



CITY OF
BAINBRIDGE ISLAND

ETHICS BOARD
REGULAR MEETING
MONDAY, JULY 19, 2021
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

[HTTPS://BAINBRIDGEWA.ZOOM.US/J/91300988473](https://bainbridgewa.zoom.us/j/91300988473)

OR TELEPHONE: 1-253-215-8782

WEBINAR ID: 913 0098 8473

AGENDA

1. CALL TO ORDER – 6:30 P.M.
2. DISCLOSURE OF CONFLICTS OF INTEREST
3. DISCUSSION OF BOARD MEMBER STATUS
4. ELECTION OF CHAIR FOR 2021-2022, VICE-CHAIR FOR JULY 2021 –
JANUARY, 2022
5. PUBLIC COMMENT
6. APPROVAL OF MINUTES FROM 6/21/2021 MEETING
7. DRAFT ADVISORY OPINION 2021-08
8. REVIEW STATUS OF COMPLAINTS 2021-04, 2021-05, AND 2021-06
9. REVIEW OF BOARD STATUS AND PLANNING
 - TRAINING
 - JOINT COMMITTEE W/COUNCIL
 - POSSIBLE CONSULTATION WITH OTHER COMMITTEES
10. ADJOURNMENT

COBI ETHICS BOARD

Regular Meeting

Monday, June 21, 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, Dona Keating, David Mallon, Tyler Weaver, and Andrew Tsoming.
2. Disclosure of conflict of interest — None.
3. Public comment — two members of the public commented.
4. Thank you to Karen Anderson for participation on the Ethics Board for 2020-2021.
5. Motion to accept minutes for the May 17, 2021 meeting (regular) by Karen Anderson; 2nd by Dona Keating. Agreed.
6. Review of draft opinion for EB-2021-07 (Request for Advisory Opinion). Motion to approve Advisory Opinion by Jim Cash; 2nd by Karen Anderson. Agreed.
7. Discussion of potential conflicts of interest for Dona Keating with regards to EB-2021-04, EB-2021-05, and EB-2021-06. Motion to find no objections to Dona Keating participating in the review of these complaints by Jim Cash; 2nd by Karen Anderson. Agreed.
8. Initial consideration of EB-2021-04. Given that the submitter of this complaint has 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, motion to table consideration EB-2021-04, EB-2021-05, and EB-2021-06 pending resolution of this legal action per Article III.B.7.e of the City of Bainbridge Island Ethics Program by David Mallon; 2nd by Dona Keating. Agreed.
9. Consideration of EB-2021-08 (Request for Advisory Opinion). Motion to appoint subcommittee (Tyler Weaver) to draft the Advisory Opinion by Jim Cash; 2nd by Karen Anderson.
10. Discussion of May Joint Session with City Council.
11. Implementation of Ethics Training plan to be paused pending new members on Board.
12. Items for next regular meeting agenda, July 19 (6:30 - 8:30 PM)
 - a. Onboarding of new members
 - b. Election of new officers
 - c. Possibility of joint meeting with City of Bainbridge Island – Race & Equity Advisory Committee
 - d. Update on status of EB-2021-04, EB-2021-05, and EB-2021-06
 - e. Consideration of draft Advisory Opinion for EB-2021-08
 - f. Status of conclusions and actions from April and May joints session with City Council
 - g. Review of progress on Training Plan
13. Adjournment at 7:40 PM.

DRAFT

City of Bainbridge Island Ethics Board

Advisory Opinion

Case # EB2021-07

Date Filed: May 12, 2021

Advisory Opinion Issued: July __, 2021¹

I. *Question Presented*

The Councilmember seeking the advisory opinion is a member of the Kitsap Transit Board, and in that role received a complementary annual pass for free, unlimited use of all Kitsap Transit services. The Councilmember has asked whether that pass can be used without violating Article II, Section A of the Ethics Program, which prohibits the acceptance of “any gift ... for a matter connected with or related to their services or duties with the City ...,” subject to specific exceptions set forth in § II.A.2 and § II.A.3.

The Councilmember has indicated that the Councilmember’s seat on the Kitsap Transit Board is “among my roles as a City Councilmember.” The Councilmember states that the value of the pass is unknown. However, the Board assumes, based on the publicly available prices of monthly Kitsap Transit passes, that if the annual pass was available for public purchase, the cost would exceed \$50.

II. **Opinion**

The Ethics Board concludes that as represented, the acceptance and use of the transit pass would violate Article II, Section A. The Councilmember apparently received the pass as a result of the Councilmember’s role with the City. The pass is also a “gift,” because it is a “thing of value ... that is not available to the general public on the same terms and conditions.” Article VI.

While Article II, Section A has several exceptions, none of them apply here. The value of the item appears to be well above fifty dollars. While it could conceivably be a “gift ... reasonable and customary in light of [an] official relationship of the giver and recipient” pursuant to §II.A.2.c., the Board understands that subsection to be limited to special occasions “such as weddings, funerals, illnesses, holidays, and ground-breaking ceremonies.” There is no such special occasion here that resulted in the award of the annual pass.

The Ethics Board also concludes, based on the information presented, that § II.A.2.e., which excepts “awards that are publicly presented by a nonprofit organization in recognition for public service” does not apply here. Even if Kitsap Transit is considered a nonprofit organization for purposes of this subsection, the annual pass does not appear to have been “publicly

¹ This has taken more than 45 days due to a mistaken delay in the initial review.

presented.” Instead, it appears to have come in the mail from the clerk of the Kitsap Transit Board. Therefore, § II.A.2.e does not apply.

The Ethics Board believes the other exceptions provided in § II.A.2 and § II.A.3. clearly do not apply and do not require additional explanation.

Because Article II, Section A prohibits acceptance of all gifts unless excepted by § II.A.2 or § II.A.3, and no exception applies here based on the facts presented to the Ethics Board, acceptance and use of the annual pass would violate the Ethics Program.

III. Publication

The Clerk is directed to publish this advisory opinion in accordance with Article III, D.2 and D.3 of the Ethics Program.