



CITY OF  
BAINBRIDGE ISLAND

ETHICS BOARD  
REGULAR MEETING  
MONDAY, AUGUST 16, 2021  
6:30 PM  
VIA ZOOM WEBINAR

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

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:

[HTTPS://BAINBRIDGEWA.ZOOM.US/J/91421572699](https://bainbridgewa.zoom.us/j/91421572699)

TELEPHONE: 1-253-215-8782

WEBINAR ID: 914 2157 2699

#### AGENDA

1. CALL TO ORDER – 6:30 P.M.
2. DISCLOSURE OF CONFLICTS OF INTEREST
3. PUBLIC COMMENT
4. APPROVAL OF MINUTES FROM 7/19/2021 MEETING
5. REVIEW STATUS OF COMPLAINTS 2021-04, 2021-05, AND 2021-06
6. REVIEW OF RESULTS FROM 8/10/2021 MEETING OF CITY COUNCIL
7. BOARD STATUS AND PLANNING
  - APPOINTMENT OF NEW MEMBERS
  - TRAINING
  - JOINT COMMITTEE W/COUNCIL
8. AGENDA FOR 9/20/2021 MEETING:
  - TRAINING
  - UPDATES ON DEVELOPMENTS AS TO NEW MEMBERS AND JOINT COMMITTEE
  - REVIEW STATUS OF COMPLAINTS 2021-04, 2021-05, AND 2021-06
9. ADJOURNMENT

COBI ETHICS BOARD

Regular Meeting

Monday, July 19, 2021

6:30 – 8:00 PM

VIA ZOOM WEBINAR

Minutes

1. Call to order — Meeting was called to order at 6:30 PM. Present were Karen Anderson, Jim Cash, Doña Keating, David Mallon, Tyler Weaver, and Andrew Tsoming.
2. Disclosure of conflict of interest — None.
3. Discussion of the continued participation of David Mallon and Karen Anderson on the Ethics Board pending the appointment of new members.
4. Public comment – one member of the public commented.
5. Motion to accept minutes for the June 21, 2021, meeting (regular) by Jim Cash; 2<sup>nd</sup> by Tyler Weaver. Unanimously agreed.
6. Motion to elect Tyler Weaver as Ethics Board Chair for the period of July 2021 to June 2022 by Doña Keating; 2<sup>nd</sup> by Karen Anderson. Unanimously agreed.
7. Motion to elect Doña Keating as Ethics Board Deputy Chair for the period of July 2021 to January 2022 by David Mallon; 2<sup>nd</sup> by Jim Cash. Unanimously agreed.
8. Review of draft opinion for EB-2021-08 (Request for Advisory Opinion). Motion to approve Advisory Opinion with corrections by Jim Cash; 2<sup>nd</sup> by Doña Keating. Unanimously agreed.
9. Review of status of complaints EB-2021-04, EB-2021-05, and EB-2021-06. Given the unresolved status of an active lawsuit involving related matters and parties filed with the United States District Court for the Western District of Washington, at Seattle, against the City of Bainbridge Island, EB-2021-04, EB-2021-05, and EB-2021-06 will continued to be tabled pending resolution of this legal action per Article III.B.7.e of the City of Bainbridge Island Ethics Program.
10. Discussion of Ethics Board program status, Training Plan status, and other items raised as part of recent Joint Sessions with City Council.
11. Items for next regular meeting agenda, August 16 (6:30 - 8:30 PM)
  - a. Onboarding of new members
  - b. Update on status of EB-2021-04, EB-2021-05, and EB-2021-06
  - c. Update on related actions from April and May joints session with City Council
  - d. Review of progress on Training Plan as applicable
12. Adjournment at 7:00 PM.



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# CODE OF CONDUCT AND ETHICS PROGRAM

## ETHICS BOARD TRAINING

ETHICS BOARD MEMBER NAME(S)

DATE

# INTRODUCTION: APPLICATION

- ▶ The Code of Conduct and Ethics applies to all those associated with the city government, including councilmembers and member of city committees and commissions
- ▶ Based on RESOLUTION NO. 2020-13, approved August 11, 2020



CITY OF  
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# CODE OF CONDUCT

- ▶ Applies to all Councilmembers and members of City Committees, Boards, and Commissions
- ▶ PURPOSE
  - ▶ To promote and maintain the highest standards of personal and professional conduct among City Council members and the members of City Committees and Commissions.
  - ▶ To provide the optimal operation of a democratic government which is fair and accountable to the people of the City of Bainbridge Island.



