

ETHICS COMMISSION

Tuesday, June 2, 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. 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. Meeting Minutes 4.28.2026
4. **Unfinished Business**
 - i. Drafting Ethics Code
 - a. Conflict of Interest update memo
 - b. Political Participation Policy Memo
 - c. Public Comment
5. **Executive Session**

The Commission may enter executive session pursuant to 1 MRS sec. 405(6)(E) to discuss the Commission's legal duties in responding to an ethics complaint.
6. **Hour Mark - 10 Minute Recess**
7. **Public Comment**
8. **New Business**

9. Next Meeting

10. Adjourn

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

MINUTES

1. Call To Order 5:30pm
2. Members in Attendance:

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

City Personnel:

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

Visitor : Zach Barowitz, Portland Resident

3. Approval of Minutes from 3/31/2026

Motion to approve minutes

Moved: Will Hayward

Seconded: Rose Paine

Unanimously approved

Amendments:

Jenny Wriggins was in attendance

Rosemary Paine was absent

Motion to accept minutes as amended

Moved: Will Hayward

Seconded: ?

Unanimously approved

Motion to approve minutes as amended

Unanimously approved

4. Unfinished Business
 1. Drafting Ethics Code
 - a. Political Participation Policy Memo

Item 1a was not addressed

Review and continued discussion of Draft - Conflict of Interest

Carolyn and Jenny were were not able to meet to bring a definition of Conflict of Interest to the commission

Action Item: Carolyn and Jenny - reasonable draft of Conflict of Interest definition by May meeting

Action Item for Commission: Which types of independent contractor do we want to loop into Ethics Code issues?

Action Item: Rachel will consult with her colleagues about distinguishing between different types of independent contractor relationships

5. Hour Mark - 10 Minute Recess

6. Public Comment

Zack Barowitz - Portland Resident

4. Continued discussion on Draft

5th paragraph of preamble - "liberal construction"

Action Item: Will will fine tune language of "liberal construction"

Maria presented the paragraph Sec. X-4. Gifts

All approved (without vote)

Discussion stopped at Sec. X-6: Privileges

7. New Business

There was no new business

8. Next Meeting June 2, 5:30 in person

9. Adjourn

Motion to adjourn

Moved: Will Hayward

Seconded: Rose Paine

Unanimously approved

Meeting adjourned 7:25

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.

It is the legislative intent of the city council, in adopting this Code, that all provisions and sections of this Code be liberally construed to protect and preserve the peace, health, safety and welfare of the inhabitants of the city.

Commented [1]: Will will edit

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.*

Commented [2]: Jenny & Carolyn will draft

Draft as of 4/28/2026

- 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.
- 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.
- 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 [3]:** Consider Seattle definition of City contractor
- Commented [4]:** Rachel to talk to legal team about their thoughts here
- Commented [5]:** Upon further review of Charter language, Ethics Code does not apply to independent contractors or volunteers

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:~~

- Commented [6]:** 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 [7]:** Jenny & Carolyn will work on in conjunction with definition of conflict of interest
- Commented [8]:** Members are going to look at New Jersey ethics code
- Commented [9]:** Alternatively, Jenny would be direct here saying Conflict of Interest is not permitted, and then there is a definition of conflict of interest.
- Commented [10]:** Suggested language changes are Peter’s proposal

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.

This action [RECUSAL] 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

Commented [11]: Peter strongly feels that this should stay in the definition section as an example of the definition of recuse

- 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 does not believe they are biased, the appearance of bias still undermines the integrity of Portland’s government.

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 immediately upon becoming aware of it to their supervisor or in a public meeting and shall recuse themselves from participation in the matters 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 in the course of their position with the City 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 in the course of

Commented [12]: or their agent?

Commented [13]: Check with legal team to see if this is all encompassing enough

Commented [14]: All encompassing - but include liberal construction language

Draft as of 4/28/2026

their position with the City shall not accept from any person or entity any gifts 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 position 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 are prohibited. Public servants of the City in their outside employment must ensure that their outside employment does not discredit or conflict with the municipality.

