

# Town of Woodland

## Operational Procedures Ordinance

# Operational Procedures Ordinance and Policies of the Town of Woodland, Maine

## Board of Selectmen for the Municipality of the Town of Woodland

### Introduction:

The Town of Woodland Select Board appointed a Steering Committee to draft policies to provide direction and guidance to the governing body of Town government.

The Mission of the Committee is: *“Our mission as the Steering Committee is to create a framework of bylaws, policies, and procedures that serve as the foundation for the Town of Woodland. We are committed to upholding the values of integrity, fairness, and accountability in our decision-making process. Through collaboration and thoughtful consideration, we strive to address the evolving needs of all residents of Woodland while preserving the town’s unique character and heritage.”*

### Active Board Members:

Matthew Cole - Chair  
Chris Fournier  
Kathy Ouellette

### Steering Committee Members:

Gene Bradbury  
Jean Cashman  
Lorraine Chamberlain - Chair  
Lewis Cousins  
Lisa Milliard  
Rosemary Monahan  
Ted St. Pierre

## **Section 1. Purpose and Scope**

The purpose of this Operational Procedures Ordinance is to establish rules of procedure for the Town of Woodland, Aroostook County, Maine, by promoting fair, orderly and efficient conduct of Town proceedings and affairs. It shall not be used to defeat the purpose of or to supersede local ordinances, or Federal and State statutes. This Operational Procedures Ordinance shall govern the daily operational practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their purpose. These rules may be reviewed and amended from time to time as the need arises to meet the needs of the Town by convening a regular or special Town Meeting.

All elected and appointed officials of the Town of Woodland shall review and sign the Oath of Office as part of this Ordinance in Appendix A.

## **Section 2. Parliamentary Authority**

The Woodland Board of Selectmen, (hereinafter, the Board), Chair or Vice Chair shall govern all Board meetings, to the extent necessary to maintain an orderly meeting.

## **Section 3. Officers; Duties**

The Board is made up the Chairman and the Vice Chairman are to be chosen annually at the first regular meeting in each year by and from among Board members unless otherwise provided by law. The Chairman shall preside at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with this Operational Procedures Ordinance or other law to enable the Board to perform its duties and conduct its affairs. The chair also shall, in consultation with the Town Clerk or Deputy Clerk, set the agenda for each meeting, with the Town Clerk or Deputy Clerk posting the agenda.

In the absence of the Chairman, the Vice-Chairman shall preside and shall have the same authority as the Chairman. The recorder or designee shall maintain a permanent record of all Board meetings and all correspondence of the Board, which shall be a public record except as otherwise provided by law.

The powers and duties of the Board shall include, but not be limited to:

1. Acting as assessors and overseers of the poor;

2. The appointment of members of the Planning Board, the Appeals Board, and other boards, agencies and positions as provided by statute, ordinance or other ad hoc needs as determined by the Board;
3. To propose to the Town Meeting the enactment or appeal of ordinances which require approval by a Town Meeting;
4. To provide for the granting of licenses, and permits for the conduct of any business in accordance with statute for such rules and regulations not inconsistent with statute and upon payment by the licensees of such fees as the Board may establish;
5. To recommend a budget to the Annual Town Meeting; and
6. To oversee all activities within the Town government.
7. To adopt, amend or repeal policies and regulations which do not require approval by a Town Meeting;
8. To oversee Town finances.

#### **Section 4. Meetings**

During the first Board Meeting of the calendar year, the Board will establish the standard monthly meeting day and time for the coming year. Emergency meetings may be called at the discretion of the Chairman or upon the request of a majority of the Board, provided, however, that notice thereof shall be given to each member, to representatives of the press, and written notice to the public via the town web-page and the municipal sign in a timely manner in advance and that no business may be conducted other than as specified in said notice.

Notice of all scheduled Board meetings shall be given seven (7) days prior to the meeting unless extenuated circumstances prevented this to occur. The exception is when the Board must act to meet in an “emergency situation”, where this seven (7) day timeframe cannot be honored. All Selectboard meetings shall be open to the public except as otherwise provided by law.

No business may be conducted by the Board except at a duly called and noticed meeting or without a quorum consisting of a majority of the Board being present.

Every Board member shall attend all Board meetings unless excused by the Chair. When a Board Member is not available for more than three unexcused meetings the Select Board Member shall be subject to censure.