# CODE OF CONDUCT: CORE VALUES

A pledge to provide:

- ▶ Service that is courteous, cost effective, and continuously improving;
- ▶ Treat one another with honesty and integrity; pledging to promote balanced, consistent, and lawful policies and directives;
- ▶ Act with the standards of equality, fairness, and mutual respect; and
- ▶ Accept responsibility for stewardship of public resources as well as accountability, and to give recognition.



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# CODE OF CONDUCT: ETHICAL PRINCIPLES

## ▶ **Obligation to the Public to:**

- ▶ Act to promote public good
- ▶ Preserve public's trust
- ▶ Be transparent and honest in all public statements and written statements

## ▶ **Obligations to Others to:**

- ▶ Be familiar with the governing Code of Ethics (including RCW Chapter 42.23)
- ▶ Conduct oneself in a manner demonstrating civility and respect for others



# OBLIGATION REGARDING THE USE OF PUBLIC RESOURCES

- ▶ Commitment good stewardship in use and allocation of public monies, property, and other resources to:
  - ▶ Ensure public resources are used and conserved for public good
  - ▶ Act In a responsible manner
  - ▶ Consider both present and future needs of the community
  - ▶ Seek guidance from staff and other experts, including City Attorney, as appropriate
  - ▶ Ensure paid experts and consultants shall be impartial and free of conflicts of interest





## CODE OF ETHICS: GIFTS AND COMPENSATION

NO Councilmember or member of a City Committee or Commission or any member of their immediate family shall directly or indirectly accept any gifts for a matter connected with or related to their services or duties with the City of Bainbridge Island or accept any non-City compensation for the performance or non-performance of these service or duties.



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# CODE OF ETHICS: GIFTS AND COMPENSATION

## Exceptions to Gift Limitations

- ▶ Unsolicited items or services with a value of fifty (50) dollars or less, such as promotional tshirts, pens, calendars, etc.
- ▶ Gifts from other City officers, officials, or employees or their family members on appropriate occasions.
- ▶ Gifts appropriate to the occasion and reasonable and customary when a familial, social, or official relationship of the giver for occasions such as weddings, funerals, illness, holidays, and ground-breaking ceremonies.
- ▶ Campaign contributions as permitted and reported in accordance with law.



# CODE OF ETHICS: GIFTS AND COMPENSATION (continued)

## Exceptions to Gift Limitations

- ▶ Awards publicly presented by nonprofit organizations in recognition of public service—IF the award is NOT extraordinary when viewed in light of the position held by the recipient.
- ▶ Gifts from visiting other governmental agencies or hosting visitors from other governmental agencies, when it would be a breach of protocol to refuse, PROVIDED that any such gifts received shall become the property of the City of Bainbridge Island.
- ▶ As approved by the Mayor, if the Mayor is the recipient, by the Deputy Mayor or the Mayor Pro Tem for reasonable and necessary costs to attend a conference or meeting directly related to official or ceremonial duties.



# CODE OF ETHICS: GIFTS TO IMMEDIATE FAMILY

A member of a Councilmember or City Committee or Commission member's immediate family:

- ▶ May accept a gift arising from an independent relationship IF the Councilmember or member of a City Committee or Commission does not significantly benefit from the gift; and that it
- ▶ Cannot be reasonably inferred that the gift was intended to influence the Councilmember or City Committee or Commission member in the performance of their duties.



## CODE OF ETHICS: USE OF CITY PROPERTY BY COUNCILMEMBERS

No councilmember shall request, permit, or use City vehicles, equipment, materials, or property for personal use, personal convenience, or profit. The only exception may be for limited incidental personal use or emergency circumstances.



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## CODE OF ETHICS: CONFIDENTIALITY

Except as required by law, a Councilmember, a former Councilmember, or current or former member of a City Committee or Commission 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.



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# CODE OF ETHICS: CONFLICT OF INTEREST (General)

NO Councilmember or a member of a City Commission or Committee shall take any direct official action on a matter if they or a member of their immediate family:

- ▶ Have any substantial direct or indirect contractual employment related to the matter; or
- ▶ Have other significant financial or private interest in that matter (which includes serving on a Board of Directors for any organization but does not, for Council members, or include appointment members to the Salary Commission; or personal property within the meaning of this section.



