



CITY OF
BAINBRIDGE ISLAND

**CITY COUNCIL STUDY SESSION
TUESDAY, AUGUST 20, 2019**

MEETING MINUTES

1) CALL TO ORDER / ROLL CALL

Mayor Medina called the meeting to order at 6:02 p.m.

Mayor Medina, Deputy City Mayor Tirman and Councilmembers Blossom, Deets, Nassar, Tirman and Schneider were present.

2) APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE

Councilmember Peltier moved and Councilmember Deets seconded to approve the agenda as presented. The motion was approved by unanimous consent. There were no conflicts of interest.

3) MAYOR'S REPORT

There was no report.

4) UNFINISHED BUSINESS

4.A Update on Moratorium - Planning

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Moratorium work program status report

Ordinance No. 2019-10 Extending the Development Moratorium

Development Moratorium Summary Effective 20190403

Interim Planning Director Wright provided an update to Council and answered questions.

MOTION: I move that we add creation of a groundwater management plan for the City of Bainbridge Island to the moratorium work plan.

Peltier/Nassar: The motion was withdrawn.

Council will receive an update on the moratorium at the September 3, 2019 Study Session.

5) NEW BUSINESS

5.A Transportation Concurrency Review - Public Works

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Review of Traffic Concurrency/Traffic Study Methodology PowerPoint

COC - Winslow Hotel.pdf

Former Public Works Director Loveless introduced the agenda item and answered questions from Council on traffic concurrency in general and how it pertains to the hotel project, and level of service standards.

5.B Update on Population Forecast - Puget Sound Regional Council (PSRC) Vision 2050 Plan - Planning,

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Draft PSRC Vision 2050 Plan

Staff Memo - Draft PSRC Vision 2050 Plan

Interim Planning Director Wright and Senior Planner Sutton provided an overview of the Puget Sound Regional Council's draft vision plan and how it relates to updates of the City's Comprehensive Plan.

6) CITY COUNCIL DISCUSSION

6.A Revisions to the City's Ethics Program

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Draft Revisions to the City's Ethics Program with Discussion Points - Track Changes

Draft Revisions to the City's Ethics Program with Discussion Points - Clean

Disclaimer - Council Comments

Mayor Medina's Ethics Suggestions

Councilmember Deet's Proposed Changes to Ethics Program 08152019

Mayor Medina introduced the agenda item noting all motions will be considered motions on the floor.

Jennifer Hodges, a new Ethics Board member, introduced herself.

I. Article I, Section A.

This paragraph currently ends with this sentence: "This Code of Conduct articulated in Article I applies to Councilmembers and members of City Committees and Commissions."

MOTION ON THE FLOOR: I recommend changing that sentence to read as follows: "Although this Code of Conduct articulated in Article I only formally applies to Councilmembers and members of City Committees and Commissions, it is hoped that City residents will also follow this Code of Conduct when interacting with Councilmembers, members of City Committees and Commissions, and City staff."

The motion failed, 1 – 4.

AYES: Kol Medina

NOES: Sarah Blossom, Joe Deets, Matt Tirman, Leslie Schneider

ABSENT:

ABSTAIN: Rasham Nassar, Ron Peltier

2. Article III, Section A.2.

MOTION ON THE FLOOR: I recommend changing as follows: "Each complaint must include the name and address of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the City Clerk Ethics Board."

The motion carried unanimously, 7 – 0.

AMENDED MOTION ON THE FLOOR: I recommend changing as follows: "Each complaint must include the name ~~and address~~ of the complainant, along with a detailed statement of facts, supported by a declaration in compliance with RCW 9A.72.085, on a form supplied by the City Clerk."

The amended motion failed, 2 – 3.

AYES: Sarah Blossom, Leslie Schneider

NOES: Joe Deets, Ron Peltier, Matt Tirman

ABSENT:

ABSTAIN: Rasham Nassar, Ron Peltier

3. Article III, Section B.4.b.

I recommend adding two new subsections directly under Section B.4.b and the renumbering of the current subsections. Recommended new subsections:

"i. If at any time during the process detailed in the subsections below the Ethics Board determines that the complaint lacks reasonable credibility, the Ethics Board may dismiss the complaint and take no action on it.

ii. If at any time during the process detailed in the subsections below the Ethics Board determines that the facts stated in the complaint, even if true, would not constitute a violation of Article I, the Ethics Board may dismiss the complaint and take no action on it."

MOTION ON THE FLOOR: I move to direct the Deputy City Attorney to redraft Article III, Section B to include this language, but earlier in the review of ..

The motion carried, 6 – 0.

AYES: Sarah Blossom, Joe Deets, Kol Medina, Ron Peltier, Leslie Schneider, Matt Tirman

NOES:

ABSENT:

ABSTAIN: Rasham Nassar

4. Article III, Section B.4.b.

MOTION ON THE FLOOR: I recommend adding the following new subsection. This subsection will be subsection v or subsection vii, depending on whether my recommendation number ii above is adopted by Council.

"v. If during the process of reviewing an Article I complaint, the Ethics Board determines that an additional Article I violation may have occurred or an Article II violation may have occurred, the Ethics Board may choose to note that possibility in its Advisory Opinion. However, the Ethics Board may not on its own initiative pursue an investigation of the potential additional violation. "Additional Article I violation" means an Article I violation that was not included in the complaint."

The motion carried, 6 – 0.

AYES: Sarah Blossom, Joe Deets, Kol Medina, Ron Peltier, Leslie Schneider, Matt Tirman

NOES:

ABSENT:

ABSTAIN: Rasham Nassar

MOTION ON THE FLOOR: I recommend adding the following new subsection. This subsection will be subsection v or subsection vii, depending on whether my recommendation number 3 above is adopted by Council.

