



**ETHICS BOARD REGULAR MEETING
MONDAY, APRIL 15, 2024**

COUNCIL CONFERENCE ROOM in CITY HALL
280 MADISON AVENUE NORTH
BAINBRIDGE ISLAND, WA

AND

REMOTE MEETING ON ZOOM
PLEASE CLICK THE LINK BELOW TO JOIN THE WEBINAR:

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

OR TELEPHONE: US: 1-253-205-0468

WEBINAR ID: 863 6576 2700

AGENDA

1. CALL TO ORDER / ROLL CALL – 6:30 PM

2. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

3. PUBLIC COMMENT

In person public comment is accepted at this time on any topic of public interest. Each commenter will have three minutes, or such amount as the meeting chair determines, to speak. Public comment is not taken on individual agenda items during the meeting.

Public comment is simply received by the Board, with no response, and the Board cannot deliberate on items that are not on the agenda. The lack of comment is not an endorsement or a denial of the comment. Please refer to guidelines and instructions for public comment, including orderly behavior and civility in remarks, attached below. Remote public comment is allowed with advance notice to the City Clerk, provided that all remote commenters shall be required to display their true name and to keep their camera turned on to show their true uncovered face while delivering their comments.

4. REGULAR BUSINESS

4.A EB 2024-01 Complaint

4.B Approve Minutes:

February 12, 2024, Special Business Meeting Minutes

March 18, 2024, Regular Meeting Minutes

4.C City Council Agenda Item - Presentation of the 2023 Annual Report and 2024 Work Plan to City Council Tuesday, April 16, 2024

5. COMMUNICATIONS

5.A Next Meeting Date: May 20, 2024

6. ADJOURNMENT



Meetings are wheelchair accessible. Assisted listening devices are available in Council Chambers. If you require additional ADA accommodations, please contact the City Clerk's Office at 206-780-8604 or cityclerk@bainbridgewa.gov by noon on the day preceding the meeting.

April 15, 2024

DETERMINATION LETTER: EB 2024-01

Submitted to City Clerk: January 23, 2024

Response Received: January 29, 2024

Initial Consideration(s): February 12, 2024 and March 18, 2024

Final Consideration: April 15, 2024

DETERMINATION: Complaint EB 2024-01 Dismissed

I. Summary of Complaint

This Complaint alleges a violation of Art. II, § D.1. (Applications of Conflict of Interest) of the City of Bainbridge Island Code of Conduct and Ethics Program; Effective Date May 10, 2022.

The Complaint alleges that Councilmember [REDACTED] violated Art. II, § D.1; subsections (a) and (b) during the Mayoral election process on January 9, 2024 by speaking in favor of his qualifications and voting for himself in the election process. The complaint alleges that these actions constitute official actions with direct employment and private financial conflicts of interest due to the \$12,000 per annum compensation differential between individual City Council positions and the Mayoral position.

Under Section D.1. (Application of Conflicts of Interest): Except as permitted in Subsections D.2. or D.3. below, a Councilmember shall not take any direct official action on a matter if they, or a member of their immediate family:

- (a). Have any substantial direct or indirect contractual employment related to the matter;
- (b). Have other significant financial or private interest in that matter (which includes serving on a Board of Directors for any organization but does not, for councilmembers, include appointing members to the Salary Commission); or

II. Summary of Response

Councilmember/Mayor [REDACTED] response outlines the following:

1. The City of Bainbridge Island (COBI) is required, under RCW 35A, 13030, to choose a Mayor from amongst its members and it did so appropriately on January 9, 2024.
2. COBI City Council has an established parliamentary process for the selection of its Mayor which allows speaking in support of one's nomination and voting for oneself. Further, Section D. 2 (f) allows for exemptions when the City Councilmember, serving on a governing body, is acting in their official duties as a City Councilmember.

3. The compensation differential between the Mayoral position and the City Council positions is one which was set/determined by the Salary Commission, which is/was independent of those Councilmembers seeking the Mayor position.

III. Compliance with Art. 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 (EB). 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 15, 2024 which is more than forty-five business days after the Complaint was received by the City Clerk on January 23, 2024. Additional time was needed to issue this Determination Letter because the Ethics Board both; (a) Agreed that a review of relevant sections of the archived January 9, 2024 City Council meeting/Mayoral election was relevant to the consideration of this complaint; And (b) As such, the EB could not have considered the Complaint, Response and review of pertinent portions of the archived City Council meeting/Mayoral election within 45 days, given its regular (monthly) meeting schedule.

IV. Analysis of Complaint

The EB has reviewed Complaint EB 2024-01 and has concluded that the allegations ***do not*** indicate violation of the financial conflicts of interest under Art. II, § D.1 (a) and (b).

