

**Bainbridge Island Ethics Board  
Advisory Opinion AO-2011-2**

November 21, 2011

An advisory opinion is requested regarding actions the City Council may take following a determination by the ethics board that a violation of the Ethics Code may have occurred. The request contains 4 specific questions.

Question 1: Whether the Ethics Code specifies criteria the council must use in deciding to dismiss an ethics complaint, or "May Council choose different reasons, at its discretion, to dismiss a complaint".

Question 2: If the Council dismisses a complaint, "is there a distinction between acceptable and unacceptable reasons?"

Question 3: May Ethics Complaints be brought only against sitting council members or commissioners?

Question 4: Does the Council retain its ability to review an ethics board determination if a council member or commissioner resigns after the ethics board determination is issued?

Questions 1,2 and 4 are legal questions regarding the powers of the City Council with respect to the Ethics Program. The Ethics Board is not in a position to answer these questions, which may be more appropriately addressed by the City Attorney or the Council.

With regard to Question 3, Article III Section E of the Code of Ethics includes conflict of interest provisions for Elected Officials for two years after leaving office. An Ethics Complaint may be lodged regarding potential violations of this section.



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Dennis Willerford, Chair