



CITY OF
BAINBRIDGE ISLAND

ETHICS BOARD
REGULAR MEETING
MONDAY, OCTOBER 19, 2020
6:30 PM
VIA ZOOM WEBINAR

THE ETHICS BOARD WILL HOLD THIS MEETING
USING A VIRTUAL, ZOOM WEBINAR, PER GOVERNOR INSLEE'S
"STAY HOME, STAY HEALTHY" ORDERS

MEMBERS OF THE PUBLIC WILL BE ABLE TO CALL IN TO THE ZOOM MEETING:

[HTTPS://BAINBRIDGEWA.ZOOM.US/J/97648054232](https://bainbridgewa.zoom.us/j/97648054232)

OR IPHONE ONE-TAP :

US: +12532158782,,97648054232# OR +13462487799,,97648054232#

OR TELEPHONE:

DIAL(FOR HIGHER QUALITY, DIAL A NUMBER
BASED ON YOUR CURRENT LOCATION):

US: +1 253 215 8782 OR +1 346 248 7799 OR +1 669 900 9128
OR +1 312 626 6799 OR +1 646 558 8656 OR +1 301 715 8592

WEBINAR ID: 976 4805 4232

AGENDA

1. CALL TO ORDER – 6:30 PM
2. DISCLOSURES OF CONFLICTS OF INTEREST
3. ACCEPTANCE OF MEETING MINUTES – OCTOBER 5, 2020
4. PUBLIC COMMENT
5. DEPARTURE & REPLACEMENT OF DEPUTY CITY ATTORNEY LIAISON
6. CONSIDERATION OF DRAFT OPERATING RULES
7. ELECT CHAIR & DEPUTY CHAIR
8. APPOINTMENT OF TRAINING SUBCOMMITTEE
9. APPOINTMENT OF PLANNING AND REPORTING SUBCOMMITTEE
10. INITIAL CONSIDERATION OF EB-2020-02 (ARTICLE II COMPLAINT)
11. ITEMS FOR NEXT MEETING'S AGENDA
 - o PRESENTATION FROM KITSAP COUNTY DISPUTE RESOLUTION CENTER REGARDING MEDIATION OF ARTICLE I COMPLAINTS.
 - o INITIAL CONSIDERATION OF EB-2020-03 (ARTICLE II COMPLAINT) – RESPONSE DUE BY NOVEMBER 9, 2020.
12. NEXT MEETING DATE: NOVEMBER 16, 2020 (6:30 – 8:00 PM)
13. ADJOURNMENT

COBI ETHICS BOARD

Special Meeting

Monday, October 5, 2020

6:00 PM – 8:00 PM

VIA ZOOM Webinar

Minutes

1. Call to Order. Meeting was called to order at 6:05 PM. Present were: Jennifer Hodges, Dona Keating, Jim Cash, David Mallon, Dominique Cantwell, Karen Anderson, Tyler Weaver and Robbie Sepler.
2. Disclosure of Conflict of Interest. None
3. Acceptance of Meeting Minutes.
 - A. September 17, 2020 Special Meeting; September 21, 2020 Regular Meeting Motion by Jennifer Hodges; 2nd by Dona Keating
4. Public Comment. None
5. Draft of Operating Rules. Discussion Ensued
 - A. Initial Term of Chair to expire June 21, 2021, remainder of terms to run for 12 month period
 - B. Initial Term of Deputy Chair to Expire December 31, 2020 remainder of terms to run for 6 months.
6. Items for the Next Meeting's Agenda.
 - A. Election of Chair and Deputy Chair
 - B. Review and Approval of Operating Rules
 - C. Election of Training Subcommittee
 - D. Election of Annual Report and Workplan Subcommittee
 - E. Workplan Development
 - F. Pending Complaints and Requests
7. Next Meeting set for October 19, 2020 from 6:30 PM – 8:00 PM
8. Adjournment. Motion Jim Cash; 2nd Karen Anderson Meeting Adjourned 7:32 PM

Chair

Date

CITY OF BAINBRIDGE ISLAND ETHICS PROGRAM

Frequently Asked Questions

What is the COBI Ethics Program?

The Ethics Program was instituted by City Council Resolution 2006-25 to establish standards of conduct for elected officials and to provide training and clarification concerning ethical standards.

Where can I find the Code of Ethics?

The complete Code of Ethics can be accessed at www.ci.bainbridge-isl.wa.us or obtained from the City Clerk.

Who administers the Ethics Program?

The Ethics Board, an appointed board consisting of five members, is responsible for administering the program, training public officials and issuing advisory opinions and waivers. The Ethics Board is also responsible for promoting an understanding of ethical standards for City officials, officers and contractors working with the City, and the general public, modeling respect for all citizens, including elected officials.

What is the purpose and vision of the Ethics Board? The Ethics Board will foster a culture of ethical behavior that helps to maintain and strengthen public trust and confidence in the government of the City of Bainbridge Island.

To whom does the Ethics Code apply?

City of Bainbridge Island elected officials (the Mayor and members of the City Council) are covered by the Code.

How can citizens express ethical concerns about their elected officials?

Citizens can request “advisory opinions” about any behavior of an elected official that they think might violate the Code of Ethics. The Ethics Board will consider the facts alleged and issue a written opinion on whether or not the behavior violates the Code. Elected officials may also request advisory opinions. Advisory opinions may be rendered on potential future actions, as well as on past behavior.

How are advisory opinions requested?

Any person may request an advisory opinion by completing the form available on the City’s Web site or from the City Clerk.

What happens if the Board finds a violation of the Code?

If the behavior is found to violate the Code, a citizen may then file a complaint with the City Clerk, which will be addressed by the City Council. The accused official may request a hearing before the City Hearing Examiner.

What sorts of behavior violate the Code of Ethics?

The prohibited behaviors fall into the following categories:

1. Prohibited gifts;
2. Use of City property;
3. Disclosure of confidential information; and
4. Conflicts of interest.

What are prohibited gifts?

With a few exceptions that will be noted below, elected officials and members of their immediate families are prohibited from

receiving gifts of any kind, directly or indirectly relating to their duties with the City. Gifts include goods, services, dispensations, discounts and other things of value; honoraria or payment for participation in events; loans or rental of money, goods, equipment; event tickets; and transportation, lodging and travel expenses.

Are there permissible gifts?

Yes. Certain items of small or ceremonial value; appropriate awards; properly reported campaign contributions; reasonable and necessary expenses to attend official events; and appropriate gifts connected to holidays and family events, such as weddings, are permitted. The Code contains a list of exceptions and should be consulted before any gift is accepted.

It is also permissible for immediate family members of elected officials to accept gifts arising from independent relationships, if the official does not benefit from the gift and it cannot be reasonably inferred that the gift is intended to influence the official.

What uses of City property are prohibited?

Except in emergency and incidental circumstances, use of City vehicles, equipment, materials and property for personal benefit by elected officials is prohibited. In addition, from the time an elected official announces that she or he is going to run for re-election until the completion of the general election, the official may not use or request City funds for any media containing the name or image of the official unless the names and images of all City elected officials appear in the media purchased.

What information must be treated as confidential?

Except as required by law, elected and former elected officials shall not disclose or use privileged, confidential or proprietary information obtained in executive session or otherwise in the course of their duties as a result of their position.

What are conflicts of interest?

In general, conflicts of interest involve an elected official's direct or indirect vote, instruction or other action in the course of his or her official duties that affect, or appear to affect, a matter in which the elected official or member of his or her family have a financial, property or other interest.

Do conflicts of interest disappear when an elected official leaves office?

