

Policy Name:	Code of Ethics- Select Board		
Approval Authority:	Select Board	Applies to:	Select Board
Adopted: 7/23/19		Revised: 7/25/23	Reviewed: 07/25/23



PREAMBLE

To ensure that the citizens and businesses of Newbury 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 Select Board has adopted this Code of Ethics. In keeping with a commitment to excellence, the effective functioning of democratic Town of Newbury government requires that:

- Elected public officials comply with both the letter and spirit of laws and policies affecting the Town Government;
- Elected public officials be independent, impartial, and fair in judgment and action;
- Elected public officials work for the public good and not personal gain;
- Public deliberations and processes be conducted openly, unless legally confidential and;
- All discussions and debate be conducted in an atmosphere of respect and civility.

This Code of Ethics applies to members of the Select Board (hereinafter referred to as "Members").

1. 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 Newbury 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 Select Board.

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2. Compliance with the Law

Members shall comply with the Laws of the United States, the State of Massachusetts, and the Town of Newbury in the performance of their public duties. These Laws include, but are not limited to, the United States and Massachusetts State constitutions and statutes; the Town of Newbury's bylaws, and Policies; Newbury Special Act 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.

3. 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, or commissions, or of Town staff, the citizens, or each other.

4. Respect for the Process

Members shall perform their duties in accordance with the processes and rules of order established by the Select Board. 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 Newbury. Members must abide by any lawful decision made by a majority of the Select Board. Members should strive to thoughtfully consider the opinions and recommendations of other members, citizens, and Town staff appearing before the Select Board and shall remain respectful in all interactions with these individuals. Members shall have no legal authority outside of the Select Board unless this authority has been specifically delegated to the Member through an adopted policy or majority vote of the Board. To that end, no member may direct Town staff to act or not act except so far as in accordance with the Town of Newbury Special Act.

5. 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.

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6. 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 as a whole.

7. Communication

Outside of a duly noticed formal meeting of the Board, Members are encouraged to publicly share information that is relevant to any non-confidential matter under consideration by the Board. However, at no time shall such information sharing lead to promises being made as to how that Member intends to vote on that issue until it has been discussed and deliberated upon at a duly noticed meeting. Non-confidential documents including reports, studies, etc. from committees, boards, commissions, individuals, etc, presented to the Board are in the public domain and as such shall be made available to the public upon request.

Although it is proper to use electronic means of communication to share background information on a particular issue, at no time shall such sharing lead to the deliberation of any business or any decision-making prior to open discussion at a duly noticed public meeting.

Concerns involving the conduct or behavior of Town employees shall be communicated to the Town Administrator and never directly with an employee. Criticism of a town employee shall never be done publicly.

8. Conflict of Interest

All members shall comply with G.L c 268A

9. Gifts and Favors

Members shall not take advantage of services or opportunities for personal gain, by virtue of their public offices that are not available to the public in general. Members shall refrain from accepting or presenting gifts, favors, or promises of future benefits that might compromise independence of judgment or action, or that might give the appearance of such compromise.

10. Confidential Information

No Member shall, without proper legal authorization, discuss or disclose confidential information concerning the property, personnel, government or affairs of the Town, nor shall any member use such information to advance the private or financial interests of himself or herself or members of his or her immediate family. Members shall not discuss the privileged knowledge, executive sessions, or confidential business of the board, committee, or commission with unauthorized parties, either orally or in writing. For purposes of this subsection, "confidential information" shall mean any information, oral or written, which comes to the attention of or is available to such Member due to his or her position with the Town and is not a matter of public record. Information received and discussed during any executive session shall

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be considered within the constraints of this section and shall not be disclosed to any party unless permitted by affirmative vote of a majority of such board.

11. Use of Public Resources

All members shall comply with G.L.c. 268A

12. Representation of Third Party Interests

All members shall comply with G.L.c. 268A

13. Advocacy

Members shall represent the official policies and positions of the Select Board 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 Newbury, and they shall not allow any inference that they do.

14. Policy Role of Members

Members shall respect and adhere to the Town Administrator structure of Town government. The Select Board shall determine the policies of the Town, with advice, information, and analysis provided by Town staff, by the Town's boards, committees, and commissions, and by the citizens.

Members shall therefore not interfere with the administrative or operational functions of the Town or with the professional duties of Town staff, nor shall they impair the ability of Town staff to implement the policy decisions of the Board of Selectmen.

15. 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 proceeding.

16. 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.

17. Implementation

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

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For this reason, this Code of Ethics shall be included in the orientation of newly elected Select Board members. Upon adoption hereof, and then at the time of members entering office, said members shall sign a statement acknowledging they have received, read and understand the Town of Newbury's Code of Ethics. This Code of Ethics shall be reviewed annually by the Select Board, which shall consider updates to the Code of Ethics as necessary.

18. Compliance and Enforcement

The Town of Newbury Code of Ethics expresses standards of conduct expected of Members of the Town's Select Board. 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 Chair has the responsibility for intervening when actions of members appear to be in violation of this Code of Ethics. In instances where the Chair appears to be in violation of the Code of Ethics any remaining Select Board member may intervene.

In addition to any other penalties or remedies as may be provided by law, the Select Board may intervene and council members whose conduct does not comply with the Town's ethical standards.

When a member violation is apparent as prescribed in this Code of Ethics the actions taken may range from a letter of reprimand by the Board, to a censure, to a request for resignation from the elected position. All penalties shall require a majority vote of the Select Board before being imposed upon the member determined to be in violation.

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Select Board decision but may be used as a basis for the Board to reconsider its decision.

19. Severability

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 of Ethics.

Adopted by the Board of Selectmen, July 23, 2019
Revisions adopted by the Select Board, July 25, 2023