

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

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AGENDA

- 1) CALL TO ORDER – 6:30 PM
- 2) DISCLOSURE OF CONFLICTS OF INTEREST
- 3) APPROVAL OF THE AGENDA
- 4) MEETING MINUTES APPROVAL
[April 17, 2023, Regular Meeting Minutes](#)
- 5) REVIEW STATUS OF PENDING COMPLAINTS
 - a) [Review Revised Notice of Dismissal EB2023-01](#)
- 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
 - a) Training Recording Update
 - b) Training Schedule Recommendations
- 8) NEW BUSINESS
 - a) Consider Request to Update Operating Rules – Chair Cash
[Email Request to add Agenda Item](#)
[Ethics Board Operating Rules – Revised 2020](#)
- 9) AGENDA ITEMS FOR NEXT MEETING
- 10) NEXT MEETING DATE: TBD
 - a) Cancel June 19, 2023, Regular Meeting
 - b) Propose June 26, 2023, Special Meeting at 6:30 – 8:00 PM
- 11) ADJOURNMENT

COBI ETHICS BOARD

Regular Meeting
Monday, April 17, 2023
6:30 PM – 7:16 PM
In-person and Via Zoom
Minutes

1. Call to Order - Meeting was called to order at 6:31 pm. Present were: Jim Cash (Chair), Rafael Escandon (Deputy Chair), Doña Keating, Ben Woodruff, Andrew Tsoming (legal counsel to Ethics Board), David Mallon and Peggy Nimb (City Staff). Absent: Donna Davison and Rosemary Hollinger.
2. Disclosures of Conflict of Interest – None.
3. Approval of the 03/20/2023 Meeting Agenda – D. Mallon called for a motion to approve the agenda; R. Escandon seconded and the motion to approve the 4/17/2023 meeting agenda passed unanimously.
4. Acceptance of 3/20/2023 minutes made by Doña Keating, seconded by Ben Woodruff and approved unanimously.
5. Andrew Tsoming confirmed no change (since preceding 3/20/2023 Ethics Board Meeting) in status of the two (2) previously referenced complaints pending litigation.
6. Notice of Dismissal Complaint EB 2023 01. Content of draft reviewed and discussed by Ethics Board Members. At completion of discussion, motion to amend Notice of Dismissal, creating a second draft which includes a section focused on educational opportunities and recommendations that the Ethics Board has recognized during the complaint review. New draft to be reviewed at next ethics board meeting (5/15/23). The motion carried unanimously.
7. Public Comment – There were no comments from the public during this period.
8. Training Sub-Committee
 1. Notifications of training requirements to committees and individuals in the ethics policy. Email notifications to be sent when contact lists provided. Update at next Ethics Board meeting 5/15/23.
 2. Date to be set for recording of ethics training video for storage and access by new members of various advisory boards. Update at next meeting 5/15/23.
8. New Business
 1. Brief discussion of email communication received by EB chair following 3/20/2023 meeting
 2. Certificates provided by City Council to Ethics Board Members

9. Agenda for next Meeting –

1. Review of revised Letter of Dismissal EB 2023-01
2. Training Update

10. Next Meeting Date: May 15, 2023

11. Adjournment – Motion to adjourn by Doña Keating, seconded by Ben Woodruff, and passed unanimously.

Adjournment at 7:16 p.m.

DRAFT

May 09, 2023

DETERMINATION LETTER: EB 2023-01

Complaint Submitted to City Clerk: 01/30/2023

Response Received: February 15, 2023

Initial Consideration by Ethics Board: March 20, 2023

Final Consideration by Ethics Board: April 17, 2023

DETERMINATION: Dismissed

I. BRIEF Summary of Complaint

This Complaint alleges a violation of Article II, § F (**Conflict of Interest – Members of City Committees or Commissions and Employment**) of the City of Bainbridge Island Code of Conduct and Ethics Program, effective May 10, 2022.

This complaint includes reference to material previously submitted to the Ethics Board (EB) on October 20, 2022 by City Manager Blair King in an effort to obtain the EB's advisory opinion. The Ethics Board declined to offer an advisory opinion to the City Manager on this matter at the time.

