

PLANNING BOARD

Wednesday, August 27, 2025 at 6:00 PM
Via Zoom



MEMBERS

Carolyn Braun
Peter Goldman
Jennifer Goodwin
William Hayward
Maria Maffucci
Rosemary Paine
Jennifer Wriggins

REMOTE ACCESS INFORMATION: <https://portlandmaine-gov.zoom.us/j/83802048930?pwd=hfOOnHGu011v8ROBUpykqCKaVBbpbW.1>

The Ethics Commission will conduct this meeting remotely via Zoom pursuant to the Remote Meeting Policy. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

<https://portlandmaine-gov.zoom.us/j/83802048930?pwd=hfOOnHGu011v8ROBUpykqCKaVBbpbW.1>

PUBLIC COMMENT INFORMATION:

To submit written public comment on an agenda item, email [INSERT_EMAIL_ADDRESS_HERE](#). Submissions must be received by 12:00 pm the day before the Ethics Commission meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

AGENDA:

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes from Previous Meeting**
 - i. Ethics Commission Meeting-July 29, 2025
4. **New Business**
 - i. Review of Ethics Legal Landscape & Sample Ethics Codes
 - ii. Review of Ethics Commission Ordinance & Charter Provisions
5. **Other Business**
6. **Next Meeting Date**
 - i. Set Date/Time of Next Meeting

7. Adjourn

City of Portland-Ethics Commission



Meeting Date: Tuesday, July 29, 2025 at 5:00 pm-Meeting Minutes

Attendees

Carolyn Braun, Peter Goldman, Jennifer Goodwin, William Hayward, Maria Maffucci, Rosemary Paine, Jennifer Wiggins,

Staff: Ashley Rand, City Clerk; Rachel Millette, Associate Corporation Counsel

Agenda

Call to Order

1. Ashley Rand called the meeting to order at 5:00 pm

New Business

1. Adopt a Remote Meeting Policy

Motion was made by Peter Goldman and seconded by William Hayward for passage.
Passage: 7-0

2. Introduce Members

All members were introduced

3. Elect a Chair

Motion was made by Carolyn Braun and seconded by Jennifer Wiggins to elect Peter Goldman as Chair for passage. Passage: 6-1 (Peter Goldman abstained)

4. Elect a Secretary

Motion was made by Peter Goldman and seconded by William Hayward to elect Carolyn Braun as Secretary for passage. Passage: 6-1 (Carolyn Braun abstained)

5. FOAA Training

Rachel Millette (Associate Corporation Counsel) presented the FOAA material and trained the Commissioners

Next Steps

- Review/Adopt Rules & Procedures of the Ethics Commission
 - Ms. Millette will provide the Commissioners with the legal landscape and other city's ethics codes as a basis for creating Rules and Procedures

- Next Meeting

Motion was made by William Hayward and seconded by Jennifer Goodwin to meet the last Tuesday of every month at 6:00pm with the exception of the next meeting, which will be on Wednesday, August 27, 2025 at 6:00pm via zoom. Passage 8-0

Next Meeting: August 27, 2025 at 6:00pm via zoom.

Ethics Legal Landscape

Ethics Commission Ordinance & Existing Ethics Laws

August 27, 2025



01

Introduction to the Ethics Commission

TIMELINE

Ethics Commission





The ethics commission shall provide impartial oversight and render decisions and advisory opinions to ensure that standards of ethical conduct are observed by elected and appointed city officials and city employees.

— City Charter, Art. VIII, Sec. 1-A





Ethics Commission

Duties

Code of Ethics Ordinance

- Prepare and recommend a code of ethics ordinance to the City Council for enactment
- Review the ethics commission and code of ethics ordinances not less than once every three (3) years and make any recommendations for amendments to the City Council



Ethics Commission

Duties

Complaints of Ethics Violations

- Hear complaints and render written decisions regarding alleged violations of the City's code of ethics ordinance

Advisory Opinions

- Questions of prospective application of the City's code of ethics ordinance
- Questions of compliance with the City charter as it relates to the code of ethics ordinance
- Adherence to council and board rules and procedures as they relate to the code of ethics ordinance



Ethics Commission

Duties

Other Duties

- Procure a second legal opinion from outside legal counsel, upon request from a majority of the City Council or of any board or committee
- Design and oversee ethics program evaluations, including the ethics ordinance and the Commission's bylaws and policies and make recommendations to the City Council regarding the same
- May recommend appointment of an Accountability Officer