No. For two years after leaving office, an elected official is prohibited from obtaining employment that would allow the official to take direct or indirect advantage of matters on which the official acted during his or her service with the City. Nor may an official engage in litigation in which the City is involved on behalf of any other person or entity and involving matters in which the official took direct action while in office.

May family members of elected officials be employed by the City?

There is no prohibition against family members being employed by the City, but they may not be appointed or hired by a related elected official, or supervised by that official, unless a waiver is obtained from the Ethics Board.

May waivers to other potential Ethics Code violations be sought by an elected official?

Yes. Any current, former or prospective elected official may submit a written request for waiver of any provision of the Ethics Code. The Ethics Board must consider such a request at an open meeting, with notice to the public. The Board will generally issue its decision in writing within six weeks.

What are the duties of the Ethics Board?

The Ethics Board is charged with providing training to elected officials and others who deal with the City regarding the Ethics Code, issuing advisory opinions and waivers. It is also required to issue an annual report of its activities, including recommendations to the Mayor and City Council for any modifications to the Ethics Code.

Where can I get more information about government ethics?

City of Bainbridge Island Ethics Code, advisory opinions and additional resources are available on the City's Web site, or from the City Clerk.

<http://www.ci.bainbridge-isl.wa.us>

(Click on "Government", then "Citizen Commissions and Committees" to locate the Ethics Board)

City of Bainbridge Island
280 Madison Avenue North
Bainbridge Island, WA 98110

City Clerk's Office:
(206) 780-8624



CITY OF BAINBRIDGE ISLAND

ETHICS PROGRAM

Frequently Asked Questions

ETHICS PROGRAM



CITY OF
BAINBRIDGE
ISLAND

AGENDA

- ▶ Background & Organization
- ▶ Ethics Principles
- ▶ The Four C's
 - Compensation and Gifts
 - Confidentiality
 - Conflict of Interest
 - Conduct of Public Meetings
- ▶ Points of Contact

BACKGROUND & ORGANIZATION

- ▶ COBI City Council developed the Ethics Program in 2007
- ▶ Chartered a Five-member Ethics Board, comprised of community volunteers
- ▶ Ethics Board Duties and Responsibilities
 - Provide annual ethics education for City elected officials and all City Commissions and Committees
 - Provide opinions following an ethics complaint
- ▶ COBI Code of Ethics applies to all City elected officials and members of all City Commissions and Committees

Ethics Principles

The City of Bainbridge Island follows the highest standards of public service, with the expectation those associated with the City government will promote the public good and preserve the public's trust.

► Obligations to the Public

All those associated with the government of the City of Bainbridge Island will act to promote the public good and preserve the public's trust.

► Obligations to Others

To sustain a culture of ethical integrity, all those associated with the government of the City of Bainbridge Island will treat each other and the public with respect and be guided by applicable codes of ethics, labor agreements, and professional codes. They shall conduct themselves in a manner that demonstrates civility and respect for others.

► Obligations Regarding the Use of Public Resources

All those associated with the government of the City of Bainbridge Island will use and allocate public monies, property, and other resources in a responsible manner that takes into consideration both present and future needs of the community.

THE FOUR C'S – *COMPENSATION & GIFTS*

- ▶ Subject to limited exceptions, elected officials, members of City Commissions or Committees, and their immediate families are not permitted to accept any gift, directly or indirectly, for a matter related to his or her duties with the City of Bainbridge Island.

THE FOUR C'S – *CONFIDENTIALITY*

- ▶ Except as required by law, current and former elected officials and current and former members of City Commissions or Committees are not permitted to disclose or use privileged, confidential, or proprietary information obtained in executive sessions or otherwise in the course of their duties as a result of their position.

THE FOUR C'S – *CONFLICT OF INTEREST*

- ▶ Subject to certain exceptions, elected officials and members of City Commissions or Committees cannot directly, or indirectly through a subordinate or fellow officer, official, or employee, take direct official action on a matter on behalf of the City if he or she or a member of his/her immediate family:
 - ▶ Has a substantial contractual employment interest related to the matter;
 - ▶ Has other financial or private interest in the matter; or
 - ▶ Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by the action.

THE FOUR C'S – *CONDUCT OF PUBLIC MEETINGS*

- ▶ Since all elected officials and members of City Committees and Commissions are required to be educated specifically about the Open Public Meetings Act, the education provided by the Ethics Board focuses on everyday conduct for all, in meetings or not.
- ▶ Conversations involving elected officials or City Committees or Commissions should be held in a manner that maximizes transparency, integrity, and respect.
- ▶ All meetings of the City Council and its Commissions and Committees should have a standing agenda item for disclosure of possible conflicts of interest.

POINTS OF CONTACT

- ▶ For more information on the COBI Ethics Program visit our website at:

<http://www.bainbridgewa.gov/231/Ethics-Board>



CITY OF
BAINBRIDGE ISLAND

**Ethics Board
Operating Rules**

(Revised ~~TBD~~ October 19, 2020)

1. Purpose. The City Council has adopted a Code of Conduct and Ethics Program to guide the conduct of Councilmembers and members of City Committees and Commissions. To assist with the administration of the Code of Conduct and Ethics Program, the City Council created the Ethics Board and empowered the Board to adopt, by majority vote, reasonable operating rules consistent with the Code of Conduct and Ethics Program. The purpose of these rules is to allow the Board to perform its normal duties and operate in an efficient, effective, and consistent manner. The operating rules are also intended to provide transparency to the public on the workings of the Ethics Board.

2. Operating Rules.

A. Chair. Members of the Ethics Board will elect a chairperson. The Chair will serve for one year and may be re-elected ~~for a second year.~~ However, one individual may not hold the position of Chair for more than two successive terms. Responsibilities of the Chair include: presiding over meetings of the Board, organization of the meeting agenda in coordination with the Deputy Chair, distributing work of the Board to individual members, ~~and~~ communication with City staff, informing respondents of complaints, requesting responses to complaints, and communicating receipt of complaints to the Ethics Board.

B. Deputy Chair. Members of the Ethics Board will elect a Deputy Chair. The Deputy Chair will serve for six months. One individual may not hold the position of Deputy Chair for two successive terms, but may be re-elected to non-successive terms. Responsibilities of the Deputy Chair include: presiding over meetings of the Board in the absence of the Chair; organization of the meeting agenda in coordination with the Chair; ~~and~~ taking minutes of meetings of the Board; and serving as time-keeper during public comment periods.

C. Election of Officers. Election of officers shall proceed by nomination among members and by a majority vote of the membership of the Ethics Board. The chair shall be elected each July. A deputy chair shall be elected each July and January. The date of election of the Chair, Deputy Chair, or both the Chair and Deputy Chair may flex at the discretion of a majority of the Ethics Board.

C.D. Meetings. All meetings of the Ethics Board are subject to the Open Public Meetings Act, Chapter 42.30 RCW. Regular meetings of the Ethics Board will occur on the third Monday of every month from 6:30 PM to 8:00 PM. Special meetings of the Ethics Board may be called and noticed as needed in accordance with Chapter 42.30 RCW.

