

ETHICS COMMISSION

Tuesday, August 4, 2026 at 6:00 PM
City Hall Room 209 - In Person



MEMBERS

Carolyn Braun
Peter Goldman
Jennifer Goodwin
William Hayward
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 06.30.2026
4. **Unfinished Business**
 - i. Drafting Ethics Code
5. **Hour Mark - 10 Minute Recess**
6. **New Business**
7. **Appointment of Chair and Secretary**
8. **Adjourn**

ETHICS COMMISSION

Tuesday, June 30, 2026

Anita LaChance Conference Room 209

City Hall, 2nd Floor

MINUTES

1. Call To Order 5:40pm

2. Members in Attendance:

Carolyn Braun

Peter Goldman

Jennifer Goodwin (Absent)

William Hayward (Absent)

Maria Maffucci (Absent) Maria has resigned to run for City Councilor at large

Rosemary Paine

Jennifer Wiggins

City Personnel:

Rachel Millette (Associate Corporation Council)

Visitor : Kaitlin Caruso, Portland resident

3. Approval of Minutes from June 2, 2026

Motion to approve minutes

Moved: Carolyn Braun

Seconded: Peter Goldman

Amendments to Minutes

Under #4 Unfinished Business:

Section X-2 Definitions: "Public Interest" was amended to read, "Public Servant"
"Accepted as per Rachel's comments" was amended to read, [the definition of] "Public
Servant was provisionally adopted as per Rachel's comments"

Sec. X-4 "Gifts - as amended by Rachel" was amended to read, "Gifts - as
amended by Rachel was provisionally adopted"

Sec. X-9 "Political Activity: As drafted by Rachel" was amended to read, "Political
Activity as drafted was discussed"

Sec. X-3 "Conflict of Interest - provisionally accepted with Rachel's correction"
was amended to read, ""Conflict of Interest was discussed."

Motion to amend minutes

Moved: Peter Goldman
Seconded: Rose Paine
Unanimously approved

Motion to approve minutes as amended
Unanimously approved

Announcements:

Maria Maffucci has resigned from the Commission in order to run for City Councilor, At Large. This is the last meeting of this year. Peter thanked everyone for their service.

4. Unfinished Business

1. Drafting Ethics Code

Action Item: Rachel will disseminate New Jersey Code and California Code to members

Action Item: Rachel will disseminate the date and place of next meeting since it was moved from the regular date.

- Peter suggested that the Commission go through draft from the beginning, and examine the side comments
 - Sec X-2 Definitions - keep comment (1) Jenny and Carolyn will draft
 - Sec. X-3 Conflict of Interest -add to comment (4) that members should also look at the California Code
 - Sec. X-6 Privileges or Special Treatment - discussion on whether to place the "Public servants must not disclose confidential..." paragraph under Article III Confidentiality, or leave it here as a subsection of Conflict of Interest.

Action Item: Jenny and Carolyn will consider it's placement in the Conflict of Interest section, and Sec. X-6 Privileges or Special Treatment

- Sec. X-7 Post Employment - discussion on whether the Commission has jurisdiction over post employment restrictions

Action Item: Rachel will talk to colleagues about whether this code provision can be imposed on former employees

5. Hour Mark - 10 Minute Recess

6. Public Comment: Kaitlin Caruso

Regarding Post-Employment Restrictions (Sec. X-7)

-suggested that the Commission consider this a separate Article 4

-the paragraph 'a' and half of 'b' seems to apply to private employment. Should all employment be considered?

(Sec. X-3) Regarding "Interest" - suggested that the Commission consider the definition of "interest" in terms of the city and the individual

(Sec. X-4) Regarding Personal gifts (Sec. X-4); Consider what to do with them when you can't take them, i.e. perishables. Consider personal gifts.

Commission considered these suggestions and they are reflected in the new draft.

Continued discussion on the Draft

Sec. X-10 Loans and Financial Accommodations:

Presented by Rose and was provisionally adopted as edited

Sec. X-8 Use of City Property, 2nd paragraph

Need to consider present employee benefits. Suggested addition of the sentence, "except as provided as an employment benefit" The Commission will return to this.

Discussion stopped at Sec. X-8

7. New Business

No new business

8. Next Meeting

August 4, 2026 (Note change of regular meeting date)

5:30 City Hall

Agenda for next meeting

Election of Chair & Secretary

Carolyn and Jenny's draft and supporting documents for Article II, Conflict of Interest

Section X-8 Use of city Property. [revisit present employee benefits]

9. Adjourn

Motion to adjourn

Moved: Jenny Wriggins

Seconded: Carolyn Braun

Unanimously approved

Meeting adjourned 7:28pm

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 interpreted liberally.

Sec. X-2. Definitions.

