatic message forwarding is prohibited.
    - The Communications Department will provide a signature template.
  6. Individual Email Accounts:
    - • Town Manager [manager@Readfieldmaine.org](mailto:manager@Readfieldmaine.org)
    - Select Board Chair [dprice@Readfieldmaine.org](mailto:dprice@Readfieldmaine.org)
    - Select Board Vice-Chair [kwoodsum@Readfieldmaine.org](mailto:kwoodsum@Readfieldmaine.org)



- Select Board Member [sdeangelis@Readfieldmaine.org](mailto:sdeangelis@Readfieldmaine.org)
- Select Board Member [cdoorenbos@Readfieldmaine.org](mailto:cdoorenbos@Readfieldmaine.org)
- Select Board Member [skeegan@Readfieldmaine.org](mailto:skeegan@Readfieldmaine.org)

7. **It is important to note that emails between Select Board members can only include the sender and one other Select Board member in order to not constitute a meeting which must be in public.**

Brief overview of accessing the secure email system.

- Navigate one's favorite web browser to <https://mail.readfieldmaine.org>
- Members will be able to log in using their assigned username and password.
- Once inside the program – email, calendar, and contacts will be accessible.

**D. Meeting Rooms:** A conference room is available on the first floor of Town Hall for shared use by staff and members of the Select Board. To reserve this room, please contact the front desk clerk in the Town office (207) 685- 4939.

**E. Mail, Deliveries:** Members of the Select Board do receive mail and other materials from the public, private interests, and staff at Town Hall. A mailbox is maintained in the Town Managers Office at Town Hall. Meeting agendas and packets are sent electronically on Friday afternoons prior to a scheduled Board meeting.

**F. Tablets:** The Town of Readfield will make available to Select Board members a Windows Surface device during their term in office. After their term, the Surface device becomes the sole property of the Town. The Town will purchase and install all software required to use the Surface device for Town business. The Town Manager and IT support will only provide Surface device support as it relates to Town needs and applications while the Select Board member is in office.

V. **Financial Matters**

- A. **Select Board Compensation:** The Town Warrant provides compensation to members of the Select Board. The Select Board members shall receive an annual stipend, payable quarterly in an amount established through the budget process. A seated Select Board may not increase its own salary. The Board may, by warrant article, change the annual salary of the Select Board Members, but no such salary shall become effective until approved by the voters of Readfield in the next regularly scheduled municipal election, either primary or general.
- B. **Expenditure Allowance:** The annual Town budget includes an expenditure allowance for expenses necessary for members to undertake official Town business. Eligible expenses include membership in professional associations, attendance at conferences or educational seminars, and the purchase of publications and annual subscriptions. In addition, mileage reimbursement is made for Town business.

*It is very important to note that any expense must be related to Town affairs. Public property and funds may not be used for any private or personal purpose. Courts have ruled that this prohibition includes personal political purposes.*

- C. **Town budgetary practices and accounting controls apply to expenditures within the Select Board budget:** Board members expenditures will be handled by the Town Manager and shall remain within the annual allocation. When exceptional circumstances require that additional amounts be allocated, the request must be made to the Town Manager, and Select Board action may be necessary. Reimbursement requests should be made through the Town Manager's Office immediately following an expense, with receipts. Expenditure records are public information.

## **VI. Communications**

- A. Overview:** Perhaps the most fundamental role of the Board as a group is communication – communication with the public to assess community opinions and needs as well as communication with staff to provide policy direction and to gain an understanding of the implications of various policy alternatives. Because the Select Board performs as a body (that is, acting based on the will of the majority as opposed to individuals), it is important that general guidelines be understood when speaking for the Board. Equally important, when members are expressing personal views and not those of the Board, the public should be so advised.
- B. Correspondence from Board Members:** Members of the Select Board could be called upon to write letters to citizens, businesses, or other public agencies. Typically, the Town Manager will be charged with transmitting the Town’s official position on policy matters to outside agencies on behalf of the Select Board. Individual members of Board could be asked to prepare letters for constituents in response to inquiries or to provide requested information.
1. On occasion, members may wish to transmit correspondence on an issue upon which the Board has yet to take a position or about an issue for which the Board has no position. In these circumstances, members should clearly indicate within letters that they are not speaking for the Select Board as a whole, but for themselves as one member of Board.
  2. After the Select Board has taken a position on an issue, official correspondence should reflect this position. In addition, Town letterhead and staff support cannot be utilized for personal or political purposes.
  3. Board members could be asked to prepare letters of recommendation for students and others seeking appointment. It is appropriate for individual Board members to utilize Town letterhead and their Board titles for such letters. No review by the full Board is required.
  4. Speaking for “the Town” – Similar to written correspondence, when members are requested to speak to groups or are asked the Board’s position on an issue, the response should reflect the position of the Board as a whole. Of course, a member may clarify their vote on a matter by stating, “While I voted against X. the Select Board voted in support of it.” When representing the Town at meetings or other venues, it is important that those in attendance gain an understanding of the Select Board’s position as well as that of the individual member.
    - a. Official Select Board Positions: The primary use of Town letterhead is to communicate official Board positions on matters of public concern. It is the role of the Town Manager to communicate these positions. No other Board member shall communicate official Select Board positions utilizing Town letterhead or the Town logo or any approximation of either in their correspondence.
    - b. Individual Board members Concerning Town Matters: Individual Board members may not use Town Letterhead or the Town Logo in correspondence on matters concerning official Town business including a Board member’s independent opinion on any official matter. All materials must adhere to local, state, and federal retention requirements.

### **C. Social Media**

1. Select Board Members, Committee, Commission and/or Board Members may choose to post and/or comment on various social media sites using their personal accounts. In these instances, it is recommended that the content and tenor of online comments and information posts should model the same decorum displayed during Select Board, Committee, Commission, Board and community meetings. Please use good judgement when posting to social media.
2. Public Records and Retention: All information posted, and other activity conducted on social media sites is subject to the Public Records Act and record retention guidelines.
3. All information and content on a Town social media site that is required to be retained under state and local retention policies and guidelines shall be maintained for the required retention period in a format that preserves the metadata of the original record. Prior approval of the retention format and procedures for each Town social media tool being used shall be received from the Town Manager.
4. All laws governing copyright and fair use or fair dealing of copyrighted material owned by others, including Town of Readfield's own copyrights and brands shall be followed on social media sites.

**D. Press Conference:** Prior to holding a press conference, the Town Manager should, as a courtesy, inform members of the Select Board. Statements representing community positions on any issue requires a prior affirmative Board vote endorsing the stated position.

**E. Role of Commission Liaison:** Members of the Select Board may be assigned to serve in a liaison capacity with one or more Boards, Committees or Commissions. The purpose of the liaison assignment is to facilitate communication between the Select Board and the advisory body. The liaison also helps to increase the Select Board's familiarity with the membership, programs, and issues of the advisory body. In fulfilling their liaison assignment, members may elect to attend Board/Committee/Commission meetings periodically to observe the activities of the advisory body or simply maintain communication with the commission chair on a regular basis.

In interacting with commissions, Board members are to reflect the views of the Board as a body. Typically, assignments to commission liaison positions are made at the beginning of a Board term. The Town Manager will request liaison assignments which are desired by each member and will submit recommendations to the full Board of the various committees, boards, and commissions which Select Board members will represent as a liaison. A vote of the Select Board will be taken to confirm all appointments.

**F. Boards, Committees and Commissions:** See Appendix F – Boards, Committees and Commissions

## VII. Interaction with Town Staff/Officials

- A. **Overview:** Select Board policy is implemented through professional staff. Therefore, it is critical that the relationship between the Select Board and staff be well understood by all parties so policies and programs may be implemented successfully. The Town of Readfield has a long tradition of positive relationships between members of the Select Board and staff. To maintain these effective relationships, it is important that roles be clearly recognized.
- B. **Town Manager-Select Board Form of Government:** Readfield has adopted a Town Manager - Select Board form of government. This structure reflects that it is the Select Board's role to establish Town policy and priorities. The Select Board hires a Town Manager to implement this policy and undertake the administration of the organization. The Select Board shall work through the Town Manager in dealing with Town staff.

The Town Manager is hired by the Select Board to enforce its laws, to direct the daily operations of Town government, to prepare and monitor the budget, and to implement the policies and programs initiated by the Select Board. The Town Manager is responsible to the Select Board rather than to individual Board members, and directs and coordinates the various departments.

- C. **Board/Administrator Relationship:** The employment relationship between the Select Board and Town Manager honors the fact that the Town Manager is the chief administrative officer of the Town. The Select Board and the Town Manager are a participatory team and the Select Board should avoid situations that can result in Town staff being directed, intentionally or unintentionally, by one or more members of the Select Board. Regular communication between the Select Board and Town Manager is important in maintaining open communications. All dealings with the Town Manager, whether in public or private, should respect the responsibilities of the Town Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the Town Manager.
- D. **Evaluation:** The Select Board is to evaluate the Town Manager on a regular basis to ensure that both the Select Board and Town Manager are in agreement about performance and goals based on mutual trust and common objectives. Readfield Select Boards have utilized several areas of performance when evaluating the Town Manager: leadership, judgment and problem solving, communications, interpersonal/ community relations, and ability to accomplish goals and objectives are a few examples.
- E. **Communication:** As in any professional relationship, it is important that the Town Manager keep the Select Board informed. The Town Manager respects and is sensitive to the political responsibility of the Select Board and acknowledges that the final responsibility for establishing the policy direction of the Town is held by the Select Board. The Town Manager communicates with the Select Board in various ways. In addition to the formal Board meetings, the Town Manager sends email communication to the Board to keep them informed on topics. Communication must be undertaken in such a way that all Board members are treated similarly and kept equally informed. It is equally important that the Board provide ongoing feedback,

information, and perceptions to the Town Manager including some response to written communication requesting feedback. It is important to note that emails between Select Board members can only include the sender and one other Select Board member in order to not constitute a meeting which must be in public.

**F. Town Manager's Code of Ethics:** The Town Manager is subject to a professional code of ethics from the professional association (ICMA). These standards appear in the appendix of this manual. It should be noted that this code binds the Town Manager to certain practices that are designed to ensure actions are in support of the Town's best interests. Violations of such standards can result in censure by the professional association.

**G. Select Board/Town Attorney Relationship:** The Town Attorney is the chief legal advisor for the Select Board, Town Manager, and all Town departments, boards, agencies, committees, and commissions. The Town Attorney shall serve at the will of both the Town Manager and the Select Board. The Select Board shall have the right to employ or retain special attorneys, and appoint council to advise any Board, Committee or Commission, if it deems it to be in the best interests of the Town. Individual Select Board Members are prohibited from contacting the Town Attorney without prior approval by the Board as a whole. The general legal responsibilities of the Town Attorney are to:

1. Provide legal assistance necessary for formulation and implementation of legislative policies and projects;
2. Represent the Town's interest, as determined by the Town Manager, in litigation, administrative hearings, negotiations, and similar proceedings;
3. Assist preparation of ordinances, resolutions, contracts, and other legal documents to best reflect and implement the purposes for which they are prepared; and
4. Keep the Select Board and staff apprised of court rulings and legislation affecting the legal interest of the Town. It is important to note that the Town Solicitor does not represent individual members of Board, but the Select Board as a whole.

#### **H. Roles and Information Flow**

1. **Objectives:** It is the intent of staff to ensure Select Board member's free access to information from the Town and to ensure that such information is communicated completely and with candor to those making the request. To carry out this responsibility, however, Select Board members must avoid intrusion into those areas that are the responsibility of staff. Individual Select Board members may not intervene in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the Select Board as a whole. This is necessary to protect staff from undue influence and pressure from individual Select Board members, and to allow staff to execute priorities given by management and the Select Board as a whole without fear of reprisal.
2. **Select Board roles:** The Select Board by ordinance, may create, change, and abolish offices, departments, and agencies. The Select Board, by ordinance, may assign additional functions or duties to offices, departments, or agencies.

- Individual members of the Select Board should not attempt to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities without the prior knowledge and approval of the Board as a whole. If a Select Board member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Select Board to do so as a matter of Select Board policy.
  - Should a Select Board member become dissatisfied about a department, they should always talk it over with the Town Manager, not the department head. Concerns about the department head must be taken to the Town Manager only. Individuals are responsible to initiate resolution of problems as soon as possible and not let them fester.
3. **Access to Information:** Individual Select Board members as well as the Select Board as a whole are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. Appropriate personnel will pass critical information to all Select Board members. The Town Manager or appropriate staff will always inform the Select Board when a critical or unusual event occurs about which the public would be concerned.
  4. **Public Records:** The law's definition of "public records," while broad, excludes records designated confidential by other laws (see 1 M.R.S.A. § 402(3)). Because such designations are widely scattered throughout both State and federal statutes, some commonly encountered exclusions are listed alphabetically below.
    - a. Ambulance and rescue records, including medical records, 1 M.R.S.A. § 402(3)(H).
    - b. Concealed weapons applications, 25 M.R.S.A. § 2006.
    - c. Criminal history and records information, 16 M.R.S.A. § 611 et seq. This law covers only certain records held by municipal police departments; you must read the definition section carefully to identify what is and is not confidential.
    - d. General assistance, 22 M.R.S.A. § 4306.
    - e. Identities of minors participating in municipal recreation programs, 1 M.R.S.A. § 402(3)(K).
    - f. Income tax information, 26 U.S.C. §6103 et seq. MMA Legal Services routinely advises that tax-related information is not public under most circumstances. This includes FICA withholding and other deductions or withholdings.
    - g. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter, 1 M.R.S.A. § 402 (3) (I).
    - h. Nutrient Management Plan, 7 M.R.S.A. § 4202(1) submitted by a person who owns or operates a farm.
    - i. Personnel records, 30-A M.R.S.A. § 2702. This includes records pertaining to an identifiable employee and containing the following: medical information (physical and mental problems); performance evaluations and personal references; credit information, information about the personal history, general conduct or character of members of an employee's immediate family; complaints, charges and accusations of misconduct and replies to same, and other information which may result in disciplinary action. Resumes, applications, references, and other information submitted by a person seeking municipal employment, are confidential, but except for letters and notes of reference expressly submitted in confidence, the application, resume, and letters and notes of reference of a successful applicant become public records after that applicant is hired. (Unlisted telephone numbers remain protected.)
    - j. Poverty abatement applications, 36 M.R.S.A. § 841.

- k. Protection from abuse, 19-A M.R.S.A. § 4008. This law authorizes the court to order the omission or deletion from publicly available records of the address of the plaintiff or minor child; when a municipal official receives a copy of such an order, they must maintain the confidentiality of that address.
  - l. Voter address, 21-A M.R.S.A. § 22(3). Where a voter submits to the registrar a signed statement that the voter has good reason to fear for the safety of the voter or the voter's family if the voter's address were public, the registrar shall treat that voter's address only as confidential, and not as a public record. Moreover, because new statutes regarding confidentiality are enacted almost annually, a thorough search of Maine statutes should be undertaken before granting a request for records. Select Board members have a responsibility in this information flow as well. It is critical that they make extensive use of staff and commission reports and commission minutes. Board members should come to meetings prepared – having read item documents as well as any additional information or memoranda that includes an update on major projects or evolving issues. Additional information may be requested from staff, if necessary.
5. **Staff roles:** The Select Board recognizes the primary functions of staff as executing Select Board policy and actions taken by the Select Board and in keeping the Select Board informed. The Select Board expects the Town Manager to not cause or allow any practice, activity, decision, or circumstance, which is illegal, immoral, imprudent, or in violation of community accepted business and professional ethics. Staff is obligated to take guidance and direction only from the Select Board as a whole or from the appropriate management supervisors. Staff is directed to reject any attempts by individual members of the Select Board to unduly direct or otherwise pressure them into making, changing, or otherwise influencing recommendations. The Town Manager will make every effort to respond in a timely and professional manner to all requests made by individual Select Board members for information or assistance, provided that, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned through the direction of the full Select Board. If a request by an individual Select Board member is determined by the Town Manager to take one hour or more of staff time to complete, that request may be included as a request submitted by Select Board on the formal Select Board agenda for full Select Board discussion.
6. **Magnitude of Information Request:** Any information, service-related needs, or policy positions perceived as necessary by individual Select Board members which cannot be fulfilled based on these guidelines should be scheduled for a Select Board meeting. If so directed by action of the Select Board, the Town Manager will proceed to complete the work within a Select Board -established timeline.
7. **Staff Relationship with Advisory Bodies, Boards, Committees and Commissions:** Staff support and assistance may be provided to commissions and task forces, but advisory bodies do not have supervisory authority over Town employees. While staff may work closely with advisory bodies, staff members remain responsible to their immediate supervisors and ultimately the Town Manager. The members of the committee/commission/ board are responsible for the functions of the advisory body, and the chairperson is responsible for committee compliance with its policies. Staff support includes preparation of a summary agenda, and preparation of reports providing a brief background of the issue, a list of alternatives, recommendations, and appropriate backup materials, if necessary. Advisory body members should have sufficient information to reach decisions based upon a clear explanation of the issues. The assigned staff person may serve as secretary, taking minutes as needed. It is important that advisory bodies wishing to communicate recommendations to the Select Board do so through adopted or approved Select Board agenda procedures. In addition, when a commission wishes



to correspond with an outside agency, correspondence should be reviewed and approved by the Select Board. Individuals who would like a commission to review a particular issue must also gain approval for such a request from the full Select Board. Staff members are to assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations. The Select Board has determined that Select Board members should not lobby Advisory body board members for particular votes. However, Select Board members may request that board members consider certain issues during their deliberations.

## VIII. Select Board Meetings

- A. **Board Meeting Schedule:** Meeting times and dates are established annually by the Select Board, and the Select Board shall meet regularly at least once in every month.
1. **Regular Board Meetings:** Regular meetings are held every other Monday in the Town Hall upstairs meeting room, 8 Old Kents Hill Road, Readfield, Maine. The public sessions of meetings begin at 6:30 p.m. with executive sessions generally being held prior to that time. There will be no new business after 8:30pm, unless the Select Board votes to continue. In the event that a regular meeting of the Board falls on a legal holiday or the day prior to a holiday, the meeting is usually held the day following observance of the holiday. Board members should inform the Town Manager as soon as possible if they intend to be out of town on a set meeting date. Meetings are always available via Zoom for the public and for Select Board members when a need arises.
  2. **Special Board Meetings:** Special meetings may be called by the Town Manager, or by four members of the Select Board. Written notice must be given to the Select Board and to the media 24 hours prior to a special meeting. No business other than that announced may be discussed. All meetings shall be public. Notice requirements of the Right to Know Law shall be complied with for all meetings; minutes of the meeting shall be taken by the Town Clerk or designee and shall be available for public inspection.
  3. **Other Locations:** The Board may, from time to time, elect to meet at other locations within the Town and upon such election shall give public notice of the change of location in accordance with provisions of the Code.
  4. **Location During Local Emergency:** If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the Town Hall, the meetings may be held for the duration of the emergency at such other place as may be designated by the Town Manager or, if the Town Manager does not so designate, by the Deputy Town Manager.
  5. **Canceled Meetings:** In the event that a regular meeting of the Select Board falls on a legal holiday or the day prior to a holiday, the meeting is usually held the day following observance of the holiday. At other times when the Select Board deems appropriate, one or more regular meetings may be canceled by a majority vote of the Select Board. The Select Board must meet regularly, however, at least once each month. The Town Manager may cancel a Select Board meeting during a winter storm event.
- B. **Placing Items on the Agenda**
1. **Town Manager or Select Board:** The Town Manager or a Select Board member may request an item to be considered on a future agenda. Such request should be submitted to the Town Manager for review and action.
  2. **Readfield Town Staff:** Many times, Town Staff will have ideas, projects, or items which require Select Board input or approval. Such items should be submitted to the Town Manager for review and action.
  3. **Members of the Public:** A member of the public may request an item/and or petition to be placed on a future agenda through communication with Select Board members or the Town Manager. The Town Manager will review and act upon the request. Some requests may not require Select Board action.

4. **Emergency Items and Items not on the agenda:** Emergency items and items not on the agenda may be added to an agenda under “Other Business”. Emergency items are only those matters affecting public health, life, property, or the public peace.
5. **Deadlines:** The agenda shall close seventy-two (72) hours before such meeting and shall be made public. All item commentaries and supporting documentation for Board meetings must be turned in by 2:00 p.m. on the Wednesday before the scheduled meeting, so that the agenda and packets can be prepared and ready to go prior to 5:00 p.m. on Friday. When commentaries are not turned in by the deadline, it then places the burden on the Town Manager who will then need to work after hours to get the packets done and this sometimes doesn’t give enough time for officials and media to review them. Any agenda items receiving new information on the day of the meeting may be tabled until the next meeting.

### C. Tips on the Dais

1. **Televised meetings:** As part of its franchise agreement with the Town of Readfield, Charter provides the Town with a channel on the local cable television system as a means for providing municipal information to the citizens of Readfield. The Town Hall upstairs room is equipped with a public address system. The system provides microphones at the dais, and a podium. There are several issues related to the sound system which are important to keep in mind:
  - Board members should remember to lean forward and speak into the microphone which amplifies into Board chambers and provides the audio for those viewing on television.
  - Use caution when discussing matters near a microphone before the meeting starts. During the cable television setup process, microphones are on and televising background sounds even before the meeting starts.
  - Speakers shall come forward to the podium. Do not allow people to speak from the audience, as those viewing on television cannot hear them.

### D. Order of Business

The Select Board establishes the general order of meetings through the adoption of a resolution. This section summarizes each meeting component (the format is also provided in Appendix C).

