



CITY OF
BAINBRIDGE ISLAND

**Ethics Board
Operating Rules**

(Effective Date: 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. 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, 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, 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 be adjusted at the discretion of a majority of the Ethics Board.

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.

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.

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 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 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.

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.
- 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. 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.
 - b. 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.
 - 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: When Article III, Section A of the Code of Conduct and Ethics Program directs the Ethics Board to prepare an advisory opinion, 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.
 - b. 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.

- c. 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.
- 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.

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.
- 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.
- 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.

- b. Initial Review by Ethics Board. The Chair will schedule time at an open public meeting for the Ethics Board to review the complaint and response, if submitted, upon the happening of one of the following: upon receipt of a response from the Respondent, if submitted within the time period indicated by the Chair; or, where no response was submitted within the time period indicated by the Chair, at the first regular meeting of the Ethics Board following the expiration of the time period indicated by the Chair. 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.
- c. 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 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.
- d. 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.

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
 - 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.
 - 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.

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.
- 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.

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.
- 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.
- D. **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.

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