The Chairman is responsible for setting the agenda. The meeting agenda shall be posted seven (7) days prior to the Board Meeting. Any community member who would like to have an agenda item considered by the Chairman, must provide the specifics of the item in writing to the Town Office Clerk Ten (10) days in advance of the scheduled meeting. This does not mean that the Chairman will place this on the agenda.

The Chairman is responsible for making sure that the meeting space adequately supports seating and audio capabilities for effective community participation.

The order of business at regular meetings shall be as follows:

1. Call to Order
2. Roll Call (determination of a quorum)
3. Approval of Minutes from previous meeting(s)
4. Public Hearing (if needed, per Statute)
5. Old business
  - a. Outline specific items here
6. New business
  - a. Outline specific items here
7. Public Comments
  - a. In accordance with current Board Policy, Public Comments may not include questions.
  - b. All comments will be limited to 3 minutes. The Chairperson may use discretion as appropriate.
  - c. In addition to verbal comments that can be made during the meeting, written public comments may be submitted to the Town Clerk prior to 4PM of the day of the Board Meeting and will be read.
8. Department Reports
  - a. Highway
  - b. Office

- Financial

9. Committee Reports
10. Other
11. Executive Session
12. Adjournment

## **Section 5. Executive Session**

Board members are allowed to go into an Executive Session to deliberate on matters in accordance with State of Maine Statutes.

The Executive Session can only be entered after a motion has been made in public session to go into Executive Session. The motion must carry by a majority of the members in attendance.

A motion to go into Executive Session must indicate the precise nature of the business of the Executive Session and include a citation of the one or more sources of statutory or other authority that permits and Executive Session for that business. Matters other than those identified in the motion to go into Executive Session may not be considered in that particular Executive Session.

The nature of the business to be discussed must be a part of that motion, although the wording of the motion, obviously, may not substantially reveal the sensitive information which the law intends to protect by the executive session process.

No topic other than that referred to in the motion shall be discussed during the Executive Session. The Executive Session shall be held in such place as to ensure the privacy of the meeting, and the Chairman shall determine the public and staff allowed to attend in the Executive Session.

All matters discussed during the Executive Session shall be held in strictest confidence by the Board and shall not be discussed with or divulged to any person other than a fellow Board member or persons in attendance at the Executive Session. Any violation of this confidentiality requirement shall be deemed to be malfeasance of office and shall subject the offending Board member to sanction by the Board.

No official action shall be finally approved at an executive session. Any vote related to the subject matter discussed in the Executive Session must be taken when the Board reconvenes in public session.

## **Section 6: Public Comment**

The purpose of the Public Comment section of the Board Meeting is to allow members of the community to address the Board with issues of concern that they would like the Board to be aware of. This is not a question/ answer period. The Board may ask questions of those presenting their concerns and may take any concern raised under advisement.

### ***Rules of Public Comment:***

1. The chairperson shall recognize speakers.
2. The speakers will be required to identify themselves by stating their name, first and last, and residence address prior to sharing their comments.
3. The speakers will be asked not to be repetitious, and to limit their comments to 3 minutes in length.
4. Any comment by the public shall be limited to the expression of opinions or concerns regarding town business.
5. All comments shall be directed to the Chairperson.
6. Complaints may be referred to the Town Office staff for further investigation. Unresolved issues will be brought to the Board.
7. Complaints regarding the Town Office Staff must be brought to the Board for investigation and resolution.

After listening to any input from the public present, the Chairman will close public comment. Any further information requested by the speaker shall be referred to the Town office staff to research the matter and make a recommendation to the Board.

If any member of the Public violates the rules of public decorum, the Chairman or a majority of the Board may expel that member of the Public from the meeting. If the member of the public refuses to leave the meeting, the Chairman or a majority of the Board may order the Aroostook County Sheriff to remove the member of the public.

A Board member shall not be permitted to speak as a member of the public during any public comment periods, except on a matter where the Board member has recused himself or herself in order to assert or protect his or her personal interests or property rights. Recusal requires the member to abstain from Board deliberation and voting.

The Chairman or a majority of the Board may close public comment at any time.

## **Section 7. Hearings**

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 a general description of the subject matter.

The Chairman shall convene all hearings by describing the purpose of the hearing and the general procedures to be followed. The Board may receive any oral or documentary evidence but shall exclude irrelevant, immaterial or unduly repetitious evidence, provided, however, that formal rules of evidence shall not apply. Every party shall have the right to present its case in the order determined by the Chairman and without interruption, provided, however, that the Chairman may impose such reasonable time limits as may be necessary to ensure that all parties have an adequate opportunity to be heard.