- i. **Call to Order:** Select Board Chair’s responsibility to start the meeting.
- ii. **Pledge of Allegiance:** Please stand and participate in the Pledge.
- iii. **Roll Call:** Recognition of members present, those absent, and those excused.
- iv. **Regular Meeting Items:**
  1. **Approval of Minutes:** Minutes of the Select Board meetings are narrative minutes, wherein general narrative is included, with motions and votes shown in the record. Such minutes shall be submitted to the Board for approval and/or correction in draft form at a subsequent meeting under new business. It is the policy of the Select Board that only the Town Manager, members of the Board, and the Select Board Secretary has the authority to revise the minutes subject to a majority vote of the Select Board. Board members having only typographical corrections to minutes are encouraged to provide such corrections to the Select Board Secretary directly and need not wait to submit such corrections at a meeting. As a time saving measure, even full correction items should be written ahead and passed to the Select Board Secretary before the meeting. Minutes are recorded in a book designated for Select Board Minutes only, and are accessible on the Town website.
  2. **Approval of Warrants:** A member of the Select will present the current warrants for payments and provide a brief summary of expenditures. The warrants are printed in the packet and available to the public. Each Select Board member is responsible for warrant review for one quarter each fiscal year with the exception of the Chair who fills in when notified of a time conflict by the member. The Select Board votes to accept the warrants.

- v. **Communications:** This is a time for general communication to and from the Select Board.
  - 1. **Select Board:** An opportunity for Board Members to share topics of interest to them, events taking place, requests for further information, or future agenda items for consideration. No discussion of agenda items may be held here.
  - 2. **Staff Reports:** The Town Manager presents the current status report since the last meeting. An opportunity for the Town Manager to share with the Select Board, and the General Public issues or concerns of staff, the community at large, or future items that the Board may need to take action on (not ready for new business discussion or debate, but topics that may already being discussed publicly). The Treasurer presents the monthly report for the previous month at the first meeting of the month.
  - 3. **Boards, Committees, Commissions and Departments:** Representatives from different advisory boards, committees, or commissions may speak to the Board. It is encouraged that members of these organizations inform the Town Manager prior to their attendance so that they can plan accordingly.
  - 4. **Boards, Committees and Commissions Minutes:** Minutes are recognized from the most recent meetings. Minutes are due to the Town Office within a week of each meeting.
  - 5. **Public:** The Public will be allowed to speak for a maximum of three (3) minutes during the public comment item on the agenda. Members of the public will sign up ahead of the start to the meeting and state their full name and address of residence. In addition, the public is allowed to speak at the Town Manager's discretion and during public hearings on specific matters.
- vi. **Appointments, Reappointments, and Resignations:** This section is for dealing with membership to boards/committees/commissions.
- vii. **New Business:** Items requiring Board vote that may require additional information. A Board member may ask questions on any item on the agenda. Board members are encouraged to seek clarifications prior to the meeting, if possible. A member may request an item be referred to the next Board meeting for further discussion. Examples of items include reading and adoption of ordinances, various resolutions approving agreements, minor budgetary items, public hearings, status reports, approval of bids, routine Town operations, various licenses and permits, reviewing plans that are in progress, consideration of proposals, and any other business items that have not previously come before the Select Board. These items shall be approved, adopted, accepted, etc., by motion of the Select Board.
- viii. **Old Business:** Items requiring Board vote that have previously been considered by the Select Board and may require additional information. A Board member may ask questions on any item on the agenda. Board members are encouraged to seek clarifications prior to the meeting, if possible. A member may request an item be referred to the next Board meeting for further discussion. These items shall be approved, adopted, accepted, etc., by motion of the Select Board.
- ix. **Other Business, Upcoming Meetings, and Future Agenda Items:** This section is informative only and used primarily for planning purposes with the entire Select Board.
- x. **Workshop:** This is a chance for discussion, presentation, or problem solving with the Board and is a part of the larger meeting. Items discussed will not have any Select Board action, but may be moved to the New Business section at a future meeting.
- xi. **Executive Session (closed to the public):** The ability of a Select Board to conduct executive sessions is restricted by state law. A motion to go into executive session shall indicate the precise nature of the business of the executive session. Certain defined circumstances exist wherein a Select Board

may meet without the public in attendance. Such circumstances include:

1. **Real Property:** The purchase, sale, exchange, or lease of real property with the Town's negotiator must be announced in open session prior to the executive session.
2. **Litigation:** Pending or a significant exposure to litigation, or the decision to initiate litigation. The litigation or title must be identified in open session prior to the executive session unless the Select Board states that to do so would jeopardize its ability to conclude existing settlement negotiations or make service of process.
3. **Personnel:** An executive session is held to discuss the appointment, employment, evaluation of performance, or dismissal of a public employee, or to hear complaint against the employee unless the employee requests a public hearing.
4. **Labor:** Labor contracts, proposals, and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions.
5. **Poverty Property Tax Abatements:** Under 36 M.R.S.A §841, municipalities may abate (forgive) a property tax for "error or mistake" including illegality or irregularity, or for reason of "infirmity or poverty".

In order to make this somewhat confusing process an understandable one for the individual(s) involved, a policy and application were drafted. It is critical to stress that there shall be no violation of closed session confidential information. Members of the Select Board, employees of the Town, or anyone else present shall not disclose to any person, including effected/opposing parties, the press, or anyone else, the content or substance of any discussion, which takes place in a closed session without Select Board direction and concurrence. Typically, executive sessions are scheduled prior to the public portions of the meeting. This is done so public portions of the meeting are not interrupted by closed sessions. In addition, such sessions may require the attendance of special legal counsel and consultants. In an attempt to manage the costs of these professionals, it is beneficial to conduct closed sessions at a time certain and the Town Manager and Town Manager will consult as to when the timing of an executive session will take place.

**xii. Report from Executive Session:** A motion to exit executive session shall be held as part of public record. After a motion, second and vote take place, further action should be considered, and a motion should be made. This would be the report from executive session. If there is no report, that should be stated by a member of the Board.

**xiii. Adjournment:** A motion, a second, and a vote of the Board would be required to end a meeting.

## E. General Procedures

The Select Board may choose to use a modified version of Roberts Rules of Order. Roberts Rules was developed for large-scale legislative bodies. A scaled-down and modified version is more appropriate for a Board having five members. It is the policy of the Board not to become involved in the entanglements over a parliamentary procedure. Consistent with any applicable Town ordinance, statute or other legal requirement, any issue of procedure relating to the conduct of a meeting or hearing not otherwise provided for herein may be determined by the Town Manager, subject to appeal to the full Select Board.

1. **Presiding Officer:** The Select Board Chair is the Presiding Officer at Select Board meetings. In the absence or incapacity of the Select Board Chair, the Select Board Vice-Chair serves as presiding officer. The Select

Board Chair shall have authority to preserve order at all Select Board meetings, to remove any person from any meeting of the Select Board for disorderly conduct and to enforce the rules of the Select Board.

2. **Seating Arrangement of the Board:** The Select Board Chair and Vice-Chair are seated in the center of the dais with the other members and the Town Manager seated on each side.
3. **Signing of Town Documents:** The Town Manager shall sign all Resolutions, Special permits, contracts, and other documents, which have been adopted by the Select Board and require an official signature, as directed by the Select Board.
4. **Quorum:** Three-fifths of the Board members constitute a quorum for the transaction of business.
5. **Discussion Rules:** To assist the Select Board in the development of a structure for orderly discussion of items, rules have been prepared which represent accepted practices for the management of Select Board meetings. Only items on the agenda shall be addressed during meetings. All discussion on an item takes place during the item time and will not be revisited. Other rules as follows below. These rules are set in place at the first Board meeting after elections in June. The Select Board Chair shall be the facilitator of Select Board meetings. In the role as facilitator, the Select Board Chair will assist the Select Board to focus on their agenda, discussions, and deliberations.
6. **Obtaining the Floor:** A member of the Select Board or staff shall first address the Select Board Chair and gain recognition. Comments and questions should be limited to the issue before the Board.
7. **Questions to Staff:** A Select Board member shall, after recognition by the Select Board Chair, address questions to the Town Manager, department head or designated staff member. If a Select Board member has questions related to an item on the agenda, that member should contact the Town Manager prior to the meeting in order to allow staff time to research a response/answer for the meeting.
8. **Comments for the Record:** If a Select Board member desires for a comment to be included in the minutes, it is their responsibility to indicate that the statement is “for the record” before making the comments.
9. **Interruptions:** Once recognized, a Select Board member is considered to have the floor, and other Select Board members may not interrupt the speaker except to make a point of order or point of personal privilege. In such a circumstance, the Select Board member holding the floor shall cease speaking until the point of order or privilege is resolved. Upon being recognized by the Select Board Chair, members of the staff shall hold the floor until completion of their remarks or until the Select Board Chair withdraws recognition.
10. **Discussion limit:** A Select Board member should not speak more than once on a particular subject until every other Select Board member has had the opportunity to speak. Select Board members are encouraged to discuss items during the decision-making process and may ask staff to respond when appropriate. The Select Board Chair should allow other members to speak first and then give their own views and summarize.
11. **Tabling procedure:** Tabling an item immediately stops discussion and causes a vote to postpone a matter indefinitely or to a time and date certain.
12. **Right of protest:** A Select Board member is encouraged but never required to state reasons for a dissenting vote.
13. **Move the question:** The purpose of moving the question is to disallow further debate and put an issue to an immediate vote. A Select Board member may “move the question” on an item which is being considered. The

motion requires a second, is not debatable, and must pass by a three-fifths vote. If the motion carries, the item is no longer debatable, and the Select Board must vote on the issue at hand in a separate vote.

14. **Abstention from Voting:** A conflict of interest shall be declared whenever appropriate and in compliance with state law. The affected Select Board member will not participate in the discussion or vote on the item and should remove themselves from the dais while the item is on the floor. If a Select Board member abstains because of a legal conflict, the member must briefly state on the record the nature of the conflict. The clerk will register an “Abstained” vote in the minutes.
15. **Conducting Business at a Late Hour:** After 8:30 p.m. a three-fifths vote of the Select Board is required to begin consideration of any further items on the agenda.
16. **Other Protocol:** Other guidelines have also been adopted to ensure meetings of the Select Board emphasize the importance of the business being conducted in a professional manner. Select Board members, staff, and the public shall:
  - Work to preserve appropriate order and decorum during all meetings,
  - Discourage side conversations, disruptions, interruptions, or delaying efforts,
  - Select Board members should inform the Select Board Chair when departing from a meeting,
  - Limit disruptive behavior. The Select Board Chair will call persons demonstrating rude, boisterous, or profane behavior to order. If such conduct continues, the Select Board Chair may call a recess, request the removal of such person(s) from the Chambers, adjourn the meeting, or take such other appropriate action,
  - Recognize that only the Select Board, staff, advisory body chairs, or designated representatives, and those authorized by the presiding officer shall be permitted to address the Board directly during new business.
  - Limit breaks of the Select Board to 5 minutes. The Select Board has authorized the Select Board Chair to resume the meeting if a quorum exists and other members have not returned from break within this time.
17. **Enforcement of Order:** Any Select Board member may request the presiding officer to enforce the rules of protocol. Upon motion and majority vote, the presiding officer shall be required to do so.
18. **Values of Respect:** The Select Board has also recognized the importance of approaching the public’s business in an environment of personal respect and courtesy that places emphasis on the consideration of policy and avoids personalization of comments. Some general guidelines utilized by the Select Board include:
  - Discussion should focus on policy matters,
  - Personal criticism of members is inappropriate,
  - Proper decorum should be displayed as other members express their views, and
  - Treat members of the public equally.

F. **Voting Procedures:** When present, all Select Board members are to vote, unless they exercise their right of abstention. Failure of a seated member to express a vote constitutes an affirmative vote. Voting shall be by raised hand, and the Yeas and Nays shall be recorded in the minutes. No ordinance, resolution, or motion shall be passed or become effective without an affirmative vote. Select Board members may declare consensus at the discretion of the Select Board Chair, if there are no negative votes or objections. Upon the request of any Select Board member, a raised hand vote will be taken and recorded.

1. **Tie Vote:** The Select Board Chair votes to break the tie.
2. **Courtesy Vote:** At times, a member will be absent from a meeting. Issues will arise that would pass if that member were present. Another Board member who is present, yet planning to vote against an item, may sometimes alter their vote to an affirmative vote in recognition that the measure would have passed if the absent member attended.

3. **Motions:** There are a number of types of motions, each of which must meet certain requirements before a vote can be taken. A reference guide to motions is provided in chart form in Appendix C of this manual. General Procedure:

- Discussion on an agenda item may take place prior to a motion being made.
- Select Board members wanting to make a motion should be recognized by the Select Board Chair.
- Before a motion can be considered or debated it must be seconded.
- Once the motion has been properly made and seconded, the Select Board Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any Select Board member properly recognized by the Select Board Chair.
- Once the matter has been fully discussed and the Select Board Chair calls for a vote, no further discussion will be allowed, provided, however, before the call for the vote, Select Board members may be allowed to explain their vote. After the first vote is cast, explanations must wait until all votes are cast.
- **Executive Session:** The Maine Freedom of Access Law, 1 MRSA 405, states that “Executive sessions may be called only by a public, recorded vote of 3/5 of the members present and voting. ... A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business.” Accordingly, the following chart shall apply:

Members Present and Voting	3/5	Affirmative Votes Required
5	3.0	3

- G. **Amendments:** When a motion is on the floor, and an amendment is offered and seconded, the amendment should be acted upon prior to acting on the main motion.
- H. **Reconsideration:** The motion to reconsider enables the majority of the assembly to bring back for further consideration a motion that has been voted on during the course of a meeting. Only a member who voted with the prevailing side can make this motion. If approved, the item can then be taken up.
- I. **Notification and Advertising:** The Town attempts to publicize matters of significant neighborhood or community public interest that appear on a Select Board agenda, as well as all matters where advertising is required by law. Advertisements may include location maps, project descriptions and, in some instances posting of property, if required, written in plain English in order to fully inform all interested individuals. All advertising is to be accomplished in an economical manner.
- J. **Development of Agenda:** A long-range calendar that reflects an estimate of when items will be scheduled is developed by the Town Manager on a regular basis (as determined by the parties). All agenda packets are delivered on Friday. Given this agenda development schedule, it will usually require at least one week for the preparation of a report requested by the Select Board. Complex reports, of course, will require more time to prepare, and an estimated time of completion can be provided to the Select Board.
- K. **Public Hearings:**



1. **General Procedure:** The Select Board procedure for the conduct of public hearings is generally as follows:
  - The Select Board Chair takes a vote to open the hearing from the Select Board.
  - The Select Board Chair opens the public hearing.
  - Staff presents its report.
  - Board members may ask questions of staff if they so desire.

- The applicant or appellant then has the opportunity to present comments, testimony, or arguments. In the case of an appeal when the appellant is different from the applicant, the appellant should be called up first to provide comments or testimony.
  - Members of the public are provided with the opportunity to present their comments, testimony, or argument.
  - The applicant or appellant is given an opportunity for rebuttal or concluding comments. In the case of an appeal when the appellant is different from the applicant, the appellant is given the opportunity for closing comments.
  - The public hearing is closed by vote of the Select Board.
  - The Select Board deliberates on the issue.
  - If the Select Board raises new issues through deliberation and seeks to take additional public testimony (questions of the public, applicant, or appellant), the Public Hearing must be reopened. At the conclusion of the public testimony, the Public Hearing is again closed.
  - The Select Board deliberates and takes action.
  - The Select Board Chair announces the final decision of the Select Board.
2. **Time for Consideration:** Matters noticed to be heard by the Select Board will commence at the time specified in the notice of hearing, or as soon thereafter, as is reasonably possible, and will continue until the matter has been completed or until other disposition of the matter has been made.
  3. **Continuance of Hearings:** Any hearing being held, noticed, or ordered to be held by the Select Board at any meeting of the Select Board may, be continued or re-continued to any subsequent meeting.
  4. **Public Discussion at Hearings:** When a matter for public hearing comes before the Select Board, the Select Board Chair will open the public hearing. Upon opening the public hearing and before any motion is adopted related to the merits of the issue to be heard, the Select Board Chair shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present evidence respecting the matter.
  5. **Public Member Request to Speak:** Any person desiring to speak or present evidence shall make their presence known to the Select Board Chair and upon being recognized by the Select Board Chair, the person may speak or present evidence relevant to the matter being heard. No person may speak without first being recognized by the Select Board Chair.
  6. **Select Board Questions of Speakers:** Members of the Select Board who wish to ask questions of the speakers or each other must do so through the Select Board Chair during the public hearing portion but only after first being recognized by the Select Board Chair. Interaction with the speaker shall be limited to a question or questions, rather than an ongoing dialogue. Select Board members should avoid raising questions as a method to extend the allocated time for a speaker.
  7. **Due Process:** The Select Board Chair shall conduct the meeting in such a manner as to afford due process.
  8. **Public Oral Presentations:** All Select Board rules pertaining to oral presentation by members

of the public apply during public hearings.

9. **Materials for Public Record:** All persons interested in the matter being heard by the Select Board shall be entitled to submit written evidence or remarks, as well as other graphic evidence. All such evidence presented will be retained by the Town Clerk as part of the Clerk's record of the hearing, unless otherwise directed.
10. **Germane Comments:** No person will be permitted during the hearing to speak about matters or present evidence, which is not germane to the matter being considered. A determination of relevance shall be made by the Select Board Chair, but may upon motion by a Select Board member be appealed to the full Board.
11. **Communications and Petitions:** Written communications and petitions concerning the subject matter of the hearing will be noted, read aloud, or summarized by the Select Board Chair. A reading in full shall take place if requested by any member of the Select Board.
12. **Admissible Evidence:** Hearings need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs.

**L. Addressing the Select Board:**

1. **Staff Presentations:** Staff presentations will be limited to 10 minutes. The Select Board Chair must approve longer staff presentations prior to the Select Board Meeting.
2. **New Business Oral Presentations:** The Select Board Chair may allow any member of the public wishing to address the Select Board orally on Town Business matters appearing on the Select Board agenda to do so when that item is taken up by the Board, or as otherwise specified by the Select Board or its presiding officer.
3. **Time Limit:** Oral presentations may not exceed three minutes unless otherwise provided.
4. **Project Applicant or Appellant:** The project applicant, appellant, or other person or entity with a substantial direct property interest, or their representative shall have a total of 5 minutes for their presentations. The initial comments or presentation shall be limited to 3 minutes and the rebuttal or concluding comments shall be limited to 2 minutes.
5. **All Other Persons:** All other persons wishing to speak on the matter shall be limited to 3 minutes unless changed by Select Board action. Speaker time limits are inclusive of oral and visual presentations and shall constitute the cumulative 5-minute time limit for each speaker for the meeting.
6. **The Select Board Chair:** with the concurrence of the Select Board, may alter any of the enumerated time allocations based on the complexity of the item and the number of persons wishing to speak on the item.
7. **Presentation Submitted in Writing:** Persons who anticipate oral presentations exceeding five minutes are encouraged to submit comments in writing at the earliest possible time for

distribution to the Select Board and other interested parties. Comments should be submitted sufficiently in advance of the scheduled meeting date to insure distribution to the Select Board prior to the meeting.

8. **Oral Presentations & Public Communications Cumulative Time Limit:** Members of the public making oral presentations to the Board in connection with one or more agenda items at a single meeting shall be limited to a cumulative total of thirty (30) minutes, and three (3) minutes per person for oral presentations at such meeting unless otherwise provided.
9. **Comments in Writing Encouraged:** Members of the public may submit, and are encouraged to submit, comments in writing to the Select Board relating to any items of Town business, whether on the Select Board agenda or otherwise. Such written comments will be distributed to members of the Select Board and considered and acted upon, or not acted upon, as the Select Board in its judgment may deem appropriate.
10. **Repetitious or Dilatory Comments Prohibited:**
  - A speaker shall not present the same or substantially same items or arguments to the Select Board repeatedly or be repetitious or dilatory in presenting their oral comments. If a matter has been presented orally before the Select Board, whether the Select Board has taken action, or determined to take no action, the same person may not present the same or substantially same matter orally. Nothing in the foregoing precludes submission of comments to the Select Board in writing for such action or non-action, as the Board, in its discretion, may deem appropriate.
  - In order to expedite matters and to avoid repetitious presentations, the designation of a spokesperson is encouraged. Whenever any group of persons wishes to address the Select Board on the same subject matter, those persons are encouraged to designate a spokesperson to address the Select Board. With the consent of the Select Board, the Select Board Chair may extend the time allocation for a designated spokesperson.
- M. **Waiver of Rules:** Any of the procedures herein may be waived by majority vote of the Select Board members present when it is deemed that there is good cause to do so based upon the particular facts and circumstances involved.
- N. **Non-Exclusive Rules:** The rules set forth are not exclusive and do not limit the inherent power and general legal authority of the Select Board, or of its presiding officer, to govern the conduct of Select Board meetings as may be considered appropriate from time to time or in particular circumstances for purposes of orderly and effective conduct of the affairs of the Town.
- O. **Open Meeting Laws:** (Freedom of Access Law a/k/a “Right to Know Law”) Operations and procedures of the Town and Select Board incorporate requirements of the state’s Right to Know Law. Because this law is such an important part of local government operations, some specific requirements of the law are highlighted below for your information and future reference.
  1. **Applicability and Penalties:** The entire Town organization conducts its business in compliance with the Freedom of Access Law. The intent of the Law is to ensure that deliberation and actions of local public agencies are conducted in open and summarized in this chapter.

