

Councilmember Deets' Response to Complaint 2019-09

April 2, 2019

Dear City of Bainbridge Island Ethics Board,

Please see my response below to the 2019-09 complaint. Reading the text, I identified six separate matters to respond to, three of which I believe to be the core concerns of Mr. DeRosalia. To complete the response as written below, please that note I spoke with Mayor Medina and Councilmembers' Nassar and Tirman.

The first three items below are, I believe, the core parts of Mr. DeRosalia's complaint.

1) That I should not have taken a meeting with Ms. Phillips.

I think it is fair to say that the meeting I had with Ms. Phillips, where she informed me of his behavior towards some women, is probably the single biggest concern for Mr. DeRosalia. Among other things, he has said that I should not have taken the meeting, describing it as "inappropriate" on my part. I am in strong disagreement with this view; for one of the most important things a public official can do is meet with a constituent when requested to do so. The only clear exception to this is, as advised by our City Attorney, when there are legal proceedings between the City and the person, or it is known that legal proceedings may be forthcoming. That was clearly not the case here.

The facts are that Ms. Phillips contacted me, requesting a meeting. She said that it was about Mr. DeRosalia, but that she wanted to talk with me about it face to face. I had no idea what it was she was going to tell me, but I readily agreed to meet, as I felt that I had an obligation to do so.

To take a contrary view, and state as Mr. DeRosalia essentially does in his complaint, that there are meetings with constituents which a Councilmember should refuse to take is, to me, very troubling. It runs counter to the role of a public official, the importance of the open relationship that we have with our

community. To accept his view would jeopardize that relationship and set a terrible precedent.

2) That I did not disclose the meeting I had with Ms. Phillips.

That is not correct. It shouldn't be surprising that when I told Councilmembers Tirman and Nassar that I was recusing myself from interviewing and selecting either Mr. DeRosalia and Ms. Phillips that I provided them with details as to why I was taking this action. I explained that I had a meeting with Ms. Phillips at her request and that it was about Mr. DeRosalia's behavior.

To get a sense of the extent that I communicated this matter with other Councilmembers please also see my comments in #3 and #5.

3) That I took part in choosing members of the Race Equity Task Force.

I gave quite a bit of thought as to the most appropriate way that I should participate in the choosing of members for the Race Equity Task Force. First, I spoke candidly with my colleagues on Council about the situation, and they encouraged me to make the best decision that I saw fit. My options, as I saw them, were to a) have no recusal, b) have complete recusal, or c) do something in between.

To decide on which of these options to take, I considered whether my meeting with Ms. Phillips was an actual conflict of interest. Specifically, whether it could reasonably be determined that Ms. Phillips, in her disclosure to me of Mr. DeRosalia's behavior, was doing so with the aim of personally benefitting herself to get on the Race Equity Task Force. I decided that this was not the case, for while she was also an applicant there really was no competition involved between her and Mr. DeRosalia, as there seven positions to fill. Another way of putting it is that, with there being so many spots on the roster it was not a zero-sum-game between them. It was reasonable, I decided, to conclude that no actual conflict of interest occurred since Ms. Phillips derived no material benefit in providing the disclosure.

However, while I decided that there was not an actual conflict of interest, I recognize that perceptions matter, which became especially apparent when Mr. DeRosalia spoke of his concerns. I saw that despite the circumstances that I described above, there could still be a perception of a conflict. Perceptions

are extremely important for a City, as people need to trust the process it takes to make decisions, especially when they don't like the outcome. So, I decided that option #a, no recusal, was not appropriate. But neither was option #b, complete recusal (i.e. do no interviews at all), as that seemed excessive considering a situation that only involved two candidates applying for a roster of seven. I ultimately decided on a middle way, option #c, partial recusal, and chose to reduce my choices from seven to five. In this way I would be unable to influence all the choices made, as Councilmembers Tirman and Nassar would still have seven choices, and most notably they would be the decision makers as to whether Mr. DeRosalia and/or Ms. Phillips were chosen. My colleagues agreed with the decision that I made on recusal. This was admittedly a difficult situation and I made a sincere and considered effort to take the most fair and impartial course of action.

As it turned out, Mr. DeRosalia was not chosen to be on the Race Equity Task Force (and neither was Ms. Phillips). I can disclose that Councilmember Nassar told him at their February 28th meeting that he was not on her list of seven choices. I can confirm that I took no part in her decision.

The following are other matters which Mr. DeRosalia brought up

4) That I brought up Mr. DeRosalia's behavior during the February 16th Meeting

I acknowledge that I did speak up for the women who left the non-profit organization Race Equity Network. This came up after a full hour into our meeting, when it became clear that Mr. DeRosalia wished to remain focused on how he believed I mistreated him. I decided to speak up when it struck me that this meeting was, unfortunately, solely about lapses or perceived lapses in my behavior. That being the situation, I saw a real imbalance in play and that it became a matter of fairness that Mr. DeRosalia's own behavior be brought up. I was brief and simply said that he needs to answer for how he treated the women who, as a result, left the Race Equity Network.

To provide some useful context to what I am referring to, please see Ms. Phillips' Jan. 22, 2019 e-mail that Mr. DeRosalia provided to the Ethics Board; where she describes a pattern of behavior by Mr. DeRosalia, where women

can feel unsafe around him. It is I believe noteworthy that while Mr. DeRosalia has downplayed the allegations, he never has, to my knowledge, refuted them.

5) Comments made by Mayor Medina regarding my role on the Race Equity Task Force

When I was deciding whether to stay on the Race Equity Task Force I spent time talking with some of my colleagues, seeking their perspective; essentially asking them what they would do if they were in my shoes. Each of them (Councilmembers Tirman, Nassar & Mayor Medina) said that they would support my staying on the Task Force if that was my wish.

As Mr. DeRosalia brought up Mayor Medina, I can confirm that the Mayor told me, as he told Mr. DeRosalia, that the claims made against me by Mr. DeRosalia did not, in his view, rise to the level of my leaving the Task Force. I do apologize for any possible confusion in my choice of language in the quote Mr. DeRosalia provided, but it does not change the core point that I had the support of my fellow Councilmembers to stay on the Race Equity Task Force.

6) That I did not disclose the date and location of my meeting with Ms. Phillips.

While I am not sure of its relevance, I am happy to provide the details as to when Ms. Phillips and I had our meeting. Looking at my phone records I believe that it was Thursday, January 10th. The venue was CUPS Espresso on Bjune Drive, the same venue that Mr. DeRosalia and I first met.