This 01/30/2023 complaint references *Article II, Section F*; which specifies members of City Committees or Commissions and Employment. Reference is made in the complaint that the City of Bainbridge Island entered into a contract with a vendor prematurely, eg; prior to completion of the mandated two (2) year waiting period of a former Climate Change Advisory Committee (CACC) member (redacted), who is a principal at the contracted vendor. Specifically, the complaint alleges that insufficient time elapsed between the 4/28/2022 resignation of (redacted), a former member of the CACC, and the 09/21/22 execution of a contract between the city and a vendor at which the former CACC member was employed. The elapsed period, therefore, was five (5) months, versus the two (2) years stipulated in Article II Section F of the Code of Ethics (referenced below). It is in this context that the complainant claims a violation of the Article II Section F Conflict of Interest guidance occurred.

Article II Section F (**Conflict of Interest – Members of City Committees or Commissions and Employment**) of the Bainbridge Island Code of Ethics states the following:

While serving on a City Committee or Commission, and for two (2) years after leaving such position, no member of a City Committee or Commission shall obtain employment in which they will take direct or indirect advantage of matters which they, as a member of a City Committee or Commission, recommended to the City Council. This includes applying for positions or contracts with the City when the City Committee or Commission on which the member served recommended funding such position or contract.

II. Summary of Response

A summary of the responses to the complaint by the former CACC member (redacted) are included here for the purposes of brevity:

1) (The former CACC member) **did not apply for** the September 2022 (training) contract. Thus, the complaint fails to identify a violation of (Article II) Section F.

2) The CACC cannot enter into contracts or make funding decisions. Thus, the former committee member had **no ability to “recommend funding”** or direct a contract to the vendor (Redacted). The City made that (training contracting) decision independently.

Point 3 in the response to the complaint (below) relates to a different aspect of the complaint, with the complainant alleging the possibility that the CACC member held influence and/or decision making authority in the City’s decision to use an assessment tool developed by the CACC member’s company. This facet of the complaint is not directly related to the 2 year period referenced in Article II Section F of the Ethics Policy.

3) Even if adoption of the free Certification Tool somehow “influenced” later decisions to contract with (vendor) for training, those were decisions made by the City. The City could have engaged other organizations. (Former CACC member) reasonably assumed that the City would not propose a contract to (vendor) in violation of its Code of Ethics. If it did, that is an internal City matter that does not support a complaint against (former CACC member).

4) Any alleged violation of the Code of Ethics has been cured by (former CACC member’s) resignation from the CACC.

III. Compliance with Article. III, § B.9

Article III, Section B.9 of the City of Bainbridge Island Code of Conduct and Ethics

Program states: "The Ethics Board shall strive to complete its review within 45 business days from the date that the City Clerk forwarded the complaint to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its determination shall specify the reasons why additional time was needed."

This Determination Letter is being issued on April 17, 2023; approximately 53 business days after the Complaint was received by the City Clerk (Jan 30, 2023). Additional time was needed to review this case and issue this Determination Letter because:

- 1) The Ethics Board could not have considered the Complaint within 45 days given the importance of the response to the complaint submitted February 15, 2023,
- 2) Because of the EB's regular (monthly) meeting schedule.

IV. Analysis of Complaint

The Ethics Board has reviewed the Complaint and all accompanying materials which include the prior request by the city manager for review and advisory opinion on this matter.

While the complaint includes some elements that the Ethics Board may take under consideration for potential future adjustment/specification in the policy, the substance of this conflicts of interest claim is not deemed sufficiently substantive for the following reasons:

- 1) Conflicts of interest, in and of themselves, occur frequently in many areas of civil society. Be they in the private, public, medical, educational or other contexts. The mere occurrence of a conflict of interest (or the perception thereof) does not independently constitute a violation of ethics or violation of a well-considered ethics policy. Policies designed to prevent and mitigate potential conflicts of interest can coexist, and are not mutually exclusive.
- 2) Disclosure and transparency are two of the most important elements to remedy conflicts of interest, most especially in the context of public/government activities and transactions. In the case of this complaint, there is significant evidence of both (disclosure and transparency) throughout the timeline of activities which the complaint references.
- 3) Awareness of ethics policies and transparently seeking advice on appropriate actions is a reasonable surrogate for good faith/good intentions, and there is significant evidence that advice was proactively sought, provided and acted upon with expediency.
- 4) Recusal is also a vital action in which to mitigate the impact of conflicts of interest. The complaint itself contains clear evidence of recusal.
- 5) There is no evidence of resultant harm.
- 6) If infractions did occur in this circumstance, they are minor, not material, incidental and inadvertent.