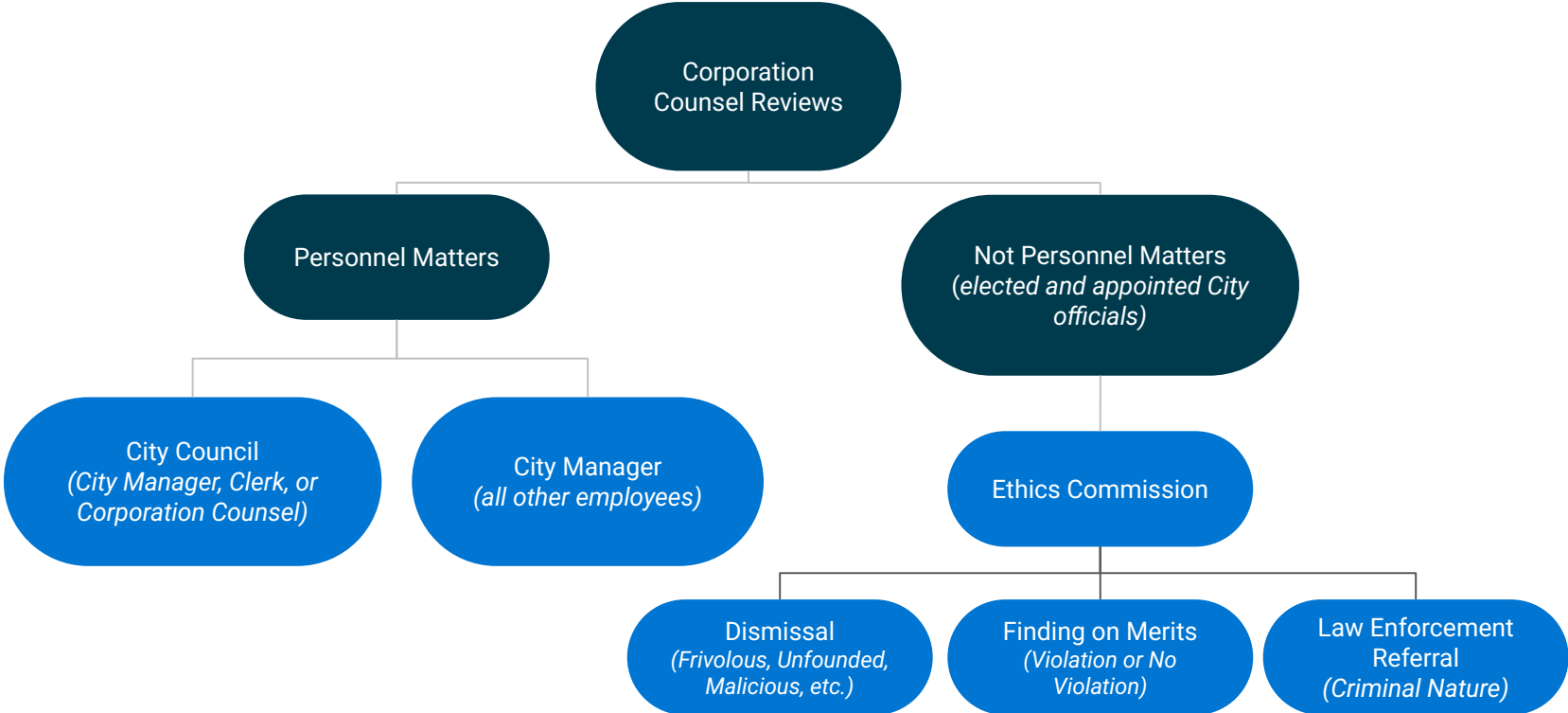
Complaint Process



Who Can File a Complaint

- Any City official or employee
- Resident of the City
- Accountability Officer
- Majority of the Ethics Commission