## **Section 7a. Participation and Voting**

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

No Board Member may participate or vote in any matter in which the Board 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 majority vote of the remaining members.

No Board Member may participate or vote in any adjudicatory proceeding, including proceedings on licenses, permits or other approvals, unless the member was present during all hearings thereon.

All Board Members who are present and not disqualified as provided herein shall vote in every matter to be voted upon unless excused by the Chairman for good cause shown.



### **Section 7b. Decisions**

All decisions of the Board shall be made within the time limits, if any, established by law. 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 therefor. All such decisions, together with any tape recording or transcript of testimony and deliberations and any documents and exhibits offered to the Board, shall constitute the record of the proceedings and shall be a public record, except as otherwise provided by law.

Notice of any decision, if required, shall be given as prescribed by law.

The Board may reconsider any decision at the same meeting or at a subsequent meeting within 30 days of its original decision, provided, however, that both a vote to reconsider and any action taken pursuant thereto shall occur and be completed within said 30 days. Notice of any reconsideration shall be given to any party thereto a reasonable time in advance of the reconsideration. The Board may conduct additional hearings and receive additional evidence and testimony as provided herein.

### **Section 8. Conflict with Laws**

Any conflict or inconsistency between this Operational Procedures Ordinance and any applicable law shall be resolved in favor of the law.

### **Section 9. Waivers; Amendments**

Any modifications or changes to this Operational Procedures Ordinance will follow all State of Maine Statute requirements.

### **Section 10. Board Training**

Per Maine State Statutes, elected officials, including elected municipal officials who exercise executive or legislative powers (i.e., selectpersons, councilors and school board members), to complete a training course in Maine's Freedom of Access Act (FOAA) or "Right to Know" law.

Officials who are subject to this law must complete the course no later than 120 days after they take their oath of office. The course must be approved by the Right to Know Advisory Committee, a standing advisory panel created by the Legislature in 2005. The course must include instruction in most aspects of the FOAA and be designed to

be completed in less than two hours. This requirement can be met by thoroughly reviewing all of the information on the State's Freedom of Access website (<http://maine.gov/foaa/>) under Frequently Asked Questions (this is a self-study option and is free of charge), or by attending any other training (including MMA's) that includes all of the information on the State's website.

Officials must make a written or electronic record certifying that they have completed the training and identifying the training completed and the date of completion. This record must be kept by the official or filed with the municipality (we recommend with the municipal clerk).

Forms for certifying compliance ([www.memun.org](http://www.memun.org)).

## **Section 11. Code of Ethics and Conduct**

**For Members of All Town Boards, Employees, Committees, and Commissions Except the School Committee and their Appointments** will abide by the Code of Ethics and Conduct.

### **Preamble**

To ensure that the Citizens and businesses of Woodland have fair, impartial, ethical, and accountable local government that is responsive to the needs of the people and each other and that has the Citizens' full confidence in the integrity of the Town's government, the Town of Woodland has adopted this Code of Ethics and Conduct. In keeping with a commitment to excellence, the effective functioning of democratic Town of Woodland government requires that:

- i. elected and appointed public officials and employees comply with both the letter and spirit of laws and policies affecting the Town Government;
- ii. elected and appointed public officials and employees be independent, impartial, and fair in judgment and action;
- iii. elected and appointed public office and employment be used for the public good and not personal gain;
- iv. public deliberations and processes be conducted openly, unless legally confidential and;
- v. all discussions and debate be conducted in an atmosphere of respect and civility.

This Code of Ethics and Conduct applies to members of the Board of Selectman, (hereinafter to be referred to as Board), Town employees, and to all elected and appointed members of Town boards, committees, and commissions (hereinafter referred to as "Members") except for the School Committee and their appointees. The Town's boards, employees, committees, and commissions consist of all statutory and no statutory boards, employees, commissions or committees now existing or hereafter created.

The Board shall endeavor to ensure that all Town employees adhere to the standards of this Code of Ethics and Conduct.

Any allegations of Board misconduct will be dealt with following the procedures outlined in “Disciplinary Procedures” set forth in the latest edition Robert’s Rules of Order.

#### **11A. Actions in the Public Interest**

Recognizing that stewardship of the public interest must be their primary concern; Members will work for the common good of the Citizens of Woodland and not for any private interest or personal gain. Members shall provide fair and equal treatment of all persons, claims, and transactions that come before the Board or any Town board, committee, or commission.

