



CITY OF  
BAINBRIDGE ISLAND

ETHICS BOARD  
REGULAR MEETING  
MONDAY, AUGUST 19, 2019  
6:00 PM – 8:00 PM  
COUNCIL CONFERENCE ROOM  
280 MADISON AVENUE NORTH  
BAINBRIDGE ISLAND, WA 98110

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## AGENDA

**MEMBERS:** SUZANNE KEEL-ECKMANN, CHAIR  
INGRID BILLIES JENNIFER HODGES  
MARADEL GALE BRIAN STRULLY

**COUNCIL LIAISON:** JOE DEETS

**CITY STAFF:** ROBBIE SEPLER

1. CALL TO ORDER – 6:00 PM
2. CHANGES OR ADDITIONS TO AGENDA
3. DISCLOSURES OF CONFLICTS OF INTEREST
4. ACCEPTANCE OF MEETING NOTES – JULY 15, 2019 AND JULY 29, 2019
5. COMMUNICATIONS
6. PUBLIC COMMENT
7. OPEN PUBLIC MEETINGS ACT TRAINING
8. CITY COUNCIL / ETHICS BOARD PROGRAM DISCUSSION
9. 2019-02 ADVISORY OPINION RESPONSE
10. REVISION OF FORMS REQUESTING ADVISORY OPINION / FILING COMPLAINT
11. ITEMS FOR NEXT MEETING AGENDA
12. NEXT MEETING DATE: SEPTEMBER 16, 2019
13. ADJOURNMENT – 8:00 PM

# COBI ETHICS BOARD

## Regular Meeting

Monday July 15, 2019

### Minutes

1. Call to order. Meeting was called to order at 6:32 pm. Present were Maradel Gale, Suzanne Keel-Eckmann, Jennifer Hodges and Ingrid Billies, Robbie Sepler and Council Liaison, Joe Deets.
2. Changes or Additions to Agenda. None.
3. Disclosure of conflicts of interest. None.
4. Minutes of the May 18th, 2019 meeting were accepted as written.
5. Welcome new Board Member – Jennifer Hodges. Introductions of all members of the Board.

Motion is made to honor Scott Wilder, motion passed unanimously. Motion is as follows:

Motion to honor Scott Wilder for meritorious service on the City of Bainbridge Island Ethics Board.

COBI Ethics Board, with grateful appreciation, does hereby acknowledge, commend and honor the three years of service of Scott Wilder as a member and chair of the COBI Ethics Board. He has given freely of his time and talents to strengthen the COBI Ethics Board, its program and its processes. His participation on the COBI Ethics Board has been characterized by his inquisitiveness, candor, sound reasoning and commitment to the core values of the Ethics program;

So move that the COBI Ethics Board gratefully acknowledges the vigorous advocacy and heartfelt concern Scott Wilder has demonstrated on behalf of the COBI Ethics Board and in commending him for this outstanding service, do wish him every success and happiness with all his future endeavors.

6. Communications. Suzanne had communications with Council Members Deets, Tirman, Blossom, Schneider and Mayor Medina, Joe Levan, City Manager Morgan and Ethics Board member Maradel Gale. Maradel had communications with Council Members Deets, Blossom, Schneider, Tirman, Mayor Medina and Ethics Board member Suzanne Keel-Eckmann.
7. Public Comment. None.
8. City Council/Ethics Board Program Discussion. Board discussion on Article I complaints and possible approaches to it. There will be an Ethics Board special meeting on July 29<sup>th</sup>, 2019 to review the Ethics Program redlines.
9. Items for next meeting Agenda. Proposed revisions to the Ethics Program.
10. Next Meeting Date. August 19, 2019.
11. Adjournment. 8:12 pm.

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Suzanne Keel-Eckmann, Chair

## **COBI ETHICS BOARD**

Special Meeting

Monday July 29, 2019

### Minutes

1. Call to order. Meeting was called to order at 6:32 pm. Present were Maradel Gale, Suzanne Keel-Eckmann, Brian Strully and Jennifer Hodges and Ingrid Billies, Robbie Sepler and City Council Liaison, Joe Deets.
2. Changes or Additions to Agenda. None.
3. Disclosure of conflicts of interest. None.
4. Communications. Suzanne had communications with Mayor Medina and Council Members Deets, Tirman, Blossom, Schneider, City Attorney Joe Levan, City Manager Morgan Smith and Maradel Gale. Maradel had communications with Mayor Medina, Council Members Deets, Blossom, Tirman and Schneider and Suzanne Keel-Eckmann.
5. Discuss and evaluation proposed revisions to the City's Ethics Program. Group discussion on the proposed revisions. Robbie gave a background on the revisions and how they came to be in the document the Board is discussing this evening. The Board would like to recommend renaming Article I to "Code of Conduct" which includes Core Values and Ethics Principles. Whenever the word "resident" is used, the word "individual or individuals" will replace it. The Board will prepare talking points regarding the "mandatory reconciliation process. And those talking points will be represented at the August 6<sup>th</sup> City Council meeting.
6. Items for next meeting Agenda. Proposed revisions to the Ethics Program, OPMA training.
7. Next Meeting Date. August 19, 2019.
8. Adjournment. 9:30 pm.