2. **Applicability:** The Law applies to Board and all commissions, boards, and task forces that advise Board. Staff cannot promote actions that would violate the Law.
3. **Meetings:** All meetings shall be open and public. A Select Board meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions and email qualify as meetings. Social functions (e.g., receptions, dinners) do not fall under the Act unless Town business is discussed in public meetings. A presentation of the Law is provided to all Select Board members when assuming office (as required by law).
4. **Exceptions:** An emergency situation exists (determined by a majority of the Select Board). The need to take action arose subsequent to the agenda being posted and there is a need for immediate action (determined by 2/3 vote of the Board; or if less than 2/3 are present, by unanimous vote). The item was continued to another meeting.
5. **Public Input:** The public, by law, has an opportunity to address the Select Board, at the time the matter is heard as a public hearing on any item of interest within the jurisdiction of the Select Board. The Select Board Chair has the right to establish a time limit on speakers and the total time allocated for a particular issue. Three minutes per speaker have been standard, but in extreme cases, shorter or longer time periods may be enacted. Speakers should state their name and residency for the record.
6. **Public Disruptions:** A portion or all of the public may be removed if willful disruption makes conducting the meeting “unfeasible”; the press may remain unless they participate in the disruption.
7. **Correspondence:** All writings distributed for discussion or considerations at a public meeting are public records except those listed in the right-to-know law.
8. **Public Hearings:** The item commentary is read. A motion is made to move and second the opening of the hearing. Anyone who has comments or concerns including Select Board members can address the Select Board. A motion is made to move and second the closing of the hearing. The motion on the item is made. A Select Board member vote is taken. The Select Board Chair announces the final decision of the Select Board (see I above).
9. **Special Meetings:** The Select Board Chair or a majority of the Select Board may call special meetings provided strict notification requirements for delivery to the media and the Select Board 24 hours before the time of the meeting be met.
10. **Emergency Meetings:** Emergency meetings may be called without notification due to the disruption or threatened disruption of public facilities. Only work stoppages or crippling disasters that impair the public health and/or safety qualify for emergency meetings.
11. **Other Provisions:** The Law provides many other restrictions and requirements; this chapter is intended merely as a Select Board summary and overview of the Law and nothing in this Chapter supersedes the provisions of the right to know law. Please check with the Town Attorney and/or the Town Clerk for more information.

12. **Serial Meetings:** Serial meetings are meetings that at any one time involve only a portion of the Select Board, but eventually involve a quorum. Serial meetings can yield a process which deprives the public the opportunity for a meaningful contribution to the decision-making process. Board members are encouraged to consider the implications of serial meetings when engaging in discussion with their colleagues on a matter within the jurisdiction on the Town.
  
13. **Business Minutes:** The body of the minutes should contain a separate paragraph for each subject matter, giving, in the case of all-important motions, the name of the mover, the second, and should show:
  - the wording in which each motion was adopted or otherwise disposed of (with the facts as to whether the motion may have been debated or amended before disposition being mentioned only parenthetically); and the disposition of the motion, including – if it was temporarily disposed of – any primary and secondary amendments and all adhering secondary motions that were then pending;
  - secondary motions that were not lost or withdrawn. (Roberts Rules of Order, 10th Ed. pg. 452)

**IX. Procedure Administration**

- A. Annual Review of Select Board Protocols:** The Select Board will review and revise the Select Board Protocols as needed or every two years.
- B. Adherence to Protocols:** During Select Board discussions, deliberations, and proceedings, the Select Board Chair is primarily responsible to ensure that the Select Board, staff, and members of the public adhere to the Select Board's adopted procedures.
- C. Town Manager as Protocol Advisor:** The Town Manager assists the Select Board Chair as a resource to confer with and an advisor for interpreting the Select Board's adopted protocols.
- D. Adherence to Administrative Procedure and Process Procedures:** The Select Board has delegated the Select Board Chair responsible to discuss, on behalf of the full Select Board, any perceived or inappropriate administrative action with a Select Board member. The Select Board Chair will discuss with the Select Board member the action and suggest a more appropriate process or procedure to follow. After this discussion, if further inappropriate action continues, the Select Board Chair will report the concern to the full Select Board.

**X. Additional Training & Resource Materials**

- A. Maine Municipal Association (MMA):** The MMA is an association of cities in Maine, of which the Town of Readfield is a member. It provides many levels of service including the production of educational conferences for local officials, publication of various newsletters, and a monthly magazine Maine Town & Town (formerly The Maine Townsman). As well, MMA’s members’ services legal staff is available to respond to questions with regard to policy and legal questions. The MMA also has lobbyists on staff that represent the interest of cities before the state legislature and federal government. Committees having local officials as members are also organized around the interests of Town departments (e.g. Select Board, Town Manager, Town Clerk, Fire, Police, Community Services, Community Development) to address issues as they arise. The MMA website is [www.memun.org](http://www.memun.org). MMA annually holds an Elected Officials seminar. New Select Board members are encouraged to attend.
- B. International Town Management Association (ICMA):** ICMA is a professional association of local government chief executives, of which the Town of Readfield and its Town Manager is a member. The association has an extensive list of publications to assist local officials. The Association’s Elected Officials Handbook series can be of great value to Board members. Publications have also been developed on every basic Town service.
- C. Town Administration Office:** The reference material listed below is available upon request to the Town Manager’s Office:
- Roberts Rules of Order, Newly Revised
  - Town Manager Code of Ethics
  - Resolution Adopting Select Board Rules or Order and Voting Procedures Chart
  - A Guide to the Freedom of Access Law a/k/a “Right to Know Law”
  - Property Tax Abatement Policy
  - Other Reference Material on File – Other reference material that may be of interest is on file with the Town Clerk Materials include:
    - i. Elected Officials Handbook/Presentation
    - ii. Town of Readfield Municipal Code
    - iii. Maine Revised Statutes Annotated
    - iv. Current Operating and Capital Budget
    - v. Annual Audit and CAFR Document
-



**XI. Leaving Office**

**A. Return of Materials and Equipment:** Any item owned by the Town that is currently in the possession of the elected official will be returned to the Town.

**B. Lobbying Restrictions:** The Town discourages lobbying by former Board members for a period of one year after leaving office. The following policy has been established to maintain an environment where in every person has the opportunity to address the Town’s legislative bodies and have their opinion heard and considered. No former Town official, for one year after leaving office or one year after termination of their employment with the Town, shall, for compensation, act as agent or attorney for any other person by making any formal or informal appearance before the Select Board if the purpose of the appearance or communication is to influence legislative or administrative action by the Town.

1. **Definition of Official:** Official means a Select Board member, Town Manager, Town Manager, Town Attorney, and the heads of the Town departments, including the Fire Chief, the Police Chief, the Town Clerk, the Finance Director, the Building Inspector, the Tax Assessor, the Economic Development Director, the Director of Planning, the Director of Public Works, the Director of Water Resource Recovery, and the Director of Parks and Recreation.

2. **Exemptions:** The following activities are not subject to the prohibition:

- Appearance or communications by a former Town official for the sole purpose of representing themselves or members of their immediate family in connection with any matter pending before the Town;
- If a Town official becomes an officer or employee of another public agency, appearance or communication made on behalf of that other public agency in connection with matters pending before the Town.

**C. Vacancies, Forfeiture of Office, Filling of Vacancies Summary:**

1. **Vacancies:** The office of Town Manager or a Select Board Member shall become vacant upon death, resignation, removal from office in the manner authorized by law, or forfeiture of office.

2. **Forfeiture of Office:** The Town Manager or a Select Board Member shall forfeit the office if they:

- Lacks at any time during the term of office any qualification for the office prescribed by ordinance or by law.
- Is convicted of a crime or offense involving moral turpitude.
- Fails to attend three consecutive regular meetings of the Select Board without being excused by the Select Board.

3. **Filling of Vacancies:** Deputy Town Manager shall fill a vacancy in the office of Town Manager. In the case of a vacancy created in the Select Board State statute shall apply.



## **XII. Definitions**

- A. **Ordinance:** The term is used to designate the enactments of the Town of Readfield. It designates a local law of the Town of Readfield, duly enacted by the proper authorities (the voting public is the legislative body), prescribing general, uniform, and permanent rules of conduct relating to the corporate affairs or the government of its inhabitants of the municipality. Ordinances govern the administrative code, zoning, building, safety, etc., matters of the municipality.
  
- B. **Order:** A mandate; precept; command or direction authoritatively given; policy or procedure. The Select Board can give instructions to the Town Manager in the form of an order. A motion adopts an order after one reading.
  
- C. **Resolution:** The term is usually employed to denote the subject matter of which would not properly constitute an ordinance, such as a mere expression of opinion; a vote of thanks or of censure, etc. Such is not law but merely a form in which the Select Board expresses an opinion, will, or intent. A motion adopts a resolve after one reading.

The chief distinction between a “resolution” and an “order” is that the former is used whenever the Select Board wishes merely to express an opinion as to some given matter or thing, while by an “order” it is intended to direct and control matters applying to persons or things in general.

Ordinance distinguished. “Resolution” denotes something less formal than “ordinance”; generally, it is mere expression of opinion or mind of the Select Board concerning some matter of administration, within its official cognizance.

- D. **Appropriation:** Select Board authorization for the expenditure of monies and stipulating the amount, manner, and purpose of the item of expenditure. Adoption of the budget constitutes appropriations of the amounts specified therein.

### **XIII. Appendices**

**APPENDIX A**

**Resolution Adopting Select Board Rules of Conduct and Voting  
Procedures Chart**

**Rules and Journal:** The Select Board shall determine its own rules and order of business based on what is provided within this document at the first meeting of each newly elected Select Board. The Select Board shall provide for the keeping of a journal of its proceedings. This journal shall be a public record and shall be kept in the office of the Town Clerk.

Roberts Rules will be the parliamentary procedure for the Board.

Select Board meeting agenda:

READFIELD SELECT BOARD MEETING

(DATE AND TIME)

Town Hall Upstairs Meeting Room and on Zoom

Call to Order

Pledge of Allegiance

Roll Call

**Regular Meeting Items:**

**Approval of Minutes**

**Approval of Warrants**

Communications:

Select Board

Staff Reports

**Boards, Committees, Commissions and Departments**

**Boards, Committees, Commissions Minutes**

Public

**Appointments, Reappointments, and Resignations**

New Business

Old Business

**Other Business, Upcoming Meetings, and Future Agenda Items**

**Workshop**

**Executive Session**

**Report from Executive Session**

**Adjournment**

(If there are no items under specific sections of the agenda, the sections **in bold** above will be removed from the agenda for that specific meeting).

## ORDER OF PRECEDENCE OF MOTIONS.

The ordinary motions rank as follows, the lowest in rank being at the bottom and the highest at the top of the list. When any one of them is immediately pending the motions above it in the list are in order, and those below are out of order.

1	2	3	4	5	Motion
---	X	a	X	---	Fix the
---	X	b	---	---	Time to
---	X	c	X	---	Adjourn.
---	X	---	---	---	Adjourn.
---	X	---	---	---	Take a Recess.
---	---	---	---	---	Raise a
---	---	---	---	X	Question of
---	---	---	---	X	Privilege. Call
X	---	---	X	---	for the Orders of
X	---	---	X	---	the Day. Lay on
X	---	---	X	---	the Table.
X	---	---	---	---	Previous Question.
X	---	---	X	---	Limit or Extend Limits of
					Debate. Postpone to a
					Certain Time.
					Commit
					or Refer.
					Amend.
					Postpon
					e
					Indefinit
					ely. A
					Main
					Motion.

- 1 Debatable
- 2 Usually Privileged
- 3 Not always privileged:
  - a Privileged only when made while another question is pending, and in an assembly that has made no provision for another meeting on the same day or the next day.
  - b Loses its privileged character and is a main motion if any way qualified, or if its effect, if adopted, is to dissolve the assembly without any provision for its meeting again.
  - c Privileged only when made while other business is pending.
- 4 Can be amended
- 5 Require a 2/3 (4 members) vote for adoption; the others require only a majority.

**APPENDIX B**  
**Boards and Committees**

**[Readfield's Board, Committee, and Commission Information](#)**

**TOWN OF READFIELD, MAINE**

**BOARD, COMMITTEE and COMMISSION (BCC) GUIDE**

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## **Introduction**

This document and the attached appendices serve as a comprehensive guide for municipal Boards, Committees, and Commissions (BCCs) including procedures for application, appointment, and reappointment, definition and description of the respective BCCs, and the specific responsibilities of BCC Chairs. This document is effectively a policy of the Town of Readfield Select Board.

The Comprehensive Plan of the Town of Readfield states a goal to “encourage citizen participation in community affairs.” (Town Comprehensive Plan, adopted 11 June 2009, page 70). Participation on boards, committees and commissions provides citizens an opportunity to engage actively in their local government. Members of boards, committees and commissions (BCCs) share with elected officials in the responsibilities and benefits of working to shape the community of Readfield for the greater good of all its residents. These procedures are written to present a clear record of the application process for the town to follow in appointing members to BCCs. The procedures are intended to promote a spirit of volunteerism and civic involvement and to encourage Readfield residents to become enthusiastically engaged as volunteers in Readfield.

## **Principles**

The proper operation of democratic government of the Town of Readfield requires that the Town’s Select Board and members of BCCs be fair, impartial and responsive to the needs of the people and to each other in the performance of their respective functions and duties. Decisions will be made and policies will be set through proper channels of the Town’s governmental structure. Neither public office nor public employment will be used for personal gain. All town officials, whether they are elected, appointed, employed or are volunteers, will maintain a standard of ethical conduct to inspire public confidence in the integrity of the Town’s government.



## Application Procedures

### TOWN OF READFIELD

#### PROCEDURES FOR APPOINTMENT AND REAPPOINTMENT

#### TO BOARDS, COMMITTEES AND COMMISSIONS (BCC)

The Select Board shall not discriminate against an applicant based on religion, age, sex, marital status, race, color, ancestry, national origin or sexual orientation. Applicants are expected to be able to perform the duties of their appointment with reasonable accommodation. The Select Board shall have final authority over the appointments to Boards, Committees, and Commissions (BCC) that are instruments of Town Government. The Select Board welcomes all qualified, motivated applicants for volunteer positions.

Note: All positions becoming open for any reason will be open to all interested applicants.

The following minimum eligibility criteria must be met by all applicants seeking to serve on a BCC:

- 1) Resident of the Town of Readfield.
- 2) Exclusive of the Planning Board and Board of Appeals who may perform regulatory and quasi-judicial functions, the Select Board at its discretion may appoint members of certain BCC that may not meet these criteria as circumstances warrant.
  1. Vacancies on BCCs will occur from time to time and are due to three primary causes. Depending upon the reason for a vacancy, different appointment/ reappointment procedures apply:
    - a) Vacancy by expiring term: By May 1st of the expiring year, the BCC chair shall notify any member(s) that his/her term is expiring and inform any such member(s) that he/she needs to reapply for a position before May 31st in order to be considered for reappointment on or before July 1. The Town Clerk will notify all BCC chairs by April 1<sup>st</sup> of the roster of their BCC by name and dates of terms.
    - b) Vacancy by default: When an opening occurs prior to the expiration of a term for reasons other than formal resignation or forfeiture including, but not limited to excessive absenteeism, death or change of residency of the volunteer, the Clerk shall notify the Town Manager to include such notice of vacancy on the next Select Board agenda to declare the position formally open for advertising.
    - c) Vacancy by resignation: Resignations may be in written (letter, email) or verbal form. If verbal, resignations must be communicated to the BCC chair. The BCC Chair shall document all resignations in writing (letter, email) to the Clerk.
  2. Alternates
    - a) For BCCs whose membership includes Alternates, any such Alternates who wish to fill a vacancy arising as a result of an expiring term must submit a new application for the position.
    - b) For BCCs whose membership includes Alternates, the most senior Alternate who wishes to fill a vacancy arising as a result of a resignation or default may be appointed without further application or advertising, at the sole discretion of the Select Board, to full member status for the

duration of the remaining term of the resigning member.

3. Applicant's Process:

- a) Each applicant applying for a vacancy on a BCC shall complete an Appointment Application provided through the office of the Clerk. If there is a vacancy on a BCC, interested applicants may apply at any time. If there is no vacancy on a BCC, applicants may apply at any time and applications will remain on file with the Town Clerk for one year.
- b) All *first-time* appointment applicants shall meet with the Select Board during a Select Board meeting for their appointment interview. Reappointment applicants may request an interview with the Select Board. The Select Board will not unreasonably deny a request for an interview. For the purpose of this document, "reappointment" means continuous, uninterrupted service on the same BCC, and first-time appointment shall mean on any BCC and is not intended for an applicant currently or previously serving on another BCC.
- c) All applicants and reappointment applicants shall be provided a copy of this document in writing (hard copy or electronic via email) along with an Appointment Application.
- d) All individuals appointed for the first time to the Planning Board or Board of Appeals are required to complete the Basic Workshop for Planning Board or Board of Appeals members offered by Maine Municipal Association within 6 months of their appointment. Upon completion of the basic workshop, members are responsible for providing a certificate of completion to the Town Clerk. This requirement does not preclude a BCC member from serving on the BCC prior to completing workshops.
- e) All municipal appointees are expected to complete Freedom of Access Act (FOAA) training. Appointees required by statute to complete a training course must do so within 30 days of appointment or reappointment and provide certification to the Town Clerk. BCCs required to complete the course include:
  1. Budget Committee
  2. Planning Board
  3. School Board
  4. Select Board
- f) Select Board members and appointees to the Appeals Board and Planning Board must take an oath of office from the Town Clerk or his/her designee before assuming their duties.
- g) Applicants who have not been appointed to a vacancy by the Select Board for which the applicant has initially applied, may have his/her application filed with the Town Clerk for a period of time not to exceed one year for future consideration. Reconsidered applications need to follow all steps of these Procedures, with the exception of completing another application.
- h) All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the BCC name will result upon three consecutive unexcused absences in any term.

4. Town Clerk's Process:

- a) The Clerk shall advertise vacancies on BCCs as per the Advertising Section (5) of these procedures.
- b) The Clerk will provide each applicant with written responsibilities for the appropriate BCC.
- c) The Clerk shall accept all applications for appointments to BCCs regardless of vacancies, and retain applications for up to one year unless the applicant withdraws.
- d) The Clerk shall forward complete appointment applications to the Town Manager when opening(s) exist.
- e) The Clerk, working in conjunction with the Town Manager, shall schedule applicant interviews at the mutual convenience of the Select Board and the applicant.

- f) The Clerk shall inform applicants and the chair of the relevant BCC of the Select Board’s decision(s) regarding appointments, reappointments or resignations.
  - g) The Clerk shall copy any letters of resignation to the Town Manager.
  - h) The Clerk shall record position openings after the acceptance of a resignation by the Select Board.
  - i) The Clerk or his/her designee must administer an “Oath of Office” to all appointees to the Appeals Board, Library Board of Trustees, Planning Board or the Recreation Board before assuming official duties.
5. Advertisement Process:
- a) Following a resignation or prior to annual expiration of a term, all positions will be advertised for a minimum of 10 days before any applications can be considered by the Select Board.
  - b) Advertising for vacancies shall be accomplished through use of all of the following media: Town of Readfield website, publishing in the monthly Readfield Messenger (as publishing deadline allows) and posting at the Town Office. In addition, advertising for vacancies may also be accomplished by posting notices at the Readfield and Kents Hill Post Offices, Town Library, in local publications, and Town of Readfield TV station.
  - c) The advertisements shall list all vacancies on each BCC, the length of the term and describe the application process.
6. Chairs of Boards, Committees, and Commissions Process:
- a) The chair, in consultation with committee or board members, may provide to the Select Board a list of knowledge, skills, education or experience that would be desirable in a new member and which the Select Board may use in evaluating applicant(s).
7. Town Manager’s Process:
- a) The Town Manager shall inform the Select Board of all applications and resignations from BCCs by making them an agenda item for the Select Board’s review.
  - b) The Town Manager or his/her designee shall inform the Clerk of all Select Board decisions regarding appointments, reappointments and resignations.
8. Select Board’s Process:
- a) No opening shall be considered by the Select Board unless the following have been met:
    - i. Notification of a vacancy by the Town Clerk has been completed and recorded
    - ii. Advertising Process (Section 5) has been completed.
  - b) The Select Board shall review each application for appointment or reappointment.
  - c) The Select Board shall interview all new appointment applicants and may interview reappointments in accordance with Section 3.b.
  - d) Provided the advertising process is complete, the Select Board shall act on applications for BCCs no later than the second regularly scheduled meeting following the receipt of any applications and the completion of interviews.
  - e) When reviewing an application for appointment, the Select Board may consider, but are not limited to the following criteria:
    - i. BCC needs,
    - ii. Applicant experience and qualifications,
    - iii. Encouraging and welcoming new volunteers to BCCs,
    - iv. Maintaining institutional memory.

## **Town of Readfield: Boards, Committees and Commissions Definitions**

### **Required Format for listing of BCC**

Required items are in regular font, written copy needed for italics

#### BCC Name

#### Mission Statement (or equivalent)

*State the purpose of the BCC and what you expect to accomplish*

#### Authorization

*State how this BCC is authorized to exist and operate*

#### Membership

The *BCC Name* is a *number*-member board. Each member is appointed to a *number*-year term. *Any other specifics concerning membership requirements. List if BCC member must be sworn in by Town Clerk.*

#### Officers

Chairperson

Secretary

*Any others list here*

Officers are elected annually by the committee members at the first meeting of the fiscal year. *Revise if this is not true for your BCC.*

#### Meetings

Regular meetings held monthly, at the Town Office and on Zoom and are always open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting. *If you meet in another location state that in place of the Town Office. All meetings must also be held on Zoom; contact the Town Manager for information on Zoom.*

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the *BCC name* will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order.

*Add any other information pertinent to your BCC.*

## Age Friendly Committee 10-2021

### Mission Statement (or equivalent)

Create a community where people of all ages are welcomed, respected and encouraged to participate in civic and social activities in the community.

