



CITY OF
BAINBRIDGE ISLAND

ETHICS BOARD
SPECIAL MEETING
MONDAY, JANUARY 23, 2023
6:30 PM

THE ETHICS BOARD WILL HOLD THIS MEETING
IN PERSON AND USING A VIRTUAL, ZOOM WEBINAR PLATFORM

MEMBERS OF THE PUBLIC WILL BE ABLE TO ATTEND AT
CITY HALL OR CALL IN TO THE ZOOM WEBINAR

PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:

<https://bainbridgewa.zoom.us/j/86365762700>

OR TELEPHONE: 1-253-205-0468

WEBINAR ID: 863 6576 2700

AGENDA

1. CALL TO ORDER – 6:30 PM
2. DISCLOSURE OF CONFLICTS OF INTEREST
3. APPROVAL OF THE AGENDA
4. ACCEPTANCE OF MEETING MINUTES – December 19, 2022, Regular Meeting
5. REVIEW STATUS OF PENDING COMPLAINTS
6. PUBLIC COMMENT (Please limit comments to items other than those under consideration and under 2 minutes. Board Members may elect to refrain from responding.)
7. TRAINING SUB-COMMITTEE REPORT
8. Review draft of ANNUAL REPORT
9. NEW BUSINESS
 - 2023 Holiday Meeting Conflicts
10. AGENDA FOR NEXT MEETING
11. NEXT MEETING DATE: February ?, 2023 (6:30 – 8:00 PM)
12. ADJOURNMENT

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Regular Meeting

Monday, December 19, 2022

6:30 PM – 8:00 PM

In-person and Via Zoom

Minutes

1. Call to Order - Meeting was called to order at 6:30 pm. Present were: Jim Cash (Chair), Donna Davison (Deputy Chair), Rafael Escandon, Rosemary Hollinger, Doña Keating, Ben Woodruff, Andrew Tsoming (legal counsel to Ethics Board), Joe Levan (City Attorney), and Peggy Nimb (City Staff). Absent: David Mallon.
2. Disclosures of Conflict of Interest – None.
3. Approval of the Agenda - Motion to approve the agenda as presented with the two new business items listed by Donna Davison, seconded by Rosemary Hollinger, and passed unanimously.
4. Acceptance of meeting minutes – Motion to accept the minutes of November 21, 2022 by Doña Keating, seconded by Rafael Escandon, and passed unanimously.
5. Review Status of Pending Complaints - No change in status of pending complaints. No new complaints.
6. Public Comment – None.
7. Training Sub-Committee Report – No action at this time.
8. Review Draft of Annual Report – No action at this time.
9. New Business:
Election of Deputy Chair – Moved to nominate Rafael Escandon by Donna Davison, seconded by Rosemary Hollinger and passed unanimously.
2023 Holiday Meeting Conflicts – No action at this time.
10. Agenda for next Meeting – Annual Report and 2023 Holiday Meeting Conflicts.
11. Next Meeting Date: TBD due to January holiday.
12. Adjournment – Motion to adjourn by Donna Davison, seconded by Rafael Escandon, and passed unanimously.

Adjournment at 7:06 p.m.

**City of Bainbridge Island Ethics Board
2022 Annual Report and 2023 Workplan
February, 2023**

Pursuant to Article V, § D of the City of Bainbridge Island Code of Conduct and Ethics Program (the “Program”), the Bainbridge Island Ethics Board hereby provides its annual report and workplan to the Bainbridge Island City Council.

I. Complaints and Advisory Opinions

In 2022, the Ethics Board received no complaints and no requests for advisory opinions. The three other complaints, which are related to each other, have been deferred while the Board awaits a ruling in related litigation.

II. Ethics Board Members

The Board is presently operating with three members who are serving their initial terms. The three members who are serving their initial terms are Rosemary Hollinger, Donna Davison and Rafael Escandon. Mr. Mallon and Mr. Woodruff’s terms expire in June of 2024 and Ms. Keating’s and Mr. Cash’s terms expire in June of 2023.

III. Changes to the Ethics Program

Through a joint sub-committee of City Council members and Ethics Board members, a recommendation was made to Council and subsequently approved, to modify the complaint process. Names will be redacted from complaints unless and until the complaint is found valid. This change will help stress the process is educational in nature rather than punitive.

IV. Requests and Recommendations

A. Training

In 2022, the Board presented to Council its revised plan for conducting its training and educational duties under the Program. The Council initially approved that plan.

The Board has spoken with the City Manager and related to City Council the requirements to begin the training process and provide the necessary technical support.

The training is structured as follows:

1. Hold a remote, Zoom-based training and informational session for Council at a designated Council meeting. We anticipate this could be completed in 5 minutes, depending on the questions and discussion generated by the presentation.
2. Hold three remote, Zoom-based training and informational sessions open to the public and all members of City Committees and Commissions. We anticipate scheduling these for different times, such as a weekday session, a weekday evening session, and a weekend session. Again, we would anticipate each of these to run about 15 minutes, depending on questions and discussion.
3. In lieu of a physical pamphlet, given the current remote nature of City meetings, a recording of at least one of these presentations and the related materials would be available for review on the City's web page for the Ethics Board.
4. Update documentation and training program as applicable to reflect Ethics Code changes effectiveness.

B. City Manager and Advisory Opinions

The Board was approached by the City Manager with a request for an Advisory Opinion. This request was denied by the Board. Upon further consideration and in keeping with the spirit and intent of the educational nature of the Ethics Program, the Board would recommend the City Manager be included in the program for Advisory Opinions.

In this particular instance, the Ethics Training might have prevented the potential for this situation to have occurred, however, providing an opinion, while non-binding, would give the City Manager's Office additional counsel and consideration in the decision making process and include the Chief Executive in the educational process. Living by example is the simplest way to show commitment to a process.

C. Statute of Limitations Regarding Complaints

The Board would also recommend the City Council consider some type of Statute of Limitations regarding Ethics Complaints regarding or against individuals or actions who are either no longer with the City Council or Committee/Commission after a period of 12 months or longer. Hopefully, with proper training, complaints will be reduced and actions against prior bad acts when recourse or redress is not an option, provides no educational benefit.

Additionally, the Board would recommend the City Council establish an additional Statute of Limitations on when complaints may be filed against prior actions. In the past, the Board has received complaints regarding actions which took place years prior to the complaint being filed. The Board, in its' interpretation of the Program, had no choice but to review the complaint, despite the Board's inability to discern certain appropriate salient points due to the delayed nature of the complaint. Rather than being educational in nature, the complaint evolved into a political weapon. By placing a limit of time on both of these instances, the City Council would emphasize the educational aspects over the political or punitive possibilities.

D. Ethics Training Mandatory

The Board recommends that Ethics training be mandatory and all members of all Committees/Commissions/Boards and Task Forces appointed by City Council and City Council Members be required to take the training along with annual follow-up training. City Staff will assist in tracking those members which have taken the training and those which still are required to complete the training.

V. Work Plan for 2023

A. Provide Ethics Code training for Councilmembers, tentatively scheduled for February 14, 2023, Committees and Commissions, with a focus on including new members, and with the emphasis on the process being an educational one.

B. With the assistance of City Staff, track and record those members of City Council, Committees and Commissions which have taken the Ethics Training and ensure that all appropriate individuals have received the training. Ensure that all new members are trained as soon as possible, perhaps at the same time or near the OPM training.

C. Continue to refine and clarify the aspects of the Ethics program to ensure the Public trust and provide transparency to the process of Government operations to the residents of Bainbridge Island.