

Bainbridge Island Ethics Board
Advisory Opinion 2012-01
Adopted 4/23/12

Robert Dashiell has requested an advisory opinion by email dated April 3, 2012, raising several questions about City Council candidates' acceptance and reporting of campaign contributions from litigants against the City. Mr. Dashiell's request also inquires about actions involving City Council members-elect that are described in the request as "hypothetical." In response, the Ethics Board has determined as follows:

Article III, section A.1, of the City of Bainbridge Ethics Program directs the Ethics Board to interpret and apply the Code of Ethics set forth in Article II, which specifies that the rules under the Code of Ethics apply to the members of the City Council and City Committees and Commissions. Section A.1 of Article II prohibits these members of City bodies from accepting a gift "for a matter connected with or related to [their] services or duties with the City of Bainbridge Island." Section A.2 provides several exceptions to this prohibition, including "unsolicited items of trivial value," i.e., worth \$50 or less (paragraph a), and "campaign contributions as permitted and reported in accordance with law" (paragraph d).

Thus, the prohibition of gifts does not apply to a candidate for City Council who is not currently a member of the City Council or a City Committee or Commission. If a candidate is currently a member of the City Council or a City Committee or Commission, the prohibition of gifts applies, but gifts of trivial value and lawful campaign contributions are excepted. (See Chapter 42.17A RCW for Washington state law governing campaign disclosure and contribution.)

Accordingly, the acceptance by a candidate for City Council of a campaign contribution does not violate the Code of Ethics when any one or more of the following conditions is met: (1) the candidate is not currently a member of the City Council or a City Committee or Commission, (2) the contribution does not exceed \$50, or (3) the contribution is permitted and reported under applicable law. However, the acceptance by a current member of the City Council or a City Committee or Commission of a campaign contribution over \$50 that is not permitted and reported under applicable law does violate the limitation on gifts under section A.1 of Article II, provided the contribution is for a matter connected with, or related to, the recipient's services or duties to the City. Whether the contribution is for such a matter must be determined on the basis of the relevant facts and circumstances in each case. The contributor's status as a litigant against the City might be relevant to that determination, if it becomes necessary.

Because the Code of Ethics applies only to current members of the City Council and City Committees and Commissions, it does not cover the "hypothetical" actions involving City Council members-elect described in Mr. Dashiell's request for an advisory opinion, as he acknowledges therein.