- To help meet the needs and engage the strengths of all citizens to reach the goal of building a community for all ages.
- To advise the Town Select Board about infrastructure changes and policies that will make it easier and safer for residents of Readfield to thrive at all ages.

### Authorization

The Age Friendly Committee operates under the appointed authority of the Select Board of the Town of Readfield.

### Membership

The Age Friendly Committee is a standing committee of the Town. The Age Friendly Committee is a 5 member board and 2 alternate members. Each member is appointed to a 3-year term. Members may be from an adjacent community if they have a demonstrated interest in the community.

### Officers

Chairperson - vacant

Secretary – Ann Mitchell

Officers are elected annually by the committee members at the first meeting of the calendar year.

### Meetings

Regular meetings held monthly on the second Wednesday of the month, usually at the Town Office and on Zoom and are always open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Readfield Age Friendly Committee will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order.

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## **Appeals Board**

### Mission Statement (or equivalent)

The powers and duties of the Board of Appeals include hearing and making binding decisions on appeals in regard to final decisions of the Code Enforcement Officer or the Planning Board and in granting or rejecting variance requests arising from the Readfield Land Use Ordinance. The Board of Appeals must be maintained in accordance with the provisions of Title 30-A, M.R.S.A., Section 2691.

### Authorization

The Appeals Board operates under the appointed authority of the Select Board of the Town of Readfield in accordance with Title 30-A, M.R.S.A., Section 2691.

### Membership

The Appeals Board is a 7-member board. Each member is appointed to a 3-year term.

Appointees must take an oath of office from the Town Clerk or his/her designee before assuming the duties on the Appeals Board.

All individuals appointed for the first time to the Board of Appeals are required to complete the Basic Workshop for Board of Appeals members offered by Maine Municipal Association within 6 months of their appointment. Upon completion of the basic workshop, members are responsible for providing a certificate of completion to the Town Clerk. This requirement does not preclude a new member from serving on the Appeals Board prior to completing workshops.

### Officers

Chairperson

Secretary

Officers are elected annually by the committee members at the first meeting of the fiscal year.

### Meetings

The Appeals Board meets when needed at the Town Office and on Zoom and are always open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Appeals Board will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order.

## Assessing Board 10-2021

### Mission Statement (or equivalent)

To work with the appointed Assessing Agent to commit taxes and deal with abatements.

### Authorization

The assessor is the governmental official(s) responsible for establishing the value of property for tax purposes. The assessor comes under the direction and certification of the State Tax Assessor.

The assessor is responsible for discovering, listing, equalizing and valuing all taxable property including real and personal property. The assessor is responsible to the property owner to ensure that the value is proper so that the owner pays no more than his/her fair share of the property tax, and to all the taxpayers in ensuring that no property escapes the assessment process, or is under or over assessed, and that no property owner receives unauthorized preferential treatment.

### Membership

The Assessing Board is a 3-member board comprised of elected Select Board members. Each member is appointed to a 1-year term.

### Officers

Chairperson

Vice-Chairperson

Secretary

Officers are elected annually by the committee members at the first meeting of the fiscal year.

### Meetings

Meetings are held as needed at the request of the Town Manager, and held at the Town Office.

## **Broadband Committee 10-2021**

### Mission Statement (or equivalent)

Review options to bring High Speed Internet Service to all Residents of Readfield, analyze costs for all options and present information to Select Board for a Town wide vote.

### Authorization

Select Board Appointed

### Membership

The Broadband Committee is a 6-member board. Each member is appointed to a 3-year term.

### Officers

Chairperson

Vice-Chair

Secretary

Officers are elected annually by the committee members at the first meeting of the fiscal year.

### Meetings

Regular meetings held monthly, usually at the Town Office and on Zoom and are always open to the public. Agendas are sent to the Town Clerk prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Broadband Committee will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order



## **Budget Committee 10-2021**

### Mission Statement (or equivalent)

To annually perform an independent review of the Town of Readfield's proposed operating and capital budgets for the upcoming fiscal year, and to make recommendations regarding expenditures to the Select Board and Readfield voters intended to provide necessary funding for services without imposing an unreasonable burden on taxpayers.

### Authorization

The Budget Committee operates under the appointed authority of the Select Board of the Town of Readfield.

### Membership

The Budget Committee is a 5-member committee. Each member is appointed to a 3-year term.

### Officers

Chairperson

Vice-Chair

Secretary

Officers are elected annually by the committee members at the first meeting of the fiscal year.

### Meetings

- Attend and actively participate in Committee meetings during a roughly two-month-long review of the proposed annual operating budget for the upcoming fiscal year. This review typically occupies the months of February and March. All meetings are held at the Town Office and on Zoom and are always open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting.
- Meet with the Select Board after all presentations are completed, to review the budget to date; typically in March and April.
- Attend Public Informational Meetings as well as the Annual Town Meeting to respond to questions regarding the Committee's recommendations on specific department and division budgets, as deemed necessary.
- Periodically meet with the Select Board to discuss revisions in the Capital Investment Plan (CIP).
- All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Budget Committee will result upon three consecutive unexcused absences in any term.
- All meetings will generally follow Robert's Rules of Order

## **Cemetery Committee 10-2021**

### Mission Statement (or equivalent)

The Readfield Cemetery Committee endeavors to preserve and maintain the integrity, character, beauty, and historical value of Readfield's cemeteries; and to monitor application of the Cemetery Rules to those ends. The Cemetery Committee will serve as an advisory board to the Select Board, the Town Manager, the Sexton and the Readfield community.

### Authorization

The Cemetery Committee was formed by the Select Board in December of 1996 on the recommendation of the Town Manager to act as an advisory committee for all issues related to Readfield's cemeteries.

### Membership

The Cemetery Committee is a 9-member committee. The Town Sexton serves as a non-voting 10th member of the committee. Each member is appointed to a 3-year term.

### Officers

Chairperson

Vice Chair

Secretary

Officers are elected annually by the committee members at the first meeting of the fiscal year.

### Meetings

Meetings for the Cemetery Committee shall be at intervals deemed necessary for budget information and input, and overseeing maintenance and management of all of our cemeteries.

Meetings are currently scheduled on the third Monday of each month, at 10:30 AM at the Town Office and on Zoom and are always open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the *Cemetery Committee* will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order.

## **Comprehensive Plan Committee 10-2021**

### **Mission Statement (or equivalent)**

The Readfield Comprehensive Plan (“Plan”) is a planning document that describes and inventories town features and resources, and establishes a plan and direction for future town processes and activities. The Plan does not establish any new regulations or standards, and does not approve new spending. The recommended policies in the Plan are conceptual and broad. Discussion and debate on the specifics of how these policies should be implemented will occur during town ordinance revision or budgetary process. Any changes to town ordinances or the town budget that may be recommended in the Plan must be proposed, reviewed, and approved by Readfield voters using the regular, established process that is in place for making those types of municipal decisions.

The Plan, in and of itself, has no regulatory force. It is a planning tool that guides future activities of the Town and forms the foundation for town ordinances. Any ordinance revisions that are made in the future must be consistent with the provisions of the Plan. It is likely that many of the proposals and recommendations made in the Plan will result in ordinance revisions or budgetary actions as the Plan is being implemented. It is also possible that certain provisions of the Plan, for a variety of possible reasons, may not ultimately be implemented.

State law requires that land use ordinances be consistent with local comprehensive plans.

### **Authorization**

State Law: MRS Title 30-A, Chapter 187, Subchapter 1, Paragraph 4326, Subsections 1-5.

The Comprehensive Plan Committee operates under the appointed authority of the Select Board of the Town of Readfield.

### **Membership**

The Comprehensive Committee is a 9-member board. Members are needed every ten years to revise the current plan and are appointed to serve for a 2-year term.

### **Officers**

Chairperson, Secretary

Officers are elected annually by the committee members at the first meeting of the fiscal year.

### **Meetings**

Regular meetings held monthly, usually at the Town Office and on Zoom and are always open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Comprehensive Plan Committee will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert’s Rules of Order.

## **Conservation Commission 10-2021**

### **Mission Statement (or equivalent)**

The Readfield Conservation Commission (RCC) is a municipal commission concerned with our local environment and activities which relate to it or affect it. It oversees town-owned open space lands, provides conservation information, and works

with landowners, agencies, and organizations to encourage exemplary stewardship of natural resources.

Powers

The RCC coordinates conservation projects and initiatives, and may make recommendations to other Town boards and committees, or to the Town Meeting. Budgets are approved at Town Meeting, and expenditures are authorized by the Select Board.

Authorization

Maine state law MRSA 30-3804, Section 3851, provides for the establishment of conservation commissions. Readfield established a commission in the early 1970's.

Membership

The RCC may have up to 7 regular members and 3 alternate members. Term of office is 3 years, beginning and ending with the fiscal year. Application is open to Readfield residents. Application is received by Town Clerk, reviewed by RCC, and approved by Select Board after giving the RCC opportunity for hearing.

Officers

Chair or Co-Chairs

Secretary

Officers are elected annually by members of the commission at first regular meeting of fiscal year.

Meetings

Regular meetings held monthly on the 2<sup>nd</sup> Tuesday evening, usually at the Town Office and on Zoom. Open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting. Other meetings held as needed.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Conservation Committee will result upon three consecutive unexcused absences in any term.

Roberts Rules of Order to be generally followed.

**Enterprise Committee 10-2021**

Mission Statement (or equivalent)

The purpose of the Readfield Enterprise Committee is to manage the Readfield Enterprise Fund using uniform program-appropriate lending practices, as well as provide guidance to the Select Board on matters of economic development. The Committee is advisory to the Select Board.

Authorization

The Committee is formed pursuant to a vote of the Select Board. The Committee shall be appointed by the Board of Selectmen in consideration of the Procedures for Application and Appointment. Appointments may be terminated without cause by a majority vote of the Select Board.

Membership

The Enterprise Committee is a 7-member board. Each member is appointed to a 3-year term.

Officers

Chair

Vice-Chair

Secretary

Officers are elected annually by the committee members at the first meeting of the fiscal year.

Meetings

Regular meetings are held monthly, at the Town Office and on Zoom and are always open to the public.

Agendas are sent to the Town Clerk at least three days prior to the meeting

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Enterprise Committee will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order.

## **Heritage Days Committee 10-2021**

### Mission Statement (or equivalent)

Heritage Days is an annual celebration that takes place the second weekend in August.

### Authorization

The Heritage Days Committee operates under the appointed authority of the Select Board of the Town of Readfield.

### Membership

The Town is looking for volunteers to be on this committee and will accept applications from interested volunteers during years when Readfield Heritage Days is scheduled. Each member is appointed to a one-year term.

### Officers

Chair

Secretary

Officers are chosen each year by the committee at the first meeting of the fiscal year.

### Meetings

The Heritage Days Committee meets when needed at the Town Office and on Zoom and are always open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Heritage Days Committee will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order.

## **Library Committee (Library Board of Trustees) 10-2021**

### Mission Statement (or equivalent)

The mission of the Readfield Community Library is to provide quality materials and services for the educational, informational, cultural and recreational needs of the community of Readfield in an atmosphere that is welcoming and respectful.

### Authorization

The Library Committee operates under the appointed authority of the Select Board of the Town of Readfield.

### Membership

The Library Committee is a 9-member committee. Each member is appointed to a 3-year term.

### Officers

Chairperson, Vice-Chair, Secretary and Treasurer

Officers are elected annually by the committee members at the first meeting of the fiscal year.

### Meetings

Regular meetings are held the first Wednesday of every month at 6:30 p.m. at the Library and on Zoom and are always open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Library Board of Trustees will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order.

## Maranacook Lake Outlet Dam Committee 10-2021

### Mission Statement (or equivalent)

The responsibilities and functions of the Dam Committee are as follows:

- a. Hold periodic meetings to verify and discuss water levels in the Maranacook Lake, with representatives of the Cobbossee Watershed District. They shall meet at least annually.
- b. Recommend to the officials of signatory municipalities those actions the committee believes should be taken by these municipalities to satisfy current and future dam management requirements.
- c. Make operational recommendations to the Dam Custodian, and advise the officials of signatory municipalities when the performance of the Dam Custodian is unsatisfactory.
- d. Prepare a proposed annual budget for operation and maintenance of the Dam, and submit the proposed budget to the officials of signatory municipalities for approval and inclusion in the General Fund Budget of signatory municipalities according to the pro-rata share of each.
- e. At least one member of the Dam Committee appointed to the committee by each signatory municipality will attend the annual Town Meeting for that Town to answer questions voters may have regarding the dam.
- f. All committee actions or recommendations must be supported by vote of committee members, with no actions being taken or recommendations being made in the name of the Dam Committee unless supported by a simple majority of the Committee members present at the meeting. No vote of the Committee will be valid unless there are at least 3 of the appointed members with voting rights present at the meeting.
- g. All Committee meetings will be at the call of the Chair of the Dam Committee and will be made public.

The responsibilities and functions of the Dam Custodian are as follows:

- a. Inspect the dam and determine water levels behind the dam at least once a week, opening or closing gates as necessary to maintain minimum and maximum water levels set by the Cobbossee Watershed District.
- b. Report any damages to the dam to the Dam Committee Chair immediately upon discovery; if the Dam Committee Chair is not available, the report will be made to the Town Manager or other designated official of any of the signatory municipalities.
- c. Report any weaknesses, deficiencies or equipment failures detected at the dam to the Chair of the Dam Committee or the Town Managers of Readfield or Winthrop.
- d. Submit a timesheet or Payroll Report (for payment of hourly wages) and miles driven with private vehicle for dam inspection/operation (for reimbursement of vehicle use at the current annual rate) to the Treasurer, Town of Winthrop, Winthrop Town Office, once every two weeks.
- e. During inspections of the dam, remove any debris that may have come to rest against the dam or the screen protecting the dam. During the winter, break and clear any ice that may have built up against the dam if necessary.
- f. Maintain a written log of inspections, notifications, and maintenance activities.

### Authorization

The Maranacook Lake Outlet Dam Committee was established as a result of an Inter-Local Agreement between the Towns of Readfield and Winthrop for Management of the Maranacook Lake Outlet Dam. (Available from Readfield Town Clerk)

### Membership



The two signatory municipalities to the Agreement will appoint members to serve upon a committee, designated the "Dam Committee", consisting of not more than five (5) regular members with voting rights, appointed to staggered terms. The Town of Readfield will appoint two (2) regular members and one (1) alternate member; the Town of Winthrop will appoint two (2) regular members and one (1) alternate member; and the Cobbossee Watershed District will appoint one (1) regular member and one (1) alternate member on the committee. Upon expiration of initial appointments, subsequent appointments will be for a three-year period.

#### Officers

There are no officers of the Dam Committee (refer to Agreement document, available from Town Clerk).

#### Meetings

Meetings are held as needed and are the responsibility of the Cobbossee Watershed District.

## **Planning Board 10-2021**

### Mission Statement (or equivalent)

The Planning Board is responsible for reviewing and making decisions on all land use, construction, and development applications requiring Planning Board approval under the provisions of Readfield's Land Use Ordinance ("LUO"). The LUO provides that the purposes of development review are to: "provide a level of municipal review that would not otherwise occur for projects that could adversely impact the surrounding community as a whole; maintain and protect the Town's rural character and natural resources, including scenic and historic resources, by requiring that structures, signs and other alterations on, or to the land, are sited and developed in accordance with certain standards; promote and protect health and welfare of the townspeople; and, provide permanent records of conditions that run with ownership of property." The Planning Board also regularly reviews the Land Use Ordinance and makes recommendations for its revision in response to policy matters or issues of clarity.

### Authorization

It was voted at the June 13, 1989 Town Meeting that the Planning Board shall consist of 7 members and 3 associate members. Members have terms of 5 years. An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when designated by the chairperson to sit for a member. The chairperson shall call at least one regular meeting of the board each month. See full document on the Town of Readfield website.

### Membership

The Readfield Planning Board is comprised of 7 members and 3 alternate members. Each member serves a term of 5 years.

### Officers

#### Chair and Vice-Chair

Officers are elected annually by the board members at the first meeting of the fiscal year, or as soon as possible thereafter.

### Meetings

The Planning Board meets the second and fourth Tuesdays of the month at 6:30 pm at the Town Office and via Zoom and are always open to the public. Agendas are issued by the Code Enforcement Officer at least 3 days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will then be listed as an excused absence. Dismissal from the Planning Board will result upon three consecutive unexcused absences in any term. Alternate members shall participate in meetings in lieu of regular members who are absent based upon seniority.

All meetings will generally follow Robert's Rules of Order.

## **Recreation Association 10-2021**

### Mission Statement (or equivalent)

The mission of the Readfield Recreation Association Board of Trustees is to provide self-supporting recreation and athletic program opportunities for the citizens of our community through the support of our volunteers.

### Authorization

The Recreation Association operates under the appointed authority of the Select Board of the Town of Readfield.

### Membership

The Readfield Recreation Association is to be comprised of not less than 5 or not more than 9 members. Members serve 3-year terms.

### Officers

Chairperson

Vice Chairperson

Treasurer

Officers are elected annually by the committee members at the first meeting of the fiscal year.

### Meetings

The Recreation Association Board meets at the Recreation Building on the Maranacook Campus every 2nd Wednesday at 6:30 p.m. and on Zoom and are always open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Heritage Days Committee will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order.

## **Road Committee 10-2021**

### Mission Statement (or equivalent)

Provide the Town of Readfield with an annual repair and maintenance plan and long-range capital improvement plan for the road network.

### Authorization

The Road Committee operates under the appointed authority of the Select Board of the Town of Readfield.

### Membership

Readfield Road Committee is a 5-member committee. Members serve 3-year terms.

### Officers

Chairperson

Vice-Chairperson

Secretary

Officers are elected annually by the committee members at the first meeting of the fiscal year.

### Meetings

The Road Committee does not have a regular meeting schedule, but tends to meet as needed through the year - mostly for planning purposes and to review road work underway or completed. Please look for postings as they are scheduled.

All meetings are held at the Town Office and on Zoom and are always open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Road Committee will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order.

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## **School Board RSU 38 10-2021**

### Mission Statement (or equivalent)

RSU 38 Mission Statement: “A caring school community dedicated to excellence”

Vision Statement: Maranacook Schools will be safe, dynamic learning communities where people of all ages will think, aspire, and participate as responsible citizens in an ever-changing global society.

Guiding Principles: We Believe:

- Teachers, staff members, parents, and students are life-long learners with a dedication to excellence and an expectation of high achievement for all
- All learners need a safe, respectful, positive environment to achieve
- Students need an evidence based, rigorous curriculum that
  - focuses on state standards
  - promotes engagement
  - provides a challenging range of courses, experiences, and extra-curricular activities
  - recognizes the needs, interests, and abilities of all learners
  - blends the changing needs of society with the needs of individual learners
  - integrates technological advances and collaboration
- Parents and community members are a vital part of our schools
- The instruction and assessment process measures growth for all learners through feedback, collaboration, and problem solving
- The supervision and evaluation process encourages and supports staff growth and development that is designed to promote our mission and vision

*Approved by RSU #38 Board of Directors, March 6, 2019*

### Authorization

Public School System authorized by the Maine Legislature. Title 20-A, Part 2, Chapter 103-A: Regional School Units.

### Membership

The School Board is a 13-member board comprising members from four towns: Manchester, Mt. Vernon, Readfield and Wayne. Each member is elected to a 3-year term. Readfield has four member positions.

### Officers

Chair, Vice-Chair, Secretary from Superintendent’s Office.

### Meetings

Regular meetings held twice monthly, usually the first and third Wednesdays, at the Maranacook Community School.

Currently there is no remote meeting policy, but the meetings are shown on Zoom for viewing only.

There is no attendance policy.

## **Select Board 10-2021**

### Mission Statement (or equivalent)

The Select Board of Readfield is an elected board that executes the executive and fiduciary functions of the Town of Readfield.

### Authorization

The Select Board is elected by the people of Readfield.

### Membership

The Select Board is a 5-member board. Each member is elected to a 3-year term.

### Officers

Chairperson

Vice-Chairperson

Secretary

Officers are elected annually by the members at the first meeting of the fiscal year.

### Meetings

Regular meetings held monthly, at the Readfield Town Office and on Zoom. Agendas are sent to the Town Clerk at least three days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Select Board will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order and the Standards Of Conduct For Public Meetings adopted by the Select Board on May 31, 2016.

## **Solid Waste & Recycling Committee 10-2021**

### Mission Statement (or equivalent)

The Solid Waste and Recycling Committee (hereafter the "Committee") shall be a standing committee composed of the following voting members: one member from each participating Select Board, and at least three community members from participating municipalities; and the following non-voting members: the Transfer Station Manager and participating Town Managers. The Committee shall review and provide input and recommendations to the Transfer Station Manager and participating Select Boards regarding:

- I. All Transfer Station operations, including: the Manager's forecasts and plans for the generation, transmission and distribution of recyclables, Municipal Solid Waste (MSW) and other waste materials brought to the Transfer Station; customer service; public education and awareness; advocacy for increased recycling; implementation of guidelines established for site/facility design, operation and storage at the Transfer Station; and hours of operation (year-round and summer only).
- II. The Transfer Station's compliance with established policies, procedures and practices pertaining to the protection of the environment and health/safety of employees, contractors and general public; ensuring said are sufficient to achieve and maintain compliance with applicable laws and regulations.
- III. Environmental and/or health/safety related issues.
- IV. Recycling: methods, materials, tracking, advocacy, awareness, and public education.

### Authorization

The Solid Waste & Recycling Committee operates under the appointed authority of the Select Board of the Town of Readfield.