Complaint Process



Advisory Opinion Process



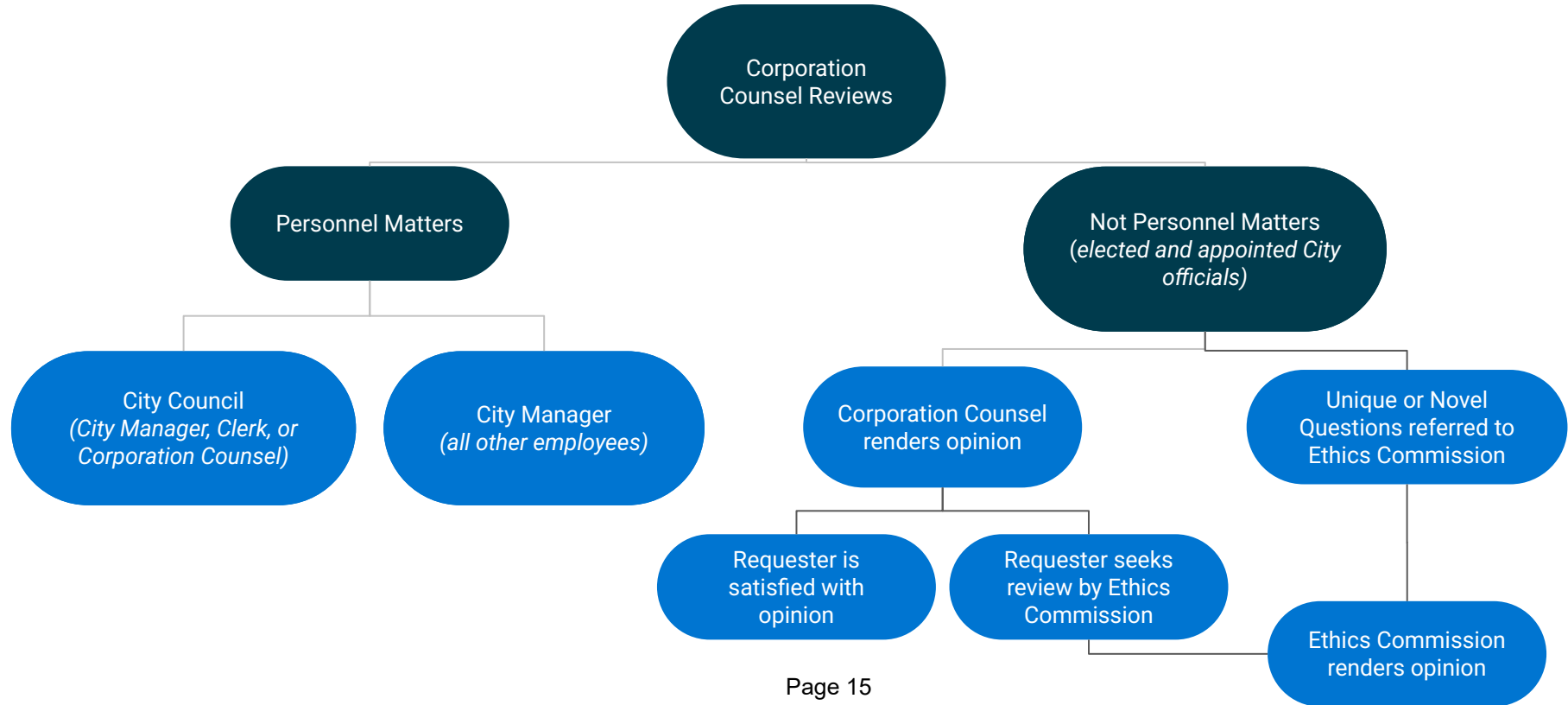
Who Can Request an Advisory Opinion

- Any City official or employee

Distinction from Complaints

- About prospective application - if I did this, would it violate the ethics code?
 - Complaints address something that has already been done

Advisory Opinion Process



02

Existing Ethics Obligations



State Ethics Laws

Conflicts of Interest

[30-A MRS § 2605](#) - Conflicts of Interest

- Provides that certain actions of a municipality are voidable and actionable if they violate certain conflict of interest provisions
- (1) Voting - official votes on a question in which they have a direct or indirect pecuniary interest
 - (2) Contracts - enter into a contract in which an official has a direct or indirect pecuniary interest unless obtained through a proper bid procedure



State Ethics Laws

Conflicts of Interest

- (3) Former Officials - cannot act as an agent or attorney or participate in a proceeding for anyone other than the municipality for one year after leaving their position in any proceedings that were pending before them or in their responsibility while in office or in the last year of their term in office
- (4) Appearance of Conflict of Interest - requires disclosures or abstentions to avoid the appearance of a conflict of interest



State Ethics Laws

Criminal Violations

[17-A MRS § 456](#) - Tampering with Public Records

- Unlawful to falsify records kept by the government or intentionally destroy a record without authority to do so

[17-A MRS § 602](#) - Bribery in Official and Political Matters

- Unlawful to solicit, accept, or agree to accept a benefit from another knowing it is intended to influence action, decision, vote, etc. as a public servant or to fail to report bribery to law enforcement

[17-A MRS § 603](#) - Improper Influence

- Legal obligation to report to law enforcement when a person threatens harm to a public servant to influence their actions, decisions, votes, etc.



State Ethics Laws

Criminal Violations

[17-A MRS § 604](#) - Improper Compensation for Past Action

- Unlawful to accept a bribe for a previous decision, action, vote, etc.

[17-A MRS § 605](#) - Improper Gifts to Public Servants

- Unlawful to solicit, accept, or agree to a bribe if know or reasonably should know that the purpose of the donor is to influence the public servant or is a reward for action

[17-A MRS § 606](#) - Improper Compensation for Services

- Unlawful to solicit, accept, or agree to a bribe in return for advice or other assistance in preparing or promoting a bill, contract, claim, transaction or proposal which the public servant has or likely has official discretion over



State Ethics Laws

Criminal Violations

[17-A MRS § 607](#) - Purchase of Public Office

- Unlawful to accept a bribe as compensation for endorsement, nomination, appointment or disapproval of any person for a public servant position or promotion

[17-A MRS § 608](#) - Official Oppression

- Unlawful to act with the intention to benefit yourself or harm another by committing an unauthorized act of office or refraining from a required duty

