



25 September 2014

To: City Clerk, City of Bainbridge Island

Submitted by: Robert Dashiell
6370 NE Tolo Road
Bainbridge Island, WA 988110
206-855-8112

Subj: Ethics Complaint

- 1. This complaint involves an elected official: David Ward.
- 2. Facts that constitute the violation of the Code of Ethics:

Councilman David Ward appears to be employed by Intermap Technologies as a regional sales manager. That company's business is related to providing mapping products, including a spatial LIDAR mapping product that Councilman Ward believes would be useful for SMP baseline monitoring. Councilman Ward introduced a proposal to use such a product to the ETAC in January 2014. The LIDAR proposal has been discussed in ETAC meetings since January, two white papers have been forwarded by ETAC (neither proposed or approved in open public meetings) to the City Council, and Councilman Ward has meet with Kathy Cook and other City staff and Council members promoting the LIDAR concept. The subject has been before the City Council on at least four agendas in 2014 in various forms of proposals and costs. most related to a U/W mapping laboratory that Councilman Ward appears to have some business connection related to his Intermap Technology employment (not provided as a fact ... only comment by Ward is that he "works with" the U/W lab on forestry research issues related to mapping).

The City website has no shortage of agendas and discussions and Council video on Councilman Ward's LIDAR proposal.

Attached:

Public Disclosure F(1) form for David Ward, (2010-11)

Copy of 22 Sep 2014 e-mail responding to his public disclosure of no conflict of issue (not exactly on the terms of pleasantries and respect to citizens detailed in the ethics code).

- 3. I am of the opinion there is a substantial indirect business (contractual employment by Intermap Technologies) related to Councilman Ward's proposal.

I also believe there is a conflict of interest by any City Council member that is the appointee liaison to a City Committee or Commission actively promoting a product or service for which they or their immediate family have a direct or indirect business or financial relationship. City Council individuals vote and control who are and who are not appointed and reappointed to City commissions and committees, and although that is not specifically addressed in the Ethics Code, there is a perception of alone that being a conflict of interest because the elected representative clearly wants something approved by the committee.

- 4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

Date: 25 Sep 2014 Place: 47.654609 N, 122.563318 W



PO BOX 40908
OLYMPIA WA 98504-0908
(360) 753-1111
TOLL FREE 1-877-601-2828

F-1
(11/08)

PERSONAL FINANCIAL AFFAIRS STATEMENT

Covers:
6-16-2010:
To:
6-16-2011
Received:
06-21-2011

Refer to instruction manual for detailed assistance and examples.

Deadlines: Incumbent elected and appointed officials -- by April 15.
Candidates and others -- within two weeks of becoming a candidate or being newly appointed to a position.

SEND REPORT TO PUBLIC DISCLOSURE COMMISSION

DOLLAR CODE	AMOUNT
A	\$1 to \$3,999
B	\$4,000 to \$19,999
C	\$20,000 to \$39,999
D	\$40,000 to \$99,999
E	\$100,000 or more

Last Name First Middle Initial
WARD DAVID J

Names of immediate family members, including registered domestic partner. If there is no reportable information to disclose for dependent children, or other dependents living in your household, do not identify them. Do identify your spouse or registered domestic partner. See F-1 manual for details.

Mailing Address (Use PO Box or Work Address)

JoAnn Mary Davis SP

317 CAVE AVE NE
City County Zip + 4
RAINBRIDGE ISLAND KITSAP 98110

Filing Status (Check only one box.)

- An elected or state appointed official filing annual report
- Final report as an elected official. Term expired: _____
- Candidate running in an election: month AUG year 2011
- Newly appointed to an elective office
- Newly appointed to a state appointive office
- Professional staff of the Governor's Office and the Legislature

Office Held or Sought
Office title: CITY COUNCIL MEMBER
County, city, district or agency of the office,
name and number: CITY OF BAINBRIDGE ISLAND
Position number: 4
Term begins: 01-01-2012 ends: 12-31-2015

1 INCOME List each employer, or other source of income (pension, social security, legal judgment, etc.) from which you or a family member, including registered domestic partner, received \$2,000 or more during the period. (Report interest and dividends in Item 3 on reverse)

Show Self (S) Spouse (SP/DP) Dependent (D)	Name and Address of Employer or Source of Compensation	Occupation or How Compensation Was Earned	Amount: (Use Code)
S	IntermapTechnologies 8310 South Valley Highway, Suite 400 ENGLEWOOD CO 80112	Regional Sales Manager	E
SP	Adobe Systems 801 North 34th Street SEATTLE WA 98103	Senior Technical Writer	D

Check Here if continued on attached sheet

2 REAL ESTATE List street address, assessor's parcel number, or legal description AND county for each parcel of Washington real estate with value of over \$10,000 in which you or a family member, including registered domestic partner, held a personal financial interest during the reporting period. (Show partnership, company, etc. real estate on F-1 supplement.)