#### **11B. Compliance with the Law**

Members shall comply with the laws of the United States, the State of Maine, and the Town of Woodland in the performance of their public duties. These laws include, but are not limited to, the United States and Maine State constitutions and statutes; the Town of Woodland’s Ordinances and Policies, and laws. pertaining to conflicts of interest, election campaigns, financial disclosures, employer responsibilities, and open processes of government, all of which are hereby incorporated herein by reference and made applicable.

#### **11C. Conduct of Members**

The professional and personal conduct of Members must be above reproach and must avoid any appearance of impropriety. **Members shall refrain from abusive conduct, from making personal charges or disparaging remarks, or from verbal attacks upon the character or motives of Members of Town boards, committees, commissions, or Town Staff.**

#### **11D. Respect for the Process**

Members shall perform their duties in accordance with the processes and rules of order, inclusive of Robert’s Rule of Order, established by the Board and by the other Town boards, committees, and commissions. Each member shall be committed to respect the democratic process that encourages meaningful involvement of the public and that governs the deliberation of public policy issues in the Town of Woodland. Members must abide by any lawful decision made by a majority of the board, commission, or committee. Members should strive to thoughtfully consider the opinions and recommendations of other Members, Citizens, and Town staff appearing before Town boards, committees, or commissions and shall remain respectful in all interactions with these individuals. Members shall have no legal authority outside of the meetings of their respective board, commission, or committee unless this authority has been specifically delegated to the Member through an adopted policy or majority vote of the board.

All members of our community are expected to comply with state and local real estate and personal property tax laws ensuring timely and accurate payment of all real estate and personal property taxes owed. This commitment to fulfilling tax obligations supports the financial health and wellbeing of our community.

#### **11E. Conduct of Public Meetings**

Members shall prepare themselves for open discussion of public issues, shall listen courteously and attentively to all public discussions before the body, and shall focus on the business at hand. Members shall refrain from unnecessarily interrupting other speakers, from making personal comments not germane to the business of the body, and from otherwise interfering with the orderly conduct of meetings. The Chairman of each board, committee, or commission shall use his or her best efforts to ensure that the public who attend such meetings adhere to the same standards of conduct in this Code of Ethics and Conduct as outlined for Members.

#### **11F. Decisions Based on Merit**

Members shall base their decisions on the merits and substance of the matter at hand. No member shall make promises in advance as to how they will vote on a matter, which shall properly come before the board, committee, or commission as a whole.

#### **11G. Communication**

Members shall publicly share information that is relevant to any matter under consideration by a board, committee, or commission. Concerns involving the conduct of Town employees shall be communicated to the Board in writing utilizing the Town Complaint Form.

#### **11H. Conflict of Interest**

Members shall avoid any situation that may give rise to an actual or perceived conflict of interest. Where circumstances may cause a reasonable person to question the Member's impartiality or may otherwise give rise to an appearance of a conflict of interest, the Member shall not participate in a matter unless the Member has appropriately disclosed the situation and there has been a determination by the Member's board, committee, commission, staff official, or the Board that the Member's participation is appropriate. Members will follow all State of Maine Statutes.

#### **11I. Gifts and Favors**

Members shall not take advantage of services or opportunities for personal gain, by virtue of their public office, nor use information acquired, nor improperly use their title or position to enrich themselves or their families and friends.

- A. No member shall accept any gift, favor or item, whether in the form of service, loan, thing or promise, from any person or business which to his/her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the Town, nor shall any member:
  - (1) Accept any gift, favor or thing of value that tends to influence that individual in the discharge of his/her official duties; or
  - (2) Grant in the discharge of his/her official duties any improper favor, service or thing of value.
- B. In determining whether a violation of this section has occurred, the following shall be considered:
  - (1) The value of the gift, favor or thing received; and
  - (2) Any special value the gift, favor or thing received may have to the recipient; and
  - (3) The circumstances under which the gift, favor or thing concerned was received.

#### **11J. Confidential Information**

No member shall, without proper legal authorization, disclose confidential information concerning the property, employees, government or affairs of the Town, nor shall he/she use such information to advance his/her financial or private interest or the financial or private interest of others. Information received and discussed during an executive session of any Town agency called pursuant to 1 M.R.S.A. § 405 et seq. (the Freedom of Access Law) shall be considered within the constraints of this section and shall not be disclosed to any third party unless permitted by affirmative vote of such body.

