

## **Section 1 – Purpose & Scope**

The purpose of these guidelines is to establish reasonable rules of procedure for the Board meetings and to promote the fair, orderly, and efficient conduct of the Board's proceedings and affairs. These guidelines shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose. These guidelines are in compliance with the Town Laws, Ordinances and shall be judiciously understood so as to accomplish its purpose. Conditions not addressed in the Town Law and Ordinances shall be governed by the general law.

## **Section 2 – Officers and Duties**

- A) Officers of the Board shall consist of a Chairperson (Chair) and Vice Chairperson (Vice Chair) to be chosen annually at the first Board meeting following the Annual Town Election. The term of office shall be one year (1) through the next Annual Town Election.
- B) Should both the Chair and Vice Chair be absent, the Board shall appoint by an affirmative majority vote of the members present, a temporary Chairman of the Board to serve until such time as the Chairman or Vice Chairman returns. The temporary Chairman is to have and exercise any and all authority conferred upon the permanent Chairman.
- C) The Chair shall have the following responsibilities:
  - a. Serve as the official spokesperson of the Board.
  - b. Preside over all meetings of the Board and maintain order and determine the course of the proceedings.
  - c. Approve the schedule and agendas of the Board.
  - d. Ensure that the Board develops and maintains the guidelines (no less than annually).
- D) Selectmen retain the authority to rule on questions of evidence and procedure. Any action as may be necessary and not inconsistent with these guidelines or other law to enable the Board to perform its duties and conduct its affairs shall be taken by vote of the Selectmen.
- E) In the event the Chair ceases to serve as a Selectman, resigns as Chair, or is otherwise unable to discharge his/her duties prior to the end of their term, the Board shall elect a new Chair as soon as practical. In the absence of the Chair the Vice Chair shall preside and shall have the same authority.
- F) By affirmative vote of not less than four (4) members, Selectmen may vote to remove a Chair prior to the expiration of his/her term and thereafter by an affirmative vote of no less than three (3) members, elect a replacement.
- G) In the event a Selectman ceases to serve as a Selectman, resigns as a Selectman, or is otherwise unable to discharge his/her duties prior to 90 days of their term ending, a special election will be held pursuant to Maine Election Notification laws as soon as practical.

- H) The Town Manager (or his/her designee) shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be public record except as otherwise provided by law.
- I) Board members shall notify the Chair and/or the Town Manager (or his/her designee) prior to Board meetings if they are unable to attend.

### **Section 3 - Meetings**

- A) Regular meetings of the Board shall be held on the second and fourth Tuesday of each month, or as otherwise deemed necessary or required by law.
- B) Special Meetings may be called at the discretion of the Chair, or upon the request of the majority of the Board provided that notice shall be given to each member at least 24 hours in advance, unless all members sign a waiver of said notice. No business shall be conducted other than as specified in said notice.
- C) 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 by law.
- D) No business may be conducted by the Board except as duly called and noticed meeting or without a quorum consisting of a majority, at least 3 out of 5 members of the Board being present.
- E) The order of business at regular meetings shall be as follows (public hearings, workshops and executive sessions will be placed into the agenda by the Town Manager, Chairman or majority vote of the Board):
  - a. Call meeting to order
  - b. Pledge of Allegiance to the Flag of the United States of America
  - c. Town Manager's Report
  - d. Items by Public
  - e. Items by Selectmen
  - f. Department & Committee Reports
  - g. Consent Agenda
  - h. Regular Agenda
  - i. Treasurer's Warrants to be approved
  - j. Unfinished Business
  - k. Other Business
  - l. Sign Documents

### **Section 4 - Hearings**

- A) Public Hearings of 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 shall be given as required by law and shall include the date, time, and place of the hearing and the general description of the subject matter.

- B) The Chair shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed.
- C) The Board may receive any oral or documentary evidence, but shall exclude irrelevant, immaterial, or unduly repetitious evidence provided that formal rules of evidence do not apply. Every party shall have the right to present its case in order determined by the Chair, and without interruption, provided, that the Chair may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard. In any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, every party shall also have the right to submit rebuttal evidence and to conduct cross-examination of any other party through the Chair, provided, however, that the Chair may impose such other reasonable limitations as may be necessary to prevent an abuse of process.

### **Section 5 - Participation & Voting**

- A) Any action of the Board, when a quorum of members is present, shall require the affirmative vote of the majority of the seated Board (3/5) unless otherwise provided by law.
- B) No meeting of this Board shall take place when less than a quorum is present (3).
- C) No member may participate or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law. Any question of whether a member has such a conflict of interest or other disqualification shall be decided by a majority vote of the remaining members.
- D) All members who are present and not disqualified shall vote in every matter to be voted upon unless excused by the majority of the Board.

### **Section 6 - Decisions**

- A) All decisions of the Board shall be made within the time limits, if any, established by law.
- B) All final decisions shall be in writing, shall become a part of the Board's permanent record, and shall, where required by law, include a statement of findings and conclusions and the reasons or basis therefore.
- C) All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits, shall constitute a public record.
- D) The Board may reconsider any decision within 30 days of its original decision, provided that both a vote to reconsider and any action taken pursuant, shall occur and be completed within said 30 days. Notice of any reconsideration shall be given to any party a reasonable time in advance of

the reconsideration. The board may conduct additional hearings and receive additional evidence and testimony as provided.

