

# ETHICS COMMISSION

Tuesday, April 28, 2026 at 5:30 PM  
City Hall Room 209 - In Person



## MEMBERS

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

The Ethics Commission will conduct this meeting in person at City Hall in Room 209. A recording will be available in the [Agenda Center](#) following the meeting.

### PUBLIC COMMENT INFORMATION:

To submit written public comment on an agenda item, email [ethics@portlandmaine.gov](mailto:ethics@portlandmaine.gov). 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 Minutes 3.31.2026
4. **Unfinished Business**
  - i. Drafting Ethics Code
    - a. Political Participation Policy Memo
5. **Hour Mark - 10 Minute Recess**
6. **Public Comment**
7. **New Business**
8. **Next Meeting**
9. **Adjourn**

ETHICS COMMISSION  
Tuesday, March 26,2026  
Anita LaChance Conference Room 209  
City Hall, 2nd Floor

## MINUTES

1. Call To Order: 5:32pm

2. Members in Attendance:

Carolyn Braun  
Peter Goldman  
Jennifer Goodwin  
William Hayward  
Maria Maffucci  
Rosemary Paine (unable to attend in person)

City Personnel:

Rachele Millette (Associate Corporation Council) Abby Lombard (Interim City Clerk)

3. Executive Session:

Move to go into Executive Session

Moved: Peter

Seconded: Will

*Unanimously approved*

Move to leave Executive Session

Moved Peter

Seconded Jenny

*Unanimously approved*

4. Approval of Minutes from February 24,2026

Moved;Will

Seconded: Maria

Peter: Corrections to "7. Action Items"

Outside Employment - Maria

Privileges and Special Treatment - Maria

Use of City Property - Jen

Loans -Rosemary

Motion to accept minutes as amended

Moved - Jenny

Seconded - Will

*Unanimously approved*

5. Public Comment

No public comment

6. Unfinished Business (9:50:00 - 1:29:00)

A. Drafting Ethics Code

Ethics Code Draft as of 3/26/2026

Discussion regarding marginal comments

Sec. X-2 Definitions

Confidential Information (11:27 - 14:19)

Financial Interest (14:19 - 15:45)

Interest (15:45 - 20:07)

Public Servant (20:09 - 30:53

[definition of Independent Contractor - Seattle code]

Relative (30:53 - 37:17)

*Action Item: Will will research the benefits of liberal readings vs. specific readings in other codes*

10 Minute Recess

Sec. X-3 Conflict of Interest (37:50 - 58:48)

*Action Item: Jenny and Carolyn will create definition of Conflict of Interest for the Definition section and look at present language of Conflict of Interest paragraph*

Sec. X-3 Financial Interests (58:48 - 1:21:15)

*Action Item: Rachel will look at the financial carve out in the City Council's Code of Ethics and broaden it for our purposes*

*Action Item: Peter will work on definition of 'Recusal' for the Definition section*

Sec. X-4 Gifts (1:22:12 - 1:29:00)

Political Participation Policy

Not Discussed

8. New Business

No new business

9. Next Meeting Date:

April 28, 2026

10. Adjourn

Moved: Will

Seconded: Jenny

*Unanimously approved*

Meeting adjourned 7:30pm

## Chapter X CODE OF ETHICS

### ARTICLE I. IN GENERAL

#### Sec. X-1. Preamble.

Portland's government exists to serve the people. In order to do so effectively, those who live or work in Portland must have confidence and trust in the integrity of those in positions of service. The people of the City of Portland deserve elected and appointed officials and city employees who maintain the highest ethical principles, promote elevated standards of conduct, and avoid conflicts of interest, real or perceived.

It is with this intent that the City of Portland Maine has created the following Code of Ethics, predicated on the values of honesty, fairness, equitable treatment and balancing the needs of the community with those of the individual. Democracy depends on a government that is impartial, transparent, and accountable to its constituents.

A code of ethics is a set of rules that outlines clear expectations for organizational business practices and behaviors. Such codes are based on values intended to guide the employees and elected or appointed officials and to ensure that they conduct themselves with honesty and integrity. Municipal codes of ethics strive to establish principles that reflect a city's core values, and define standards of conduct.

This Code of Ethics is designed to foster an honorable culture throughout municipal governance. It sets clear, minimum expectations for performance in the service of the City of Portland. Inherently, ethical standards may require conditions more rigorous than city or state laws and statutes.

