

CONFLICT OF INTEREST

BCB

Your election to the Ellsworth School Committee (ESC) carries with it a degree of public trust. Therefore, when making decisions that affect the Ellsworth School Department (ESD), ESC members have the duty to act in the interest of the common good for the benefit of both the students and the people they represent, and to be fair, impartial and responsive to their needs, and to each other, in the performance of their functions and duties.

It is not the intent of this Policy to deny any ESC member his/her constitutional rights, nor violate their civil rights, but is only an attempt to list the federal, state, and local laws and/or rules as they pertain to ESC members in one place for easier reference.

A conflict of interest may arise when there is an incompatibility between an ESC member's personal interest and his/her responsibilities as an elected official in matters proposed or pending before the ESC. ESC members have a legal and ethical responsibility to avoid not only a conflict of interest, but must take care not to give the appearance of conflict of interest.

Financial Interest

An ESC member has a financial interest in a question or contract under consideration when he/she or a member of his/her immediate family may derive some financial or other material benefit (or loss) as a result of such ESC action. Votes of the ESC are voidable if a member participates directly by means of deliberation, approval or disapproval, or recommendation, in the purchase of goods and services for the ESD, and the award of any contracts with the ESD, where to his/her knowledge there is a financial interest, or special interest other than that possessed by the general public in any such purchase or award, held by:

- A. himself/herself or a member of his/her immediate family
- B. a business in which he/she or a member of his/her immediate family serves as an officer, director, trustee, partner or employee in a supervisory or management position; or
- C. any other person or business with whom he/she or a member of his/her immediate family are in business, or are negotiating or have an arrangement concerning future employment.

In order to prevent the vote on a question or contract from being voidable, any ESC member who has a financial/special interest must:

- A. Make a full disclosure of his/her interest before any action is taken; and
- B. Abstain from voting for the negotiation or award of the contract and from otherwise attempting to influence the decision.

An ESC member who believes he/she has a conflict of interest as defined above, shall disclose the nature and extent of such interest and shall request that their disclosure be recorded by the Superintendent in the official record of the meeting. Once such a disclosure has been made, the ESC member shall refrain from, and be relieved of, voting and/or all process(es) concerning such interest.

It is not the intent of this policy to prevent an ESC member from voting, or the ESD from contracting with a business because an ESC member is an employee of that business or has another indirect interest, but is designed to prevent the placing of ESC members in a position where their interest in the ESD and their interest in their places of employment may conflict and/or give the appearance of being a conflict of interest.

Appearance of Conflict of Interest

ESC members should always ensure they do not give the impression that their position or vote on any issue is influenced by anything other than a fair and honest consideration of all sides of a question.

ESC members shall attempt to avoid any appearance of conflict of interest by disclosure and/or abstention.

Disclosure Statement by ESD members

Each ESC member shall file with the City Clerk during the month of April, a written statement under oath containing the following information, to the best of his/her knowledge and belief:

The name of each person or business doing business with the ESD in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year from which such ESC member, or a member of his/her immediate family, has received money or other thing(s) of value in an amount in excess of one thousand dollars (\$1,000.00) during the preceding calendar year, including campaign contributions.

For the purposes of this Policy, a list prepared by the City Treasurer of those persons or businesses doing business with the City in amount in excess of one thousand dollars (\$1,000.00) for the preceding calendar year shall be determinative for purposes of reporting under this section. Income from, and financial investments in, and deposits and accounts with commercial or savings banks, savings and loan associations, or credit unions shall not be considered to be a financial interest within the meaning of this section.

Appointment to Office and Other Employment

ESC members may not, during the time they serve on the ESC and for one year after he/she ceases to serve, be appointed to any ESD employment position which has been created or the compensation of which has been increased by action of the ESC, during the time that member has served.

Employment in the ESD

A member of the ESC, or spouse of a member, may not be an employee in the ESD during the time they are serving.

ESC Members as Volunteers

An ESC member or his/her spouse may not serve as a volunteer in the ESD when that position has primary responsibility for a curricular or co-curricular program or activity where that position reports directly to the Superintendent, Building Administrator, Director of Student Activities, and/or any other Administrator in the ESD.

Volunteer activities of a member of the ESC or his/her spouse other than as prohibited by this section may be prescribed by other Policies approved by the ESC.

NOTE: For purposes of this Policy, the following statutory definitions apply:

A. "Employee" means a person who receives monetary payment or benefits, no matter the amount paid or hours worked, for personal services performed for the ESD.

B. "Volunteer" means a person who performs personal services for the ESD without any monetary payment or benefits of any kind or amount.

GIFTS AND FAVORS

ESC members shall not accept a gift(s) of any value, whether in the form of service, loan, thing or promise, from any person and/or business which to his/her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the ESD; nor shall they:

- (1) accept any gift, favor or thing of value that tends, or could appear to influence his/her in the discharge of their official ESD duties; or
- (2) grant, in the discharge of his or her ESD duties, any favor, service or thing of value.

POLITICAL ACTIVITIES

No ESC member shall participate in any political activity which would be in conflict or incompatible with the performance of his or her official functions and duties for the ESD.

No ESC member may use his/her official authority or position for the purposes of influencing or interfering with or affecting the results of any election, nor shall he/she solicit funds or contributions or accept or receive funds or contributions from City of Ellsworth employees for political purposes.

No ESC member may distribute pamphlets or handbills while he or she is performing their official functions and duties with the ESD.

Nothing herein shall be construed to prohibit any ESC member from participating in the political process in their capacity as private citizens.

Legal Reference: 20-A M.R.S.A. § 1002 – 1004
30-A M.R.S.A. § 2604 – 2606
City of Ellsworth Codes, Chap 40

Cross Reference: BCA – ESC Member Code of Ethics

Approved- January 22, 2008