# CODE OF ETHICS

## CONFLICT OF INTEREST:EXCEPTIONS for Councilmembers

Conflict of Interest shall not apply when a Councilmember:

- ▶ Is required to take or participate in an action based on the rule of necessity;
- ▶ Acts as their own representative before the City Council, Hearing Examiner, or any other City board, commission , or agency---provided that the individual does not also participate in any way in the deliberations or decision of the City Council, Hearing Examiner, or that board, commission, or agency related to that matter;
- ▶ Acquires an interest in bonds or other instruments of indebtedness issued by the City IF acquired and held on the same terms available to the general public;





# CODE OF ETHICS

## CONFLICT OF INTEREST:EXCEPTIONS for Councilmembers (continued)

Conflict of Interest shall **not** apply when a Councilmember:

- ▶ Officially participates in the development and adoption of the City's budget; or establishes the pay or benefit plan of City officers, officials, or employees;
- ▶ Makes decisions on any legislation of general application unless these actions directly affect or appear to affect, the officials' or immediate family member's employment; or
- ▶ Serves on the governing body of a organization or entity as part of their official duties as a Councilmember of the City.



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# CODE OF ETHICS

## CONFLICT OF INTEREST: EXCEPTIONS for City Committee or Commission

Conflict of Interest shall **not** apply when a Member of a City Committee or Commission:

- ▶ Discloses a potential conflict of interest related to member's ownership or lease of certain real property or of a business located in a certain area of the City that is the basis for possibly providing the basis for appointment to a City Committee or Commissions.
- ▶ Fully discloses the basis for declaring a potential Conflict of Interest on the public record of the respective City Committee or Commission and the Committee or Commission votes to allow the member to participate in the discussion of the vote; or
- ▶ Is required to take action or participate in an action based on the rule of necessity.



# CODE OF ETHICS

## CONFLICT OF INTEREST: DISCLOSURE FOR COUNCILMEMBERS

### All Councilmembers are required:

- ▶ To comply with the Washington State Public Disclosure Commission requirements for financial disclosure;
- ▶ To publicly disclose their financial interest in any matter that comes before them;
- ▶ To annually complete a Conflict of Interest statement to be submitted to the City Clerk by April 15<sup>th</sup>; and
- ▶ To take action or participate in an action based upon the rule of necessity.



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# CODE OF ETHICS

## CONFLICT OF INTEREST: AFTER LEAVING ELECTED CITY OFFICE

**For two (2) years after leaving elected City office  
NO former Councilmember:**

- ▶ Shall obtain employment in which they will take direct or indirect advantage of matters on which they took direct official action during their service with the City, including contractual negotiations or solicitations of business unavailable to others.
- ▶ Shall engage in any act or litigation in which the City is involved, on behalf of any other person or entity when the action or litigation involves an issue on which the Councilmember took direct official action while in elected City office.



# CODE OF ETHICS

## CONFLICT OF INTEREST: MEMBERS OF CITY COMMITTEES OR COMMISSIONS AND EMPLOYMENT

While serving on a City Committee or Commission and for two ( 2) years after leaving such position, no member of a City Committee or Commission shall obtain employment in which they will take direct or indirect advantage of matters which they as a member of a City Committee or Commission recommended to the City Council. This includes applying for positions or contracts with the City when the City Committee or Commission on which the member served, recommended funding for such position or contract.



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# CODE OF ETHICS

## CONFLICT OF INTEREST: FAMILY MEMBERS OF COUNCILMEMBERS

### ► Appointment of Family Members

Unless a waiver is obtained from the Ethics Board, no Councilmember shall appoint or hire a member of their immediate family for any type of employment with the City. This includes, but is not limited to, full time employment, part-time employment, permanent employment, temporary employment, and contract employment.

### ► Supervision of Family Members

NO Councilmember shall supervise or be in direct line of supervision over a member of their immediate family. If a Councilmember is placed in a direct line of supervision of a member of their immediate family, they shall have three (3) months to come into compliance or to obtain a waiver from the Ethics Board.

### ► Waivers

Waivers may be sought from the Ethics Board in accordance with Article III of Resolution No. 2020-13.



# CODE OF ETHICS: CONFLICT OF INTEREST

## ► Contractors

Contractors are required when submitting bids to the City to affirm that neither the contractor nor any agent of the contractor has made any prohibited gift to a Councilmember who is involved in direct action on a bid, or had a relationship to such Councilmember, that would create a conflict of interest for that Councilmember under the City's Code of Conduct and Code of Ethics.

## ► Individuals Serving on City Committees and Commissions

All individuals serving on City Committees and Commissions shall sign upon appointment and reappointment the Conflict of Interest statement as provided by the City.



# CODE OF ETHICS

## CONFLICT OF INTEREST: - INDIVIDUALS SERVING ON THE ETHICS BOARD

No member of the Ethics Board shall participate in the review of complaints or requests for advisory opinions relating to the conduct of a Councilmember where that member of the Ethics Board is or was a member of a political action committee that supports, supported, opposes, or opposed the election or reelection of the Councilmember in question.