- i. *Quorum.* A quorum of the Ethics Board is necessary to transact business of the Board. Four members of the Ethics Board constitute a quorum.
- ii. *Disclosure.* The Ethics Board intends to be a model for transparency and ethical conduct in City affairs. In accordance with the Code of Conduct and Ethics Program, Board members will disclose significant relationships with the City of Bainbridge Island or with individuals subject to the Board's jurisdiction, including all situations that could potentially constitute a conflict of interest or be perceived as a conflict of interest by the public. Disclosures will be an agenda item at each meeting of the Ethics Board. Potential conflicts will be managed by recusal or other means agreed by the Board and consistent with the Code of Conduct and Ethics Program.
- iii. *Public Comment.* Regular meetings of the Ethics Board shall include a period for public comment at the start of the meeting. Special meetings may include a period for public comment, at the discretion of the Board. Members of the public are requested to confine their comments to the public comment period, except at the invitation of the Board. Each member of the public participating in public comment shall limited to three minutes to provide comment, except that, at the beginning of a public comment period, the Chair may provide for a lesser time for public comment if a large number of individuals wish to speak.
- iv. *Remote Attendance.* Members of the Ethics Board may participate by telephone, or other electronic means approved by the City's IT staff, if unable to attend in person and effective two-way communication can be established. Members planning on attending a meeting remotely are encouraged to provide as much notice as possible to City staff in advance of the meeting.
- v. *Meeting Minutes.* ~~The~~ Deputy Chair shall keep action minutes of each meeting of the Board and provide said minutes to the Board in advance of the next meeting, where they will be reviewed, revised as necessary, and approved. Approved meeting minutes will be posted on the Ethics Board website. Minutes shall record what actions were taken by the Board, not what was said.
- vi. *Parliamentary Procedure.* ~~The~~ Ethics Board will conduct its business using the simplified parliamentary procedure summarized in **Exhibit A**. To the extent that the procedure outlined in **Exhibit A** is ever insufficient to meet the needs of the Ethics Board, then the Ethics Board may, by majority vote, suspend the simplified parliamentary procedure to take what action may be necessary to effectively and efficiently transact the

business of the Ethics Board.

D.E. Communication with the Public. The Ethics Board's website at <https://www.bainbridgewa.gov/231/Ethics-Board> shall be the primary means of communication with the public. Information posted shall include relevant legislation, operating rules, and forms for making complaints or requests under the Code of Conduct and Ethics Program. The Chair, or a member designated by the Chair, shall speak for the Board on matters of public interest. Board members shall not publicly comment on pending complaints or requests except at Board meetings.

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3. Training

A. Overview of Training Requirements. The Ethics Board is responsible for training Councilmembers and members of City Committees and Commissions on the requirements of the Code of Conduct and Ethics Program. Under Article V, Section B, the Ethics Board is responsible for the following:

- i. *Annual Training.* ~~The Ethics Board~~The Training Subcommittee shall develop, and members of the Ethics Board shall present, a training course on the Code of Conduct and the Code of Ethics to be presented annually to all Councilmembers and members of City Committees and Commissions.
- ii. *Pamphlet.* At least every two years, the ~~Ethics Board~~Training Subcommittee shall prepare, and members of the Ethics Board shall distribute, a pamphlet describing the Code of Conduct (Article I) and Code of Ethics (Article II) to all Councilmembers and members of City Committees and Commissions. The Ethics Board shall ensure that all new Councilmembers and members of City Committees and Commission receive a pamphlet upon election or appointment.

B. Training Subcommittee. The Training Subcommittee shall annually be nominated and appointed by a majority of the Ethics Board at the same meeting during which the Chair is elected and shall consist of no more than three members.

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4. Complaint and Request Procedures

A. Article I Complaints

- i. *Procedure.* ~~Article III, Section A of the Code of Conduct and Ethics Program outlines the procedure for review of complaints alleging a violation of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission. These rules supplement Article III, Section A to provide clarity and transparency to the review of Article I complaints.~~
- ii. *Submission.* Any individual may submit to the City Clerk a complaint alleging violations of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission. The complaint must be submitted on a form supplied by the City Clerk. The City Clerk may dismiss a complaint that is not made on the correct form, provided that the City Clerk provide instruction to the complainant regarding where the correct form is located and how it may be filled out.

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iii. *Transmittal to Ethics Board.* The City Clerk shall refer Article I Complaints concerning a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Ethics Board for a threshold determination.

iv. *Ethics Board Review – Threshold Determination*

~~a. Assignment to Subcommittee of Ethics Board.Initial Review by Ethics Board. The Ethics Board will review the complaint at an open public meeting. In accordance with Article III, Subsection A.4 of the Code of Conduct and Ethics Program, the Ethics Board will consider whether a notice of dismissal or threshold determination is appropriate.~~

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~~b. Recommendation from Subcommittee.Referral to Subcommittee. Following initial review by the Ethics Board, a majority of the Ethics Board will refer the complaint to a subcommittee of not more than three members to draft either a notice of dismissal or a threshold determination, as specified by the Ethics Board at the time of referral, for consideration by the Ethics Board at an open public meeting. A representative of the City Attorney's Office shall review the draft notice of dismissal or threshold determination prior to review by the Ethics Board.~~

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~~c. Issuance of Threshold Determination or Notice of Dismissal. The Ethics Board will review the draft notice of dismissal or threshold determination prepared by the subcommittee at an open public meeting. A majority of the Ethics Board may do one of the following: (1) refer the draft notice of dismissal or threshold determination back to the subcommittee for additional edits or modifications; (2) adopt and issue the notice of dismissal or threshold determination; or (3) continue review of the draft notice of dismissal or threshold determination at a future meeting.~~

v. *Ethics Board Review – Article I Advisory Opinion*

~~a. Response: ~~Where~~ When Article III, Section A of the Code of Conduct and Ethics Program directs the Ethics Board to prepare an advisory opinion, the Ethics Board issues a Threshold Determination under Article III, Subsection A.4.c or A.5.b of the Code of Conduct and Ethics Program, the Chair of the Ethics Board shall first provide the respondent with a reasonable period of time to submit a written response to the Article I Complaint supported by a declaration in compliance with RCW 9A.72.085. The Chair shall initially request that a response be provided within two weeks, but the Chair may provide for additional time as circumstances warrant.~~

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~~b. Assignment to Subcommittee of Ethics Board.Initial Review by Ethics Board. Upon receipt of a response from the Respondent, if submitted within the time period indicated by the Chair, the Chair will schedule time at an open public meeting for the Ethics Board to review the complaint and response, if submitted.~~

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~~c. Recommendation from Subcommittee.Referral to Subcommittee. Following initial review by the Ethics Board, a majority of the Ethics Board will refer the complaint to a subcommittee of not more than three members to draft an advisory opinion for consideration by the Ethics Board at an open public meeting. The draft advisory opinion shall be prepared in the manner directed by a majority of the Ethics Board at the time of referral and shall be drafted in accordance with the requirements of Article III, Subsection A.6 of the Code of Conduct and Ethics Program. A representative of the City Attorney's Office shall review the draft advisory opinion prior to review by the Ethics Board.~~

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d. Issuance of Advisory Opinion. The Ethics Board will review the draft advisory opinion prepared by the subcommittee at an open public meeting. A majority of the Ethics Board may do one of the following: (1) refer the draft advisory opinion back to the subcommittee for additional edits or modifications; (2) adopt and issue the advisory opinion; or (3) continue review of the draft advisory opinion to a future meeting. -

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B. Article II Complaints

i. *Procedure.* Article III, Section B of the Code of Conduct and Ethics Program outlines the procedure for review of complaints alleging a violation of the Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission. These rules supplement Article III, Section B to provide clarity and transparency to the review of Article II complaints.

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ii. *Submission.* Any individual may submit to the City Clerk a complaint alleging violations of the Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission. The complaint must be submitted on a form supplied by the City Clerk. The City Clerk may dismiss a complaint that is not made on the correct form, provided that the City Clerk provide instruction to the complainant regarding where the correct form is located and how it may be filled out.