#### Sec. X-2. Definitions.

- a. *Confidential Information.* The term "confidential information" shall mean any information, oral or written, which comes to the attention of, or is available to, a public servant only because of their position with the City and is not a matter of public record, including, but not limited to information received and discussed during an executive session pursuant to 1 M.R.S. § 405 et seq., information exempt from the definition of "public records" pursuant to 1 M.R.S. § 402(3), and information otherwise designated confidential by statute.
- b. *Conflict of Interest.* [ ]
- c. *Financial Interest.* The term "financial interest" shall include any interest with a value equal or greater than \$2,500 or 5% interest in an entity, whichever is less.

Commented [1]: Jenny & Carolyn will draft

d. **Interest.** A benefit or advantage, including a benefit or advantage which may be one of control rather than of possession; an influence due to one's personal importance or capability; a power of influencing the action of others; any financial, personal, or organizational stake that could influence - or appear to influence - one's decisions or actions in their official role. Examples of an "interest" include, but are not limited to:

- i. A share, right, or title in the ownership of personal or real property;
- ii. A share, right or title in an undertaking, including a commercial or financial undertaking, or the like.

e. **Public Servant.** The term "public servant" shall include officials, officers and employees of the city, including elected and appointed officials, members of boards and committees, independent contractors, and volunteers, whether paid or unpaid.

f. **Recuse.** "Recuse" means to withdraw from a deliberation or discussion, or a vote or a decision, due to a real or potential conflict of interest or lack of impartiality. This action is taken by a Public Servant who recognizes or reasonably should recognize that their involvement in the matter could be biased or perceived as biased. By way of illustration but not as a limitation, a Public Servant should recuse themselves

- i. where the Public Servant has a financial interest or other interest in the matter's outcome;
- ii. where there is otherwise a strong possibility that the Public Servant's participation in the deliberation or discussion, or vote or decision, will be biased or perceived to be biased.

In either situation, it does not matter whether the Public Servant is actually biased. What matters is that even if the Public Servant is not biased, the appearance of bias still undermines the integrity of Portland's government.

g. **Relative.** The term "relative" shall mean an individual's spouse, domestic partner, parent, child, or an individual with whom the covered individual has a significant personal bond that is or is like a family relationship, regardless of biological or legal relationship.

**Commented [2]:** From Peter and Rose: The following may be better suited for Conflict of Interest but it's worth looking at here:  
In plain language, the public servant must ask themselves, "Could this matter or decision benefit me, or could it be viewed to benefit me?" If the answer is "yes," the public servant has an interest in the matter or decision.

**Commented [3]:** Consider Seattle definition of City contractor

**Commented [4]:** New language from Peter

## ARTICLE II. CONFLICT OF INTEREST

### Sec. X-3. Conflict of Interest Policy.

Public servants shall avoid any conflict of interest. A conflict exists when the public servant's loyalties or actions are divided between their interests and the interests of the City. In addition, public servants must avoid the appearance of a conflict of interest. Without limitation, some specific examples of conflict of interest follow:

#### Sec. X-3. Financial Interests.

A public servant shall disclose any financial interest that they or their relative has with respect to a matter within the scope of the public servant's duties. ~~A public servant is expected to disclose the financial interest~~ immediately upon becoming aware of it to their supervisor or in a public meeting and shall ~~to~~ recuse themselves from participation related to that financial interest. A public servant must file a written disclosure of the financial interest to the City Clerk within three (3) business days of when they knew or reasonably should have become aware of the interest, whichever is sooner.

Notwithstanding anything to the contrary in the previous paragraph, no public servant shall be prohibited from participating in the City's municipal budget process, including drafting, deliberations, and voting simply because they reside or own property in the City; provided, however, that such public servant shall recuse themselves from drafting, deliberations, or voting on any particular line item in which they have a financial interest distinct from that of all City residents or property owners.

#### Sec. X-4. Gifts.

A public servant shall not accept any gifts from a person or entity who has a contract, license, or permit with the City or is seeking a contract, license, or permit from the City. A public servant shall not accept from any person or entity any gifts given in relation to the public servant's official duties with a total cumulative value of more than \$50 in the course of a 12 month period.

