

From: [Ethics Board](#)
To: [Brian Strully](#); [Ingrid Billies](#); [Maradel Gale](#); [Scott Wilder](#); [Joe Deets](#); [Suzanne Keel-Eckmann](#)
Subject: FW: Request for Formal Advisory Opinion, Ethics Board
Date: Thursday, December 27, 2018 9:18:00 AM
Attachments: [image002.jpg](#)

From: Kelly Jahraus <kjahraus@bainbridgewa.gov>
Sent: Friday, December 21, 2018 10:01 AM
To: Ethics Board <ethicsboard@bainbridgewa.gov>
Cc: Rasham Nassar <rnassar@bainbridgewa.gov>; Christine Brown <cbrown@bainbridgewa.gov>
Subject: FW: Request for Formal Advisory Opinion, Ethics Board

Good morning, please see below from Councilmember Nassar.

KELLY JAHRAUS



DEPUTY CITY CLERK/RECORDS MGMT COORDINATOR
Executive Department
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----- Original message -----

From: Rasham Nassar <rnassar@bainbridgewa.gov>
Date: 12/20/18 10:51 AM (GMT-08:00)
To: Christine Brown <cbrown@bainbridgewa.gov>
Cc: Ron Peltier <rpeltier@bainbridgewa.gov>, Kol Medina <kmedina@bainbridgewa.gov>, Morgan Smith <msmith@bainbridgewa.gov>
Subject: re: Request for Formal Advisory Opinion, Ethics Board

Christine,

Please forward this formal request for an Advisory Opinion to the Ethics Board. Thank you, and happy holidays! Rasham

To the Ethics Board;

I'd like to request a formal Advisory Opinion on whether the following would be considered a violation of the city's Code of Ethics or might constitute a Conflict of Interest:

I own a 6-acre farm property on Bainbridge Island which is encumbered by critical areas and critical area setbacks, and which includes grandfathered agricultural and residential uses. The historically disturbed areas, which include the farmland, the primary residence, primary and secondary driveways, yard, and storage shed/well pumphouse, currently fall within current critical area buffers– the lot was developed in 1910 and was purchased by my husband and I in 2014. Over the years, including since our purchase date in fall of 2014, critical area setbacks have grown to include much, if not all, of our nearly 6 acre farm.

My husband is also currently working through the permitting process with members of the planning department to obtain an after-the-fact building permit for repairs to the historic and unrecorded storage shed/well pumphouse located in the critical area buffer, work undertaken due to tree fall in the winter of 2014, completed in January of 2015.

My inquiry pertains as to whether participation in council discussion of land use regulations constitutes a conflict of interest for members of council who own private property containing grandfathered non-conforming uses, and/or members of council with active applications for new and/or after-the-fact building permits. More specifically – does the fact that I jointly own property containing critical areas, wetland/stream buffers and grandfathered uses create a conflict for my participation in land use decisions in general, and also which include possible legislative actions for critical areas/buffers? In the opinion of the Ethics Board, have I committed a Conflict of Interest or Ethics Code violation anytime during this year’s council discussions and actions related to Land Use?

I’ll note that the highly controversial update to the Critical Areas Ordinance, which introduced the ARPA requirement for new development, does not weaken development restrictions but improves aquifer protection unanimously across all Bainbridge Island properties (outside of the Shoreline jurisdiction). My interest in bringing this before the Ethics Board is to continue the discussion of what constitutes a Conflict of Interest and what may result in a violation of the city’s Code of Ethics for members of council, specifically pertaining to the personal property assets of council members. As a side note, as we head into the New Year, I would hope my colleagues would support the council working with the Ethics Board to improve upon our current Ethics Program, yet another avenue with which to promote public trust and transparency in local government.

If members of the Ethics Board have any questions, would like further clarification or require any additional information please don’t hesitate to contact me.

I thank you for your consideration of this request for an advisory opinion, and look forward to hearing your response.

Happy Holidays!

Rasham Nassar
Bainbridge Island City Council
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