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iii. *Transmittal to Ethics Board.* The City Clerk shall refer Article II Complaints concerning a Councilmember or a member of a City Committee or Commission, except for complaints concerning members of the Ethics Board, to the Chair of the Ethics Board.

iv. *Ethics Board Review*

a. ~~Response-~~ The Chair of the Ethics Board shall provide the respondent with a reasonable period of time to submit a written response to the Article II Complaint supported by a declaration in compliance with RCW 9A.72.085. The Chair shall initially request that a response be provided within two weeks, but the Chair may provide for additional time as circumstances warrant.

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b. ~~Assignment to Subcommittee of Ethics Board~~Initial Review by Ethics Board. Upon receipt of a response from the Respondent, if submitted within the time period indicated by the Chair, the Chair will schedule time at an open public meeting for the Ethics Board to review the complaint and response, if submitted. At the open public meeting, the Ethics Board will consider what action under Article III, Subsection B.7 is appropriate. If a majority of the Ethics Board determines that either a notice of dismissal or a determination is appropriate, then the complaint shall be referred to a subcommittee as specified below. If a majority of the Ethics Board determines that the complaint is the subject of litigation, then the Ethics Board will hold the complaint for action at a future time.

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c. ~~Recommendation from Subcommittee~~Referral to Subcommittee. Following initial review by the Ethics Board, a majority of the Ethics Board will refer the complaint to a

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subcommittee of not more than three members to draft either a notice of dismissal or a determination, as specified by the Ethics Board at the time of referral, for consideration by the Ethics Board at an open public meeting. A representative of the City Attorney's Office shall review the draft notice of dismissal or determination prior to review by the Ethics Board.

6.

~~d. Action by the Ethics Board. Issuance of a Notice of Dismissal or Determination. The Ethics Board will review the draft notice of dismissal or threshold determination prepared by the subcommittee at an open public meeting. A majority of the Ethics Board may do one of the following: (1) refer the draft notice of dismissal or threshold determination back to the subcommittee for additional edits or modifications; (2) adopt and issue the notice of dismissal or determination; or (3) continue review of the draft notice of dismissal or determination to a future meeting.~~

~~d.~~

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C. Requests for Advisory Opinions

i. *Procedure.* Article III, Section D of the Code of Conduct and Ethics Program outlines the procedure for review of requests for advisory opinions by Councilmembers or members of City Committees or Commissions. These rules supplement Article III, Section D to provide clarity and transparency to the review of Article I complaints.

ii. *Submission.* Only those individuals specified in Article III, Subsections D.1.a-d may submit to the City Clerk a request for an advisory opinion. The request must be submitted on a form supplied by the Ethics Board. The City Clerk may dismiss a request for one or both of the following reasons:

a. The request was not submitted on the correct form, supplied by the Ethics Board, provided that the City Clerk provide instruction to the requestor regarding where the correct form is located and how it may be filled out; or

~~c.~~

b. The request is not made by an individual authorized to make a request under Article III, Subsections D.1.a-d.

iii. *Transmittal to Ethics Board.* The City Clerk shall refer requests for advisory opinions to the Ethics Board for review.

iv. *Ethics Board Review*

a. Initial Review by Ethics Board. Upon receipt of a request for an advisory opinion, the Chair will schedule time at an open public meeting for the Ethics Board to initially review the request.

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- b. Referral to Subcommittee. Following initial review by the Ethics Board, a majority of the Ethics Board will refer the request to a subcommittee of not more than three members to draft an advisory opinion for consideration by the Ethics Board at an open public meeting. The draft advisory opinion shall be prepared in the manner directed by a majority of the Ethics Board at the time of referral and shall be drafted in accordance with the requirements of Article III, Section D of the Code of Conduct and Ethics Program. A representative of the City Attorney's Office shall review the draft advisory opinion prior to review by the Ethics Board.
- c. Issuance of Advisory Opinion. The Ethics Board will review the draft advisory opinion prepared by the subcommittee at an open public meeting. A majority of the Ethics Board may do one of the following: (1) refer the draft advisory opinion back to the subcommittee for additional edits or modifications; (2) adopt and issue the advisory opinion; or (3) continue review of the draft advisory opinion to a future meeting.
- ~~a. Assignment to Subcommittee of Ethics Board.~~
- ~~b. Recommendation from Subcommittee.~~
- ~~c. Action by the Ethics Board.~~

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D. Requests for Waivers

- i. Procedure.* -Article III, Section E of the Code of Conduct and Ethics Program outlines the procedure for a Councilmember to request a waiver from the Ethics Board of the conflict of interest restrictions related to the hiring of and supervision over family members, as provided by Article II, Section G. These rules supplement Article III, Section E to provide clarity and transparency to the review of requests for waivers.
- ii. Submission.* Councilmembers may submit a request for a waiver to the City Clerk on a form supplied by the Ethics Board. The City Clerk may dismiss a request that is not made on the correct form, provided that the City Clerk provide instruction to the complainant regarding where the correct form is located and how it may be filled out.
- iii. Transmittal to Ethics Board.* The City Clerk shall refer request for waivers to the Ethics Board for review.
- iv. Ethics Board Review*
 - a. Initial Review by Ethics Board. Upon receipt of a request for a waiver, the Chair will schedule time at an open public meeting for the Ethics Board to initially review the request.
 - b. Referral to Subcommittee. Following initial review by the Ethics Board, a majority of the Ethics Board will refer the request to a subcommittee of not more than three members to draft a response for consideration by the Ethics Board at an open public meeting. The draft response shall be prepared in the manner directed by a majority of the Ethics Board at the time of referral and shall be drafted in accordance with the requirements of Article III, Section E of the Code of Conduct and Ethics Program. A representative of the City Attorney's Office shall review the draft response prior to

review by the Ethics Board.

DRAFT

c. Action by Ethics Board. The Ethics Board will review the draft response prepared by the subcommittee at an open public meeting. A majority of the Ethics Board may do one of the following: (1) refer the draft advisory opinion back to the subcommittee for additional edits or modifications; (2) adopt and issue the advisory opinion; or (3) continue review of the draft advisory opinion to a future meeting.

a. Assignment to Subcommittee of Ethics Board.

b. Recommendation from Subcommittee.

e. Action by the Ethics Board.

5. Preparation of Annual Report and Work Plan

A. **Overview.** By February 15 of each year, the Ethics Board shall submit an annual report to the City Council summarizing its activities during the previous calendar year and work plan for the following year. The report shall include any recommendations for modifying the Code of Conduct and Ethics Program as well as all training requested by the Ethics Board.

B. **Annual Reports.** Reports may include but are not limited to: the number and type of any complaints, advisory opinions, and waivers; proposed or enacted changes to the Code of Conduct and Ethics Program; documents created; composition of membership; proposed or completed trainings; and community outreach.

~~B-C.~~ **Work Plan.** Work plans may include but are not limited to: the articulation of strategic goals, action or proposed initiatives; continuation of pending agenda items; and preparation for rotation of roles, responsibilities, and board membership.