#### Sec. X-5. Outside Employment.

A public servant's outside employment, i.e., compensated professional work outside of their work as a City employee, shall not conflict with the duties and responsibilities of their employment with the City or the City's interests. Any outside employment activities that create conflicts of interest with the City, use city time/resources for private gain, or impair the Public Servant's performance of official City duties must be prohibited. Public servants of the City in their outside employment must ensure that their outside employment does not discredit or conflict with the municipality.

Draft as of 4/23/2026

**Commented [5]:** Discuss phrasing this as a general guiding principle and whether more specificity is required after more is fleshed out in the various situations outlined below

**Commented [6]:** Jenny & Carolyn will work on in conjunction with definition of conflict of interest

**Commented [7]:** Alternatively, Jenny would be direct here saying Conflict of Interest is not permitted, and then there is a definition of conflict of interest.

**Commented [8]:** Suggested language changes are Peter's proposal

**Commented [9]:** recommended change by Corporation Counsel

**Commented [10]:** New language from Rachel

**Commented [11]:** Stopped review here in 3.31.2026

**Commented [12]:** Who should this section apply to? Do we want to include volunteers?

**Commented [13]:** or their agent?

**Commented [14]:** Check with legal team to see if this is all encompassing enough

**Commented [15]:** All encompassing - but include liberal construction language

**Commented [16]:** Added to avoid prohibiting gifts given for entirely personal reasons (birthdays, christmas, etc.)

**Sec. X-6. Privileges or Special Treatment.**

Public servants are prohibited from using their City employment to secure special privileges, exemptions, or preferential treatment for themselves, relatives, or friends. Such actions constitute a conflict of interest. Public servants must not disclose confidential information gained by reason of the official position, nor may they otherwise use such information for his or her personal gain or benefit.

**Sec. X-7. Post-Employment Restrictions.**

- a. No disclosure of Confidential Information. Except as otherwise required by law, following the termination of their service to the City, no former public servant shall engage in or accept private employment or render services for private individuals or entities or engage in any business or professional activity when the employment, service or activity would require or induce the former public servant to disclose Confidential Information acquired by reason of their former official position.
- b. No conflict of interest. Except as otherwise required by law, for a period of one (1) year following the termination of their service to the City, no public servant shall engage in or accept private employment or render services for private individuals or entities or engage in any business or professional activity when the employment, service or activity conflicts with the City's interests, business or affairs arising out of the public servant's former official duties.

**Sec. X-8. Use of City Property and Resources.**

Except where otherwise available to the general public, a public servant shall not use City facilities or equipment for outside employment.

**Commented [17]:** Just employment, or other personal uses? Is there any exception for de minimis uses?

No Public Servant shall use or permit the use of any City-owned property, including but not limited to motor vehicles, equipment and buildings, for any private purposes.

A Public Servant shall not direct or request subordinates to use official time to perform any activities for the local official's or employee's personal convenience, profit or benefit. \*

A Public Servant may only use the City's name, letterhead, logo, or seal when it would be perceived as representing the City of Portland or the body as a whole and only with prior consent of the Council or designee.

Public Servants shall not utilize the City's name, letterhead, logo, or seal for the purpose of endorsing any political candidate, business, commercial product, or service. Nothing herein shall prohibit a Public Servant from endorsing any of the above in their personal capacity. A Public Servant may disclose the fact of their position provided it is

*Draft as of 4/23/2026*

made clear that they are acting in a personal capacity and not as a representative of the City

\*Nothing herein shall prohibit use of City buildings and equipment at rates and/or on terms as may be established. Nothing herein shall prohibit the use of City equipment or motor vehicles by Public Servants in accordance with written policies established by the City Council, Mayor, City Manager or City department head concerned, nor shall this code be deemed to prohibit private use of surplus City property legally disposed of by the City or its departments in compliance with established procedures.

**Sec. X-9. Political Activity.**

No city employee, city councilors, board members, or commission members shall participate in any political activity that would be in conflict or incompatible with the performance of their official functions and duties for the City. No city employee, city councilors, board members, or commission members may use their official authority or position for the purposes of influencing, interfering with, or affecting the results of any election. They shall not use City facilities, equipment, materials or supplies to communicate, organize, assist or advocate for or against any candidates for elected office; including but not limited to their own candidacy, whether for a local, state or federal office, and whether the employee is on or off duty at the time of such use. They shall not solicit or accept funds or contributions from other City employees for political purposes.