Add language from NJ Conflicts of Int. 13D-12: As used in this code and unless a different meaning clearly appears from the context, the following terms shall have the following meanings:

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

Commented [1]: Seemed like a nice addition to the definitions section

Draft as of 7/29/2026

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.

- a. *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.
- b. **Minneapolis def of financial interest : ‘means Any ownership or control in an asset which has the potential to produce a monetary return.’**
- c. **Minneapolis def of financial conflict of interest: ‘means a [public servant] [local official or employee], in the discharge of official duties, participates in a governmental decision, action or transaction that would substantially affect the [public servant] [local official’s or employee’s] financial interests or those of an associated business, unless the effect on the [public servant][local official or employee] is no greater than that of another member or the individual’s business classification, profession or occupation.’**
- 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, 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 [2]: somewhat different from current draft
- for discussion

Commented [3]: somewhat different from current draft
- for discussion

Commented [4]: Code also uses this term with respect to the City’s interests - so need to come back to this and review that it also makes sense when talking about the City’s interest or is there a different term that should be used

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ARTICLE II. CONFLICTS 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.~~

~~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.~~

~~Without limitation, some specific examples of conflict of interest follow:~~

Sec. X-3. Financial Conflicts of Interests.

- (a) A public servant shall avoid any situation that might give rise to a financial conflict of interest.
- (b) *Addressing potential financial conflicts of interest. To address potential financial conflicts of interest:*
 - (i) A public servant shall not participate in making or attempt to influence any city governmental decision, action, or transaction in which the local official or employee knows or has reason to know that one's own financial interest is present.
 - (ii) A public servant may participate in a city governmental decision, action or transaction involving an organization or entity when the public servant or a relative is an officer, director, board member, or trustee, if the public servant does not have a financial interest in the governmental decision, action or transaction. However, the public official must disclose the affiliation with the organization or entity as though it were a potential conflict of interest.
 - (iii) A public servant may participate in a city governmental decision involving a related person, if the public servant does not have a financial interest in the governmental decision, action, or transaction. However, the public servant must disclose the relationship with the relationship with the related person as though it were a potential conflict of interest.
- (c) *Disclosure of potential financial conflicts of interest.* If a public servant, in the discharge of official duties, recognizes that participation WOULD [?] create financial conflict of interest, the public servant shall disclose the potential conflict of interest as follows:
 - (i) *The mayor and members of the city council* shall disclose the potential financial conflict of interest to each other as soon as they become aware of the conflict. If such official becomes aware of a financial conflict during a meeting of the city council, or one of its committees, or **the executive committee** [?] the official shall immediately disclose the potential conflict of interest orally. The mayor or city council member shall also prepare, on a form prescribed by the city clerk, a

Commented [5]: add S

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 [8R7]: 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 [10R9]: Suggested language changes are Peter's proposal

Commented [11]: Jenny & Carolyn will work on in conjunction with definition of conflict of interest

Commented [12R11]: Members are going to look at New Jersey ethics code

Commented [13]: delete

Commented [14]: Mostly based on MN -divides by type of actor and seemed pretty clear

Commented [15]: is this a thing?

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written statement describing the matter requiring action or decision and the nature of the potential conflict of interest. The written statement shall be distributed to the mayor and the members of the city council and filed with the city clerk. After the first time the official has orally disclosed a potential financial conflict of interest and filed the form, the elected official may subsequently orally disclose a potential financial conflict by referring to the form. Because the mayor or city council may not attend all city council or committee meetings, oral disclosure may consist of the written statement being read into the record by the presiding officer at the first regular meeting of the city council after the form has been filed.

- (ii) *A department head* shall disclose a potential financial conflict of interest to the mayor and the city council by preparing, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of the potential financial conflict of interest. The form shall be distributed to the mayor and members of the city council and filed with the city clerk.
- (iii) *A public servant who is not an employee and who is not covered by paragraphs (1) and (2) above [such as a member of a volunteer board?]* shall disclose a potential financial conflict of interest to the other individuals on the agency, authority or instrumentality as soon as the public servant becomes aware of the conflict. If a public servant becomes aware of a potential financial conflict during a meeting, the public servant shall immediately disclose the potential financial conflict of interest orally. The public servant shall also prepare, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of the potential financial conflict of interest. The written statement shall be distributed to the mayor and city council, any department head whose jurisdiction or agency could be affected, and filed with the city clerk.
- (iv) *An employee who is not covered by paragraphs (1), (2), or (3) above* shall disclose a potential conflict of interest (i) orally to the employee's supervisor (ii) in writing as described below. If there is no supervisor, an employee shall disclose a potential conflict of interest in writing as described below. An employee who is required to disclose a potential financial conflict of interest in writing under this paragraph (iv) shall prepare a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of the potential financial conflict of interest. The written statement shall be distributed to the employee's immediate supervisor and the department head, and filed with the city clerk.