[17-A MRS § 609](#) - Misuse of Information

- Unlawful to engage in “insider trading” or assist others to do the same



State Ethics Laws

Criminal Violations

[17-A MRS § 903](#) - Misuse of Entrusted Property

- Unlawful to misuse property of the government



State Ethics Laws

Other Statutory Restrictions

[21-A MRS § 504](#) - Persons Ineligible to Serve

- Restricts who may serve as election officials

[30-A MRS § 5122](#) - Interest of Public Officials, Trustees or Employees

- Restricts those who are engaged in urban renewal project on behalf of a municipality from acquiring personal interests in such projects



Charter Ethics Requirements

Personal Interest Restrictions

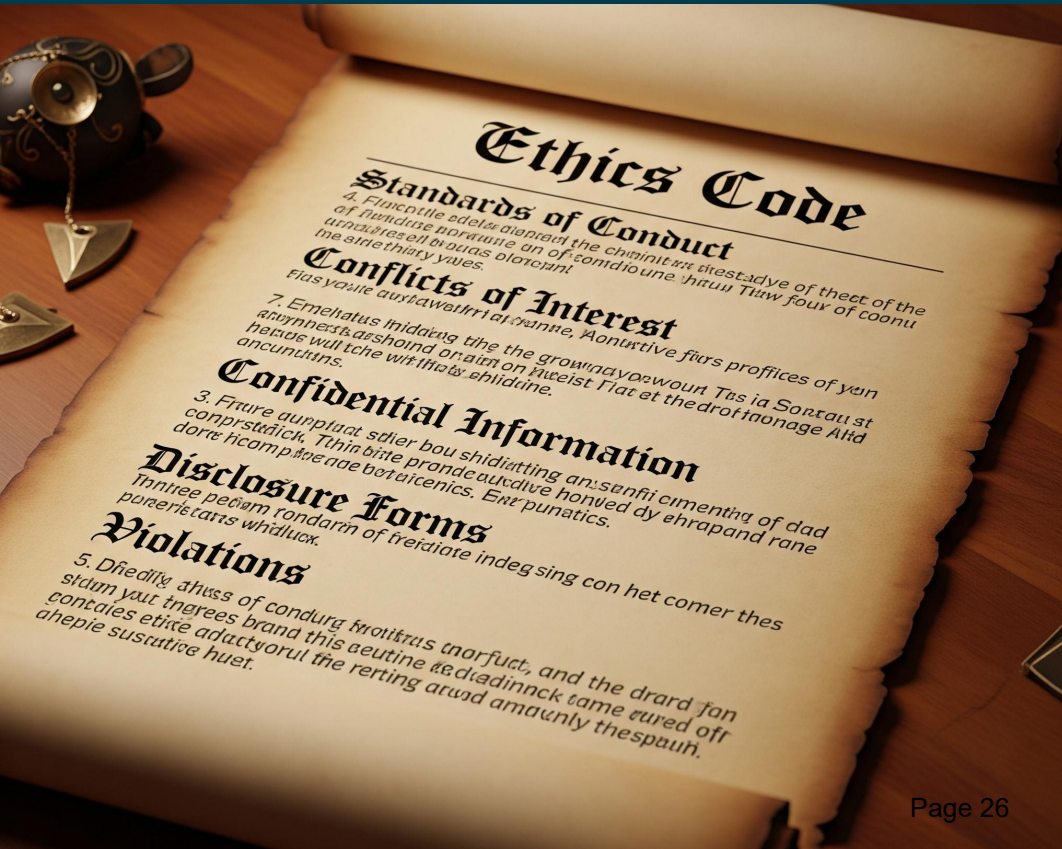
Charter Article VII, Section 1 - No Personal Interest

- Prohibits City and School officers and employees from:
 - Having a substantial financial interest in contracts entered into by the City or School or in the sale of land, supplies, or services within their function or responsibility
 - Purchasing or accepting things from the City or School on terms different than those offered to the public (except compensation, such as part of their employment)
 - Accepting gifts or services from someone with a contract with the City or School on terms better than those granted to the public

03

Drafting an Ethics Code

Code of Ethics - Required Topics



Standards of Conduct

Conflicts of Interest

Confidential Information

Disclosure Forms

Consequences for Violations

Sample Ethics Codes

Portland Examples

- [Portland City Council](#)
 - Applicable only to City Councilors
 - Will be rescinded when code of ethics ordinance is enacted
- [Portland Board of Education](#)
 - Applicable to School Board members

Maine Examples

- [Bangor](#)
- [Bar Harbor](#)
- [Bridgton](#)
- [Cape Elizabeth](#)
- [Ellsworth](#)
- [Kennebunk](#) & [Recent Kennebunk Draft](#)
- [Old Orchard Beach](#)
- [Raymond](#)
- [Saco](#)
- [Topsham](#)
- [Windham](#)
- [York](#)

Sample Ethics Codes

Out of State Examples

- [Burlington, VT](#)
- [Massachusetts State Law Summary](#)
- [Minneapolis](#)
- [New York City](#) & [Recent Reform Recommendations](#)
- [Seattle](#)

Procedural Rule Examples

- [Portland's Historic Preservation Board](#)
- [Portland's Rent Board](#)
- [Minneapolis](#)
- [New York City](#)
- [Seattle](#)



Questions & Answers

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05; Ord. 98-15/16, 11-16-2015)

Sec. 2-412. Violation of regulations.

