

NOTICE OF PUBLIC HEARING  
MUNICIPAL OFFICERS OF THE TOWN OF  
OLD ORCHARD BEACH

The Municipal Officers of the Town of Old Orchard Beach, Maine hereby give Public Notice that there will be a Public Hearing held at the Town Hall, Council Chambers, on September 16, 2014 at 7:00 p.m. to consider the following:

**To consider the following proposed amendment to Section 412 "Conflicts of Interest", of the Old Orchard Beach Charter by adding the underscored text as shown below:**

**Sec. 412. Conflicts of Interest.**

No relative of a Town Councilor or the Town Manager shall be appointed to any compensated Town office or any position appointed by the Town Council or shall be hired for a position in any Town department under the direct control of the Town Council so long as that Councilor continues to serve on the Town Council. If the relative was serving in any such position at the time of that Councilor's election, the relative shall not receive any increase in salary or compensation which is approved during that Councilor's term of office except for salary or compensation increases which are commensurate and proportional to salary or compensation increases received by non-union Town employees or Town employees covered under a collective bargaining agreement. A Councilor with a relative serving in a compensated Town office or position shall recuse him or herself from consideration or acting on matters directly related to the compensation or salary of their relative.

No Town Councilor may vote on any contract while employed by the contractor or subcontractor or in which the member or a relative has a financial interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue must be decided by a majority vote of those members present and voting, excluding the member being challenged.

As used in this section, the term "relative" means related by blood, marriage, or law, including spouses, children, grandchildren, great-grandchildren, parents, brothers, sisters, nephews, nieces, grandparents, uncles, aunts, first cousins or domestic partner relation.

Explanation: The Town Council recognizes the importance of avoiding conflicts of interest in circumstances involving family or related parties who provide services to the Town. However, the Town Council finds that the current Conflict of Interest provisions in Section 412 of the Charter are creating an unintended consequence that unfairly treats Town officials and employees simply because they have a relative who has been elected to the Town Council. The proposed amendment allows employees with a relative serving as a Town Councilor the opportunity to receive compensation or salary increases commensurate and proportional to such increases received by other compensated Town officials and employees. As a further safeguard to ensure there is no undue influence or conflict of interest in Council decisions directly affecting the compensation or salary of employees with a relative serving on the Town Council, the amendments require a Councilor with a relative serving as Town official or Town employee to recuse him or herself from consideration or action on such compensation or salary matters.

Per Order of the Municipal Officers this 19<sup>th</sup> day of August, 2014.

A True Copy

Attest:

S/Kim M. McLaughlin

Kim M. McLaughlin, Town Clerk