Sec. X-6. Privileges or Special Treatment.

Commented [15]: Stopped review here on 4.28

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

Draft as of 4/28/2026

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 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

Draft as of 4/28/2026

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 [17]: 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.

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.

Commented [18]: At least one code also makes mention of "advance" information - separate from confidential information, which seemed akin to "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.

Notes for Further Consideration

- Should there be a process where a public servant could suggest that another public servant should recuse themselves based on a real or perceived conflict or interest?
- Accountability officer
- Protecting confidentiality of complainants to the extent possible

DRAFT

Draft as of 4/28/2026

Memo to: Ethics Commission & Rachel Millette [5-19-26 8:47 PM]

From: Carolyn Braun and Jenny Wriggins

Re: Conflict of Interest Definition – Progress report

May 26, 2026

We have been working on drafting a definition of Conflict of Interest for Section X-2 (Definitions) and Article II of the draft sent by Rachel as of 4-28-26. We understand that the process we all are involved in must result in a code of ethical conduct for officials and employees. (Charter Code of Ordinances, Article VIII Section 1-A). We have met several times and have made progress in analyzing some of the issues and framing the necessary questions. The project has turned out to be more complicated than we initially thought and it is taking us some time to work through the options. While, initially, we followed the tempting path of one definition, one policy for all, we now understand that drafting a single conflict of interest policy that applies to all is not a fruitful way to approach the issues. Here are some of the questions we tried to figure out answers to, and our answers.

1. What are the relevant existing laws and policies and who do they apply to?

a. state conflict of interest law(s) 30-A MRSA 2605 Conflicts of Interest. This seems to apply to current and former *officials* only. (There are other related statutes that apply - on page 2 of the current code of ethics); some of them are related to the idea of conflict of interest. 17-A MRSA 3104 is called 'conflicts of interest: purchases by the state.' We are thinking we should incorporate these provisions as the current code of ethics does (and other municipalities do too).

b. Portland Code of Ordinances Charter Article VIII Miscellaneous Provisions – Section 1.

'No personal interest'. This does apply to *employees* as well as *officials*. This has been in effect since the 1980s and will remain in effect after the existing code of ethics is gone (per conversation w Rachel). It is not called a conflict of interest policy, but it is based on the idea of government actors behaving ethically and not taking advantage of their position. It talks about officials and employees not having a substantial financial interest in contracts and limits receipt of free services, and limits contracts. So what we draft has to be consistent with this. We don't think that will be a problem because it's fairly specifically focused, and the conflict of interest concept extends more broadly. (Note this is distinct from the current Portland Code of Ethics which will no longer be in effect once the City adopts a new code) .

2. What are some Issues with drafting a single conflict of interest definition and policy?

a. **Looking for a definition:** As we mentioned above, the commission's task includes drafting an ethics code that applies to elected/appointed officials and to employees (department heads as well as line employees). We hoped to find a

useful model of a conflict of interest definition that would apply to all these categories of people associated with the city.

b. But a straightforward definition covering all we need it to cover seems not to exist: However, we have not found such a definition. Some of the policies/codes apply only to elected/appointed officials (e.g. Vermont and Cape Elizabeth). So they aren't useful models for a policy that applies to employees as well. This is because the issues that may face employees will often be different from issues that may face elected and appointed officials. Some codes apply to both elected/appointed officials and employees, but not in simple ways. This is presumably because the power, responsibility, ethical challenges etc are different depending on the relationship between the individual and the city.