The EB notes the following specific points for the purposes of education:

1. The City Council had legal counsel present for the January 9, 2024, meeting, including the Mayoral election proceedings.
2. There were two other candidates for Mayor at the January 9 meeting, and at some point(s) during the several iterations of the voting process, one or more of them cast votes for themselves.
3. The complaint alleges that the Councilmember sought the Mayor position solely for financial gain (in this case for the compensation differential between a City Council position and the Mayor's). That contention is not supported by facts available to the EB. Further, the EB does not believe that a Councilmember, or members of city committees or commissions necessarily violate Art. II, § D.1 by seeking (including advocating for, and voting for themselves in) other elected position(s) that include financial compensation greater than that allocated to the current position they hold.
4. The Salary Commission, and their assignment of (different) compensation levels to different positions is their role and prerogative. As an independent committee, members of City Council and the Mayor are not involved in such deliberations or compensation assignments and therefore the EB sees no conflict in this facet of the case.

V. Determination

After review of complaint EB 2024-01, the response, and pertinent portions of the Bainbridge Island City Council meeting/Mayoral Election archived video from January 9, 2024, the Ethics Board dismisses this Complaint.

DRAFT

COBI ETHICS BOARD

Special Meeting
Monday, February 12, 2024
In-person and Via Zoom

Minutes

1. **Call to Order** - Meeting was called to order at 6:30 pm. Present were: Rafael Escandon (Chair), Doña Keating, Ben Woodruff, Jim Cash, Donna Davison, Andrew Tsoming (Counsel), and Peggy Nimb (City Staff).
2. **Disclosures of Conflict of Interest** – None. (0:20)
3. **Approval of the Agenda** – Jim Cash called a motion to approve the agenda, as amended; Doña Keating seconded, and the motion to approve the meeting agenda passed unanimously. (2:20)
4. **Approval of Minutes from January 8, 2024**. Motion of acceptance of the minutes made by Doña Keating, seconded by Rafael Escandon and approved unanimously, with Donna Davison abstaining. (3:15)
5. **Status of Pending Complaints**: No change. No new complaints. (3:25)
6. **Public Comment** – No public comments received. (3:35)
7. **Updates from Training Sub-Committee**: None. (3:50)
8. **New Business**:
 - a) **EB 2024-01 Complaint**. A discussion was held regarding this new complaint. Andrew Tsoming provided a summary of the board's responsibilities for this Article 2 complaint. The board discussed whether it should review the council meeting in question and, after an initial discussion about the complaint, the board voted on whether the referenced moments in the meeting should be reviewed before the next meeting. Jim Cash moved to defer formal evaluation of the complaint until board members could review the video, David Malon seconded. The motion passed unanimously. (40:15)
 - b) **Review of 2023 Annual Report and 2024 Work Plan**. The Board discussed edits to the draft annual report.
 - c) **Update Awareness Campaigns of COBI Ethics Board**. A request has been made to include younger members to the board.
9. **Agenda Items** for next Meeting were discussed.
10. **Adjournment** was at 7:21 p.m. The motion to adjourn was made by Jim Cash, seconded by Rosemary Hollinger, and approved unanimously.

COBI ETHICS BOARD

Regular Business Meeting

Monday, March 18, 2024

In-person and Via Zoom

Minutes

1. **Call to Order** - Meeting was called to order at 6:30 pm. Present were: Rafael Escandon (Chair), Doña Keating, Ben Woodruff, Donna Davison, Andrew Tsoming (Counsel), and Peggy Nimb (City Staff).

Disclosures of Conflict of Interest – None. (0:45)

2. **Approval of the Agenda** – Rafael added two items to the agenda 1) discuss a response to an email received about Committee involvement and 2) information about new rules for Committees. Doña Keating called a motion to approve the agenda, Ben Woodruff seconded, and the motion to approve the meeting agenda passed unanimously. (4:25)
3. **Public Comment**. Raffael Escandon read the new statement regarding public comment. Shannon Gentry spoke briefly to say that she enjoyed and appreciated the Board's discussion of EB 2024-01 in its February meeting, and to encourage the Board to high school members as planned. (7:05)
4. **New Business:**
 - a) **Approval of Minutes**. The February minutes will be available at the April meeting (8:45)
 - b) **EB 2024-01 Complaint**. All Board members present had a chance to review the video. A discussion was held, and then the board voted to refer this complaint to a subcommittee to draft an order of dismissal for EB 2024-01. Rafael Escandon moved to form the subcommittee, made up of Rafael Escandon and Donna Davison, Rosemarie Hollinger seconded the motion, which passed unanimously. (22:35)
 - c) **Review and finalize 2023 Annual Report and 2024 Work Plan**. Rafael Escandon noted he made all of the edits suggested in the February meeting. The board voted to finalize the report and send it to the City Council. Donna Davison moved to approve the annual report, Rafael Escandon seconded the motion, and it was approved unanimously. (23:55)
 - d) **City Advisory Groups**. Rafael Escandon communicated information from the City, and the group discussed their answers to the questions from the City, including things such as the positive aspects of service on the Board.
 - e) **New Rules**. Rafael Escandon led a discussion of the new rules for Bainbridge Island Committees, including a reduction in the size of some committees.

5. Adjournment at 7:10 p.m. Motion to adjourn by Ben Woodruff, seconded by Doña Keating, and passed unanimously.

DRAFT