Nothing herein shall be construed to prohibit any City employee from participating in the political process in their capacity as private citizens or as candidates for elected office.

Employees who are working directly or indirectly under a federal funding status must check with the Hatch Act Unit of the U.S. Office of Special Counsel as to the extent to which participation in state or federal political activity is allowed under Federal law

Candidates for and holders of elective office must follow Maine's statutes on disclosure and campaign finance

**Sec. X-10. Loans.**

Commented [18]: Rose will draft

**ARTICLE III. CONFIDENTIALITY**

**Sec. X-11. Disclosure Prohibited.**

The unauthorized disclosure of the City's Confidential Information or using Confidential Information for personal profit or advantage is prohibited.

*Draft as of 4/23/2026*

All City personnel acknowledge that the Confidential Information is the valuable property of the City. All City personnel further acknowledge that any disclosure of unauthorized use of the City's Confidential Information will cause irreparable harm and loss to the City, or to the party entrusting the Confidential Information to the City, for which monetary damages would be inadequate compensation.

All City personnel understand and agree that by executing this Confidentiality Policy they are entering into a special relationship with the City imposing a duty of confidentiality upon them.

**Sec. X-12. Insider Information.**

"Insider Information" is a form of Confidential Information. Insider Information is non-public information which comes to City personnel during their employment or during the course of their association with the City. City personnel shall not use any Insider Information, or reveal it to others who may use it, in connection with business transactions related to the City or contemplated by the City. This applies not only to non-public information relating to the City, but also to non-public information relating to third parties such as individuals or businesses.

**Commented [19]:** At least one code also makes mention of "advance" information - separate from confidential information, which seemed akin to "insider information"

Memo to Portland Ethics Commission

From: Carolyn Braun and Jenny Wriggins

Date 3-6-26

Re: Political Participation Policy

Introduction: We have been tasked with working on a proposed political participation policy. We started by looking at materials on the subject that had been drafted already. We continued by thinking about what goals those materials were aimed at and, informed by the materials, thinking ourselves about the goals of the materials and whether we thought those goals were important for this part of the ethics commission's work. We continued by drafting a possible policy, and including questions for the commission to consider.

The policies we reviewed dealt with several themes and tensions. One theme was the importance that city resources of all sorts (including city facilities, employees' time and their influence) be kept out of campaigns and elections. Another theme was protecting employees' opportunity to run for office.

The reach of the policies to volunteers who weren't appointees was not clear to us. Or, are **all volunteers appointees**?

I. reviewing what we had

1. Bangor Code §3.13 – Political Activities. This provision applies to city employees, City Councilors, board members and commission members. It begins with a general statement that the people who are covered shall not participate in any political activity which would be in conflict or incompatible with their official functions and duties. The policies do not define political activity. The policies also do not define 'in conflict or incompatible with.' This general introductory statement I take to be a broad statement of principle. The code section goes on to say that 'In conjunction therewith, no [covered person] may use their official position' in certain ways. I take the '[i]n connection therewith' phrase to mean 'in connection with their official functions and duties.' Then it goes on to mention contexts where official authority could be improperly used in political ways, both general and specific. Covered people can't use their position to influence, interfere with or affect election results, or solicit or accept funds from city employees for political purposes. No covered person can distribute pamphlets while performing city business. But covered people can participate in the political process as private citizens and in their private capacity and as candidates.

It doesn't seem to apply to volunteers who aren't board members or commission members (the example of volunteer firefighters was mentioned at a recent meeting). Perhaps we have a separate provision about volunteers who are not board members or commission members?

**Commented [1]:** Many of the policies that I've seen don't anticipate volunteers. I'm not sure I would consider volunteers to be appointees, as there is no real appointment process

**Commented [2R1]:** sounds good.

2. Portland City council Code of ethics. Two of these are relevant. They are quite specific and as noted just apply to city councilors. First, city councilors shall not use their positions to make threats or promises to get anyone to make political contributions or do any political activity. (§9 p. 6). And second, councilors shall not ask various entities/people to make a political contribution or engage in political activity. The off-limits entities and people are ones that do business with the city, or has or is seeking a license, permit, grant or benefit or that has done biz with the city during the past year. §10 p. 6.