### Membership

Solid Waste & Recycling Committee (SWRC) is a 12-member committee. Readfield members are appointed for 3-year terms. Members include the Town Managers from each town (Readfield & Wayne), 1 Select Board Member from each town, and 2 citizens at large from each town.

### Officers

Chairperson, Secretary

Officers are elected annually by the committee members at the first meeting of the fiscal year.

### Meetings

Regular meetings are held quarterly in the months of February, May, August and November, on a rotating basis in the towns of Fayette, Readfield and Wayne, and on Zoom and are always open to the public. Meetings are typically held from 5:30PM to 7PM. Interim meetings may be held at the request of the Readfield Town Manager. Agendas are sent to the Town Clerk at least three days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the SWRC will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order.

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## **Trails Committee 10-2021**

### Mission Statement (or equivalent)

The Readfield Trails Committee will plan and coordinate the development of environmentally acceptable trails within the town of Readfield. The committee will promote safe, functional connections between the various activity centers of the town and provide linkage, where possible, between recreational trails within the town and with adjacent towns.

### Authorization

The Readfield Trails Committee (RTC) was established by vote of the Readfield Select Board on May 29, 2007 and can be composed of up to 13 members each appointed by vote of the Select Board.

### Membership

The Readfield Trails Committee is comprised of 13 members and 1 alternate serving 3-year terms.

### Officers

Chair, Vice-Chair, Secretary, Treasurer

Officers are elected in July of each year (beginning of the Town's fiscal year) by the RTC membership present and voting unless there is a vacancy in an office of the RTC during the year. The officers of the RTC are a Chairman and a Secretary and are elected for one-year terms. In the event of a vacancy in an office, the RTC shall elect another member to the vacant position for the remainder of the term of office.

### Meetings

The Trails Committee meets the 4th Wednesday of every month at the Town Office at 6:30 pm and on Zoom and are always open to the public. Agendas are sent to the Town Clerk at least three days prior to the meeting.

All members are expected to attend each meeting and must notify the Chair in advance of the meeting if unable to attend and will be listed as an excused absence. Dismissal from the Readfield Age Friendly Committee will result upon three consecutive unexcused absences in any term.

All meetings will generally follow Robert's Rules of Order.



## **Western Kennebec Lakes Community Broadband Association (WKLCA)**

### **Mission Statement (or equivalent)**

Readfield is a member of the Western Kennebec Lakes Community Broadband Association along with five other towns: Fayette, Leeds, Mt. Vernon, Vienna, and Wayne. We are working together to find solutions for the affordable delivery of high speed, reliable broadband internet access to all locations in our towns that have electric service.

### **Authorization**

The WKLCA was formed in 2019 under an Interlocal Agreement with Fayette, Leeds, Mt. Vernon, Readfield, Vienna and Wayne as a regional committee. Readfield was a founding member as approved by the Readfield Select Board.

### **Membership**

The WKLCA is a 13-member board comprising members from six towns: Fayette, Leeds, Mt. Vernon, Readfield, Vienna and Wayne, with 2 members from each town and one at large member serving as facilitator. Only one member per town is a voting member. Each member is appointed by their town Select Board.

### **Officers**

Chairperson

Vice Chair

Secretary

### **Meetings**

Regular meetings are held twice monthly on Zoom and are always open to the public. All meetings are under the responsibility of the WKLCA.

There is no attendance policy.

All meetings will generally follow Robert's Rules of Order.

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## Duties and Responsibilities for Boards, Committees, and Commissions (BCCs)

### Chair Duties and Responsibilities:

In addition to their duties and responsibilities as members of their respective Boards, Committees and Commissions (BCC), the Chair may have additional duties and responsibilities. These additional duties are discussed below. In the event that any of the following occurs: (a) the Chair is absent from a meeting; (b) the Chair has a conflict of interest, as defined by law, with the business being conducted by the BCC, or; (c) a circumstance arises at the reasonable discretion of the Chair when he/she feels it is inappropriate for him/her to preside as chair, then a vote of other members present shall determine who will preside over the meeting.

### Duties of the Chair:

#### **1. General**

- a. The Chair should maintain an annual work plan for the BCC, including anticipated deliverables and deadlines.
- b. The Chair should routinely meet with the Town Manager to ensure that they stay current with Town issues.
- c. The Chair is considered to be the public spokesperson for the BCC although he/she can designate this responsibility freely.
- d. Chair, Secretary or designee is expected to attend the Annual Chairs Meeting.
- e. Annually, by February 1<sup>st</sup>, the Chair shall update the BCC Definitions page. Any revisions shall be submitted to the Select Board for review and considered for possible amendment/ possible adoption.

#### **2. Membership**

- a. All members of BCCs are eligible for election as Chair and may serve any number of consecutive terms, as elected annually by fellow members. Chairs shall notify the Town Clerk of their election promptly. Chairs shall request a copy of this document for their reference.
- b. A vacancy in the position of Chair will be filled as soon as possible
- c. Each chair shall request a copy of the Procedures for Application for Appointment and Reappointment to BCC upon election as Chair. The Chair of each BCC shall notify the Town Clerk when a vacancy occurs on the BCC that the Chair represents. The Chair shall also supply the Town Clerk with the title of the position to be filled, a brief outline of the duties of the position and the length of the term of the position.
- d. The Chair will notify members of any changes to the Town's Procedure for Application for Appointment and Reappointment document along with a copy of these guidelines.
- e. The Chair will ensure that all members appointed for the first time to the Planning Board or Board of Appeals complete the Basic Workshop for Planning Board or Board of Appeals members offered by Maine Municipal Association. Upon completion of the basic workshop, members are responsible for providing a certificate of completion to the Town Clerk. This requirement does not preclude Planning Board or Board of Appeals members from serving on their respective committees prior to completing workshops.
- f. Written responsibilities for each BCC are developed by the Select Board or Town Manager and are available from the Town Clerk.
- g. The chair, in consultation with committee or board members, may provide to the Select Board a list of knowledge, skills, education or experience that would be desirable in a new member and which the Select Board may use in evaluating applicant(s). The Chair, in consultation with BCC members, may request a reconfiguration (such as changing the number of BCC

members, or adjusting the job description) of any BCC.

- h. By May 1st of the expiring year of any member, the BCC chair shall notify any member(s) that his/her term is expiring and inform any such member(s) that he/she needs to reapply for a position before May 31st in order to be considered for reappointment on or before July 1. The Town Clerk will notify all BCC chairs by April 1<sup>st</sup> of the roster of their BCC by name and dates of terms.

### 3. Meetings

- a. The Chair is expected to conduct all meetings.
- b. The Chair is expected to notify all members of meetings.
- c. All meetings must follow the Select Board's Remote Meeting Policy (attached in the Appendix.)
- d. All meetings must follow the Select Board's Standards of Conduct Policy. Please have conversations with the Town Manager regarding any challenges you have or anticipate with maintaining civil meetings.

### 4. Agendas, Minutes, Writing Articles

- a. The Chair, or designee is expected to prepare an agenda for each meeting using the following guide:
  - Establish a quorum.
  - Review and approval of minutes of previous meeting.
  - Oral and Written Communications
  - Opportunity for members of the public to address the BCC.
  - Old (unfinished) business.
  - New business.
  - Adjournment.

Each agenda shall be sent to the Town Clerk for posting at least three days prior to the meeting. See below for sample agenda.

- b. Chair is responsible to see that the Secretary keeps minutes of meetings and submits them timely as noted below. The Chair may be the Secretary if elected and willing to do so.
  - i. Unapproved minutes shall be submitted to the Town Clerk within one week of meeting being held.
  - ii. Approved minutes shall be submitted to the Town Clerk for filing and posting on the web site within one week of approval.
  - iii. Minutes shall contain at a minimum:
    - 1. Record of attending and absent members,
    - 2. notation that each section of the agenda was addressed, and
    - 3. all motions made including who moved, who seconded and the vote tally.
  - iv. Minutes shall also include summaries of agenda discussion topics which have a bearing on potential future board/committee action items.
- c. The Chair, or designee is responsible for writing an article for the Town Report each year and for the Readfield Messenger if meetings are held that month.
- d. Sample Agenda

**Note: This is the format listed in the Chairs Duty section. Italics need to be filled in; non-italics should be written as shown. This sets a standard format for all BCC and makes viewing by the public much easier.**

**Committee Name Agenda**

*Day, Date*

**From to Time** at *Location* and via Zoom

[Zoom link from Town Manager](#)

Meeting ID: *Number*      Passcode: *Number*

1. Roll call and determination of quorum (1 min.). (*add member names present*)
2. Review of minutes from *date*. (attached) Discussion and Approval. (*number mins.*)
3. Oral and written communications. (*number mins.*)
  - i. *First item*
  - ii. *Second item, etc.*
  - b. Other, if any.
4. Members of the public may address the *Committee Name* on issues pertinent to the agenda. (5 mins.)
5. Unfinished business. (*number mins.*)
  - a. *First item*
  - b. *Second item, etc.*
6. New business. (*number mins.*)
  - a. Elect Chair, Vice-Chair and Secretary for *fiscal year* (if first meeting of year)
  - b. *Item 1*
  - c. *Item 2, etc.*
7. Set next agenda. (*number mins.*)
  - a. *Day, Date at Location*
    - i. *Item 1*
    - ii. *Item 2, etc.*
8. Adjournment.

Attachments: Minutes from *date of last meeting* and *any others*

Amended and approved by the Select Board, \_\_\_\_\_  
date

Select Board

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Vice Chair

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

**APPENDIX**

[Town of Readfield Appointment Application](#)

[Standards of Conduct for Public Meetings](#)

[Remote Participation Policy](#)

[Conflict of Interest and Recall Process Ordinance](#)

[BCC Meeting Schedule](#)

[Freedom of Access / Public Record Policy](#)

## APPENDIX C Codes of Ethics

### The ICMA Code of Ethics

**The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in September 2013.**

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

**Tenet 1** - Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

**Tenet 2** - Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

#### GUIDELINE

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

**Tenet 3** - Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

#### GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a bona fide offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

**Tenet 4** - Recognize that the chief function of local government at all times is to serve the best interests of all of the people. GUIDELINE

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

**Tenet 5** - Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

#### GUIDELINE

Conflicting Roles. Members who serve multiple roles – working as both Town attorney and Town manager for the same community, for example – should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

**Tenet 6** - Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

**Tenet 7** - Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

#### GUIDELINES

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all



members of the governing body of the local government they serve, regardless of party. To this end, they should not participate in an election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members shall not participate in the election campaign of any candidate for Town Manager or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office, or accept appointment to an elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any Town, county, special district, school, state or federal offices.

Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund- raising activities for individuals seeking or holding elected office

Elections relating to the Form of Government. Members may assist in preparing and presenting materials that explain the form of government to the public prior to a form of government election. If assistance is required by another community, members may respond.

Presentation of Issues. Members may assist their governing body in the presentation of issues involved in referenda such as bond issues, annexations, and other matters that affect the government entity's operations and/or fiscal capacity.

Personal Advocacy of Issues. Members share with their fellow citizens the right and responsibility to voice their opinion on public issues. Members may advocate for issues of personal interest only when doing so does not conflict with the performance of their official duties.

**Tenet 8** - Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

#### GUIDELINES

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

**Tenet 9.** Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

**Tenet 10** - Resist any encroachment on professional responsibilities, believing the member should be free to

carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

#### GUIDELINE

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

**Tenet 11** - Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

#### GUIDELINE

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status. It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

**Tenet 12** - Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

#### GUIDELINES

Gifts: Members should not 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—under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In de minimus situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Member should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

### **State of Maine Code of Ethics:**

*Please note: This packet is intended for general information purposes only and should not take the place of a thorough review of pertinent statutes, consultation with legal counsel, or other specific guidance on this subject.*

Legal Distinction - Maine law recognizes four kinds of ethical dilemmas in municipal government: conflict of interest, incompatibility of office, prohibited appointments or employment, and bias (see "State Law and Ethics," Maine Townsman, July 1990,); conflict of interest is only one type of ethical dilemma, although the term "conflict of interest" is sometimes used generically (and incorrectly) to refer to all four. A conflict of interest, strictly speaking, exists where an official has a personal pecuniary (financial) interest in a matter of official business. Incompatibility of office is present where the same person cannot hold two public offices, by virtue of their respective and conflicting duties, simultaneously no matter how dedicated or financially disinterested. Prohibited appointments or employment is paid positions, which are barred to the municipal officers

(select persons or Boardors) because they either created the positions or increased the positions' compensation. Bias occurs where an official, due to prejudice or a familial relationship with the applicant, is unable to make a fair and impartial decision in a matter requiring objectivity (i.e., a "quasi-judicial" proceeding). These distinctions are important because the circumstances under which an ethical problem may arise, and the legal consequences that may result if it is ignored or handled improperly, can vary widely depending on which type of problem it is. Appearances- The basic rationale for regulation of ethics among municipal officials is to foster and preserve public trust in the fundamental integrity of local government. Even where an official's conduct may not be legally proscribed, personal relationships or competing interests may create an appearance of impropriety sufficient to undermine public confidence in the fairness and honesty of local officials. State law (30-A M.R.S.A. § 2605(6)) therefore encourages officials to avoid the appearance of a conflict of interest by disclosure or by abstention in such cases.

Local Ethics Policies- State law (30-A M.R.S.A. § 2605(7)) authorizes the municipal officers to adopt an ethics policy governing local officials. Some municipalities have found this to be an effective method for dealing with ethical dilemmas left unresolved by other law. (For a good example, see the Town of Bangor's "Code of Ethics,") A municipality also may adopt a charter provision that authorizes the municipal officers to reprimand one of its own members for violating the municipal charter. (See *Monroe v. Town of Gray*, 1999 ME 190, 743 A2d 1257). Who Decides- Ultimately, of course, only a court can determine whether an official has violated an ethical restriction and, if so, what penalties or consequences may follow. However, the numerous statutes and cases can serve as a guide to local officials in resolving their own specific ethical dilemmas. In addition, certain moral principles may apply (see "Ethics: More than Just a Set of Rules, Maine Townsman, July 1990). In the absence of local charter, ordinance or bylaw provisions to the contrary, it is generally recognized that a majority of a board (not including the member whose participation is in question) may determine whether a member has a disqualifying ethical problem.

*Date of last revision: 7/02*

However, the statutes referenced here may have been amended during the last legislative session, and we will update them when the text becomes available.

**APPENDIX D**  
**Public Records and Proceedings**

Freedom of Access Law [www.maine.gov/foaa/law/](http://www.maine.gov/foaa/law/)

*Please note: This packet is intended for general information purposes only and should not take the place of a thorough review of pertinent statutes, consultation with legal counsel, or other specific guidance on this subject.*

**Maine Revised Statutes**

**Maine Freedom of Access Law**

Title 1: General Provisions, Chapter 13: Public Records and Proceedings

**Subchapter 1: FREEDOM OF ACCESS**

**§400. SHORT TITLE**

This subchapter may be known and cited as "the Freedom of Access Act." [2011, c. 662, §1 (NEW).] SECTION HISTORY 2011, c. 662, §1 (NEW).

**§401. DECLARATION OF PUBLIC POLICY; RULES OF CONSTRUCTION**

The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly. It is further the intent of the Legislature that clandestine meetings, conferences or meetings held on private property without proper notice and ample opportunity for attendance by the public not be used to defeat the purposes of this subchapter. [1975, c. 758, (RPR).]

This subchapter does not prohibit communications outside of public proceedings between members of a public body unless those communications are used to defeat the purposes of this subchapter. [2011, c. 320, Pt. B, §1 (NEW).]

This subchapter shall be liberally construed and applied to promote its underlying purposes and policies as contained in the declaration of legislative intent. [1975, c. 758, (RPR).]

*SECTION HISTORY 1975, c. 483, §1 (AMD). 1975, c. 758, (RPR). 2011, c. 320, Pt. B, §1 (AMD).*

**§402. DEFINITIONS**

1. **Conditional approval.** Approval of an application or granting of a license, certificate or any other type of permit upon conditions not otherwise specifically required by the statute, ordinance or regulation pursuant to which the approval or granting is issued.  
[ 1975, c. 758, (NEW).]

**1-A. Legislative subcommittee.** "Legislative subcommittee" means 3 or more Legislators from a legislative committee appointed for the purpose of conducting legislative business on behalf of the committee.  
[ 1991, c. 773, §1 (NEW).]

2. **Public proceedings.** The term "public proceedings" as used in this subchapter means the transactions of any functions affecting any or all citizens of the State by any of the following:
- A. The Legislature of Maine and its committees and subcommittees; [1975, c. 758, (NEW).]
  - B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Community College System and any of its committees and subcommittees; [1989, c. 358, §1 (AMD); 1989, c. 443, §1 (AMD); 1989, c. 878, Pt. A, §1 (RPR); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]
  - C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; [1991, c. 848, §1 (AMD).]
  - D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1995, c. 608, §1 (AMD).]
  - E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; [2009, c. 334, §1 (AMD).]
  - F. Any advisory organization, including any authority, board, commission, committee, Board, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and [2009, c. 334, §2 (AMD).]
  - G. The committee meetings, subcommittee meetings and full membership meetings of any association that:
    - (1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and
    - (2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach. [2009, c. 334, §3 (NEW).]

[ 2009, c. 334, §§1-3 (AMD)]

3. **Public records.** The term "public records" means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business, except:

- A. Records that have been designated confidential by statute; [1975, c. 758, (NEW).]
- B. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding; [1975, c. 758, (NEW).]
- C. Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intra-office memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over; [1991, c. 773, §2 (AMD).]
  - C-1. Information contained in a communication between a constituent and an elected official if the information:
    - (1) Is of a personal nature, consisting of:
      - (b) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
      - (c) Credit or financial information;
      - (d) Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family;
      - (e) Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or
      - (f) An individual's social security number; or
    - (2) Would be confidential if it were in the possession of another public agency or official; [2011, c. 264, §1 (NEW).]
- D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives; [1989, c. 358, §4 (AMD).]
- E. Records, working papers, interoffice and intra-office memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Community College System and the University of Maine System. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B; [1989, c. 358, §4 (AMD); 1989, c. 443, §2 (AMD); 1989, c. 878, Pt. A, §2 (RPR); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]
- F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1991, c. 448, §1 (AMD).]
- G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any

- combination of any of these entities; [1991, c. 448, §1 (AMD).]
- H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; [1995, c. 608, §4 (AMD).]
  - I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; [1999, c. 96, §1 (AMD).]
  - J. Working papers, including records, drafts and interoffice and intra-office memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed by a member or in a public meeting of the advisory organization; [2001, c. 675, §1 (AMD).]
  - K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or non-mandatory educational programs or services, if the municipality has enacted an ordinance that specifies the circumstances in which the information will be withheld from disclosure. This paragraph does not apply to records governed by Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A; [2003, c. 392, §1 (AMD).]
  - L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure; [2003, c. 614, §1 (AMD).]
  - M. Records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure, systems and software. Records or information covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure; [2011, c. 662, §2 (AMD).]
  - N. Social security numbers; [2011, c. 320, Pt. E, §1 (AMD).]
  - O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:
    - (1) "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address and personal cellular telephone number and personal pager number; and
    - (2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1, except that "public employee" does not include elected officials; [2009, c. 1, §1 (COR).]
  - P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information; [2011, c. 149, §1 (AMD).]
- (Paragraph P as enacted by PL 2009, c. 339, §3 is REALLOCATED TO TITLE 1, SECTION 402,



SUBSECTION 3, PARAGRAPH Q)

- Q. (REALLOCATED FROM T. 1, §402, sub-§3) Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials, the Department of Corrections or members of the State Board of Corrections under conditions that protect the information from further disclosure; [2013, c. 339, §1 (AMD).]
- R. Social security numbers in the possession of the Secretary of State; and [2013, c. 339, §2 (AMD).]
- S. E-mail addresses obtained by a political subdivision of the State for the sole purpose of disseminating non interactive notifications, updates and cancellations that are issued from the political subdivision or its elected officers to an individual or individuals that request or regularly accept these non-interactive communications. [2013, c. 339, §3 (NEW).]

[ 2013, c. 339, §§1-3 (AMD)]

**3-A. Public records further defined.** "Public records" also includes the following criminal justice agency records:

- A. Records relating to prisoner furloughs to the extent they pertain to a prisoner's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, address of furlough and dates of furlough; [2013, c. 267, Pt. B, §1 (AMD).]
- B. Records relating to out-of-state adult probationer or parolee supervision to the extent they pertain to a probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, address of residence and dates of supervision; and [2013, c. 267, Pt. B, §1 (AMD).]
- C. Records to the extent they pertain to a prisoner's, adult probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, and current address or location, unless the Commissioner of Corrections determines that it would be detrimental to the welfare of a client to disclose the information. [2013, c. 267, Pt. B, §1 (AMD).]

[ 2013, c. 267, Pt. B, §1 (AMD).]

**4. Public records of interscholastic athletic organizations.**

Any records or minutes of meetings under subsection 2, paragraph G are public records.

[ 2009, c. 334, §4 (NEW).]

**5. Public access officer.** "Public access officer" means the person designated pursuant to section 413, subsection 1.

[ 2011, c. 662, §3 (NEW).]

**6. Reasonable office hours.** "Reasonable office hours" includes all regular office hours of an agency or official. [ 2011, c. 662, §3 (NEW).]

*SECTION HISTORY*

1973, c. 433, §1 (AMD). 1975, c. 243, (RPR). 1975, c. 483, §2 (AMD). 1975, c. 758, (RPR). 1977, c. 164, §§1,2 (AMD).