#### **11K. Use of Public Resources**

Members shall not use public resources not available to the general public for private gain or personal purposes, such as Town staff time, equipment, supplies, or facilities.

#### **11L. Representation of Third-Party Interests**

As stewards of the public interest, Members of the Board, the Planning Board, and the Board of Appeals shall not represent the interests of third parties before any Town board, committee, or commission, nor shall they appear before any of these bodies on behalf of the interests of third parties on matters related to the areas of service of these bodies. Members of all other boards, committees, or commissions must give notice to the Board prior to any representation of any third party interests before any Town board, committee, or commission. Nothing herein shall be

construed to prohibit any Member from representing his or her own personal interest, or the interest of immediate family, by appearing before any Board on any item.

#### **11M. Advocacy**

Members shall represent the official policies and positions of the Board and of other Town boards, committees, and commissions when designated as delegates for this purpose to the best of their ability. When presenting personal opinions and positions Members shall explicitly state that these opinions and positions do not represent their body or the Town of Woodland, and they shall not allow any inference that they do.

#### **11O. Political activities**

- A. Nothing herein shall be construed to prohibit any member from participating in the political process in his/her private capacity as candidates for elected office or as private citizens, nor prohibit the member from promoting causes officially endorsed by a recorded vote of the Board.
- B. No member shall participate in any political activity which would be in conflict or incompatible with the performance of his/her official functions and duties for the Town. In conjunction therewith, no member may use his/her official authority or position for the purposes of influencing or interfering with or affecting the results of any election.
- C. Follow all State Statutes.

#### **11P. Independence of Boards, Committees, and Commissions**

Members shall refrain from using their positions to unduly influence the deliberations or outcomes of any board, committee, or commission proceedings or to inhibit free discussion and exchange of ideas of these groups.

#### **11Q. Positive Workplace Environment**

Members shall support a positive and constructive workplace environment for Town employees and for Citizens and businesses dealing with the Town. Members shall recognize their special role when dealing with Town employees and shall in no way create the perception of inappropriate direction of staff.

## 11R. Implementation

This expression of the standards of conduct expected of Members of boards, committees, and commissions is intended to be self-enforcing. It is most effective when Members are thoroughly familiar with it and embrace its provisions.

- A. Every member shall participate in the Code of Ethics and Conduct training, as prescribed by the Board, within six months of appointment and every three years thereafter.
- B. The Town Clerk shall furnish each new member with a copy of the Code of Ethics and Conduct before the member begins the duties of the member's office.
- C. A signed receipt for all copies shall be returned to the Town Clerk, who shall retain the receipt on file.

For this reason, this Code of Ethics and Conduct shall be included in the orientation of candidates for, or applicants to boards, committees, and commissions, and of newly elected or appointed Town officials. Members entering office shall sign a statement acknowledging that they have received a copy, and read, and understand the Town of Woodland Code of Ethics and Conduct. This Code of Ethics and Conduct shall be reviewed regularly by the Board as well as by the Town's other boards, committees, and commissions. The Board shall consider recommendations from these bodies in updating the Code of Ethics and Conduct as necessary.

## 11S. Compliance

The Town of Woodland Code of Ethics and Conduct expresses standards of conduct expected of Members of the Town's boards, committees, and commissions. Members themselves have the primary responsibility for ensuring that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.

The Chairs and Vice-Chairs of boards, committees, and commissions have the responsibility for intervening when actions of Members appear to be in violation of this Code of Ethics and Conduct.

In addition to any other penalties or remedies as may be provided by law, the **Board may intervene and advise Members whose conduct does not comply with the Town's ethical standards and may censure Elected or Appointed Members after notice and hearing conducted by the Board in accordance with Robert's Rules of Order.** The Board may issue interpretative policy statements to clarify any ambiguities in this Code. Members of boards, committees, and commissions may seek clarifying opinions from, or appeal decisions of their boards, committees, and commissions to the Board of Selectmen on particular situations addressed by this Code of Ethics and Conduct.

A violation of this Code of Ethics and Conduct shall not be considered a basis for challenging the validity of a board, committee, or commission decision but may be used as a basis for the board, committee, or commission to reconsider its decision.

#### **11T. Separability**

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

Adopted by the Town of Woodland vote on \_\_\_\_\_, 20\_\_\_\_\_.