It shall be unlawful for any person to violate any provisions of this article or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or delay any member of the emergency preparedness organization as herein defined in the enforcement of the provisions of this article or any regulation or plan issued thereunder.

(Ord. No. 377-90, 6-6-90; Ord. No. 293-04/05, 6-20-05)

Sec. 2-413. Penalty.

Any person, firm or corporation violating any provision of this article or any rule or regulation promulgated thereunder, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) and the costs of prosecution.

(Ord. No. 377-90, 6-6-90)

Sec. 2-414. Severability.

Should any provision of this article be declared invalid for any reason, such declaration shall not affect the validity of other provisions, or of this article as a whole, it being the legislative intent that the provisions of this article shall be severable and remain valid notwithstanding such declaration.

(Ord. No. 377-90, 6-6-90)

Sec. 2-415. Conflicting ordinances, orders, rules and regulations suspended.

At all times when the orders, rules and regulations made and promulgated pursuant to this article shall be in effect, they shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

(Ord. No. 377-90, 6-6-90)

Sec. 2-416. - 2-429. Reserved

ARTICLE IX. ETHICS COMMISSION

Sec. 2-430. Ethics Commission.

a. *Purpose.* The Ethics Commission shall provide impartial oversight and render decisions and advisory opinions to ensure that standards of ethical conduct are observed by City elected and appointed officials and employees. The Ethics Commission shall be an independent body, free from interference from any City elected and appointed officials and employees. The Ethics Commission may request

funding from the city council for independent investigations, legal services, staffing, or other demands pertinent to its mission.

b. *Composition.* There shall be an Ethics Commission composed of seven (7) members. All members shall be appointed to fill at-large seats, and may reside in any part of the City. For the initial appointment of Commission members set out in (c) below, at least three (3) members shall be appointed, to terms of one (1), two (2), and three (3) years.

c. *Appointment; Terms.* For the initial members of the Ethics Commission, two members shall be appointed by the City Council for a term of one (1) year, two members shall be appointed for a term of two (2) years, and three members shall be appointed for a term of three (3) years. Thereafter, the City Council shall appoint members for terms of three (3) years. Such members shall serve until their successors are duly appointed and qualified.

d. *Qualifications.* Members of the Ethics Commission shall be legal residents of the City, having resided in the city for a period of at least the three years immediately preceding the member's appointment. Elected City officials, candidates for any City elected office, City employees, and their immediate family members are not eligible to be appointed as members of the Ethics Commission.

e. *Vacancies.* Permanent vacancies on the Ethics Commission shall be filled by the City Council in the same manner as other appointments hereunder for the unexpired term of the former member.

f. *Removal of Members.* Any member of the Ethics Commission may be removed for cause by the City Council at any time; provided, however, that before any such removal, such member shall be given an opportunity to be heard in their own defense at a public hearing.

g. *Compensation.* Members of the Ethics Commission shall serve without compensation.

h. *Meeting frequency; chair; secretary; minutes, public records.* The Ethics Commission shall meet as needed, but no less than annually. The members of the Ethics Commission shall annually elect one (1) of their members as chair to preside at all meeting and hearings and to fulfill the customary functions of that office. The members of the Ethics Commission also shall annually elect one (1) of their members as secretary to keep the minutes of the proceedings of the Ethics Commission, showing the vote of each member on every question, or their absence or failure to vote, and

to file the same with the City Clerk, who shall maintain the permanent records and decisions of all board meetings, hearings and proceedings, and all correspondence of the Ethics Commission, as required by statute, and to fulfill the customary functions of that office. Except as otherwise provided by State law, such records shall be public records open to inspection during working hours upon reasonable notice.

i. *Quorum and Necessary Vote.* No business shall be transacted by the Ethics Commission without a quorum, consisting of four (4) members being present. The Ethics Commission shall act on matters of routine business by a majority of members present and voting. Matters arising under section (k) and section (l) of this ordinance shall require the affirmative vote of five members of the commission for passage

j. *Conflicts.* No member of the Ethics Commission shall participate in the hearing or disposition of any matter in which the member has an interest. Any question of whether a member has a conflict of interest sufficient for a member to be recused shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be recused from the matter.

k. *Duties.* In addition to the jurisdiction conferred on it by other sections of this Article and in accordance therewith, the Ethics Commission shall undertake the following duties:

1. Prepare and recommend a Code of Ethics ordinance to the City Council for enactment. The City Council shall, with the recommendation of the Ethics Commission, enact and maintain a Code of Ethics ordinance defining the code of ethical conduct for City elected and appointed officials and employees as required by the City Charter.
2. Review the Ethics Commission and Code of Ethics ordinances not less than once every three (3) years and make recommendations for any amendments to the City Council;
3. Hear complaints and render written decisions with findings of fact regarding alleged violations of the City's Code of Ethics ordinance;
3. Hear and render advisory opinions regarding questions of prospective application of the City's Code of Ethics ordinance;

4. Hear and render advisory opinions regarding questions of the requester's compliance with the City Charter as it relates to the City's Code of Ethics ordinance;
5. Hear and render advisory opinions regarding adherence to City Council and City board and commission ethics rules and procedures as they relate to the City's Code of Ethics ordinance;
6. On receipt of a request from a majority of the City Council or any City board or commission, procure a second legal opinion from outside legal counsel; and
7. Design and oversee evaluations of the City's ethics program, composed of the Code of Ethics Ordinance, the Ethic's Commission's bylaws and policies, and their administration and make recommendations to the City Council regarding such ethics program.

1. *Appointment of Accountability Officer.* The Ethics Commission may recommend that the City Council appoint an Accountability Officer and fund that position pursuant to Article VIII, Section 1-A(c) of the City Charter. The Accountability Officer shall report directly to the City Council.

m. *Meetings, Hearings, and Procedures.*

1. Regular meetings of the Ethics Commission shall be held at the call of the chair or as provided by the rules of the Ethics Commission. Special meetings of the Ethics Commission shall be called by the chair, at the request of any three members of the Commission, or at the request of the City Council. Except as otherwise provided by State and federal law, all meetings and hearings of the Commission shall be open to the public.
2. The Ethics Commission shall adopt its own rules of procedure for the conduct of its business not inconsistent with the statutes of the State of Maine and this Section. Such rules shall be subject to City Council approval and then filed with the secretary and with the City Clerk.
3. Conflicts. No member of the Ethics Commission shall participate in the hearing or disposition of any matter in which they have a direct or indirect pecuniary interest, as defined by 30-A M.R.S. §2605, as amended, common law, the Code of Ethics, or the Charter.

n. *Complaints; Advisory Opinion Requests; Filing with City Clerk; Public Hearings.*

1. Filing with Corporation Counsel. Complaints alleging violations of the Code of Ethics ordinance and requests for advisory opinions, permitted by this Section, shall be filed with Corporation Counsel pursuant to this Section. Within 14 days receipt of a request pursuant to this section, Corporation Counsel shall make initial determinations as follows: (i) compliance with subsection 8 of this section, and (ii) compliance with subsection 4 of this section. If Corporation Counsel determines the matter is a "personnel matter," the matter shall be redirected to the City Manager, or to the council if the matter regards the City Manager, the Clerk, or the Corporation Counsel. If Corporation Counsel determines the matter is not a "personnel matter," Corporation Counsel shall alert the chair of the Ethics Commission of the filing and shall acknowledge in writing to the complainant or requester the Ethics Commission's receipt of a complaint or request for advisory opinion
2. Complaints. Complaints under (k)(3) above alleging violation of the City's Code of Ethics Ordinance may be filed by any City official or employee, or resident of the city, by the Accountability Officer, or may be initiated by a majority of the membership of the Ethics Commission, in accordance with the process set out herein, provided that complaints regarding City employees' ongoing or prior alleged violations or misconduct shall be referred without Commission investigation or action to the City for appropriate action under State law, its personnel policies and/or collective bargaining agreements as set forth in (n)(4) below.
3. Advisory Opinion Requests. Requests for advisory opinions under (k)(4), (5), or (6) above may only be made by an official or employee of the City and must be made in accordance with the process set out herein. The requester seeking an advisory opinion under (k)(4), (5), or (6) shall first submit a general written statement to Corporation Counsel describing the nature of the matter. Corporation Counsel shall then forward the general written statement to Corporation Counsel who shall (1) render an initial opinion and provide it to the requester, or (2) if Corporation Counsel determines that the opinion requested is of such a novel and unique question of fact or law as to need an advisory opinion from the Ethics Commission,

refer the matter to the Ethics Commission, which shall review the matter at its next available public hearing and render an advisory opinion thereafter. If Corporation Counsel renders an initial opinion, and, after reviewing that opinion, the requester would like the Ethics Commission to also consider the matter, the requester shall submit its written statement and a copy of Corporation Counsel's initial opinion to the Ethics Commission, which shall review the matter at its next available public hearing and render an advisory opinion thereafter.