3. Portland's personnel policy p. 31 A. Political activity.

This has four paragraphs that aren't numbered. The fourth and part of the first paragraphs confirm that employees can be members of political organizations, attend political meetings, vote, and seek nomination or election to any non-partisan office in municipal govt (City or School office). The second part of the first paragraph specifies that when an employee is campaigning for office, they shall not use city facilities, equipment and supplies for their candidacy or discuss their own campaign with city personnel during the workday or use any work time for campaigning.

The second paragraph says employees may not use their position, facilities, etc to support or work against any candidate for elected office (including their own candidacy) whether or not the employee is on or off duty.

The third paragraph says employees can't use their influence publicly for or against any candidate for municipal elective office. Can't circulate campaign literature, or 'be in any way concerned with' soliciting or receiving subscriptions, contributions etc from anyone on behalf of any candidate. If any employee is running for office this does not apply, but the paragraphs about not doing elective activities at work and not using one's influence as a city employee or city facilities for one's candidacy do apply.

4. Minneapolis – 15.110 Political Activity (p. 8)

Section (a) is similar to Portland City Council §9, except includes employees as well as officials – officials and employees must not use authority or influence to compel anyone to join or apply for membership in any political organization, to pay or promise to pay a political contribution or take part in political activity.

(b) candidates for and holders of elective office must follow MINN statutes on disclosure and campaign finance

© officials, employees and candidate must not use city facilities, property, funds personnel, city logo or seal or other city resources to engage in political activity.

Cape Elizabeth, Vermont, Mass, Seattle – didn't seem on point.

Preliminary thoughts re policy –

- applies to elected and appointed people and employees
- Minneapolis is good but seems too narrow.
- perhaps putting together Portland city council w Portland personnel policies/
- to be continued.

## 2. DRAFT POLICY

### (Bangor, Lewiston, Portland Personnel Code)

No city employee, city councilors, board members, or commission members shall participate in any political activity that would be in conflict or incompatible with the performance of their official functions and duties for the City. No city employee, city councilors, board members, or commission members may use their official authority or position for the purposes of influencing, interfering with, or affecting the results of any election. They shall not use City facilities, equipment, materials or supplies to communicate, organize, assist or advocate for or against any candidates for elected office; including but not limited to their own candidacy, whether for a local, state or federal office, and whether the employee is on or off duty at the time of such use. They shall not solicit or accept funds or contributions from other City employees for political purposes.

Nothing herein shall be construed to prohibit any City employee from participating in the political process in their capacity as private citizens or running as candidates for elected office.

Employees who are working directly or indirectly under a federal funding status must check with the Hatch Act Unit of the U.S. Office of Special Counsel as to the extent to which participation in state or federal political activity is allowed under Federal law

Candidates for and holders of elective office must follow Maine's statutes on disclosure and campaign finance

**Commented [3]:** may be able to shorten this by saying no elected or appointed City officials or employees

**Commented [4R3]:** So we took this from the Bangor code. We are still not clear on exactly who our code covers beyond elected and appointed officials. For example, what about Hearing Officers?

**Commented [5]:** What if they rent a space for a campaign event but pay for it as would any other member of the public?

**Commented [6R5]:** Portland's personnel policy reads: p. 31 A. Political activity."The second part of the first paragraph specifies that when an employee is campaigning for office, they shall not use city facilities, equipment and supplies for their candidacy or discuss their own campaign with city personnel during the workday or use any work time for campaigning. The second paragraph says employees may not use their position, facilities, etc to support or work against any candidate for elected office (including their own candidacy) whether or not the employee is on or off duty." So the question still stands, can they rent space?

**Commented [7]:** I want to think about this one a bit. I think the no solicitation part makes sense, but I'm worried that not accepting donations from City employees may inhibit those employees' first amendment rights. I'll do some digging on this issue and see what I can find.

**Commented [8]:** It felt like a verb was missing here, but this may not be the right one.

**Commented [9R8]:** We thought that "their capacity as private citizens or as candidates..." made sense, but we're not opposed to adding "running."

**Commented [10]:** I also like the language in some of the other policies I've seen that refers employees to the Hatch Act, where applicable. For example, South Portland has language in their political activity policy that says "Employees who are working directly or indirectly under a federal funding status must check with the Hatch Act Unit of the U.S. Office of Special Counsel as to the extent to which participation in state or federal political activity is allowed under Federal law."