In summary, this case is dismissed on the basis of Article II, Section B 8 (d); included below for reference.

Article II, Section B 8 (d) states: *If the Ethics Board, after review of the complaint and any response, determines that the facts stated in the complaint, even if true, would not constitute a material violation of the Code of Ethics because any possible violation was inadvertent or minor or has been adequately cured, such that further proceedings on the complaint would not serve the purposes of the Code of Ethics (Article II), then the Ethics Board shall dismiss the complaint and, after legal review, provide a notice of dismissal, to include a brief statement regarding the basis for the dismissal, to the City Clerk. The City Clerk shall provide the notice of dismissal to the complainant and respondent.*

V. Determination

After review, the Ethics Board dismisses the Complaint based on Article II, B 8 (d)

VI. Further Recommendations

During the consideration of this complaint, Ethics Board (EB) members expressed a desire to provide points of guidance and education that may ultimately assist in the prevention and/or avoidance of future similar circumstances developing and ultimately being referred to the EB for review. The EB appreciates and recognizes that the public service individual citizens provide through voluntary participation on boards and advisory panels enriches our community. Accepting such appointments to city advisory boards and other qualifying positions includes an individual (fiduciary) responsibility incumbent upon each member to familiarize themselves with, and abide by, the BI Code of Ethics.

Likewise, there is a responsibility to provide training, to have reference materials easily accessible on the appropriate website, and to have the option of EB members being available for advice and consultation, particularly on the spirit of the ethics code, or to assist in clarifying ambiguities within it. As such, an increase in awareness and availability of channels for advice may prevent (good faith) situations from escalating to, and/or abrogate the need for engagement of the complaint process and its resulting actions. As situational experiences accrue, the need to amend the code of ethics may arise, at which time such recommendations for revision would be summarized by the EB and brought to the BI City Council for consideration.

The EB believes that several opportunities to mitigate the specific complaint (EB 2023-01) were potentially missed as events in the case transpired. The EB acknowledges however that

retrospective analyses suffer from the benefits of hindsight. Nonetheless, in this case, the following possibilities may have avoided what culminated in this complaint:

1. Forward-thinking, recognition, and open discussion by board members if activities (e.g. tools, training, services) under discussion had the potential to create the appearance of a conflict of interest of a member or members
2. The above is predicated on greater familiarity with/sensitivity to the Ethics/conflict of interest policy especially when potential COBI contracts may be awarded to vendors with which board members may have disclose(able) interests
3. Therefore, advice that a threshold of (even) the appearance of a conflict might have triggered more specific communication on the potential conflict and its ramifications on the committee/board activities earlier
4. Deliberate actions such as; disclosure/recusal/a request for a review or adjustment of the ethics policy might have been taken earlier in this chain of events and decisions. Doing so may have avoided the appearance of/or prospectively mitigated the events which led to the complaint.

The EB views it as its role to weigh the complaints reviewed and outcomes reached against both the verbatim and the interpreted higher-level spirit of the Ethics Policy. If functioning properly, each case adds wisdom to the process, either solidifying or leading to the EB making recommendations to BI city council for clarification or adjustment to the entire or components of the Ethics Policy.

From: [Jim Cash](#)
To: [Peggy Nimb](#)
Cc: [Andrew D. Tsoming](#)
Subject: Additional item(s) for Agenda May 15, 2023
Date: Thursday, May 11, 2023 10:13:05 AM

Hi Peggy,

I would like to add an Item to New Business. I think the Board should consider updating its' Operating Rules; it has been a while. I would like to propose the following amendments to the Operating rules:

Amendment to Section 2.D.iii

Add: "Public comments pertaining to any pending complaints before the Board is prohibited. The Board shall disregard all comments made that provide facts or other evidence not submitted by a complainant in a complaint or a clarification to a complaint or by a respondent in a response or a clarification to a response."