4. Personnel Matters. Corporation Counsel shall redirect all complaints about or advisory opinions concerning City employees to the City Manager, or to the council if the complaint or advisory opinion regards the City Manager, the Clerk, or the Corporation Counsel, and if the complaint or advisory opinion arises out of alleged conduct covered by the City's personnel policies, employment contracts, and/or collective bargaining agreements. This Determination shall be final and the Ethics Commission shall not receive such complaints or requests.
5. Reserved.
6. Hearings. Within 14 days after the City Clerk's receipt of a complaint or a request for an advisory opinion not redirected pursuant to (n)(4) above, the Chair shall set the date, time, and place of a hearing on complaints and on requests for advisory opinions, advertised and conducted by the Ethics Commission as required by various State and federal laws pursuant to which matters are brought before the Ethics Commission. The hearing, which may be conducted in executive session, shall be conducted in accordance with relevant State and federal law, the City Code, and the rules of the Ethics Commission.
7. Dismissal of certain complaints and advisory opinion requests. If the Ethics Commission finds any complaint or advisory opinion request filed with it to have been based upon allegations it determines to be frivolous, scurrilous, libelous, unsubstantiated, unfounded, of nuisance, or with malice, it may so determine and may dismiss the complaint without deciding the merits of the complaint and may dismiss the advisory opinion request without issuing an opinion.

8. This Section and the Ethics Commission complaint and advisory opinion process shall protect the identity and rights of complainants, requesters, whistleblowers, and persons complained against in accordance with and as required by all State and federal laws, regulations, codes, municipal ordinances, and policies, including but not limited to the Maine Freedom of Access Act, the Maine Whistleblowers' Act, and the City of Portland's personnel policies.
 9. The Ethics Commission shall refer any complaint alleging corruption, fraud, or abuse of a criminal nature to the appropriate law enforcement agency.
 10. City Clerk Report. The City Clerk shall compile a master list of all complaints and requests for advisory opinions filed with the City Clerk's office. Such list shall not include complaints or advisory requests redirected pursuant to (n)(4) above, and shall be redacted to protect the identity and rights of complainants, requesters, whistleblowers, and persons complained against in accordance with and as required by all State and federal laws, regulations, codes, municipal ordinances, and policies, including but not limited to the Maine Freedom of Access Act, the Maine Whistleblowers' Act, and the City of Portland's personnel policies. Such report shall initially be given to the chair of the Ethics Commission on a monthly basis, but may be reduced to quarterly at the request of the chair. The chair of the Ethics Commission shall share the report with the rest of the Ethics Commission at its next regularly scheduled meeting.
- o. *Decisions and Record.*
1. The Ethics Commission shall decide the complaint or request for an advisory opinion within 30 days after the closing of the hearing unless the complainant and persons complained against agree, or the requester agrees, in writing to extension of that time period.
 2. Every Ethics Commission decision on a complaint or advisory opinion shall be in writing and every decision on a complaint shall include findings of fact and conclusions of law.
 3. Corporation Counsel shall mail notice of any decision or advisory opinion of the Ethics Commission to the

complainant or requester, and any designated interested parties, within seven (7) days of such decision or opinion.

4. The minutes of the Ethics Commission meetings and hearings; the meeting and hearing transcripts, if these are made; all exhibits, papers, complaints, applications, and requests filed in any proceeding before the Ethics Commission; and the written decision or opinion of the Commission shall constitute the record.

p. *Violations of the Code of Ethics.* Violations of the Code of Ethics ordinance shall be addressed as set out in that ordinance, provided, however, that the Mayor, any City Councilor found by the Ethics Commission to be in violation of or to have violated the Code of Ethics ordinance may only be reprimanded or censured by the City Council after notice and hearing conducted by the City Council.

q. *Severability.* The provisions of this Section and each of its sections, subsections, paragraphs, subparagraphs, sentences and clauses are severable. In the event that any such provision is held to be invalid or unenforceable by any judicial or administrative tribunal, it is the intent of the governing body that all other provisions thereof shall remain in full force and effect.

r. *Effective date.* This Section shall go into effect on March 27, 2025 (30 days after passage).
(Ord. No. 82-24/25, 2-24-25)

2-431-2-435. Reserved.

***Editor's Note:** Article IX, §§2-430--2-435 (Portland's Property Tax Relief Program) was repealed in its entirety due to the Law Court's decision on 2/20/04 finding this Article to be unconstitutional.

ARTICLE X. EXEMPTION FROM VEHICLE EXCISE TAX FOR CERTAIN MILITARY PERSONNEL

Sec. 2-436. Definitions.

As used in this article, unless the context indicates otherwise, the following terms shall have the following meanings:

Deployed for military service or deployment mean active military duty with the state military forces, as defined in Maine Revised Statutes Title 37-B, Section 102, or the United States Armed Forces,

is expressly forbidden to pay any money out of the city treasury on account of any such transaction.

- (b) Purchase or accept anything from the city or school department, other than those items or services which are offered to the public generally, and then only upon the same terms and under the same procedures offered to and used for the general public. This shall not include those items or services which are received as compensation, or as a part of such person's employment contract, or which are necessary for the performance of such person's duties.
- (c) Accept or receive from any person, firm, or corporation acting under a franchise, contract, or license from the city or school department, any frank, free pass, free ticket, or free service, or accept, directly or indirectly, from any such person, firm, or corporation any service upon terms more favorable than those granted to the public generally.