1977, c. 696, §9 (AMD). 1985, c. 695, §§1,2 (AMD). 1985, c. 779, §§1,2 (AMD). 1987, c. 20, §1 (AMD). 1987, c. 402, §A1 (AMD). 1987, c. 477, §1 (AMD). 1989, c. 358, §§1-4 (AMD). 1989, c. 443, §§1,2 (AMD). 1989, c. 878, §§A1,2 (AMD). 1991, c. 448, §§1,2 (AMD). 1991, c. 773, §§1,2 (AMD). 1991, c. 848, §1 (AMD). 1995, c. 608, §§1-5 (AMD). 1997, c. 714, §1 (AMD). 1999, c. 96, §§1-3 (AMD). 2001, c. 477, §1 (AMD). 2001, c. 675, §§1-3 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 392, §§1-3 (AMD). 2003, c. 614, §§1-3 (AMD). 2005, c. 381, §§1-3 (AMD). 2007, c. 597, §1 (AMD). RR 2009, c. 1, §§1-3 (COR). 2009, c. 176, §§1-3 (AMD). 2009, c. 334, §§1-4 (AMD). 2009, c. 339, §§1-3 (AMD). 2011, c. 149, §§1-3 (AMD). 2011, c. 264, §1 (AMD). 2011, c. 320, Pt. E, §1 (AMD). 2011, c. 662, §§2, 3 (AMD). 2013, c. 267, Pt. B, §1 (AMD). 2013, c. 339, §§1-3 (AMD).

#### **§402-A. PUBLIC RECORDS DEFINED**

(REPEALED)

#### *SECTION HISTORY*

1975, c. 483, §3 (NEW). 1975, c. 623, §1 (RPR). 1975, c. 758, (RP).

#### **§403. MEETINGS TO BE OPEN TO PUBLIC; RECORD OF MEETINGS**

1. **Proceedings open to public.** Except as otherwise provided by statute or by section 405, all public proceedings must be open to the public and any person must be permitted to attend a public proceeding. [ 2011, c. 320, Pt. C, §1 (NEW).]
2. **Record of public proceedings.** Unless otherwise provided by law, a record of each public proceeding for which notice is required under section 406 must be made within a reasonable period of time after the proceeding and must be open to public inspection. At a minimum, the record must include:
  - A. The date, time and place of the public proceeding; [2011, c. 320, Pt. C, §1 (NEW).]
  - B. The members of the body holding the public proceeding recorded as either present or absent; and [2011, c. 320, Pt. C, §1 (NEW).]
  - C. All motions and votes taken, by individual member, if there is a roll call. [2011, c. 320, Pt. C, §1 (NEW).] [ 2011, c. 320, Pt. C, §1 (NEW).]
3. **Audio or video recording.** An audio, video or other electronic recording of a public proceeding satisfies the requirements of subsection 2. [ 2011, c. 320, Pt. C, §1 (NEW).]
4. **Maintenance of record.** Record management requirements and retention schedules adopted under Title 5, chapter 6 apply to records required under this section. [ 2011, c. 320, Pt. C, §1 (NEW).]
5. **Validity of action.** The validity of any action taken in a public proceeding is not affected by the failure to make or maintain a record as required by this section. [ 2011, c. 320, Pt. C, §1 (NEW).]
6. **Advisory bodies exempt from record requirements.** Subsection 2 does not apply to advisory bodies that make recommendations but have no decision-making authority. [ 2011, c. 320, Pt. C, §1 (NEW).]

*SECTION HISTORY*

1969, c. 293, (AMD). 1975, c. 422, §1 (AMD). 1975, c. 758, (RPR). 2009, c. 240, §1 (AMD). 2011, c. 320, Pt. C, §1 (RPR).

**§404. RECORDED OR LIVE BROADCASTS AUTHORIZED**

In order to facilitate the public policy so declared by the Legislature of opening the public's business to public scrutiny, all persons shall be entitled to attend public proceedings and to make written, taped or filmed records of the proceedings, or to live broadcast the same, provided the writing, taping, filming or broadcasting does not interfere with the orderly conduct of proceedings. The body or agency holding the public proceedings may make reasonable rules and regulations governing these activities, so long as these rules or regulations do not defeat the purpose of this subchapter. [1975, c. 758, (RPR).]

*SECTION HISTORY*

1975, c. 422, §2 (RPR). 1975, c. 483, §4 (AMD). 1975, c. 758, (RPR).

**§404-A. DECISIONS**

(REPEALED)

*SECTION HISTORY*

1973, c. 433, §2 (NEW). 1973, c. 704, §§1,2 (AMD). 1975, c. 758, (RP).

**§405. EXECUTIVE SESSIONS**

Those bodies or agencies falling within this subchapter may hold executive sessions subject to the following conditions. [1975, c. 758, (NEW).]

1. **Not to defeat purposes of subchapter.** An executive session may not be used to defeat the purposes of this subchapter as stated in section 401.  
[ 2009, c. 240, §2 (AMD).]
2. **Final approval of certain items prohibited.** An ordinance, order, rule, resolution, regulation, contract, appointment or other official action may not be finally approved at an executive session.  
[ 2009, c. 240, §2 (AMD).]
3. **Procedure for calling of executive session.** An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.  
[ 2009, c. 240, §2 (AMD).]
4. **Motion contents.** A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive session does not constitute a violation of this subchapter if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate this subchapter if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.  
[ 2003, c. 709, §1 (AMD).]
5. **Matters not contained in motion prohibited.** Matters other than those identified in the motion to go into executive session may not be considered in that particular executive session.

[ 2009, c. 240, §2 (AMD).]

**6. Permitted deliberation.** Deliberations on only the following matters may be conducted during an executive session:

- A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a

person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal; [2009, c. 240, §2 (AMD).]

- B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire; [2009, c. 240, §2 (AMD).]

- C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency; [1987, c. 477, §3 (AMD).]

- D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions; [1999, c. 144, §1 (RPR).]

- E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage; [2009, c. 240, §2 (AMD).]

- F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; [1999, c. 180, §1 (AMD).]

- G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and

review of examinations with the person examined; and [1999, c. 180, §2 (AMD).]

- H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.

[1999, c. 180, §3 (NEW).]

[ 2009, c. 240, §2 (AMD).]

#### *SECTION HISTORY*

1975, c. 758, (RPR). 1979, c. 541, §A3 (AMD). 1987, c. 477, §§2,3 (AMD). 1987, c. 769, §A1 (AMD). 1999, c. 40, §§1,2

(AMD). 1999, c. 144, §1 (AMD). 1999, c. 180, §§1-3 (AMD). 2003, c. 709, §1 (AMD). 2009, c. 240, §2 (AMD).

#### **§405-A. RECORDED OR LIVE BROADCASTS AUTHORIZED**

(REPEALED)

#### *SECTION HISTORY*

1975, c. 483, §5 (NEW). 1975, c. 758, (RP).

#### **§405-B. APPEALS**

(REPEALED)

#### *SECTION HISTORY*

1975, c. 483, §5 (NEW). 1975, c. 758, (RP).

#### **§405-C. APPEALS FROM ACTIONS**

(REPEALED)

#### *SECTION HISTORY*

1975, c. 483, §5 (NEW). 1975, c. 758, (RP).

#### **§406. PUBLIC NOTICE**

Public notice shall be given for all public proceedings as defined in section 402, if these proceedings are a meeting of a body or agency consisting of 3 or more persons. This notice shall be given in ample time to allow public attendance and shall be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency concerned. In the event of an emergency meeting, local representatives of the media shall be notified of the meeting, whenever practical, the notification to include time and location, by the same or faster means used to notify the members of the agency conducting the public proceeding. [1987, c. 477, §4(AMD).]

#### *SECTION HISTORY*

1975, c. 483, §6 (AMD). 1975, c. 758, (RPR). 1987, c. 477, §4 (AMD).

#### **§407. DECISIONS**

1. **Conditional approval or denial.** Every agency shall make a written record of every decision involving the conditional approval or denial of an application, license, certificate or any other type of permit. The agency shall set forth in the record the reason or reasons for its decision and make finding of the fact, in writing, sufficient to appraise the applicant and any interested member of the public of the basis for the decision. A written record or a copy thereof shall be kept by the agency and made available to any

interested member of the public who may wish to review it.  
[ 1975, c. 758, (NEW).]

2. **Dismissal or refusal to renew contract.** Every agency shall make a written record of every decision involving the dismissal or the refusal to renew the contract of any public official, employee or appointee. The agency shall, except in case of probationary employees, set forth in the record the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the individual concerned and any interested member of the public of the basis for the decision. A written record or a copy thereof must be kept by the agency and made available to any interested member of the public who may wish to review it.  
[ 2009, c. 240, §3 (AMD).]

*SECTION HISTORY*

*1975, c. 758, (NEW). 2009, c. 240, §3 (AMD).*

**§408. PUBLIC RECORDS AVAILABLE FOR PUBLIC INSPECTION AND COPYING**

(REPEALED)

*SECTION HISTORY*

*1975, c. 758, (NEW). 2003, c. 709, §2 (RPR). 2007, c. 501, §1 (AMD). 2009, c. 240, §4 (AMD). 2011, c. 662, §4 (RP).*

**§408-A. PUBLIC RECORDS AVAILABLE FOR INSPECTION AND COPYING**

Except as otherwise provided by statute, a person has the right to inspect and copy any public record in accordance with this section within a reasonable time of making the request to inspect or copy the public record. [2011, c. 662, §5 (NEW).]

1. **Inspect.** A person may inspect any public record during reasonable office hours. An agency or official may not charge a fee for inspection unless the public record cannot be inspected without being converted or compiled, in which case the agency or official may charge a fee as provided in subsection 8.  
[ 2011, c. 662, §5 (NEW).]
2. **Copy.** A person may copy a public record in the office of the agency or official having custody of the public record during reasonable office hours or may request that the agency or official having custody of the record provide a copy. The agency or official may charge a fee for copies as provided in subsection 8.
  - A. A request need not be made in person or in writing. [2011, c. 662, §5 (NEW).]
  - B. The agency or official shall mail the copy upon request. [2011, c. 662, §5 (NEW).] [ 2011, c. 662, §5 (NEW).]
3. **Acknowledgment; clarification; time estimate; cost estimate.** The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time within which the agency or official will comply with the request, as well as a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time. [ 2013, c. 350, §1 (AMD).]
4. **Refusals; denials.** If a body or an agency or official having custody or control of any public record refuses permission to inspect or copy or abstract a public record, the body or agency or official shall provide

written notice of the denial, stating the reason for the denial, within 5 working days of the receipt of the request for inspection or copying. Failure to comply with this subsection is considered failure to allow inspection or copying and is subject to appeal as provided in section 409.

[ 2013, c. 350, §2 (AMD).]

5. **Schedule.** Inspection, conversion pursuant to subsection 7 and copying of a public record subject to a request under this section may be scheduled to occur at a time that will not delay or inconvenience the regular activities of the agency or official having custody or control of the public record requested. If the agency or official does not have regular office hours, the name and telephone number of a contact person authorized to provide access to the agency's or official's records must be posted in a conspicuous public place and at the office of the agency or official, if an office exists.

[ 2011, c. 662, §5 (NEW).]

6. No requirement to create new record. An agency or official is not required to create a record that does not exist. [ 2011, c. 662, §5 (NEW).]

7. Electronically stored public records. An agency or official having custody or control of a public record subject to a request under this section shall provide access to an electronically stored public record either as a printed document of the public record or in the medium in which the record is stored, at the requester's option, except that the agency or official is not required to provide access to an electronically stored public record as a computer file if the agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file.

- A. If in order to provide access to an electronically stored public record the agency or official converts the record into a form susceptible of visual or aural comprehension or into a usable format for inspection or copying, the agency or official may charge a fee to cover the cost of conversion as provided in subsection 8. [2011, c. 662, §5 (NEW).]

- B. This subsection does not require an agency or official to provide a requester with access to a computer terminal. [2011, c. 662, §5 (NEW).]

[ 2011, c. 662, §5 (NEW).]

8. **Payment of costs.** Except as otherwise specifically provided by law or court order, an agency or official having custody of a public record may charge fees for public records as follows.

- A. The agency or official may charge a reasonable fee to cover the cost of copying. [2011, c. 662, §5 (NEW).]

- B. The agency or official may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record of not more than \$15 per hour after the first hour of staff time per request. Compiling the public record includes reviewing and redacting confidential information. [2011, c. 662, §5 (NEW).]

- C. The agency or official may charge for the actual cost to convert a public record into a form susceptible of visual or aural comprehension or into a usable format. [2011, c. 662, §5 (NEW).]

- D. An agency or official may not charge for inspection unless the public record cannot be inspected without being compiled or converted, in which case paragraph B or C applies. [2011, c. 662, §5 (NEW).]

E. The agency or official may charge for the actual mailing costs to mail a copy of a record. [2011, c. 662, §5 (NEW).] [ 2011, c. 662, §5 (NEW).]

9. **Estimate.** The agency or official having custody or control of a public record subject to a request under

this section shall provide to the requester an estimate of the time necessary to complete the request and of the total cost as provided by subsection 8. If the estimate of the total cost is greater than \$30, the agency or official shall inform the requester before proceeding. If the estimate of the total cost is greater than \$100, subsection 10 applies.

[ 2011, c. 662, §5 (NEW).]

10. **Payment in advance.** The agency or official having custody or control of a public record subject to a request under this section may require a requester to pay all or a portion of the estimated costs to complete the request prior to the search, retrieval, compiling, conversion and copying of the public record if:

- A. The estimated total cost exceeds \$100; or [2011, c. 662, §5 (NEW).]
- B. The requester has previously failed to pay a properly assessed fee under this chapter in a timely manner. [2011, c. 662, §5 (NEW).]

[ 2011, c. 662, §5 (NEW).]

11. **Waivers.** The agency or official having custody or control of a public record subject to a request under this section may waive part or all of the total fee charged pursuant to subsection 8 if:

- A. The requester is indigent; or [2011, c. 662, §5 (NEW).]
- B. The agency or official considers release of the public record requested to be in the public interest because doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. [2011, c. 662, §5 (NEW).]

[ 2011, c. 662, §5 (NEW).]

#### *SECTION HISTORY*

*2011, c. 662, §5 (NEW). 2013, c. 350, §§1, 2 (AMD).*

#### **§409. APPEALS**

1. **Records.** Any person aggrieved by a refusal or denial to inspect or copy a record or the failure to allow the inspection or copying of a record under section 408-A may appeal the refusal, denial or failure within 30 calendar days of the receipt of the written notice of refusal, denial or failure to any Superior Court within the State as a trial de novo. The agency or official shall file an answer within 14 calendar days. If a court, after a trial de novo, determines such refusal, denial or failure was not for just and proper cause, the court shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

[ 2013, c. 350, §3 (RPR).]

2. **Actions.** If anybody or agency approves any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session, this action is illegal and the officials responsible are subject to the penalties hereinafter provided. Upon learning of any such action, any person may appeal to any Superior Court in the State. If a court, after a trial de novo, determines this action was taken illegally in an executive session, it shall enter an order providing for the action to be null and void. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

[ 2011, c. 559, Pt. A, §2 (AMD).]

3. **Proceedings not exclusive.** The proceedings authorized by this section are not exclusive of any other



civil remedy provided by law.  
[ 2009, c. 240, §6 (AMD).]

4. **Attorney's fees.** In an appeal under subsection 1 or 2, the court may award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff who appealed the refusal under subsection 1 or the illegal action under subsection 2 if the court determines that the refusal or illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.

This subsection applies to appeals under subsection 1 or 2 filed on or after January 1, 2010. [ 2009, c. 423, §1 (NEW).]

#### *SECTION HISTORY*

1975, c. 758, (NEW). 1987, c. 477, §5 (AMD). 2007, c. 695, Pt. C, §1 (AMD). 2009, c. 240, §§5, 6 (AMD). 2009, c. 423, §1 (AMD). 2011, c. 559, Pt. A, §§1, 2 (AMD). 2011, c. 662, §6 (AMD). 2013, c. 350, §3 (AMD).

#### **§410. VIOLATIONS**

For every willful violation of this subchapter, the state government agency or local government entity whose officer or employee committed the violation shall be liable for a civil violation for which a forfeiture of not more than \$500 may be adjudged. [1987, c. 477, §6 (RPR).]

#### *SECTION HISTORY*

1975, c. 758, (NEW). 1987, c. 477, §6 (RPR).

#### **§411. RIGHT TO KNOW ADVISORY COMMITTEE**

1. **Advisory committee established.** The Right to Know Advisory Committee, referred to in this chapter as "the advisory committee," is established to serve as a resource for ensuring compliance with this chapter and upholding the integrity of the purposes underlying this chapter as it applies to all public entities in the conduct of the public's business.  
[ 2005, c. 631, §1 (NEW).]
2. **Membership.** The advisory committee consists of the following members:
  - A. One Senator who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]
  - B. One member of the House of Representatives who is a member of the joint standing committee of the Legislature having jurisdiction over judiciary matters, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]
  - C. One representative of municipal interests, appointed by the Governor; [2005, c. 631, §1 (NEW).]
  - D. One representative of county or regional interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]
  - E. One representative of school interests, appointed by the Governor; [2005, c. 631, §1 (NEW).]
  - F. One representative of law enforcement interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]
  - G. One representative of the interests of State Government, appointed by the Governor; [2005, c. 631, §1 (NEW).]

- H. One representative of a statewide coalition of advocates of freedom of access, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]
  - I. One representative of newspaper and other press interests, appointed by the President of the Senate; [2005, c. 631, §1 (NEW).]
  - J. One representative of newspaper publishers, appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]
  - K. Two representatives of broadcasting interests, one appointed by the President of the Senate and one appointed by the Speaker of the House; [2005, c. 631, §1 (NEW).]
  - L. Two representatives of the public, one appointed by the President of the Senate and one appointed by the Speaker of the House; and [2005, c. 631, §1 (NEW).]
  - M. The Attorney General or the Attorney General's designee. [2005, c. 631, §1 (NEW).] The advisory committee shall invite the Chief Justice of the Supreme Judicial Court to designate a member of the judicial branch to serve as a member of the committee.  
[ 2005, c. 631, §1 (NEW) .]
3. **Terms of appointment.** The terms of appointment are as follows.
- A. Except as provided in paragraph B, members are appointed for terms of 3 years. [2005, c. 631, §1 (NEW).]
  - B. Members who are Legislators are appointed for the duration of the legislative terms of office in which they were appointed. [2005, c. 631, §1 (NEW).]
  - C. Members may serve beyond their designated terms until their successors are appointed. [2005, c. 631, §1 (NEW).] [ 2005, c. 631, §1 (NEW).]
4. **First meeting; chair.** The Executive Director of the Legislative Board shall call the first meeting of the advisory committee as soon as funding permits. At the first meeting, the advisory committee shall select a chair from among its members and may select a new chair annually.  
[ 2005, c. 631, §1 (NEW).]
5. **Meetings.** The advisory committee may meet as often as necessary but not fewer than 4 times a year. A meeting may be called by the chair or by any 4 members.  
[ 2005, c. 631, §1 (NEW).]
6. **Duties and powers.** The advisory committee:
- A. Shall provide guidance in ensuring access to public records and proceedings and help to establish an effective process to address general compliance issues and respond to requests for interpretation and clarification of the laws; [2005, c. 631, §1 (NEW).]
  - B. Shall serve as the central source and coordinator of information about the freedom of access laws and the people's right to know. The advisory committee shall provide the basic information about the requirements of the law and the best practices for agencies and public officials. The advisory committee shall also provide general information about the freedom of access laws for a wider and deeper understanding of citizens' rights and their role in open government. The advisory committee shall coordinate the education efforts by providing information about the freedom of access laws and whom to contact for specific inquiries; [2005, c. 2, §1 (COR).]
  - C. Shall serve as a resource to support the establishment and maintenance of a central publicly accessible website that provides the text of the freedom of access laws and provides specific guidance on how a

member of the public can use the law to be a better informed and active participant in open government. The website must include the contact information for agencies, as well as whom to contact with complaints and concerns. The website must also include, or contain a link to, a list of statutory exceptions to the public records laws; [2005, c. 2, §1 (COR).]

- D. Shall serve as a resource to support training and education about the freedom of access laws. Although each agency is responsible for training for the specific records and meetings pertaining to that agency's mission, the advisory committee shall provide core resources for the training, share best practices experiences and support the establishment and maintenance of online training as well as written question- and-answer summaries about specific topics. The advisory committee shall recommend a process for collecting the training completion records required under section 412, subsection 3 and for making that information publicly available; [2007, c. 576, §1 (AMD).]
  - E. Shall serve as a resource for the review committee under subchapter 1-A in examining public records exceptions in both existing laws and in proposed legislation; [2005, c. 631, §1 (NEW).]
  - F. Shall examine inconsistencies in statutory language and may recommend standardized language in the statutes to clearly delineate what information is not public and the circumstances under which that information may appropriately be released; [2005, c. 631, §1 (NEW).]
  - G. May make recommendations for changes in the statutes to improve the laws and may make recommendations to the Governor, the Legislature, the Chief Justice of the Supreme Judicial Court and local and regional governmental entities with regard to best practices in providing the public access to records and proceedings and to maintain the integrity of the freedom of access laws and their underlying principles. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out legislation based on the advisory committee's recommendations; [2005, c. 631, §1 (NEW).]
  - H. Shall serve as an adviser to the Legislature when legislation affecting public access is considered; [2005, c. 631, §1 (NEW).]
  - I. May conduct public hearings, conferences, workshops and other meetings to obtain information about, discuss, publicize the needs of and consider solutions to problems concerning access to public proceedings and records; [2005, c. 631, §1 (NEW).]
  - J. Shall review the collection, maintenance and use of records by agencies and officials to ensure that confidential records and information are protected and public records remain accessible to the public; and [2005, c. 631, §1 (NEW).]
  - K. May undertake other activities consistent with its listed responsibilities. [2005, c. 631, §1 (NEW).] [ 2007, c. 576, §1 (AMD).]
7. **Outside funding for advisory committee activities.** The advisory committee may seek outside funds to fund the cost of public hearings, conferences, workshops, other meetings, other activities of the advisory committee and educational and training materials. Contributions to support the work of the advisory committee may not be accepted from any party having a pecuniary or other vested interest in the outcome of the matters being studied. Any person, other than a state agency, desiring to make a financial or in-kind contribution shall certify to the Legislative Board that it has no pecuniary or other vested interest in the outcome of the advisory committee's activities. Such a certification must be made in the manner prescribed by the Legislative Board. All contributions are subject to approval by the Legislative Board. All funds accepted must be forwarded to the

Executive Director of the Legislative Board along with an accounting record that includes the amount of funds, the date the funds were received, from whom the funds were received and the purpose of and any limitation on the use of those funds. The Executive Director of the Legislative Board shall administer any funds received by the advisory committee.