Amendment to Section 4

Add: "In addition to the requirements of Article III, Section A.3 and Article III, Section B.3, the Board shall redact, in the complaint and in any related documents before publication on the City's website and/or inclusion in the Ethics Board agenda packets, all identifying information of the parties—including, but not limited to, position title, employer name, electronic contact information, address, and phone number—unless such information is material to the Determination ultimately issued."

Thank you for your help.

Jim



Ethics Board
Operating Rules
(Effective Date: October 19, 2020)

- 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. However, one individual may not hold the position of Chair for more than two successive terms. 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, communication with City staff, informing respondents of complaints, requesting responses to complaints, and communicating receipt of complaints to the Ethics Board.
 - 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, but may be re-elected to non-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, taking minutes of meetings of the Board, and serving as time-keeper during public comment periods.
 - C. Election of Officers.** Election of officers shall proceed by nomination among members and by a majority vote of the membership of the Ethics Board. The chair shall be elected each July. A deputy chair shall be elected each July and January. The date of election of the Chair, Deputy Chair, or both the Chair and Deputy Chair may be adjusted at the discretion of a majority of the Ethics Board.

D. 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 simplified parliamentary procedure to take what action may be necessary to effectively and efficiently transact the business of the Ethics Board.

E. 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 Training Subcommittee shall develop, and members of the Ethics Board shall 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 Training Subcommittee shall prepare, and members of the Ethics Board shall 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. The Training Subcommittee shall annually be nominated and appointed by a majority of the Ethics Board at the same meeting during which the Chair is elected and shall consist of no more than three members.

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. Initial Review by Ethics Board. The Ethics Board will review the complaint at an open public meeting. In accordance with Article III, Subsection A.4 of the Code of Conduct and Ethics Program, the Ethics Board will consider whether a notice of dismissal or threshold determination is appropriate.
 - b. Referral to Subcommittee. Following initial review by the Ethics Board, a majority of the Ethics Board will refer the complaint to a subcommittee of not more than three members to draft either a notice of dismissal or a threshold determination, as specified by the Ethics Board at the time of referral, for consideration by the Ethics Board at an open public meeting. A representative of the City Attorney’s Office shall review the draft notice of dismissal or threshold determination prior to review by the Ethics Board.
 - c. Issuance of Threshold Determination or Notice of Dismissal. The Ethics Board will review the draft notice of dismissal or threshold determination prepared by the subcommittee at an open public meeting. A majority of the Ethics Board may do one of the following: (1) refer the draft notice of dismissal or threshold determination back to the subcommittee for additional edits or modifications; (2) adopt and issue the notice of dismissal or threshold determination; or (3) continue review of the draft notice of dismissal or threshold determination at a future meeting.
- v. *Ethics Board Review – Article I Advisory Opinion*
 - a. Response: When Article III, Section A of the Code of Conduct and Ethics Program directs the Ethics Board to prepare an advisory opinion, the Chair of the Ethics Board shall first 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. Initial Review by Ethics Board. Upon receipt of a response from the Respondent, if submitted within the time period indicated by the Chair, the Chair will schedule time at an open public meeting for the Ethics Board to review the complaint and response, if submitted.

- c. Referral to Subcommittee. Following initial review by the Ethics Board, a majority of the Ethics Board will refer the complaint to a subcommittee of not more than three members to draft an advisory opinion for consideration by the Ethics Board at an open public meeting. The draft advisory opinion shall be prepared in the manner directed by a majority of the Ethics Board at the time of referral and shall be drafted in accordance with the requirements of Article III, Subsection A.6 of the Code of Conduct and Ethics Program. A representative of the City Attorney's Office shall review the draft advisory opinion prior to review by the Ethics Board.
- d. Issuance of Advisory Opinion. The Ethics Board will review the draft advisory opinion prepared by the subcommittee at an open public meeting. A majority of the Ethics Board may do one of the following: (1) refer the draft advisory opinion back to the subcommittee for additional edits or modifications; (2) adopt and issue the advisory opinion; or (3) continue review of the draft advisory opinion to a future meeting.