(Referenda 11/4/86; 11/2/10; 11-7-2023)

Section 1-A. Ethics Commission and Code of Ethics.

The city council shall enact and maintain an ordinance that establishes an ethics commission and, with input from the ethics commission, shall enact a code of ethics ordinance to be administered by the ethics commission. Upon the effective date of the code of ethics ordinance, the existing code of ethics resolution adopted by the city council shall be repealed. The ethics commission shall provide impartial oversight and render decisions and advisory opinions to ensure that standards of ethical conduct are observed by elected and appointed city officials and city employees.

(a) Ethics Commission Ordinance. The city council shall enact an ordinance directing it to create an ethics commission, appointed by the city council and consisting of seven (7) members who are residents of the City, serving for three (3) year terms, to undertake the following duties:

1. Prepare and recommend a code of ethics ordinance to the city council for enactment as provided in subsection (b) below;

2. Review the ethics commission and code of ethics ordinances not less than once every three (3) years and make recommendations for any amendments to the city council;
3. Hear complaints and render written decisions with findings of fact regarding alleged violations of the city's code of ethics ordinance, provided that complaints regarding city employees' ongoing or prior alleged violations or misconduct shall be referred to the city for appropriate action under its personnel policies;
4. Hear and render advisory opinions regarding questions of prospective application of the city's code of ethics ordinance;
5. Hear and render advisory opinions regarding questions of compliance with the city charter;
6. Hear and render advisory opinions regarding adherence to council and board rules and procedures;
7. On receipt of requests from a majority of the city council or of any board or committee, procure a second legal opinion from outside legal counsel; and
8. Design and oversee program evaluations.

Elected City officials, candidates for any City elected office, and their immediate family members are not eligible to be appointed as members of the ethics commission.

The ethics commission shall meet as needed, but no less than annually.

The ethics commission ordinance shall establish the process for filing, hearing and deciding complaints and for soliciting advisory opinions. Complaints may be filed by any official, employee, or resident of the city, by the accountability officer, or may be initiated by the ethics commission, in accordance with that process. Requests for advisory opinions

may be filed by any official or employee of the city, in accordance with that process. Receipt of a complaint or request shall be acknowledged by the ethics commission. If the ethics commission finds any complaint filed with it to have been based upon allegations it determines to be frivolous, scurrilous, libelous, unsubstantiated, unfounded, of nuisance, or with malice, it may so determine and may dismiss the complaint without deciding the merits of the complaint.

The ethics commission ordinance and complaint process shall protect the identity and rights of complainants, whistleblowers, and persons complained against in accordance with and as required by all State and federal laws, regulations, codes, municipal ordinances, and policies, including but not limited to the Maine Freedom of Access Act, the Maine Whistleblowers' Act, and the City of Portland's personnel policies. The ethics commission shall refer any complaint alleging corruption, fraud, or abuse of a criminal nature to the appropriate law enforcement agency.

The ethics commission shall be an independent body, free from interference from any city elected and appointed officials and employees. The ethics commission may request funding from the city council for independent investigations, legal services, staffing, or other demands pertinent to its mission.

(b) Code of Ethics. The city council shall, with the recommendation of the ethics commission, enact and maintain a code of ethics ordinance defining the code of ethical conduct for elected and appointed city officials and city employees. At a minimum, such code of ethics ordinance shall include and address:

1. Standards of Conduct;
2. Conflicts of Interest;
3. Confidential Information; and
4. Disclosure Forms for city elected and appointed officials to complete and file with the city clerk and update as appropriate.

(c) Appointment of Accountability Officer. The ethics commission may recommend that the city council appoint an accountability officer and fund that position. The accountability officer shall: serve as an ombudsperson to members of the public; provide city information to the public and officials to educate them about government accountability, integrity, and transparency; provide training for public officials on ethical matters; and undertake such other duties as may be requested by the ethics commission and authorized by the city council. The accountability officer may provide administrative support for the civilian police review board. The accountability officer also shall receive complaints from the public about alleged government waste, favoritism, mismanagement, and violations of the public trust; the accountability officer will refer matters that are within the scope of the ethics commission's duties to the ethics commission, and vice versa.

(d) Violations of the Code of Ethics. Violations of the code of ethics ordinance shall be addressed as set out in that ordinance, provided, however, that any city councilor or mayor found by the ethics commission to be in violation of or to have violated the ethics code may be reprimanded or censured by the city council.

(Referendum 11/8/2022)

Section 1-B. Peaks Island Council.

The city council shall maintain an ordinance establishing the "Peaks Island Council," including powers, duties, membership requirements and other necessary provisions deemed appropriate by the city council. The Peaks Island Council shall act as an elected advisory body to the city council.

(Referendum 11/8/2022)

Section 2. Ordinances, rules and regulations continued.

All ordinances in force at the time that this charter takes effect, not inconsistent with this charter, shall continue in force until amended or repealed. All rules and regulations of the municipal officers or of any office of the City of Portland