Property Sold or Interest Divested	Assessed Value (Use Code)	Name and Address of Purchaser	Nature and Amount (Use Code) of Payment or Consideration Received
Property Purchased or Interest Acquired		Creditor's Name/Address	Payment Terms Security Given Mortgage Amount - (Use Code) Original Current
All Other Property Entirely or Partially Owned			
317 Cave Ave NE Bainbridge	F		0 0

RECEIVED
SEP 25 2014
EXECUTIVE DEPT

From: **Robert Dashiell** rdimages@aol.com
Subject: LIDAR Proposal and Conflict of Interest
Date: September 22, 2014 at 7:09 AM
To: **Dave Ward** dward@bainbridgewa.gov
Cc: **City of Bainbridge Island** council@ci.bainbridge-wa.us, **Kathy Cook** kcook@ci.bainbridge-wa.us, **susan buckles@cobicommittee_email**, **dennis willerford@cobicommittee_email**, **michael veslav@cobicommittee_email**

Councilman David Ward,

Thank you for finally responding to my "city hall rock thrower" U.S. Constitutional protected and civil inquiry to a publicly elected office holder whether an action being brought before the City Council might or might not be a conflict of interest.

I was keenly disappointed you didn't address the requested fundamental issue behind my questioning of your LIDAR proposal and your perceived conflict of interest, that being demonstrating by any means of your choosing with convincing visuals and specifics on how the LIDAR concept can be used for SMP baseline monitoring. You have not demonstrated that to ETAC. The U/W demonstration did not demonstrate that to ETA. The U/W Geospatial Lab website is extensive discussing this technology, and the images and studies and graduate student projects indicate this technology is not going to be useful for the detail of establishing any useful or legally defensible SMP baseline. There are many red flags: tree blockage issues, LIDAR and moving water issues, level of pixel detail issues, a limited spectral vegetative spectral "dictionary", and "ground verification" issues. The usefulness for your proposed program for SMP baseline monitoring simply has not been made in any convincing or reasonable fashion, and if you or the U/W Geospatial Lab would simply visually demonstrate high resolution imaging and openly discuss the known limitations of this technology, this conflict of interest discussion would not be happening. I believe you have been promoting a mathematically modeled imaging technology that is not going to be useful for SMP baseline monitoring. The fact of your employment, either past or current, is secondary to the lack of any reasonable evidence that the LIDAR product you have promoted for the past nine months is going to be detailed sufficiently to be of practical use for an SMP baseline for the City of Bainbridge Island.

The LIDAR proposal is also a new long term costly program for this City. It's not just a couple flyovers to take images. It's going to almost certainly require new City staffing on a long term basis to up incorporate and update this technology into the City's GIS system. If the City is going to make a case of a shoreline property owner violating the SMP, the product has to be able to be detailed, definitive, and stand up in court if challenged. I'm frankly disturbed how often this City spends taxpayer and ratepayer money on marginal or nearly useless programs, such as water flow monitoring and excessively sized stream simulation culverts on streams that have no spawning salmon. Might I remind you the last citizen's survey had 9% of Bainbridge citizens saying they were getting good value for their tax dollars ... well below the national average. I look on your LIDAR proposal as yet another costly program for COBI taxpayer and ratepayers with little or even no practical or useful value. How is this proposal going to improve any citizen's life on this island? Fact is it won't ... it's SMP usefulness would only be as a SMP baseline, and I have seen nothing to show that would work.

Now for the conflict of interest issue.

Your statement at the City Council meeting was:

"I would like to say I don't have a conflict of interest. It would seem as though one of our local city hall rock throwers persist in assuming because I **worked** in a **particular industry providing ETAC with some comments** based on over 30 years of professional experience that I am somehow going to financially benefit from **their monitoring proposal** and that is patently untrue. As I said in there beginning, I do not have a conflict of interest."

Here is what concerns me about your conflict of interest disclaimer statement.