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. Initial Review by Ethics Board. The Chair will schedule time at an open public meeting for the Ethics Board to review the complaint and response, if submitted, upon the happening of one of the following: upon receipt of a response from the Respondent, if submitted within the time period indicated by the Chair; or, where no response was submitted within the time period indicated by the Chair, at the first regular meeting of the Ethics Board following the expiration of the time period indicated by the Chair. At the open public meeting, the Ethics Board will consider what action under Article III, Subsection B.7 is appropriate. If a majority of the Ethics Board determines that either a notice of dismissal or a determination is appropriate, then the complaint shall be referred to a subcommittee as specified below. If a majority of the Ethics Board determines that the complaint is the subject of litigation, then the Ethics Board will hold the complaint for action at a future time.
- c. Referral to Subcommittee. Following initial review by the Ethics Board, a majority of the Ethics Board will refer the complaint to a subcommittee of not more than three members to draft either a notice of dismissal or a determination, as specified by the Ethics Board at the time of referral, for consideration by the Ethics Board at an open public meeting. A representative of the City Attorney's Office shall review the draft notice of dismissal or determination prior to review by the Ethics Board.
- d. Issuance of a Notice of Dismissal or Determination. The Ethics Board will review the draft notice of dismissal or threshold determination prepared by the subcommittee at an open public meeting. A majority of the Ethics Board may do one of the following: (1) refer the draft notice of dismissal or threshold determination back to the subcommittee for additional edits or modifications; (2) adopt and issue the notice of dismissal or determination; or (3) continue review of the draft notice of dismissal or determination to a future meeting.

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. Initial Review by Ethics Board. Upon receipt of a request for an advisory opinion, the Chair will schedule time at an open public meeting for the Ethics Board to initially review the request.
 - b. Referral to Subcommittee. Following initial review by the Ethics Board, a majority of the Ethics Board will refer the request to a subcommittee of not more than three members to draft an advisory opinion for consideration by the Ethics Board at an open public meeting. The draft advisory opinion shall be prepared in the manner directed by a majority of the Ethics Board at the time of referral and shall be drafted in accordance with the requirements of Article III, Section D of the Code of Conduct and Ethics Program. A representative of the City Attorney's Office shall review the draft advisory opinion prior to review by the Ethics Board.
 - c. Issuance of Advisory Opinion. The Ethics Board will review the draft advisory opinion prepared by the subcommittee at an open public meeting. A majority of the Ethics Board may do one of the following: (1) refer the draft advisory opinion back to the subcommittee for additional edits or modifications; (2) adopt and issue the advisory opinion; or (3) continue review of the draft advisory opinion to a future meeting.

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. Initial Review by Ethics Board. Upon receipt of a request for a waiver, the Chair will schedule time at an open public meeting for the Ethics Board to initially review the request.

- b. Referral to Subcommittee. Following initial review by the Ethics Board, a majority of the Ethics Board will refer the request to a subcommittee of not more than three members to draft a response for consideration by the Ethics Board at an open public meeting. The draft response shall be prepared in the manner directed by a majority of the Ethics Board at the time of referral and shall be drafted in accordance with the requirements of Article III, Section E of the Code of Conduct and Ethics Program. A representative of the City Attorney's Office shall review the draft response prior to review by the Ethics Board.
- c. Action by Ethics Board. The Ethics Board will review the draft response prepared by the subcommittee at an open public meeting. A majority of the Ethics Board may do one of the following: (1) refer the draft advisory opinion back to the subcommittee for additional edits or modifications; (2) adopt and issue the advisory opinion; or (3) continue review of the draft advisory opinion to a future meeting.

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 Reports.** Reports may include but are not limited to: the number and type of any complaints, advisory opinions, and waivers; proposed or enacted changes to the Code of Conduct and Ethics Program; documents created; composition of membership; proposed or completed trainings; and community outreach.
- C. **Work Plan.** Work plans may include but are not limited to: the articulation of strategic goals, action or proposed initiatives; continuation of pending agenda items; and preparation for rotation of roles, responsibilities, and board membership.
- D. **Planning and Reporting Subcommittee.** The Planning and Reporting Subcommittee shall annually be nominated and appointed by a majority of the Ethics Board at the same meeting during which the Chair is elected and shall consist of no more than three members.

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