~~C-D.~~ **Annual Report and Work Plan Planning and Reporting Subcommittee.** The Planning and Reporting Subcommittee shall annually be nominated and appointed by a majority of the Ethics Board at the same meeting during which the Chair is elected and shall consist of no more than three members.-

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Exhibit A

SIMPLIFIED PARLIAMENTARY PROCEDURE

| To do this: | You say this: | May you interrupt speaker? | Second Req.? | Is motion debatable ? | Vote required |
|---|---|----------------------------|--------------|-----------------------|---------------|
| Introduce business | "I move that ..." | NO | YES | YES | MAJORITY |
| Amend a motion | "I move to amend this motion" | NO | YES | YES | MAJORITY |
| Table a matter for later discussion | "I move we table it"(until when?) | NO | YES | NO | MAJORITY |
| Take up a matter previously tabled | "I move to take from the table ..." | NO | YES | NO | MAJORITY |
| Postpone discussion to a specific time | "I move we postpone this matter until ..."(when?) | NO | YES | YES | MAJORITY |
| Call the question (i.e., end debate and vote on a matter) | "I call the question." | NO | YES | NO | MAJORITY |
| Have something further studied by a committee | "I move we refer ..." | NO | YES | YES | MAJORITY |
| Ask for a vote count to verify a voice vote | "I call for a division of the house" | NO | NO | NO | NO VOTE |
| Object to considering some matter | "I object to consideration" | YES | NO | NO | MAJORITY |
| Reconsider something already disposed of | "I move we reconsider action on ..." (time-date?) | YES | YES | YES | MAJORITY |
| Consider something in unscheduled order | "I move we suspend the rules and ..." | NO | YES | NO | MAJORITY |
| Vote on a ruling by the chair | "I appeal the chair's decision" | YES | YES | YES | MAJORITY |
| Object to procedure or personal affront--chair decides | "Point of order" | YES | NO | NO | NO VOTE |
| Complain about noise, room temperature, etc. | "Point of privilege" | YES | NO | NO | NO VOTE |
| Request information | "Point of information" | YES | NO | NO | NO VOTE |
| Recess the meeting | "I move that we recess until ..." | NO | YES | NO | MAJORITY |
| Adjourn the meeting | "I move that we adjourn" | NO | YES | NO | MAJORITY |

**Article II (Code of Ethics)
Ethics Complaint Form**

I. Introduction:

Individuals seeking to submit an ethics complaint alleging a violation of the Code of Ethics (Article II) by a Councilmember or a member of a City Committee or Commission should complete this form and submit it, along with any supporting documents, to the City Clerk at cityclerk@bainbridgewa.gov.

II. Your Contact Information:

Name: Ron Peltier

Address: 11186 Valley Heights Circle NE, Bainbridge Island, WA 98110

III. Article II Complaint:

- A. Please provide the name of the Councilmember or the member of a City Committee or Commission who is the subject of your complaint (this individual is referred to as the "Respondent"): **Kol Medina**
- B. Please identify the section(s) or subsection(s) of the Code of Ethics (Article II) that you believe were violated by the Respondent: **Article II.C. Confidentiality**
- C. Please describe the facts supporting your allegation that the Respondent has violated the sections or subsections of the Code of Ethics (Article II) indicated above. If necessary, please attach additional pages. If other records exist that you believe support your allegation (e.g., emails or other documents), please attach them to this form as well.

Council member, and former Mayor, Kol Medina disclosed confidential information regarding an executive session discussion on 4/3/18 regarding the acquisition of property for a new police and court facility. See attached pages:

- 1. Detailed description of Article II complaint against CM Medina;**
- 2. April 18, 2018 email to Linda Allen by CM Medina;**
- 3. April 14, 2018 Bainbridge Review article about CM Medina eminent domain comments during the April 10, 2018 city council meeting.**

I certify under penalty of perjury under the laws of the State of Washington that the foregoing, including any additional pages or records attached by me, are true and correct.

Date: 9/11/20

Place: Bainbridge Island, WA

Signature _____



Ethics Complaint
Submitted by Ron Peltier, Bainbridge Island, WA
September 11, 2020

From the City of Bainbridge Island Ethics Program

Article II

C. Confidentiality

Except as required by law, a Councilmember, former Councilmember, or current or former member of a City Committee or Commission shall not disclose or use privileged, confidential, or propriety information obtained in executive session or otherwise in the course of their duties as a result of their position.

COMPLAINT

Violations of Confidentiality by CM Kol Medina

In the Spring of 2018 the Bainbridge Island City Council was engaged in discussions about the acquisition of property on which to site a new police and court facility. Numerous executive sessions were conducted in accordance with State law to discuss various potential sites and possible strategies for their acquisition. On two occasions CM Medina disclosed details from the April 3, 2018 executive session to members of the public without permission from a majority vote of the City Council:

1. During the City Council's April 10, 2018 meeting then Mayor Medina announced that the Council had discussed the possible use of eminent domain to acquire a site for a police and court facility, and;
2. On April 18, 2018 CM / Mayor Medina disclosed in an email communication to a member of the public that a specific council member had introduced and supported the possible use of eminent domain to acquire property for a new police and court facility.

The details of both disclosures by then Mayor Medina came directly from the April 3, 2018 executive session with no other public disclosure or discussion. The disclosed details were known only by CM Medina by virtue of his attendance at the April 3, 2018 executive session.

1st breach of confidentiality by CM Medina regarding details of the City Council's April 3, 2018 executive session

During a City Council meeting on April 10, 2018 then Mayor Medina announced that the City Council had discussed the possible use of eminent domain to acquire property for a new police and court facility. This fact was unknown to the general public and had not previously been mentioned publicly outside of executive session.

While the City Council can agree to release details from executive sessions, no such vote had taken place in regards to the April 3, 2018 executive session.

Disclosing a general topic discussed in executive session, in this case property acquisition, is allowable but council members are otherwise obligated by the City's ethics rules, as well as by state law, to maintain confidentiality in regards to the details of executive session discussions.

Council member Medina's comments regarding eminent domain during the April 10, 2018 city council meeting were reported on April 14, 2018 in the Bainbridge Island Review (article attached to this complaint). The City Council subsequently received numerous emails objecting to the possible use of eminent domain, which appeared to benefit Mayor Medina's preference for acquiring the Harrison medical building, which the City would later purchase from CHI Franciscan for approximately \$9 million, approximately \$2 million over its appraised value as a medical facility. The City, under Mayor Medina's leadership, never had the Harrison facility appraised for use a public safety building.

2nd breach of confidentiality by CM Medina regarding details of the City Council's April 3, 2018 executive session

On April 18, 2018, then Mayor Medina sent an email to a member of the public in which he disclosed more details about the Council's April 3, 2018 executive session, specifically the identity of the council member who had brought up and supported the possible use of eminent domain during that meeting.

Background on the 2nd breach of confidentiality regarding the April 3, 2018 executive session. I was a member of the Bainbridge Island City Council from January 1, 2016 until December 31, 2019. As part of the April 10, 2018 City Council regular business meeting, agenda item 7.D. *Police/Municipal Court Facility Site Selection*, I had proposed a new process for evaluating prospective sites. The proposed process involved the use of a weighted matrix, an approach previously used by the City but in a way that was less than rigorous, objective, or transparent. My proposal was intended to address those deficiencies and involved a citizens task force of experts to first of all help identify criteria the matrix, how those criteria would be weighted, and how prospective sites should be scored. This would have been a significant improvement over the previous process in which a consultant, closely managed by the City Manager, was given the task of identifying criteria and scoring potential sites with no City Council discussion or input.

Without going into too much detail here, I had reason to believe the City Manager had engaged in manipulation of the evaluation process behind closed doors, a factor that had previously contributed to the City Council's 2014 decision to forego an offer by the Bainbridge Island Fire Department to collocate the City's police and court facility at new fire station #21. This was confirmed by two of the consultants

who had worked with the City on site selection in conversations I had with them. Colocation with BIFD for police and court was estimated at \$7.5 million. When completed, BIFD station #21 was completed on budget, an indication that the \$7.5 million estimate was reasonably accurate.