### **Section 7 – Conflict of Interest**

- A) **Conflicts of Interest** – As a general rule, a conflict of interest occurs when an official has a pecuniary (i.e., Financial) interest in a matter of official business.
- B) **Appearance of Conflict of Interest** – Even when law does not specifically prohibit a Town official's conduct, competing interest and personal relationships could create an appearance of wrongdoing that could undermine the public trust in the integrity and impartiality of local government. 30-A M.R.S.A. § 2605 addresses this issue by providing that Town officials shall "attempt to avoid the appearance of a conflict of interest by disclosure or by abstention."

### **Section 8 – Code of Conduct**

**Purpose and Scope** – This section of the guidelines is to define the executive role and attendant duties of the Board of Selectmen in carrying out its policy functions as part of Skowhegan's town government, and to clarify the separation of the Board's executive role from the legislative role of the Town Meeting and the administrative role of the Town Manager.

#### **A) Definitions**

1. **Town Meeting – Board of Selectmen – Town Manager form of government.** Under this form of government the legislative and executive functions are divided.
  - a. The Town Meeting performs the election function and the legislative function of adopting governmental policy, levying and raising and appropriating monies, authorizing the contracting of debts, etc.
  - b. The Board of Selectmen is the executive body that interprets, processes, and sets the policies of the town and chooses the course of action between town meetings, has the ultimate administrative responsibilities to see that the governmental policies are carried out and appoints and supervises the Town Manager.
  - c. The Town Manager executes and carries out the government and fiscal policies with guidance from the Board of Selectmen and has direct responsibility for and authority over all administrative functions. The Town Manager carries out the day-to-day operations of the Town of Skowhegan.

#### **B) Duties of the Board of Selectmen**

1. A member of the Board of Selectmen, in relation to his or her community should:

- a. Realize that his or her basic function is to make policy, with administration delegated to the Town Manager.
  - b. Realize that he or she is one of a team of 5 members and should abide by all Board decisions once they are made.
  - c. Be well informed concerning the duties of a Board member on both local and state levels.
  - d. Remember that he or she represents the entire community at all times.
  - e. Accepting the role of member is a means of unselfish service, not to benefit personally from his or her Board activities.
  - f. Abide by the ethics guidelines established by the State and not use the position of Selectman to obtain inside information on matters that may benefit someone personally.
2. A member of the Board of Selectmen, in his or her relations with the Town Manager, should:
- a. Endeavor to establish sound, clearly defined policies that will direct and support the administration of or the benefit of the staff and residents of the community.
  - b. Recognize and support the administration chain of command and refuse to act on complaints as an individual outside the administration.
  - c. Give the Town Manager full responsibility for discharging his or her disposition and/or solutions.
  - d. When a situation comes to the attention of a Board member, convey that information to the Town Manager for consideration and resolution of action, as the Town Manager may deem appropriate. Inform the other Board members of suggestions and information conveyed to the Town Manager.
  - e. Not give orders or directions to the Town Manager for action as an individual Board member.
  - f. Not give instructions or request assistance from Town department heads, but rather channel all such activities through the Town Manager.
3. A member of the Board of Selectmen in his or her relations with fellow Board members, should:
- a. Recognize that action at official legal meetings is binding and that he or she alone cannot bind the Board outside of such meetings.
  - b. Not make statements or promises of how he or she will vote on matters that will come before the Board until he or she has had an opportunity to hear the pros and cons of the issue during a Board meeting.
  - c. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
  - d. Make decisions only after all facts on a question have been presented and discussed.

- e. Refrain from communicating the position of the Board of Selectmen to anyone unless the full Board has previously agreed on both the position and the language of the statement conveying the position.
  - f. Treat with respect the rights of all members of the Board despite differences of opinion.
4. A member of the Board of Selectmen, in his or her relations with Town staff, should:
- a. Treat all staff as professionals and respect their abilities and experience.
  - b. Limit contact with specific Town staff. Questions of Town staff and/or requests for additional background information should be requested through the Town Manager.
  - c. Never publicly criticize an individual employee. Concerns about staff should only be made available to the Town Manager through private conversation.
  - d. Insure that all requests for staff support go through the Town Manager's office.
  - e. Insure that any materials or information provided to a Selectman from a staff member be made available to all Selectmen.

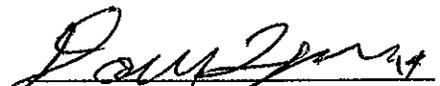
### **Section 9 – Conflict with Law**

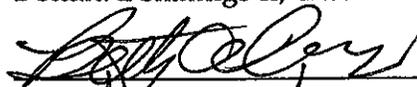
Any conflict or inconsistency between these guidelines and any applicable law shall be resolved in favor of the law.

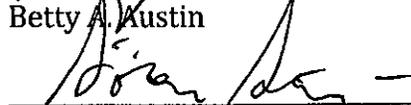
**Section 10 – Waivers & Amendments** – These guidelines, or any provision thereof, may be waived on any occasion by a majority vote of the Board of Selectmen unless otherwise provided by town law, ordinance or state law. These guidelines may be amended at any time in writing by majority vote of the Board of Selectmen.

Amended and agreed to by the Board of Selectmen this 8<sup>th</sup> day of September, 2015.

Board of Selectmen

  
Donald L. Skillings II, Chairman

  
Betty A. Austin

  
Soren Siren

  
Paul York, Vice Chairman

  
Darla Pickett