c. One example is Bangor, and it's complicated.. Bangor's initial language (33-1) and purpose/standards of conduct language (Article II, sec. 33-4) broadly apply to elected/appointed officials and employees. But section 33-11 'Conflicts of Interest' only applies to City Councilors,, board members, and commission members. And then one of the sections, 33-10, Representing third party interests before City agencies, is divided into two sections, each applying to different categories of people. Subsection A applies to City Employees and Subsection B applies to City Councilors. Other provisions may apply to some considerations of conflict of interest by employees (broadly construed) even though the technical definition does not apply to them. This seems to make sense, since the issues and challenges faced by different categories of employees are likely to be different. This also makes this project more complicated than we thought at first. Plus some codes do not have a conflict of interest policy per se that is called a conflict of interest policy, and/or do not define conflict of interest, but do have specific rules that apply to situations that could be called conflicts of interest, but are not called that in the code. (Other Codes like Seattle's and Minneapolis, we think, have similar complexities with broad introductory language but specific carve-outs as well.)

d. Other examples: New Jersey, Mass, NY: We have spent a little time with New Jersey's rules: New Jersey's Local Government Ethics Law applies in part to both local government 'officers' and 'employees' (NJSA 40A, §12-22.3 Definitions) but also has provisions that make clear that 'government officers' are not in violation of the law if they do certain things that have to do with their offices in connection with voting, making constituent requests and such (40A, §9-22.5.) Also the law only requires local government officials to file a financial disclosure statement (40A §9-22.6(a)(presumably not employees). We want to look more closely at this. Massachusetts has a chapter 268A which deals with conflict of interest for municipal employees which we also want to look at more closely (our materials from the first meeting had some explanatory documents for employees which was instructive but we want to look more closely at the actual statute. NYC's policy also may be a useful thing to look at.

3. Next steps : We want to continue delving into the examples and continue thinking about the structure of the ethics code. We could, like Bangor, divide some of the provisions into A and B; one applying to employees and one applying to officials. We could also have separate sections

for some of the provisions. We will continue working on this when we can in advance of the meeting; but will not have time to draft the relevant documents.

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."

----- Forwarded message -----

From: Zack Barowitz [REDACTED]
Date: Tue, Apr 28, 2026 at 9:20 PM
Subject: Gifts language and general thoughts
To: <ethics@portlandmaine.gov>

Dear Ethics Commission:

I'm still not quite satisfied with the gift language. Here is my re-writing:

City officials and employees may not accept any gift for which there is an expectation or appearance of quid pro quo. This includes gifts made by persons or entities that have current, past, or conceivable future business with the City.

Notwithstanding, small or *de minimis* gestures of gratitude given to an office staff by an individual or entity that does not do business with that office is permissible at the discretion of the department head or senior supervisor. If the supervisor is unsure, they may consult with the Ethics Commission/Accountability Officer.

My main concern stems from future expectations (like the favors Don Coreleone doles out in the beginning of *The Godfather*). If a *macher* helps out a city official it could be years before they call in the favor. Yes, this is a grey area but if a city councilor gets an Hermes watch from Elon Musk they should not assume benign intent.

Other random thoughts:

- If a private business supplies an office with, for example, a gift basket costing \$150 to be shared among the 10 employees in the department that should be permissible because it comes to \$15 per person, *provided that*: a) the giver does not have a contract or other means of profit at the discretion of that department, and b) that the frequency of the gifts is not excessive—i.e., weekly—at this point the ethical move would be for the supervisor of department head to call the business and politely explain that they cannot take anymore fruit baskets.
- Public service is generally a pain in the butt, which can be offset by the boost to one's ego. Special interests are expert at stroking the egos of politicians. For example, some organizations hold functions, galas, dinners, awards ceremonies, etc to which officials may be invited or honored. These events bestow prestige upon the invitees, they may involve honoraria, meals, plaques, or gifts that have material value in the short or long term. Officials may even receive complimentary tickets to such events. The events may be one-offs, seasonal, annual, or monthly. It can be easy to forget the purpose of these invitations. City officials should be made to understand the nature of their invitations and should decline if there is even an implicit expectation of their being beholden to that organization. (One test is whether the guest may express an opposing view to that of the organization.)

Thank you,
Zack

--

[REDACTED]
ZacharyBarowitz.com



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