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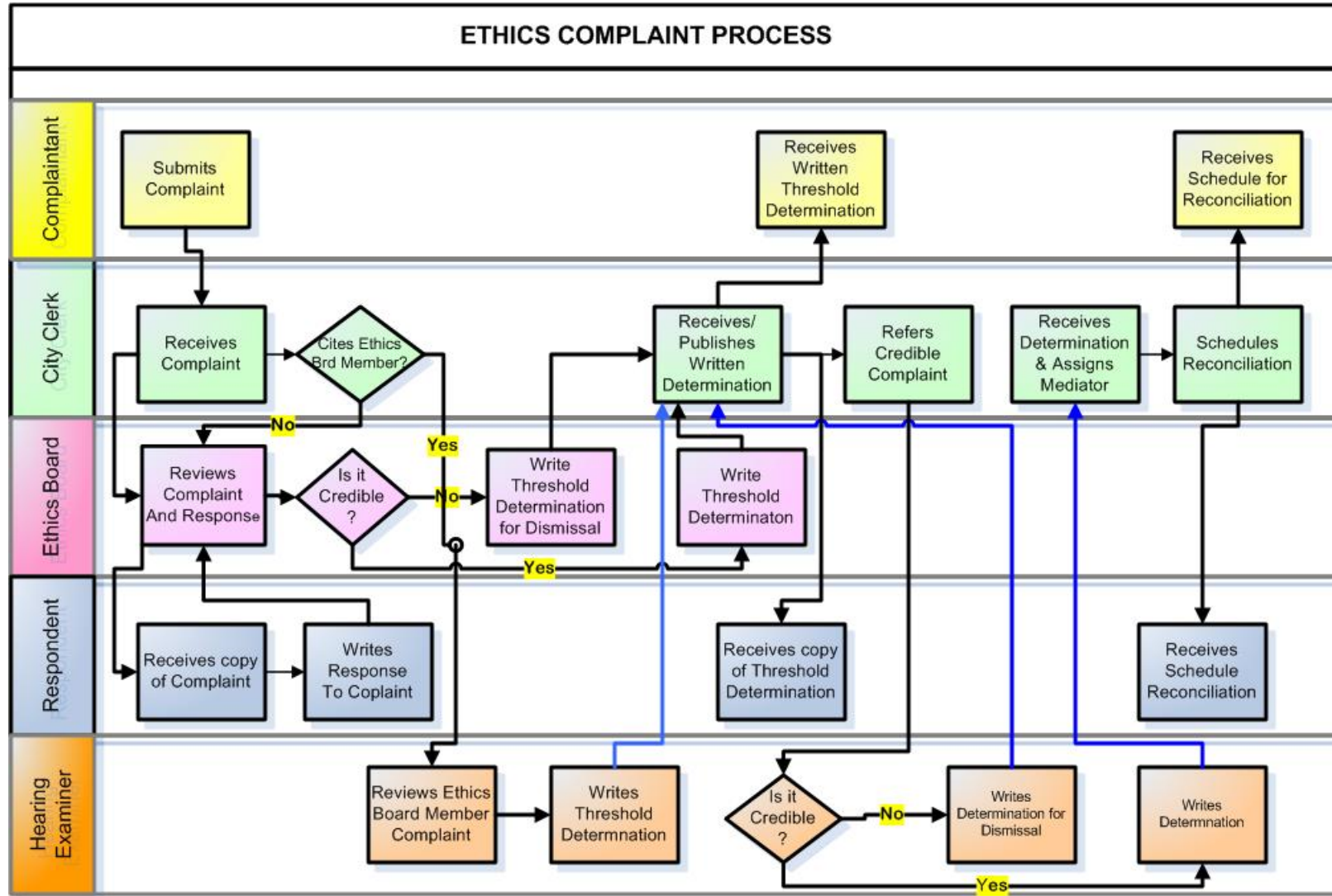


# CONDUCT OF PUBLIC MEETINGS

- ▶ Councilmember or City Committees' or Commissioners' meetings shall be conducted in a manner to maximize transparency of relationships among individuals or groups which could affect decision making.
- ▶ Councilmember or City Committees' or Commissioners' meetings shall have a standing agenda item for disclosure of possible or potential conflicts of interest with persons or issues on the agenda. If necessary, discussion among the members may be undertaken to judge the significance of disclosed relationships and whether a possible conflict of interest exists.



# ETHICS COMPLAINT PROCESS: FLOWCHART



# ETHICS COMPLAINT PROCESS SUMMARY

## Ethics Complaint Process Summary