Also worth noting: an architect who had worked for the City to evaluate the colocation option confirmed to me that the fire station would have accommodated both a police and court facility. In short, the failure to seriously pursue the colocation option at BIFD #21 was the result of a highly flawed evaluation process that will eventually cost the City and tax payers millions of dollars. My intent was to correct that flawed process and bring it out from behind closed doors where it was likely being manipulated.

For his part, CM/Mayor Medina was evidently angered by my proposed site selection process and by an email I sent out on April 11, 2018, the day after the April 10, 2018 City Council meeting. In my April 10, 2018 email I disparaged what I regarded as the City Council's preferred approach of relying heavily on expensive consultants as opposed to being committed to objective facts and analysis. The email was sent to a list of citizens to whom I made a practice of providing regular reports. CM Medina's displeasure with my comments is evidenced by his April 18, 2018 email (Exhibit A). He appears to be especially offended by my suggestion that the site selection process previously employed by the City was less than methodical and informed and mockingly repeats the phrase "methodical and informed" several times to make clear his disdain for my opinions regarding the City's existing site selection process.

Council member Medina's use of disparaging and mocking language in his April 18, 2018 email does not constitute a breach of ethics but his use of confidential information, specifically that I was the council member who proposed the possible use of eminent domain, does constitute a blatant breach of confidentiality and a violation of the City's Code of Ethics. This is part what council member Medina said in his April 18, 2018 email to a constituent:

"I have no interest in using eminent domain. Councilmember Peltier is the Councilmember who raised and pushed the idea of using eminent domain. That idea is on the table because of his strong support for it.

The identity of who had proposed and supported the use of eminent domain came directly from the City Council's April 3, 2018 executive session. It was the only place where I expressed such support. Prior to being entered into the public record by council member Medina's April 18, 2018 email, this detail from the April 3, 2018 City Council executive session had not been discussed outside of executive session and was otherwise not publicly known or on the public record. The only other mention of eminent domain, as it related to the site selection process, was by then Mayor Medina during the City Council's April 10, 2018 regular business meeting. No

other council members said anything publicly about the eminent domain discussion outside of the 4/3/18 executive session.

The April 11, 2018 email from me, which council member Medina refers to in his April 18, 2018 email comments, is included here as Exhibit B.

Confidentiality is about trust and integrity

There are good reasons why we have an ethics rule regarding confidentiality. Details from executive sessions can have adverse consequences for the City. Confidential information gained by elected officials could also be used for personal gain, and that's not right. There's another reason: trust. When a member of the city council sits in an executive meeting with his or her colleagues, and others, those in attendance should be able to speak freely without worrying about whether or not their words will later be used against them by a colleague. That's the deal. That's State law and an integral part of the City's Ethics Program. Contrary to what appears to have been the belief of former Mayor Medina, the City's Council elected Mayor does not have the authority to release details of executive meetings to the public through some special authority. No such special authority exists. Only a majority of the city council can decide when to release confidential information, something that did not take place in regards to the April 3, 2018 executive session.

Why the delay in filing this complaint?

Up until December 31, 2019 I was a member of the Bainbridge Island City Council and a colleague of CM Medina. During that time I was not comfortable with the idea of filing an ethics complaint against a city council colleague. I would have filed this complaint at the beginning of 2020, after my term had ended, but all but one of the City's Ethics Board resigned in January and the Board has just recently been reconstituted with new members. Had I filed this complaint earlier it would have sat in limbo for months without being processed, something I was not comfortable with. There's a third factor for my decision to file this complaint against council member Medina, at all.

During his reelection campaign council member Medina made ethics and accountability a central theme in his platform, portraying himself as a champion and righteous enforcer of ethics in city government. It seems only fitting that someone who has championed accountability, and for the highest standards for elected officials, be held to the same expectations, especially in regards to possible violations the City's Code of Ethics.

Summary

Council member Medina is on record stating that city council members should be held to the highest standards and campaigned for reelection in 2019 on a platform that stressed accountability. The City's highest standards are contained in its Code of Ethics. One of the tenets of that code is in regards to confidentiality and the ethical obligation to honor the trust placed in council members when they become a party to confidential information through their position. City Council member and

former Mayor Kol Medina broke that trust by violating confidentiality on two occasions.

1. 1st, during a city council meeting on 4/10/18, when he publicly disclosed that a discussion by the City Council regarding the possible use of eminent domain had occurred, pulling this detail directly from the 4/3/18 city council executive session and;
2. Again, on 4/18/18, in an email sent to a member of the public, when he provided details as to who had brought up and supported the possible use of eminent domain during the city council's 4/3/18 executive session.

These are clear violations of the City's Code of Ethics and do not reflect the actions of an elected official holding himself to the City of Bainbridge Island's highest ethical standards. These are the actions of an elected official who considers himself above the rules he believes others should be held accountable to.

EXHIBIT A

From: Kol Medina
Sent: Wednesday, April 18, 2018 1:18 PM
To: Linda Allen
Cc: Ron Peltier
Subject: RE: Police/Court Facility Site Selection Update

Hi Linda,

Thank you for writing. It's always nice to hear from you.

I have no interest in using eminent domain. Councilmember Peltier is the Councilmember who raised and pushed the idea of using eminent domain. That idea is on the table because of his strong support for it.

Last week, a majority of Council did not agree with Councilmember Peltier's suggestion that we create a citizens task force for the police facility. In his email below, he claims that his suggestion failed because the rest of the Council is not interested in using a "methodical and informed approach to selecting a new police facility." That's pretty iron.

In fact, the very reason why a majority of Council did not agree to move forward with Councilmember Peltier's suggestion is because a methodical and informed approach is what we have been using and what has led us to the place we are at. If the options the City is looking at now fail to pan out, then at that point we will, I'm sure, go back to the drawing board and start over with another "methodical and informed approach." At that point (if it were to arrive), I would encourage Councilmember Peltier to bring forward his citizen task force suggestion again. But

a majority of Council agreed that we should finish the current “methodical and informed approach” before stopping it and starting over with a different process.

And in fact, the City has gone through a good number of “methodical and informed approaches” to this police station over the years. I was talking with someone today who told me that the first study he saw done relating a new site for the police station was in 1985. That study found that the best site for the police station was on what is now the City Hall site (the idea was to co-locate them). So the City has been doing “methodical and informed approach” after “methodical and informed approach” on this since at least 1985.

As far as I know, NONE of those “methodical and informed approaches” said that the current site is the best site for the police station. I’m willing to trust the countless number of experts who have cogently looked at this for the last 33 years and have all decided (as far as I know) that the current site is not the best site. And aside from trusting them, I’m willing to trust our Police Chief when he stands in our meetings and tells us that he would prefer a site in the vicinity of High School Road, Madison, HWY 305 over the current site. Point being: It’s not that the Council has not given the current site consideration; It has been considered a lot and never found to be the best site.

Below is text from an email that I sent to someone else that relates here.

I want to respond and let you know that the City has already done what you are proposing, more than once. The main reason why 4 Councilmembers were not in favor of the process proposed by the other 2 Councilmembers is because we’ve already done it, multiple times. For instance, the factors you list below are not new. They are, more or less, contained in various studies done by the City over the years.

Most recently, the City completed a scored matrix for 6 properties early last year (or maybe mid- to late-2016). You’ll find another report from 2014 scoring 4 other properties. You’ll also find the factors listed and discussed in great detail in the 2006 study that the City commissioned to help it find a location for a police station. The City has had those factors in front of it for 12 years. You can find everything that I’m referring to here: www.bainbridgewa.gov/528/Police-Facility-Planning .