[ 2005, c. 631, §1 (NEW).]

8. **Compensation.** Legislative members of the advisory committee are entitled to receive the legislative per diem, as defined in Title 3, section 2, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the advisory committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the advisory committee.

[ 2005, c. 631, §1 (NEW).]

9. **Staffing.** The Legislative Board shall provide staff support for the operation of the advisory committee, except that the Legislative Board staff support is not authorized when the Legislature is in regular or special session. In addition, the advisory committee may contract for administrative, professional and clerical services if funding permits.

[ 2005, c. 631, §1 (NEW).]

10. **Report.** By January 15, 2007 and at least annually thereafter, the advisory committee shall report to the Governor, the Legislative Board, the joint standing committee of the Legislature having jurisdiction over judiciary matters and the Chief Justice of the Supreme Judicial Court about the state of the freedom of access laws and the public's access to public proceedings and records.

[ 2005, c. 631, §1 (NEW).]

#### *SECTION HISTORY*

*RR 2005, c. 2, §1 (COR). 2005, c. 631, §1 (NEW). 2007, c. 576, §1 (AMD).*

### **§412. PUBLIC RECORDS AND PROCEEDINGS TRAINING FOR CERTAIN ELECTED OFFICIALS AND PUBLIC ACCESS OFFICERS**

1. **Training required.** A public access officer and an elected official subject to this section shall complete a course of training on the requirements of this chapter relating to public records and proceedings. The official or public access officer shall complete the training not later than the 120th day after the date the elected official takes the oath of office to assume the person's duties as an elected official or the person is designated as a public access officer pursuant to section 413, subsection 1.

[ 2011, c. 662, §7 (AMD).]

2. **Training course; minimum requirements.** The training course under subsection 1 must be designed to be completed by an official or a public access officer in less than 2 hours. At a minimum, the training must include instruction in:
  - A. The general legal requirements of this chapter regarding public records and public proceedings; [2007, c. 349, §1 (NEW).]
  - B. Procedures and requirements regarding complying with a request for a public record under this chapter; and [2007, c. 349, §1 (NEW).]
  - C. Penalties and other consequences for failure to comply with this chapter. [2007, c. 349, §1

(NEW).]

An elected official or a public access officer meets the training requirements of this section by conducting a thorough review of all the information made available by the State on a publicly accessible website pursuant to section 411, subsection 6, paragraph C regarding specific guidance on how a member of the public can use the law to be a better informed and active participant in open government. To meet the requirements of this subsection, any other training course must include all of this information and may include additional information.

[ 2011, c. 662, §7 (AMD).]

3. **Certification of completion.** Upon completion of the training course required under subsection 1, the elected official or public access officer shall make a written or an electronic record attesting to the fact that the training has been completed. The record must identify the training completed and the date of completion. The elected official shall keep the record or file it with the public entity to which the official was elected. A public access officer shall file the record with the agency or official that designated the public access officer.

[ 2011, c. 662, §7 (AMD).]

4. **Application.** This section applies to a public access officer and the following elected officials:

A. The Governor; [2007, c. 349, §1 (NEW).]

B. The Attorney General, Secretary of State, Treasurer of State and State Auditor; [2007, c. 349, §1 (NEW).]

C. Members of the Legislature elected after November 1, 2008; [2007, c. 576, §2 (AMD).]

D. [2007, c. 576, §2 (RP).]

E. Commissioners, treasurers, district attorneys, sheriffs, registers of deeds, registers of probate and budget committee members of county governments; [2007, c. 576, §2 (NEW).]

F. Municipal officers, clerks, treasurers, assessors and budget committee members of municipal governments; [2007, c. 576, §2 (NEW).]

G. Officials of school administrative units; and [2011, c. 662, §7 (AMD).]

H. Officials of a regional or other political subdivision who, as part of the duties of their offices, exercise executive or legislative powers. For the purposes of this paragraph, "regional or other political subdivision" means an administrative entity or instrumentality created pursuant to Title 30-A, chapter 115 or 119 or a quasi-municipal corporation or special purpose district, including, but not limited to, a water district, sanitary district, hospital district, school district of any type, transit district as defined in Title 30-A, section 3501, subsection 1 or regional transportation corporation as defined in Title 30-A, section 3501, subsection 2. [2007, c. 576, §2 (NEW).]

[ 2011, c. 662, §7 (AMD).]

#### *SECTION HISTORY*

*2007, c. 349, §1 (NEW). 2007, c. 576, §2 (AMD). 2011, c. 662, §7 (AMD).*

### **§413. PUBLIC ACCESS OFFICER**

1. **Designation; responsibility.** Each agency, county, municipality, school administrative unit and regional or other political subdivision shall designate an existing employee as its public access officer to serve as the contact person for that agency, county, municipality, school administrative unit and regional or other political subdivision with regard to requests for public records under this subchapter. The public access officer is responsible for ensuring that each public record request is acknowledged within a reasonable period of time and that a good faith estimate of when the response to the request will be complete is

provided according to section 408-A. The public access officer shall serve as a resource within the agency, county, municipality, school administrative unit and regional or other political subdivision concerning freedom of access questions and compliance.

[ 2011, c. 662, §8 (NEW).]

2. **Acknowledgment and response required.** An agency, county, municipality, school administrative unit and regional or other political subdivision that receives a request to inspect or copy a public record shall acknowledge and respond to the request regardless of whether the request was delivered to or directed to the public access officer.

[ 2011, c. 662, §8 (NEW).]

3. **No delay based on unavailability.** The unavailability of a public access officer may not delay a response to a request. [ 2011, c. 662, §8 (NEW).]

4. **Training.** A public access officer shall complete a course of training on the requirements of this chapter relating to public records and proceedings as described in section 412.

[ 2011, c. 662, §8 (NEW).]

*SECTION HISTORY 2011, c. 662, §8 (NEW).*

**APPENDIX E**  
**Legislative History**

**Legislative History for Rules and Order of Business**

- A. Adopted by the Select Board of Readfield: February 13, 2023

**Appendix F**  
**Readfield Ordinances, Policies, Permit Applications and the State Fireworks Law**

1. [Home](#) >>
2. [Boards & Committees](#) >>
3. [Select Board](#) >>
4. [Town Ordinances, Policies & Permits](#)

**Other Permit Applications**

- [Building Permit Application](#)
- [Driveway Entrance Permit Application](#)
- [Junkyard Permit Application](#)
- [Marijuana Establishment Application](#)
- [Planning Board Application](#)
- [Road Name Application](#)
- Sludge Applications

1. [Home](#) >>
2. [Boards & Committees](#) >>
3. [Select Board](#) >>
4. [Town Ordinances, Policies & Permits](#)

**Ordinances**

- [Administrative Ordinance 7-14-20](#)
- [Animal Control Ordinance 6-12-18](#)
- [Appeals Board Ordinance 6-13-17](#)
- [Cemetery Ordinance 6-12-18](#)
- [Communication Towers Ordinance 5/2008](#)
- [Conflict of Interest and Recall Ordinance 6/14/2016](#)
- [E-911 Addressing Ordinance 6/2011](#)
- [Firearms Ordinance 6/9/15](#)
- [Fire Department Ordinance 6/2011](#)
- [Floodplain Management Ordinance 6/2011](#)
- [Food Sovereignty Ordinance 7/14/2020](#)
- [General Assistance Ordinance 10/2005](#)
- [Land Use Ordinance 7/2020 \(LUO\) & Maps](#)
- [Marijuana Establishments Ordinance 7-14-2020](#)
- [Mass Gathering Ordinance](#)
- [Noise Standards](#)
- [Pace Ordinance 6-13-2017](#)
- [Public Ways, Traffic and Parking Ordinance 12/09/2019](#)
- [Property Tax Assistance Ordinance 6-12-18](#)
- [Sludge Ordinance 6/2011](#)
- [Solar Ordinance 6-8-2021](#)
- [Solid Waste Disposal & Recycling Ordinance 6/2011](#)

1. [Home](#) >>
2. [Boards & Committees](#) >>
3. [Select Board](#) >>
4. [Town Ordinances, Policies & Permits](#)



## **Policies**

- [Annual Board Chairs meeting policy 1/2015](#)
- [Broadband Internet Resolution 08-17-2020](#)
- [Broadband Internet Resolution \(Addendum\) 11-16-2020](#)
- [Capitalization Policy 1st adopted 12-12-16](#)
- [Disbursement of State Fees & Employees Wages Policies 7-11-16](#)
- [Disposition of Tax Acquired Property 1/2010](#)
- [Financial Procedures 6/2010](#)
- [Fire Station Safety, Occupancy and Use Resolution 11-16-2020](#)
- [FOAA and Complaint Policies 11/2012 & 2/2014](#)
- [Grant Policy 07/21/2003](#)
- [Governmental Television Policy & Procedures 2/2003](#)
- [Investment Policy 3/2010](#)
- [Pre-Holiday Closing Policy reviewed 1/14](#)
- [Personnel Policy 2/2016](#)
- [Post Issuance Compliance Policy 8/2013](#)
- [Procedures for Application & Appointment 6/13/2016](#)
- [Public Communications Policy 2/2013](#)
- [Purchasing Policy 12/2015](#)
- [Mail Box Placement Guidelines](#)
- [Messenger Policy 11/13/2017](#)
- [Naming Policy 2/2014](#)
- [Non Emergency Operations Plan \(EOP\) Protocol 5/2014](#)
- [Outstanding or Delinquent Tax Policy 8-21-2017](#)
- [Readfield's Standards of Conduct for Public Meetings 5/31/16](#)
- [Remote Participation Policy 08/24/2021](#)
- [Select Board Role and Responsibilities - 5-17-2021](#)
- [Tobacco-Free Policy 08-17-2020](#)
- [Town Manager Roles and Responsibilities](#)
- [Trails Agreement and Easement Accept. Policy approved 3-25-15](#)
- [Transfer Station Activity Policy 9-9-2019](#)
- [Undesignated Fund Balance Policy 3/2010](#)
- [Warrant Article Petition Policy 2/2009](#)

## **State Laws that Apply to Readfield**

These are State Laws that Readfield follows because we have not ordinance to address these items.

- [Maine Consumer Fireworks Law Title 8 sec 221-A](#)

## **APPENDIX G**

### **Bylaws of the Select Board of the Town of Readfield, Maine**

#### 1. Purpose and Scope

1.1 The purpose of these Bylaws is to establish reasonable rules of procedure for Select Board (hereinafter referred to as the "Board") meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. The Board shall recognize and conform its purpose and scope to the five-person Board and Town Manager form of government as established by the State of Maine. These Bylaws shall govern the Board's core practices and procedures except as otherwise provided for by Town Ordinance, State law, and Federal law.

1.2 These Bylaws recognize there will be from time to time other duties both official and ceremonial that may not be covered by the proceedings focus of these Bylaws but are known to be appropriate as defined in law or by established practice.

#### 2. Core Responsibilities

2.1 Responsibilities of the Select Board include but are not limited oversight of Town finances and property, protection of the health, safety and welfare of Town residents, and facilitation of appropriate relationships with the public, service providers and external agencies, and other government entities.

2.2 The Select Board administers its responsibilities by hiring, contracting with, appropriately supervising and evaluating, collaborating with, and supporting and retaining in the best interests of the public a Town Manager. This relationship is governed by the five-person Board and Town Manager form of government as established by the State of Maine.

#### 3. Members

3.1 The Members of the Board shall be five registered voting residents of the Town of Readfield and elected at its Town Meeting to three year terms with the terms staggered so that a minimum of one and maximum of two occur each year. Members take office immediately upon election.

3.2 Vacancies on the Board shall be filled by interim elections except for one occurring within the final four months of a term may at the Board's option occur at Town Meeting.

3.3 No Member may represent the Board or assume individual authority outside the regular order of Board proceedings without the Board's prior approval.

3.4 Upon initial election, Members are expected to

attend a workshop for Newly Elected Local Officials, Freedom of Access Act training, and a National Incident Management course as soon as reasonably practicable.

#### 4. Officers and Duties

4.1 Officers of the Board shall consist of a Chair and a Vice Chair. These officers shall be chosen annually at the first regular meeting of each year following Town Meeting by and from among Board Members. Vacancies in the position of either the Chair or Vice Chair positions shall immediately be filled by regular meeting procedures. These officers of the Board may be removed and replaced upon majority vote for stated just cause.

4.2 The Chair shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order, determine the course of proceedings and to take such other action as may be necessary and not inconsistent with these Bylaws or other law to enable the Board to perform its duties and conduct its affairs. The Chair and the Vice Chair shall, together with the Town Manager, set the agenda in advance of each meeting. In the absence of the Chair, the Vice Chair shall preside and shall have the same authority as the Chair. In the event of the absence at a scheduled meeting of both the Chair and the Vice Chair, the Board Members present shall elect a Chair Pro Tem from amongst those Members present to conduct the meeting.

4.3 The Chair shall act as the Board's primary contact in an official capacity with the Town Manager. This shall not constrain Board Members from having reasonable conversations and making requests for information deemed appropriate by the Member and Town Manager. This type of relationship does not extend to any other employees of the Town and the Board recognizes the Town Manager as its contact on all Town functions involving staff.

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4.4 The Chair may act as a public spokesperson for the Board on matters previously decided by the board or in matters that require public announcement or sharing of information on Town matters and in the instances of declared emergencies.

4.5 The Board shall elect a three-person Board of Assessors from within its membership for one year terms at the first regular meeting of each year following Town Meeting.

4.6 The Board may designate informal positions such as but not limited to time-keeper, note-taker, committee liaisons, and ad hoc sub committees of the Board. It may further elect Board Members as its representatives to regional entities that the

Town has chosen to participate in.

## 5. Meetings

5.1 Regular meetings to conduct the business of the Board shall be held at intervals determined by the Board throughout the year with the minimum of one regular meeting per month. As previously established (3.2), an agenda is set in advance.

Members may ask the Chair that items be placed on a future agenda or may move at a meeting to do so by adding to an agenda. Regular meetings shall at a minimum observe in its planning the following agenda items:

- Review and approval of minutes of the previous meeting,
- Approval of warrants for payments of all Town expenses,
- Oral and written communications from and among Select Board Members, Town Manager and staff, Town Boards, Commissions, and Committees, public comment and questions,
- Appointments under Select Board purview,
- Unfinished business,
- New business,
- And other presentations, discussions, or public hearings.

5.2 The Board may also conduct workshop meetings on specific topics at its option. Binding votes may not be taken at workshop meetings. A retreat for goal setting, review, and other matters may also be conducted as a workshop. All workshop meetings are open to the public.

5.3 The Board may necessarily from time to time conduct Executive Sessions in conjunction with other meetings or on a stand-alone basis only to the extent allowed by Maine law. Motions to go into Executive Session shall be made publically with a recorded vote stating the purpose, citing relevant governing law allowing the session, stating who will be in attendance, and if, upon exit, the Board will take any action by way of an immediate public vote.

5.4 Special meetings may be called at the discretion of the Chair or upon the request of a majority of the Board, provided however that notice thereof shall be given to each Member and to representatives of the press at least four days in advance of the scheduled meeting, except in case of extraordinary circumstances when notice shall be given by the fastest and earliest means possible. No business may be conducted other than as specified in the said notice of the meeting.

5.5 Public hearings conducted by the Board shall be called as required by law or on such other occasions as a majority of the Board may deem appropriate. Notice of all such hearings be given as required by law. Hearings may be conducted as an

item of business within a regular Board meeting or as a stand-alone hearing regarding larger matters. The Chair shall convene all hearings by describing the purpose of the hearing and general procedures to be followed. The Board may receive any oral or documentary information but may exclude that it deems irrelevant, immaterial, or unduly repetitious. If the hearing is on an adjudicatory matter, each party of interest shall have right to present its case in an order determined by the Chair and subject to reasonable time limits to ensure all parties and the public have an adequate opportunity to be heard.

5.6 Notice of all Board meetings shall be given as required by law and all such meetings shall be open to the public except as otherwise provided for by law. No business may be conducted by the Board except at a duly called and noticed meeting with a quorum consisting of a majority of its Members being present.

5.7 Each Board may determine its own schedule of ordinance initiation, ordinance review, policy management, capital investment planning, budget work, comprehensive plan reflection, joint meetings with committees, and other business deemed appropriate.

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5.8 The Town Manager or the Town Manager's designee shall act as secretary at Board meetings. The secretary shall prepare agendas, take minutes, maintain records, prepare and send correspondence, and perform other duties as are normally carried out by a secretary. Minutes of Select Board meetings will include a brief summary of each agenda item and a record of all votes taken. Records of the Board shall be deemed public and available as required by law.

5.9 The Board will establish and post ground rules for meetings to establish expectations of respectful conduct, norms, and courtesy for all participants at meetings.

6. Voting

7. Waivers and Amendments

7.1 These Bylaws are considered to be a Town Policy. Any provision of these Bylaws may be waived on any occasion by majority vote of the Board unless otherwise provided by law. These Bylaws may be amended at any time in writing by majority vote of the Board.

Approved adopted on May 17, 2021 by:

Bruce Bourgoine

6.1 Any action of the Board shall require the affirmative vote of a majority of its membership present and voting unless otherwise provided by law.

6.2 No Board Member may participate or vote on

any matter in which the Member has a conflict of interest or other disqualification as defined by law. Any question of whether a Board Member has such a conflict of interest or other disqualification shall be decided by majority vote of the remaining Members.

6.3 All Members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chair for valid reason.

6.4 The Board may reconsider any vote decision that creates a ruling at the same meeting or at a subsequent meeting within 30 days of its original decision, provided that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within said 30 days. This does not preclude the Board from taking up any matter again based on new information or other changes.

Christine Sammons

Kathryn Mills Woodsum

Dennis Price

Ralph Eno

These Bylaws replace upon approval all previous versions of the Select Board Bylaws and all policies known as the Roles and Responsibilities of the Readfield Select Board.

**APPENDIX H**  
**Orientation List For New Select Board Members**

Things to read or know before attending your first meeting:

- Select Board Roles & Responsibilities
- Select Board By-laws
- Town Manager Roles & Responsibilities
- Town Manager Contract
- Procedures for appointments to boards and committees
- Executive Sessions law and procedures
- Chain of command with employees
- Financial Procedures
- Current agenda items
- Current and pending contracts
- E-mail addresses and phone contacts for other board members and Town officials

Sign up and attend ASAP:

- MMA training for Newly Elected Officials and other relevant workshops
- National Incident Management (NIMS) course (can be done on-line)

As you can, but sooner than later these also are recommended:

- Read the Select Board Policies and guidelines:
  - Personnel Policy
  - Purchasing Policy
  - Investment policy and Fund Balance policy
  - Disbursement of employees' wages policy
  - Disbursement of state fees policy
  - FOAA, NON-FOAA complaint policies
  - Public Communication policy
  - Disposition of tax acquired properties policy
  - Government TV policy and procedures
  - Pre-Holiday Closing Policy
  - Warrant articles petition policy
  - Annual Board Chairs Meeting procedures
  - Mailbox Guidelines
- Read Town Ordinances:
  - Land Use Ordinance
  - Conflict of Interest and Recall Ordinance
  - General Assistance Ordinance
  - Animal Ordinance
  - Communication Towers Ordinance
  - Firearms Ordinance
  - Fire Department Ordinance

- Flood-Plain Ordinance
  - e-911 Ordinance
  - Mass Gathering Ordinance
  - Noise Ordinance
  - Sludge Ordinance
  - Solid Waste Ordinance
  - Snow Plow Ordinance
  - Parking Ordinance
- Readfield follows state law pertaining to Fireworks. There is no local policy or ordinance at this time, so please read the state law.

Know the below Town Plans:

- Emergency Operations Plan
- CIP Plan

As time allows:

- Read MMA Elected Officials Manual
- Become familiar with Town website
- Walk the Trail system
- Tour the Transfer Station
- Tour the cemeteries
- Know the Town buildings we are responsible for
- Inter local agreements: Transfer Station and Maintenance
- Attend other board and committee meetings
- Write articles for Readfield Messenger- people love information
- Update yourself on various committees and boards working on future projects:
  - Library status
  - Fire Station
  - Athletic Fields
  - Conservation and Open Space Plan
  - Town Farm Forest Plan
  - Try to stay involved in the RSU 38 budget process
  - Attend budget meetings in spring

Last but not least, additional advice and comments from a recent Board member's personal experience this past year:

- Be on time for meetings
- Be prepared with what is in the packet, do your homework
- Review an accounts payable and payroll warrant with someone before taking one on yourself
- Return calls, e-mails, questions etc. from residents AFTER researching the information
- No questions are ever stupid
- Can't please everyone, so don't try
- Don't act on your own as a board member, be careful how you speak and state something to anyone



- You can call any board member at any time
- You can call the Town Manager at any time
- If there is something you want on the agenda, talk to the chair
- If you receive a letter from a resident, you should pass it on to JUST the Town Manager, and he and the Chair can decide to pass on to the rest of the SB(unless it is a complaint about the Town Manager which would go to the Chair)
- Don't EVER respond to anyone on behalf of the whole SB, except to relay voted positions. Remember there are 5 on the board that decides all Town issues.
- Enjoy it and have some fun
- LISTEN TO THE PUBLIC, stay upbeat and positive
- Try to get back to a resident on a question after researching it
- Don't try to be a hero
- People that voted you in like to see you attend fireman's breakfast, bean hole supper, Heritage days, etc.
- When making decisions, remember you are representing the entire community
- Admit when you are wrong
- Vote how you really feel, don't just go along with other board members
- DON'T TAKE THINGS PERSONALLY!!!!

