

City of Bainbridge Island Ethics Board

Re: Advisory Opinion No. AO2009-02
Subject: Breach of Confidentiality Rules
Date: 14 December 2009

Ms Adams:

Thank you for your inquiry to the Ethics Board. You have requested an opinion regarding an alleged breach of confidentiality by an elected official of the City Council. Under Article II, Section C. of the Code of Ethics, confidentiality is an obligation of City officials when they are engaged in executive session or involved in other duties for the City as elected officials.

You allege that participants of settlement discussions between the Bainbridge Ratepayers Alliance and the City were enjoined to confidentiality by the City attorney during a "first round" of the discussions. You also allege that after a "second round" of discussions between representatives of these groups, at which the elected official in question was present with three other Council members, an email was distributed by the Chamber of Commerce that disclosed confidential information originating in these discussions. Finally, you allege that "it was determined" that the elected official in question was the source of this information, and you that believe this breach "potentially compromised and/or harmed" the settlement discussions.

Assuming that it can be established that the information in the settlement discussions is, as alleged, confidential and that it was, as alleged, shared by the elected official in question with parties not in the negotiations, then we find that it is likely the elected official in question did in fact violate the Code of Ethics requirements for confidentiality. If you wish to pursue the matter further, we refer you to Article IV of the COBI Code of Ethics.

Thank you for submission and interest in the work of the Board of Ethics.