You used the **past tense "worked"**. Does that mean you are now **no longer employed** as a regional sales manager for Intermap Technologies? You told the ETAC you were working with a UW Geospatial Lab in a forestry related capacity using advanced mapping products (I'm assuming it's LIDAR geospatial based). A reasonably common business practice is to have product sales managers work with customers who have licensed a company's product(s). Are you volunteering your time at the University of Washington as a private citizen with continuing interest in this mapping technology, or is that a business relationship related to when you apparently used to work for Intermap Technologies?

You have missed a number of City Council meetings this year, and I was under the impression those were business trips. For your PDC financial disclosure statements, I see no other company you are reporting as having income from other than Intermap Technologies. Are these business trips for some different company you are now working? Or do I have the travel for business absences from Council meetings wrong?

...

The **"providing ETAC with some comments"** and **"their monitoring proposal"** is a significant verbal deception.

The LIDAR proposal is your personal concept and far beyond your public characterization of "providing ETAC with some comments."

8 January 2014, ETAC agenda item: **"Ideas for using LIDAR for (SMP) baseline (David Ward)."**
(There are no minutes posted on the City website of that meeting.)

12 February 2014, ETAC agenda item **"Latest draft of LIDAR proposal (David Ward)"**. As I recall, you were not at that meeting, but Ryan Erickson and two ETAC members were, and there was a discussion of "Dave Ward's LIDAR proposal"
(There are no minutes posted on the City website of that meeting.)

12 March 2014, ETAC agenda item: **Discussion of LIDAR proposal (Councilman David Ward, DR, Monica Moskal (UW) and graduate student).**" You stated you had invited them to make a presentation to ETAC.
(There are no minutes posted on the City website of that meeting.)

You are also on record arranging meeting(s) with Kathy Cook to explain your LIDAR proposal, so your involvement goes even deeper than ETAC ... directly to the City's key decision maker for SMP monitoring.

Nine months of promoting your LIDAR proposal to ETAC and City staff is far more than just **"providing ETAC some comments"**.

...

ETAC has now forwarded two LIDAR recommendations to the City Council. Neither of these recommendations to City Council were finalized or voted on at an ETAC public meeting. I believe the City's Governance Manual is silent Committee recommendations to being finalized and voted on by City committees before they are put on the City Council's agenda, but I've attended maybe 600+ COBI committee meetings, and I have not observed any other committee ever providing a written recommendation to City Council without a final draft voted on and approved at a scheduled or special committee meeting. ETAC's two LIDAR recommendations to the City Council set a new standard non-transparent standard and are at least a historical firsts for this City, at least in recent history.

You are the City Council appointed liaison to the ETAC committee. Although City Council member's roles in serving as liaisons is not spell out in the City's governance manual, it just seems to be common sense the elected official would play some role in having their assigned liaison committee properly draft and publicly approve recommendations that are forwarded to the City Council, and perhaps even ensuring committee meeting minutes are taken and then posted on the City's website.

...

Conflict of interests are more than financial. The Ethics Board has discussed a perception of a conflict of interest as an important to good City governance. At this point, this is a perception issue.

You have told the ETAC that if the Bainbridge Island LIDAR proposal is approved, the LIDAR technology might be used as an example other Puget Sound jurisdictions could make use of for SMP no net loss monitoring. If you are no longer employed by Intermap Technologies, that is an innocent statement. If you are still employed by Intermap Technologies as a regional sales manager, then one might reasonably conclude there may be some regional sales manager interest in expanding the local use of this LIDAR product in the Puget Sound region. I have no clue how the mapping licensing fees work, but common business practices frequently have some form of fees related to the extent a product is used, and perhaps someone in a position of regional sales manager could conceivably benefit in some form.

And secondarily, as a City Council member, you both may interview candidates and have a significant say and vote on who gets a City committee assignment, or who gets approved for second or third term on a committee.

When a City Council member is assigned a liaison to a City Committee and personally advocates before that committee for a City and/or grant funded project that he/she might (or might not) have a business related interest in, than that advocacy action alone might be reasonably be viewed as a form of a conflict of interest.

...

I have now expressed my personal views and opinions.

The City has a body to deal with ethics and conflict of issue questions, and the Ethics Board is the appropriate body to turn this over to and put this minor dust-up to rest.

If they find no conflict of interest or ethical issues, that portion of this dust-up is over.

The usefulness of your LIDAR proposal for SMP baseline monitoring is still an unanswered question. You can solve that with a convincing presentation.

Robert Dashiell