BEST OF LUCK TO THE TWO NEW SELECT BOARD MEMBERS: VAL POMERLEAU and ALLEN CURTIS!

(This list was mostly generated by Sue Reay, with input by the Town Manager)

**APPENDIX I**  
**Roles and Responsibilities of Readfield Town Manager**

**Purpose of Town Manager**

Readfield's Town Manager performs the executive and administrative duties for the Town Manager as prescribed by Maine Law in 30-A M.R.S.A. § 2636. This statute is attached as Appendix 1.

**Appointment of Town Manager**

Readfield's Select Board has responsibility to recruit, hire, evaluate and terminate the Town Manager. The Town Manager operates under a multi-year contract which will enumerate all conditions of employment including term-up to 3 years, benefits, protocol for evaluation and specific expectations not otherwise detailed by public law. The Town Manager is responsible for all other personal appointments within the town,

**Duties of the Town Manager**

The general responsibilities of the Town Manager are proscribed by Maine law. (See Appendix 1, 30-A Powers and Duties of Town Manager, attached.) In this section, each of these 14 specific responsibilities is further discussed as applied in the Town of Readfield.

1. Is the chief executive and administrative officer  
The Town Manager shall be the head of the administrative branch of the town government, and shall be responsible to the Select Board for the proper administration of all affairs of the town.
  
2. Administers offices  
Subject to the listing in section 6 herewith, requiring confirmation by the Select Board for certain appointments, the Town Manager shall appoint, prescribe the duties of, supervise, and, when necessary for the good of the Town, suspend or remove all town employees and appointive administrative officers. The Town Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.  
  
The Town Manager shall direct and supervise the administration of all departments, offices and agencies of the Town except as otherwise provided by this Policy or by the general law.
  
3. Executes law and ordinances  
The Town Manager shall see that all laws, Town ordinances, and acts of the Select Board, subject to enforcement by him or her or by officers subject to his or her direction and supervision, are faithfully executed.
  
4. Is the department head  
The Town Manager is the head of any department under the control of the Select Board.
  
5. Appoints department heads  
The Town Manager shall appoint, subject to confirmation by the Select Board, supervise and control the heads of departments under the control of the Select Board when the department is not headed by the Town Manager under section 4, herewith.
  
6. Appoints some town officials  
The TM appoints, subject to confirmation by the Select Board, the Road Commissioner and Public Works Director, who report directly to him. (The Select Board appoints the Town Treasurer, Tax Collector, Transfer Station Manager, Welfare Director, and Fire chief, as well as all members of boards, commissions, committees and single assessors.)

**7. Is purchasing agent**

The Town Manager works closely with the Financial Officer and shall act as purchasing agent for all departments of the Town.

**8. Must attend meetings of Select Bored**

. The Manager shall attend all meetings of the Board of Selectpersons except when his or her attendance is excused by the Select Board, may attend when his or her removal is being considered, and shall have the right to take part in discussion but may not vote. The Manager may be invited to sit with the Select Board during their meeting.

9. Shall make recommendation to the Select Board for the more efficient operation of the town.

. The Manager shall prepare and submit to the Select Board such reports and shall perform such duties as the Select Board may require, and shall make such recommendations to the Select Board concerning the affairs of the Town as he or she deems desirable or as the Select Board may request.

. The Manager shall act as the Town representative for grant applications, both public and private, and shall actively pursue grants involving money, equipment, and other awards, that can benefit the Town.

This duty includes routine collaboration with neighboring municipalities and with RSU #38 to work co-operatively for mutual benefit.

**10. Shall attend Town Meeting and hearings.**

This duty applies strictly to annual or special Town Meetings. However, the Town Manager is encouraged to attend other public meetings in which municipal business is being conducted.

**11. Shall inform the select Board and town residents of the town's financial condition.**

This shall be done on a routine basis at the beginning of each quarter, and as requested by the Select Board.

**12. Shall collect date necessary to prepare the annual budget.**

This duty is performed in conjunction with a Budget Committee (appointed by the Select Board), the Finance Officer, other staff members, and representatives of town boards, committees and commissions. The CIP, Capital Investment Plan, as approved by the Select Board, shall be utilized in the annual budget preparation.

The Manager shall also prepare and submit the annual capital program, and annual financial and administrative reports to the Select Board, and be responsible for the administration of the annual Municipal Budget and capital program after their adoption.

**13. Shall assist residents**

The Select Board encourages this responsibility to be as proactive as possible. Town Manager should individually and through his or her staff be aware of and respond to issues of concern among Town residents. Maintaining a positive, open and caring attitude within the municipal offices is important.

14. May remove all persons whom the manager is authorized to appoint, for cause, after notice and hearing.  
Such actions may be grieved to Select Board with due notice.

### **Select Board/Town Manager Relationship**

The employment relationship between the Select Board and the Town Manager honors the fact that the Town Manager is the chief administrative officer of the Town. The Select Board and the Town Manager are a participatory team and the Select Board should avoid situations that can result in Town staff being directed, intentionally or unintentionally, by one or more members of the Select Board. Both parties will adhere to the following access to information.

Individual Select Board members, as well as the Select Board as a whole, are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. Appropriate personnel will pass critical information to all Select Board members. The Town Manager or appropriate staff will always inform the Select Board when a critical or unusual event occurs about which the public would be concerned.

The Select Board recognizes the primary functions of staff as executing Select Board policy and actions taken by the Select Board and in keeping the Select Board informed. The Select Board expects the Town Manager to not cause or allow any practice, activity, decision, or circumstance which is either illegal, immoral, imprudent, or in violation of community accepted business and professional ethics. Staff is obligated to take guidance and direction only from the Select Board as a whole or from the appropriate management supervisors. Staff is directed to reject any attempts by individual members of the Select Board to unduly direct or otherwise pressure them into making, changing or otherwise influencing recommendations.

The Town Manager will make every effort to respond in a timely and professional manner to all requests made by individual Select Board members for information or assistance, provided that, the request is not of a magnitude, either in terms of workload or policy, which would require that it would be more appropriately assigned through the direction of the full Select Board. If a request by an individual Select Board member is determined by the Town Manager to take one hour or more of staff time to complete, that request may be included as a request submitted by the Select Board on the formal Select Board agenda for full Select Board discussion.

Select Board members have a responsibility in this information flow as well. It is critical that they make extensive use of staff and committee reports and minutes. Select Board members should come to meetings prepared – having read item documents as well as any additional information or memoranda that includes an update on major projects or evolving issues. Additional information may be requested from staff, if necessary.

Any information, service-related needs, or policy positions perceived as necessary by individual Board members which cannot be fulfilled based on these guidelines should be scheduled for a Select Board meeting. If so directed by action of the Select Board, the Town Manager will proceed to complete the work within a Select Board-established timeline.

Regular communication between the Select Board and Town Manager is important in maintaining open communications. All dealings with the Town Manager, whether in public or private, should respect the responsibilities of the Town Manager in administrative matters. Disagreements should be expressed in policy terms, rather than in terms that question satisfaction with or support of the Town Manager.

The Select Board is to evaluate the Town Manager on a regular basis to ensure that both the Select Board and Town Manager are in agreement about performance and goals based on mutual trust and common objectives. Readfield Select Boards have utilized the following areas of performance when evaluating the Town Manager: Public Focus, Committed to Organization, Integrity/Trust, Action-oriented/Empowered, Highly Efficient/Resourceful, Communication Skills, Technical Skills, and Overall

performance.

As in any professional relationship, it is important that the Town Manager keep the Select Board informed. The Town Manager respects and is sensitive to the political responsibility of the Select Board and acknowledges that the final responsibility for establishing the policy direction of the Town is held by the Select Board. The Town Manager communicates with the Select Board in various ways. In addition to what is spoken at the formal Select Board meetings there is a printed communication at each meeting detailing the topics discussed. There is also a biweekly meeting with the Chair and Vice-Chair to plan agendas and to become current with issues affecting the town. Scheduling information and agendas are disseminated via email. Every effort must be taken to ensure that all Select Board members are treated similarly and kept equally informed. It is equally important that the Select Board provide ongoing feedback, information and perceptions to the Town Manager including some response to written communication requesting feedback.

### **Town Manager's Code of Ethics**

The Town Manager is subject to a professional code of ethics from his/her professional association. These standards appear in the appendix of this manual. It should be noted that this code binds the Town Manager to certain practices that are designed to ensure actions are in support of the Town's best interests. Violations of such standards can result in censure by the professional association. This code is posted in the Town Manager's office and lobby area.

Appendix 1

**Title 30-A: MUNICIPALITIES AND COUNTIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**  
**Part 2: MUNICIPALITIES HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**  
**Subpart 3: MUNICIPAL AFFAIRS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**  
**Chapter 123: MUNICIPAL OFFICIALS HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**  
**Subchapter 2: TOWN MANAGER PLAN HEADING: PL 1987, C. 737, PT. A, §2 (NEW)**

**30-A §2636. POWERS AND DUTIES OF TOWN MANAGER**

The town manager: [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**1. Executive and administrative officer.** Is the chief executive and administrative official of the town;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**2. Administer offices.** Is responsible to the selectmen for the administration of all departments and offices over which the selectmen have control;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**3. Execute laws and ordinances.** Shall execute all laws and ordinances of the town;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**4. Department head.** Shall serve in any office as the head of any department under the control of the selectmen when directed by the selectmen;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**5. Appoint department heads.** Shall appoint, subject to confirmation by the selectmen, supervise and control the heads of departments under the control of the selectmen when the department is not headed by the town manager under subsection 4;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**6. Appoint town officials.** Unless otherwise provided by town ordinance, shall appoint, supervise and control all town officials whom the municipal officers are required by law to appoint, except members of boards, commissions, committees and single assessors; and appoint, supervise and control all other officials, subordinates and assistants, except that the town manager may delegate this authority to a department head and report all appointments to the board of selectmen;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**7. Purchasing agent.** Shall act as purchasing agent for all departments, except the school department, provided that the town or the selectmen may require that all purchases greater than a designated amount must be submitted to sealed bid;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**8. Attend meetings of selectmen.** Shall attend all meetings of the board of selectmen, and the town manager may attend meetings when the manager's removal is being considered;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**9. Make recommendations.** Shall make recommendations to the board of selectmen for the more efficient operation of the town;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**10. Attend town meetings.** Shall attend all town meetings and hearings;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**11. Inform of financial condition.** Shall keep the board of selectmen and the residents of the town informed as to the town's financial condition;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**12. Collect data.** Shall collect data necessary to prepare the budget;

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**13. Assist residents.** Shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices; and

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**14. Remove appointments.** Has exclusive authority to remove for cause, after notice and hearing, all persons whom the manager is authorized to appoint and report all removals to the board of selectmen.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

#### SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD).  
1989, c. 104, §§C8,10 (AMD) .

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Appendix 2

## **ICMA Code of Ethics**

### **International City/County Management Association**

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

#### **Tenet 1**

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

#### **Tenet 2**

Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

#### **Tenet 3**

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

#### **Tenet 4**

Recognize that the chief function of local government at all times is to serve the best interests of all people.

#### **Tenet 5**

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

#### **Tenet 6**

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

#### **Tenet 7**

Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

#### **Tenet 8**

Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

#### **Tenet 9**

Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.



#### Tenet 10

Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

#### Tenet 11

Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions, pertaining to appointments, pay adjustments, promotions, and discipline.

#### Tenet 12

Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest

1. PROTOCOLS FOR IMPROVED ADVOCACY: Make your thinking process visible (walk up the ladder of inference slowly).	
What to do	What to say
State your assumptions, and describe the data that lead to them.	"Here's what I think, and here's how I got there."
Explain your assumptions.	"I assumed that ..."
Make your reasons explicit.	"I came to this conclusion because..."
Explain the context of your point of view: who will be affected by what you propose, how they will be affected, and why.	
Give examples of what you propose, even if they are hypothetical or metaphorical.	"To get a clear picture of what I'm talking about, imagine that you're the customer who will be affected..."
As you speak, try to picture the other people's perspective on what you are saying.	
Publicly test your assumptions.	
Encourage others to explore your model, your assumptions, and your data.	"What do you think about what I just said?", "Do you see any flaws in my reasoning?", or "What can you add?"
Refrain from defensiveness when your ideas are questioned. If you are advocating something worthwhile, then it will only get stronger by being tested.	
Reveal where you are least clear in your thinking. Rather than making your vulnerable, it diffuses the force of advocates who are opposed to you, and invites improvement.	"Here's one aspect which you might help me think through..."
Even when advocating: listen, stay open, and encourage others to provide different views.	"Do you see it differently?"

2. PROTOCOLS FOR IMPROVED INQUIRY: Ask others to make their thinking process visible.	
What to do	What to say
Gently walk others down the ladder of inference and find out what data they are operating from.	“What leads you to conclude that?” “What data do you have for that?” “What causes you to say that?”
Use un-aggressive language, particularly with people who are not familiar with these skills. Ask in a way, which does not provoke defensiveness, or “lead the witness.”	Instead of “What do you mean?” or “What’s your proof?” say, “Can you help me understand your thinking here?”
Draw out their reasoning, find out as much as you can about why they are saying what they are saying.	“What is the significance of that?” “How does this relate to your other concerns?” “Where does your reasoning go next?”
Explain your reasons for inquiring, and whom your inquiry relates to your concerns, hopes, and needs.	“I’m asking you about your assumptions here because...”
Compare your assumptions to theirs.	
Test what they say by asking for broader contexts, or for examples.	“How would your proposal affect...?” “Is this similar to...?” “Can you describe a typical example ...?”
Check your understanding of what they have said.	“Am I correct that you’re saying...?”
Listen for the new understanding that may emerge. Do not concentrate on preparing to destroy the other person’s argument or promote your own agenda.	

3. PROTOCOLS FOR FACING A POINT OF VIEW WITH WHICH YOU DISAGREE:	
What to do	What to say
Again, inquire about what has led the person to that view.	“How did you arrive at this view?” “Are you taking into account data that I have not considered?”
Make sure you truly understand the view	“If I understand you correctly, you’re saying that ...”
Explore, listen, and offer your own views in an open way.	“Have you considered...”
Listen for the larger meaning that may come out of honest, open sharing of alternative mental models.	
Use your left-hand column as a resource.	“When you say such-and-such, I worry that it means...”
Raise your concerns and state what is leading you to have them.	“I have a hard time seeing that, because of this reasoning...”

4. PROTOCOLS FOR WHEN YOU'RE AT AN IMPASSE:	
What to do	What to say
Embrace the impasse, and tease apart the current thinking. (You may discover that focusing on "data" brings you all down the ladder of inference.)	"What do we know for a fact?" "What do we sense is true, but have no data for yet?" "What don't we know?" "What is unknowable?"
Look for information that will help people move forward.	"What do we agree upon, and what do we disagree on?"
Ask if there is any way you might together design an experiment or inquiry that could provide new information.	
Listen to ideas as if for the first time.	
Consider each person's mental model as a piece of a larger puzzle.	"Are we starting from two very different sets of assumptions here? Where do they come from?"
Ask what data or logic might change their views.	"What, then, would have to happen before you would consider the alternative?"
Ask for the group's help in redesigning the situation.	"It feels like we're getting into an impasse and I'm afraid we might walk away without any better understanding. Have you got any ideas that will help us clarify our thinking?"
Do not let conversation stop with an "agreement to disagree."	"I don't understand the assumptions underlying our disagreement."
Avoid building your "case" when someone else is speaking from a different point of view.	

**APPENDIX J**  
**Conflict of Interest and Recall Ordinance**

**CONFLICT OF INTEREST AND RECALL PROCESS ORDINANCE**

**10.1 CONFLICT OF INTEREST**

10.1.1 In accordance with Title 30-A M.R.S.A. Section 2605, any municipal officer or official of the Town, elected or appointed, who himself or herself or any family member, close friend or business associate, has any financial interest, direct or indirect, or 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 who is a contractor supplying the Town with services or material shall make known the interest and shall refrain from voting upon or otherwise participating in his or her capacity as an officer or employee in making such sale or the making or performing of such contract.

10.1.2 Any municipal officer or official of the Town who willfully conceals such financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit such office or position immediately upon a determination of malfeasance by the Select Board as hereinafter provided under Section 10.2.2.

10.1.3 Any violation of this section, with the knowledge, expressed 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 Select Board.

**10.2 FORFEITURE OF OFFICE**

10.2.1 A municipal officer or official, elected or appointed, shall forfeit his or her office or be subject to a recall or forfeiture proceedings as hereinafter provided if such person:

- a. lacks, at any time during his or her tenure of office, any eligibility or other qualifications for the office prescribed by this ordinance or by law;
- b. intentionally violates any expressed prohibition of this ordinance;
- c. fails to fulfill the requirements of his or her office, including, but not necessarily limited to, failure to attend 3 or more consecutive regular meetings without being excused beforehand or actively participate in the functioning of the board or committee;
- d. is indicted or convicted of a felony or is indicted or convicted of any other offense which prevents him or her from fulfilling his or her obligation as a municipal officer or official;
- e. is banned by a court of law from attending meetings or carrying out their duties of office as prescribed herein.

10.2.2 Upon any allegation of charges of conflict of interest or violation of the provisions set forth under Section 10.1, the Select Board shall hold a hearing to determine if there is any malfeasance or violation of the provisions set forth under Section 10.1. Forfeiture and immediate removal of office shall require a majority vote of the Select Board. In the event that the Select Board fail to take any action or do not vote

to remove the person from office, the Registered Voters of the Town may initiate recall proceedings in accordance with the provisions set forth under Section 10.3.

### **10.3 RECALL OF ELECTED OFFICERS AND OFFICIALS – REMOVAL FROM OFFICE**

10.3.1 Any elected officer or official of the Town may be recalled and removed from elective office by the Registered Voters of the Town as hereinafter provided. Recall may be used when an elected official has violated any of the conflict of interest or forfeiture of office provisions set forth under Sections 10.1 and 10.2.

10.3.2 Any twenty-five (25) Registered Voters of the Town may make and file with the Town Clerk an affidavit containing the name of the officer or official whose removal is sought and a general statement of the reasons why such removal is desired because of any violations of the provisions set forth under Sections 10.1 and 10.2.

a. The Town Clerk shall prepare and sign a petition for such removal, a copy of said affidavit and general statement either included thereon or attached thereto, which shall be impressed with the official Town Clerk's seal, dated, and addressed to the Select Board containing the name of the officer or official whose removal is sought.

b. The petition shall be signed only by registered voters of the Town . Every signature shall include the address of the registered voter, indicating the street and number or other description sufficient to identify such address, such as tax map and lot number.

10.3.3 The recall petition, to be effective, must be signed by a number of Registered Voters of the Town equal to at least twenty-five percent (25%) of the votes cast at the previous gubernatorial election.

10.3.4 At the expiration of the said thirty (30) days, the Town Clerk shall declare the petition closed and shall certify the petition as sufficient or insufficient within five (5) business days thereafter.

10.3.5 If the recall petition is determined to be insufficient, the filing official shall notify the person or organization sponsoring the recall of the insufficiency of the petition. It is not necessary to give notification unless the person or organization sponsoring the recall files with the filing official a written notice of sponsorship and a mailing address.

10.3.6 If the petition is sufficient, it and the certificate shall be submitted to the Select Board at their next regular meeting. The Select Board shall forthwith give written notice to said official of the receipt of said petition and certificate.

10.3.7 If the official sought to be removed does not resign within five (5) days of receiving such notice, the Select Board shall within ten (10) business days of the receipt of the Town Clerk's certificate order an election to be held within thirty (30) calendar days. The Select Board shall schedule a public hearing, upon public notice as provided for Town Meetings, to be held within seven (7) calendar days prior to the date of said election. At said hearing, which shall be presided over by a moderator, the petitioners and the officer or official whose recall is sought shall be provided opportunity to present reasons for or against recall.

10.3.8 The official shall continue to perform the duties of the office until the results of the recall election are certified. If not recalled, the official shall continue in office for the remainder of the unexpired term, subject to subsequent recall only as provided in Section 10.3.9. If recalled by the voters, the

official shall be deemed removed upon the certification of the voting results and may not seek election to any municipal office for a period of at least three (3) years from the date of such recall.

10.3.9 No recall petition shall be filed against an official within six (6) months after such official takes office, nor during the last six (6) months of the term of office, nor in the case of an official subjected to a recall vote and not removed thereby, until at least twelve (12) months after such vote.

#### **10.4 HOLDING OTHER OFFICE**

Neither the Select Board members, Town Clerk, nor Assessors' Agent shall hold appointed positions in the Town with the exception of members of the Fire Department, unless the law or ordinance creating the appointed office requires or allows it. During Budget Committee deliberations, if any member of the Budget Committee is also a member of another board or committee or Fire Department, such member shall make such fact known and refrain from any discussion or voting on matters relating to the Fire Department or such other board or committee unless allowed to do so by a majority vote of the Budget Committee.