(5) All initial written statements shall be filed and distributed within one (1) week after the public servant becomes aware of the potential financial conflict of interest.

(6) If the public servant has a supervisor, the supervisor shall assign the matter, if possible, to another person who does not have a potential conflict of interest. If they have no immediate supervisor, the public servant shall remove oneself from participating in the action or decision in question. If the public servant is a member of the city council or mayor, the public servant shall

Commented [16]: Minn refers to a 'local official who is not an employee and not covered by 1 and 2 above'. Not sure if my example works or not, and not sure what else this category embraces.

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not participate in any discussion or vote on any matter involving the potential financial conflict of interest. Although the mayor or city council member must abstain from voting on the matter, the member shall be counted present for purposes of a quorum.

[prior draft] 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.

[prior draft ct'd.] 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, entity, or their agent, 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 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. The value of a gift provided to a group or department of public servants shall be divided by the number of public servants within the group or department.

[Gifts of perishable items that are restricted but cannot practically be refused or returned shall be donated to a charitable organization or made available for public consumption.](#)

[This section shall not restrict gifts of a personal nature provided between individuals with preexisting social relationships.](#)

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

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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.

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.

Commented [17]: Carolyn & Jenny will review as part of conflict of interest

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 [18]: Review stopped here on 6/30

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 except as provided as an employment benefit available to all City employees.

Commented [19]: Just employment, or other personal uses? Is there any exception for de minimis uses?

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. *

Commented [20]: Think about vehicles (e.g. fire command staff response vehicles) and other things that might be employment benefits but not for all employees

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 public servant 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 public servant may use their official authority or position for the purposes of influencing, interfering with, or affecting the results of any election. No public servant

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shall use their position to make threats or promises for the purpose of trying to get anyone to engage in any political activity or make a political contribution.

Public servants shall not solicit campaign contributions from other public servants, except when the solicitation is part of a general public appeal. Public servants shall not accept campaign contributions from City employees whom they supervise, whether directly or indirectly within the employees' department.

Commented [21]: Other option is to say public servants can't accept contributions when they have reason to believe being provided for a particular benefit or under threat

A public servant shall not ask any person or entity that does or intends to do business with the municipality or that has or is seeking a license, permit, grant, or benefit from the City or that has done business with the City during the previous twelve months to make any political contribution or engage in any political activity.

They shall not use upon terms more favorable than those granted to the public generally, 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. When using City facilities, equipment, materials or supplies for campaign purposes, public servants shall disclose to the public that such use was consistent with the terms of use for the public generally.

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

Commented [22]: Is this too broad given restrictions above?

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 elected office must follow Maine's statutes on disclosure and campaign finance

Sec. X-10. Loans.

No public servant shall solicit or receive a loan, extension of credit, guarantee, debt forgiveness, or other financial accommodation from any person or entity or their agent when the benefit is offered because of the public servant's official position or could reasonably be expected to influence, or appear to influence, the performance of the public servant's official duties. This limitation shall not apply to loans or credit obtained on terms generally available to the public.

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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.

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.

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

Article IV. 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

Commented [24]: Flagging that may also need to think about lobbying

Commented [25]: Rachel to review Charter and see if we can have post-employment restrictions or if Ethics Code can only apply to current public servants

Commented [26]: Consider public as well

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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.

NEW SECTION 1. For reference we include the charter language, which will survive Portland Charter Code of Ordinances, (referenda 11/4/86, 11/2/10, 11/7/23)

Commented [27]: delete

PORTLAND CHARTER CODE OF ORDINANCES

ART VIII NO PERSONAL INTEREST

Section 1. No personal interest. No member of the city council or school board or board or commission thereof and no officer or employee of the city or school department shall:

(a) Have a **substantial financial interest, direct or indirect**, in any contract entered into by or on behalf of the City of Portland or the school board, except their employment contract, or in the **sale** to or by the city or school department of **any land, materials, supplies or services** when such officer, employee or member exercises on behalf of the city or school department **any function or responsibility with respect to such contract or sale**. All contracts or sales made in violation hereof are void, and the city treasurer City of Portland Charter Code of Ordinances Article VIII Rev. 11-7-2023 is expressly forbidden to pay any money out of the city treasury on account of any such transaction.

[NOTE NOT SURE HOW TO DEFINE SUBSTANTIAL FINANCIAL INTEREST – NEED THINK MORE ABOUT]

(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.

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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
- Disclosure language examples for public servants to use
 - Specifically came up in context of use of city facilities and other resources during campaigns and disclosure required to the public in those situations

Draft as of 7/29/2026