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Suzanne Keel-Eckmann, Chair

**To:** Bainbridge Island City Council  
**From:** City Council member Rasham Nassar

July 16, 2019

**Re:** In response to Ethics Board Opinion 2019-02, issued May 21, 2019, I submit the following statement:

**The Ethics Board conclusion that I violated Article I of the City Ethics Program is without merit. The Board's process that found me in violation of the City's Core Values of transparency and honesty is a misrepresentation of facts and holds no evidence. In addition, it demonstrates a clear lack of due process, as shown in the following statement:**

**Due Process 2019-02.** I was never notified by the Ethics Board that **Complaint 2019-02** was filed against me on January 10, 2019. Nor was I notified at any point during the Board's consideration and deliberations regarding this Complaint that a Complaint had been filed and that "charges" were being considered against me. I was subsequently denied the opportunity to provide any response, either verbal or written, to the initial complaint. Next, the Board proceeded to repeat that process, by initiating yet a new Complaint of their own that included "charges". They not only processed the first Complaint against me without due process, they followed by concluding my "guilt" for their own second Complaint without due process. Most importantly, my lack of allowed due process\* resulted in its flawed charges against me, because they were made without all the evidence. \*Appearance of Fairness Doctrine. 42.36 RCW.

The Ethics Board states: "*From documents obtained through a public records request, it became apparent to the Ethics Board that Councilmember Nassar was aware of multiple land use questions relating to the property dating back to at least 2018.*"

**No Public Records investigation in new potential violation.** After finding no violation of Article II of the Ethics Program in the initial Complaint, the Ethics Board proceeded to 'investigate' a new, potential Article I violation of the City's Core Values. The Board's statement of evidence relies on information from a public records request, implying this was their own "investigation." In fact, the Ethics Board did not do an investigation by filing their own public records request. Instead, their evidentiary material was chosen from information gleaned from a private citizen's public records request on a separate matter, which they had come by through hear-say. This made their "evidence" unreliable, because it was incomplete.

**Two voluntary public statements.** On **January 8, 2019**, at a City Council meeting, I voluntarily made a public response to clarify press statements regarding my personal property. At the time, the city and my family were continuing to determine the full situation. Ongoing site meetings were being planned. On **January 22, 2019**, I personally chose to publicly inform the City Council a second time with detailed and new information about my family's property; all in an effort to correct the misrepresentation in the press and social media.

By relying on incomplete "evidence" it had not developed on its own, the Ethics Board failed to consider in addition to the statement issued at the January 8, 2019 City Council meeting, I again publicly addressed the issue a second time at the January 22, 2019 City Council meeting. The January 22 statement also provides further details and clarification of certain facts pertaining to my private property and is publicly available.

**Additional public information via email.** Days following that second statement, I posted an even more detailed statement to the public record via email. Additionally, both the January 8 and January 22

statements were neither final nor required statements. Instead, they were voluntarily offered by my desire to publicly clarify any misinformation and misrepresentation on social media or local press of my family's farm and home. We continue to work cooperatively and progressively with the city to complete all code requirements.

**Incorrect legal conclusions of Advisory Opinion 2018-06.** April 17, 2019, the City Attorney issued a Statement to correct the "incorrect legal conclusions" and "potentially misleading portion of the factual description" contained in the Ethics Board Advisory Opinion 2018-06. The City Attorney provided the following clarification:

*"As a factual matter, the City's code enforcement action related to Councilmember Nassar's property is an ongoing matter for which the City is in the process of determining the extent of any violations and is working with the property owners to achieve compliance, consistent with the City's code enforcement process more generally. At this point, a final determination has not been reached related to what will constitute full compliance."*

The date of publication of the Ethics Board Advisory Opinion 2019-02, was May 21, 2019, weeks after the City Attorney's Statement to Correct. As the City Attorney states above on April 17, 2019, my family's process with the City to determine any violations was still ongoing; hence the City Attorney's clarification is also applicable to 2019-02. The Ethics Board 2019-02 violation, due to being incomplete, disregards the City Attorney's Statement to Correct.

**City Procedure for enforcement of Code of Ethics.** Finally, the Ethics Board Opinion contains vague, ambiguous, and misleading language related to my personal property matter. This reflects the Ethics Board's lack of knowledge of the extensive and complex nature of the City's own code/permit process, and the timeline of vital cooperation between my family and the City, most typical of the regular code compliance process. There does not appear to be even a general understanding of the City's code compliance process. Instead, against the City's own procedure for enforcement of the Code of Ethics, the Ethics Board Opinion appears to respond more heavily to the press and social media than to facts, where my family's code compliance matter has been wildly exaggerated and heavily mischaracterized. Enforcement process cautions against this practice.

**Core Values meant to guide conduct in Ethics Principles.** The Ethics Program does not contain a prescriptive process for the handling of Article 1 Complaints and Advisory Opinions. Without a clear, well-defined process to guide the Board in its issuance of charges against elected officials, there is a fundamental flaw in the Ethics Program. The City's Core Values are meant to *guide* conduct in the Ethics Principles and established standards of ethical conduct in the Code of Ethics. Values are not expected to be laws unto themselves. If the City wants to make them laws, then it must develop implementation for enforcement that includes proof based on evidence. These charges are not supported by evidence.

**These charges against me should be dismissed for all the reasons stated above.**

Rasham Nassar  
Councilmember, Central Ward

**Attached is my signed Declaration that all contained in this statement is true to the best of my knowledge.**

*“Modern Democracies do not legislate that we treat each other with respect. They can only point the way and legislate regarding the minimum “legal” requirements.” James Viscount Bryce*

## Declaration

“I certify/declare that under penalty of perjury under  
the laws of the State of Washington, that the foregoing  
Statement is true and correct.”

Signature:  \_\_\_\_\_

Date: 7/16/19 \_\_\_\_\_

Place: Bainbridge Island, WA