
THE ETHICS BOARD WILL HOLD THIS MEETING
USING A VIRTUAL, ZOOM WEBINAR, PER GOVERNOR INSLEE'S
"STAY HOME, STAY HEALTHY" ORDERS

MEMBERS OF THE PUBLIC WILL BE ABLE TO CALL IN TO THE ZOOM MEETING:

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AGENDA

1. CALL TO ORDER – 6:00 PM
2. DISCLOSURES OF CONFLICTS OF INTEREST
3. ACCEPTANCE OF MEETING MINUTES
 - A. SEPTEMBER 17, 2020 SPECIAL MEETING
 - B. SEPTEMBER 21, 2020 REGULAR MEETING
4. PUBLIC COMMENT
5. DRAFT OPERATING RULES
6. ITEMS FOR NEXT MEETING'S AGENDA
 - A. ELECTION OF CHAIR AND MINUTE-TAKER
 - B. WORKPLAN DEVELOPMENT
 - C. PENDING COMPLAINTS AND REQUESTS
 - D. CONTINUED REVIEW OF OPERATING RULES (IF NEEDED)
7. NEXT MEETING DATE: OCTOBER 19, 2020 (6:30 – 8:00 PM)
8. ADJOURNMENT

COBI ETHICS BOARD

Special Meeting

Thursday, September 17, 2020

VIA ZOOM Webinar

Minutes

1. Call to order. Meeting was called to order at 6:05 PM. Present were: Jennifer Hodges, Dona Keating, Jim Cash, David Mallon, Karen Anderson, Tyler Weaver and Robbie Sepler.
2. Election of Temporary Chair and Temporary Minute-Taker. Temporary Chair: Jennifer Hodges, Nominated by Tyler Weaver; 2nd by Dona Keating – unanimous. Temporary Minute taker: volunteer – Jim Cash, unanimous acceptance.
3. Disclosure of Conflict of Interest. None
4. Annual Open Government Training. Presentation by Robbie Sepler.
 - A. Public Records Act and Records Retention. Power Point Presentation
 - B. Open Public Meetings Act. Power Point Presentation
5. Items for Next Meeting Agenda. Discussion ensued.
 - A. Orientation to the Code of Conduct and Ethics Program
 - B. Code of Conduct and Ethics Program Implementation
 - C. Pending Complaints and Requests. Two currently
6. Next Meeting Date: September 21, 2020 (6:30 PM – 8:00 PM)
7. Adjournment. Motion by Jim Cash; 2nd by Tyler Weaver Meeting Adjourned at 7:07 PM

Chair

Date

COBI ETHICS BOARD

Special Meeting

Thursday, September 21, 2020

VIA ZOOM Webinar

Minutes

1. Call to order. Meeting was called to order at 6:35 PM. Present were: Jennifer Hodges, Dona Keating, Jim Cash, David Mallon, Dominique Cantwell, Karen Anderson, Tyler Weaver and Robbie Sepler.
2. Disclosure of Conflict of Interest. None
3. Acceptance of Meeting Minutes.
 - A. December 16, 2019 Regular Meeting. Motion by Jennifer Hodges; 2nd by Dominique Cantwell
4. Public Comment. Lara L. thanked the Board for their time and commitment.
5. Orientation to the Code of Conduct and Ethics Program. Presentation by Robbie Sepler and discussion.
6. Code of Conduct and Ethics Program Implementation
 - A. Training Materials
 - B. Operating Rules Discussion ensued regarding response time to complaints by respondents. A minimum of 2 weeks was agreed upon with additional time at the discretion of the Chair.
 - C. 2020 Annual Report and 2021 Workplan. Discussion ensued. Agreement was reached that an additional Special Meeting was needed prior to the next Regularly Scheduled meeting to finalize the details or guidelines for both Operating Rules and Annual Report and Workplan Strategies
7. Pending Complaints. Agreement was reached the Temporary Chair would examine the current complaints and determine the response necessary before bringing them to the full Board.
8. Items for the Next Meeting's Agenda.
 - A. Election of Chair and Minute-Taker
 - B. Workplan Development
 - C. Pending Complaints and Requests
9. Next Meeting Date Tentively set for October 5, 2020 from 6:00 PM – 8:00 PM
10. Adjournment. No Motion Meeting Adjourned 8:03

Next Meeting Date: September 21, 2020 (6:30 PM – 8:00 PM)

Chair

Date



CITY OF
BAINBRIDGE ISLAND

**Ethics Board
Operating Rules**
(Revised TBD)

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 for a second year. **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, and communication with City staff.**
 - 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. **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; and taking minutes of meetings of the Board.**
 - C. **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 procedure to take what action may be necessary to effectively and efficiently transact the business of the Ethics Board.

D. **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 Ethics Board shall develop and 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 Ethics Board shall prepare and 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.** [Include description of responsibilities]

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. **Assignment to Subcommittee of Ethics Board.**
 - b. **Recommendation from Subcommittee.**
 - c. **Issuance of Threshold Determination or Notice of Dismissal.**

v. *Ethics Board Review – Article I Advisory Opinion*

- a. *Response:* Where the Ethics Board issues a Threshold Determination under Article III, Subsection A.4.c or A.5.b of the Code of Conduct and Ethics Program, the Chair of the Ethics Board shall 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. *Assignment to Subcommittee of Ethics Board.*
- c. *Recommendation from Subcommittee.*
- d. *Issuance of Advisory Opinion.*

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. *Assignment to Subcommittee of Ethics Board.*
 - c. *Recommendation from Subcommittee.*
 - d. *Action by the Ethics Board.*

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. *Assignment to Subcommittee of Ethics Board.*
 - b. *Recommendation from Subcommittee.*
 - c. *Action by the Ethics Board.*

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. *Assignment to Subcommittee of Ethics Board.*
 - b. *Recommendation from Subcommittee.*

c. Action by the Ethics Board.

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 Report and Work Plan Subcommittee.** [Insert description of duties].

DRAFT

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