Strangely, I see that that webpage is missing one of the reports I’ve just referred to, so I’ve attached it (or a summary of it) to this email. And I will make sure it gets placed on the website.

Those are my thoughts, Linda. I hope something I’ve said is useful.

Thanks,
Kol

EXHIBIT B

-----Original Message-----

From: Ron Peltier <rpeltier@bainbridgewa.gov>

Sent: Wed, Apr 11, 2018 10:25 pm

Subject: Police/Court Facility Site Selection Update

Dear Islanders,

I hope this update from City Hall finds you well.

Last night the Bainbridge City Council discussed site selection for a new police/court facility. Before us was consideration of the CHI Franciscan property next to the Baptist church, the Coultas property on New Brooklyn near the BARN, and a site selection process proposal put forth by Rasham Nassar and myself.

Our site selection process proposal, which is attached, would have focused on the use of a weighted criteria matrix to evaluate a comprehensive list of potential sites. The proposed process would have included a task force to fine tune the criteria and scoring for each site. It's a methodical process that can include unlimited criteria, each weighted according to importance. Used properly it can be an extremely useful tool for making informed decisions. It was rejected by four council members, Medina, Blossom, Tirman and Deets. I guess I was disappointed but I really not surprised.

As an elected official I'm committed to doing my best to make informed decisions, based upon facts and analysis. Call me old fashioned but I bet most of you expect the same. You think everyone would get that, but they don't. Over last two years on City Council I've been struck by just how resistant most of my colleagues are to taking a methodical and informed approach to selecting a site for a new police facility. Most surprising has been a complete unwillingness to give serious consideration to the existing site near the ferry. Is it me? Am I the problem here and just don't realize it?

That reminds me of an experiment my friend Marc Joslyn told me about. It's about a test done to evaluate the effect of groups on the judgment of individuals. It starts out with an individual being shown a picture of a piece of rope. He looks at it and estimates the length to be about one foot. Later this one person is mixed in with a group who are instructed to estimate the length of the rope in the photo to be about 6". After the individual who previously estimated it one foot listened to the group consistently estimating the rope to be about 6" long he changed his own estimate to be shorter. The experiment then switched to a group who all estimated the length to be 18". The individual was influenced to readjust his estimate to be longer.

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wrong.

So your City Council will continue with the chosen process of spending \$40K at a crack for consultants to evaluate one or two potential police facility sites at a time. We'll do that because, "we just need to make a decision", and when you're in the majority that must mean you're right. Here's a link to today's Kitsap Sun article on last night's Council discussion

<https://www.kitsapsun.com/story/news/local/communities/bainbridgeislander/2018/04/11/bainbridge-considering- eminent-domain-action-acquire-police-stationsite/508900002/>

Bainbridge mulls eminent domain action to acquire police ...

www.kitsapsun.com

City Council also votes to get more information on the Harrison urgent care site off Madison Avenue.

From: [Kol Medina](#)
To: [Linda Allen](#)
Cc: [Ron Peltier](#)
Subject: RE: Police/Court Facility Site Selection Update
Date: Wednesday, April 18, 2018 1:19:05 PM
Attachments: [COBI Site Evaluation Matrix 5.2.17 .pdf](#)

Hi Linda,

Thank you for writing. It's always nice to hear from you.

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Thanks,
Kol

Kol Medina
Bainbridge Island Mayor and Council Member
Position 2, North Ward
kmedina@bainbridgewa.gov
206-512-7155

From: Linda Allen [mailto:foxpaw1@aol.com]
Sent: Tuesday, April 17, 2018 6:27 PM
To: Ron Peltier <rpeltier@bainbridgewa.gov>
Cc: Joe Deets <jdeets@bainbridgewa.gov>; Kol Medina <kmedina@bainbridgewa.gov>; Matthew Tirman <mtirman@bainbridgewa.gov>; mscott@bainbridgewa.gov; rasham4citycouncil@gmail.com; Sarah Blossom <sblossom@bainbridgewa.gov>
Subject: Fwd: Police/Court Facility Site Selection Update

Hey Ron. Thanks for the letter.

Just for the record, I hate "eminent domain." We wonder why we see increasing crime and devaluation of morals in our country? Could be that our government has a process by which they just go out and take whatever they want. What kind of message is sending to our youth? The city did this with the old Jiffy Mart property on Madison when they wanted to build City Hall there. They just kicked out the Jiffy Mart and took the property. Now the Police Station? Seriously. What's happened to integrity, and for that matter, could have something to do with the people trusting our city government when that process for procurement is considered. I could kinda see the need for eminent domain with a section of a proposed interstate highway. But the police station on Bainbridge Island which has been considering about 6 different locations for the past 3 or 4 years? No.

And I agree with you about simply rebuilding on the existing site, with parking below and as many stories to house the needs of the facility as indicated. There's room for everything on that site. We own the land, the location is perfect and has been perfect for a bazillion years, and I don't understand why this site is not being considered. It makes no sense to me whatsoever to place the police station near schools, and to think about taking someone's property when we already own property. Just sayin'.

Good luck with beating some sense into the heads of the other council members with this one.

Linda Allen

-----Original Message-----

From: Ron Peltier <rpeltier@bainbridgewa.gov>

Sent: Wed, Apr 11, 2018 10:25 pm

Subject: Police/Court Facility Site Selection Update

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individual being shown a picture of a piece of rope. He looks at it and estimates the length to be about one foot. Later this one person is mixed in with a group who are instructed to estimate the length of the rope in the photo to be about 6". After the individual who previously estimated it one foot listened to the group consistently estimating the rope to be about 6" long he changed his own estimate to be shorter. The experiment then switched to a group who all estimated the length to be 18". The individual was influenced to readjust his estimate to be longer.

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<https://www.kitsapsun.com/story/news/local/communities/bainbridge-islander/2018/04/11/bainbridge-considering- eminent-domain-action-acquire-police-station-site/508900002/>



[Bainbridge mulls eminent domain action to acquire police ...](#)

www.kitsapsun.com

City Council also votes to get more information on the Harrison urgent care site off Madison Avenue.

Best Regards,
Ron Peltier

Criteria Value:
 4 very important
 3 relatively more important
 2 relatively less important
 1 less important

Score:
 1 evaluation criteria is not achieved
 2 evaluation criteria is achieved less than satisfactorily
 3 evaluation criteria is achieved satisfactorily
 4 evaluation criteria is achieved more than satisfactorily
 x no basis for determination

| Criteria | Criteria Value | Existing Police Site | | Vineyard Lane Site | | Madison Site | | Yaquina Site | | New Brooklyn Site | | 249 Winslow Way Site | | Notes | |
|-------------------------------|--|----------------------|----------------|--------------------|----------------|--------------|----------------|--------------|----------------|-------------------|----------------|----------------------|----------------|-------------|---|
| | | (score) | Weighted Score | (score) | Weighted Score | (score) | Weighted Score | (score) | Weighted Score | (score) | Weighted Score | (score) | Weighted Score | | |
| General Criteria | | | | | | | | | | | | | | | |
| A | Size: permits 1-story design/future growth | 4 | 2 | 8 | 4 | 16 | 1 | 4 | 1 | 4 | 3 | 12 | 1 | 4 | 1 |
| B | Est. Acquisition Cost (Assessed Value) | 2 | 4 | 8 | 3 | 6 | 4 | 8 | 4 | 8 | 4 | 8 | 2 | 4 | 8 |
| C | Site Transferability Time frame | 2 | 4 | 8 | 3 | 6 | 3 | 6 | 3 | 6 | 3 | 6 | 3 | 6 | 2 |
| D | Zoning restrictions | 2 | 4 | 8 | 4 | 8 | 1 | 2 | 2 | 4 | 4 | 8 | 4 | 8 | 3 |
| E | Temporary Relocation expense | 1 | 1 | 1 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | 4 | |
| Location Criteria | | | | | | | | | | | | | | | |
| F | Multiple access points | 4 | 3 | 12 | 3 | 12 | 1 | 4 | 3 | 12 | 3 | 12 | 1 | 4 | 4 |
| G | Proximity to SR305 | 3 | 4 | 12 | 4 | 12 | 4 | 12 | 4 | 12 | 3 | 9 | 2 | 6 | |
| H | Accessibility to entire island | 2 | 3 | 6 | 4 | 8 | 3 | 6 | 3 | 6 | 4 | 8 | 3 | 6 | 5 |
| I | Landmarking - easy to find | 2 | 4 | 8 | 3 | 6 | 3 | 6 | 3 | 6 | 3 | 6 | 2 | 4 | 6 |
| Site Specific Criteria | | | | | | | | | | | | | | | |
| J | Topographic constraints | 3 | 4 | 12 | 4 | 12 | 3 | 9 | 3 | 9 | 4 | 12 | 2 | 6 | |
| K | Utility availability | 3 | 4 | 12 | 2 | 6 | 1 | 3 | 1 | 3 | 4 | 12 | 4 | 12 | |
| L | Site hazardous materials issues | 3 | 2 | 6 | 3 | 9 | 3 | 9 | 3 | 9 | 3 | 9 | 3 | 9 | 2 |
| M | Low impact development potential | 2 | 1 | 2 | 3 | 6 | 1 | 2 | 1 | 2 | 1 | 2 | 1 | 2 | 7 |
| N | Soils suitability | 2 | 3 | 6 | 3 | 6 | 3 | 6 | 2 | 4 | 3 | 6 | 3 | 6 | 2 |
| O | Noise and traffic impacts to neighbors | 2 | 4 | 8 | 4 | 8 | 3 | 6 | 3 | 6 | 4 | 8 | 4 | 8 | |
| P | Minimizes tree removal | 3 | 4 | 12 | 2 | 6 | 2 | 6 | 2 | 6 | 4 | 12 | 4 | 12 | |
| | Total | | 51 | 129 | 53 | 131 | 40 | 93 | 42 | 101 | 54 | 134 | 43 | 101 | |
| | | | | PASS | | PASS | | FAIL | | FAIL | | PASS | | FAIL | |

Relative Cost of Implementation

\$\$\$\$ \$\$\$ \$\$ \$\$ \$ \$\$\$\$

Notes:

- Vineyard "4" as it can be support expansion and 1-story building. Scored New Brooklyn "3" as it can support a 1-story building. Scored Existing Police station "2" as it cannot support a 1-story building but offers limited potential for a future expansion.
- Will require in depth study and testing to confirm conclusions.
- Inadequate size coupled with zoning (Setbacks) on Madison site prevent efficient development.
- Scored Existing Police site "3" as it allows mutilpe access points (although emergency exit to Olympic may be obstructed). Vineyard, Yaquina and New Brooklyn sites all require agreements with state or adjacent property owners to gain the needed access.
- Judgement call. All sites are very close to either 305 or downtown. Visitor parking limited at Existing Police Station site. 249 Winslow Way separates visitor parking.
- Existing Police station site is readily identifiable "4". Vineyard, Madison and Yaquina all have large potentially landscaped setbacks potentially obscuring building "3". New Brooklyn site dirves reverse plan (turning back to the street requiring added design cues "3". 249 Winslow results in Courts being difficult to find "2".
- Scored Vineyard "3" as we are primarily developing portion of site that has been logged. Development may result in protecting remainder of greenfield site. 249 Winslow scored "1" as garage blocks view to sidewalk and requires connection to other properties (not owned).
- Parcels are evaluated by using assessed value as listed by Kitsap County Tax Assessors website.



The city's new police station, as earlier envisioned on New Brooklyn Road. (Image courtesy of the city of Bainbridge Island)

Eminent domain enters the discussion on land for new Bainbridge police station

By Brian Kelly

Saturday, April 14, 2018 11:09am | **NEWS**

With just two less-than-perfect options for a location for a new police station, members of the Bainbridge Island City Council have been talking privately about using the city's condemnation powers to acquire land for its new public safety facility.

This week, that notion nudged its way into the public discussion of what to do next on the city's more than a decade-long quest to build a new police headquarters.

Mayor Kol Medina said Tuesday that city officials have recently explored using eminent domain to acquire a property on NE New Brooklyn Road as the site for the new station.

The city had earlier hoped to buy that land, a 1.89-acre site commonly known as the "Coultas property." That site had been chosen as the city's preferred location last August, but talks on a land purchase went sideways

after the owner of the property died in March 2017. The council officially crossed the site of its list of potential locations last September.

At Tuesday's council meeting, Medina said he did not think that a majority of the council would agree to use eminent domain, however.

"In our discussions about that it seemed apparent, to me, anyway, that there might not be a majority of council members in support of using eminent domain power," Medina said.

Still, as a compromise approach, Medina said the council could authorize city staff to take a closer look at the Harrison Bainbridge Urgent Care building to see if the medical facility could be renovated in a way that it could be used as the new home for the Bainbridge police department.

The property owners of the land on NE New Brooklyn Road could also be approached and told of the city's recent discussions about their land, he said.

That approach eventually won council approval, on the slimmest of votes, a 3-2 decision.

Beforehand, however, Councilman Ron Peltier asked the council to set up a 10-member citizen task force to take over the site selection process.

The members, approved by the city council, would review a list of potential locations and use a weighted criteria scoring matrix to rank the sites.

In a four-page summary of the proposal, it noted the city's current approach was dependent on paid consultants and was "an unwieldy process that involves considerable expense at each junction."

"The city council, for its part, is not being provided with the comprehensive overview required to make an informed site selection decision. The approach to date has tended to start out with the most expensive design options This needs to be turned around, starting out with the most basic design options and adding features to fit an acceptable budget."

Councilwoman Rasham Nassar said she supported creating a task force, one that could enlist the professional expertise of people in the community.

“I’m clearly in favor of trying a different approach at this point,” she said.

Nassar noted the city has spent \$333,900 in consulting fees on the project since 2016.

“I don’t know if that’s normal,” she said, adding that a more detailed look at the Harrison site would add another \$40,000 in consultant costs. “I think we can do better.”

Councilwoman Sarah Blossom disagreed.

“This has to move forward at some point,” Blossom said. “It goes on and on and on and on. And it just needs to move forward.”

Councilman Joe Deets said the sites still under location weren’t perfect, but they were good enough. Council members were elected to make decisions, he added.

“I just don’t want to delay any more,” Deets said.

The move to have staff continue its review of the Harrison and New Brooklyn sites passed on 3-2 vote, with Medina, Blossom and Deets in favor, and Peltier and Nassar, opposed. (Councilman Matthew Tirman was absent, and the council’s seventh seat remains vacant from the recent resignation of Mike Scott.)

The recent talk of obtaining land for the new police station via eminent domain isn’t the first time that approach has entered conversations about the location for the new police station.

In 2014, officials had flirted with the idea of obtaining the land next to city hall, where Island Fitness is located, for a combined police station/municipal court.

Public outcry made that idea a non-starter, and council members directed city staff to focus on properties that would have a willing seller.

BAINBRIDGE ISLAND
REVIEW

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