"v. If during the process of reviewing an Article I complaint, the Ethics Board determines that an additional Article I violation may have occurred or an Article II violation may have occurred, the Ethics Board may choose to note that possibility in its Advisory Opinion. However, the Ethics Board may not on its own initiative pursue an investigation of the potential additional violation without approval of the city council. "Additional Article I violation" means an Article I violation that was not included in the complaint."

The amended motion carried, 4 – 2.

AYES: Sarah Blossom, Joe Deets, Kol Medina, Leslie Schneider

NOES: Ron Peltier, Matt Tirman

ABSENT:

ABSTAIN: Rasham Nassar

5. Article III, Section B.4.b.ii.

MOTION ON THE FLOOR: I recommend adding the following language to the Subsection that is currently numbered B.4.b.ii:

"ii. The Ethics Board shall then review the complaint and response, if submitted. The Ethics Board's review shall be limited to the complaint and the response, if submitted. In the course of reviewing a complaint, the Ethics Board may request clarification of the complaint by the complainant or of the response by the respondent; provided that if the Ethics Board obtains clarification of the complaint, the Ethics Board shall give the respondent the opportunity to review the clarification and to provide an additional written response. However, the Ethics Board shall not engage in other fact-finding.

The motion carried, 6 – 0.

AYES: Sarah Blossom, Leslie Schneider, Matt Tirman, Joe Deets, Ron Peltier, Kol Medina

NOES:

ABSENT:

ABSTAIN: Rasham Nassar

MOTION ON THE FLOOR: I move to direct the Deputy City Attorney to draft a definition of "fact-finding."

The motion carried, 6 – 0.

AYES: Sarah Blossom, Leslie Schneider, Matt Tirman, Joe Deets, Ron Peltier, Kol Medina

NOES:

ABSENT:

ABSTAIN: Rasham Nassar

6. Article III, Section B.4.b.

MOTION ON THE FLOOR: I recommend adding the following new subsection at the end of the many subsections under Section B.4.b:

"Advisory opinions shall be viewed as educational only. The purpose of such an opinion is to provide an educational opinion to Councilmembers, Committee members, and the public on what type of Conduct is generally expected from Councilmembers and Committee members. Advisory opinions are not a judgment about a person's character."

The motion carried, 6 – 0.

AYES: Sarah Blossom, Leslie Schneider, Matt Tirman, Joe Deets, Ron Peltier, Kol Medina

NOES:

ABSENT:

ABSTAIN: Rasham Nassar

MOTION ON THE FLOOR: I move to strike the word "only" from the first sentence of the new subsection to Article III, Section B.4.b.

Failed for lack of a second.

MOTION ON THE FLOOR: I move to strike the last sentence of the new subsection to Article II, Section B.4.b, such that the new subsection reads as follows: "Advisory opinions shall be viewed as educational only. The purpose of such an opinion is to provide an educational opinion to Councilmembers, Committee members, and the public on what type of Conduct is generally expected from Councilmembers and Committee and Commission members. ~~Advisory opinions are not a judgment about a person's character.~~"

The motion carried 5 – 0. (Councilmember Peltier not present for vote.)

AYES: Sarah Blossom, Leslie Schneider, Matt Tirman, Joe Deets, Kol Medina

NOES:

ABSENT: Ron Peltier

ABSTAIN: Rasham Nassar

7. Article III, Subsection C.4.e

MOTION ON THE FLOOR: I move to strike Article III, Subsection C.4.e.

The motion carried 5 – 0.

AYES: Sarah Blossom, Leslie Schneider, Matt Tirman, Joe Deets, Kol Medina

NOES:

ABSENT:

ABSTAIN: Rasham Nassar, Ron Peltier

8. Article III, Section E.1.a.

MOTION ON THE FLOOR: I recommend adding the following language to this subsection:

"a. A Councilmember or member of a City Committee or Commission may request an advisory opinion from the Ethics Board as to whether their own behavior has violated or might in the future violate the Code of Conduct (Article I) or the Code of Ethics (Article II)." In this situation, if the Ethics Board finds that a likely violation of Article II has occurred, the Ethics Board will issue an advisory opinion so stating but the matter may not be forwarded to the Hearing Examiner by the Ethics Board."

The motion was withdrawn.

9. Article IV, Section A.2.

There is a typo in the first sentence. Should read "held in", not "in held."

10. Article IV, Section B.1.

MOTION ON THE FLOOR: I recommend amending this subsection as follows:

"1. Within 45 business days of receipt of the Hearing Examiner's findings and conclusions that sustain a Code of Ethics violation, the City Council shall schedule an executive session to consider the findings and conclusions, hear from the respondent, and deliberate upon the appropriate level of civil sanction(s) to be imposed, if any, except to the extent that the respondent requests that . . ."

The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Joe Deets, Kol Medina, Rasham Nassar, Ron Peltier, Leslie Schneider, Matt Tirman

NOES:

ABSENT:

ABSTAIN:

11. Article IV, Section B.2.

I recommend amending this subsection as follows:

"2. The Council may take no formal action or may impose any of the following sanctions in response to a sustained violation of the Code of Ethics:"

The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Joe Deets, Kol Medina, Rasham Nassar, Ron Peltier, Leslie Schneider, Matt Tirman

NOES:

ABSENT:

ABSTAIN:

12. Article V, Section A.2.

MOTION ON THE FLOOR: I recommend adding two new subsections in Section A.2., reading as follows: "d. A person who is actively involved with or affiliated with a political action committee or similar organization that has taken a position or expressed an opinion for or against a sitting City Councilmember or a candidate for City Council in either of the last two Council election cycles shall not be eligible for appointment to the Ethics Board."

The motion failed, 3 – 4.

AYES: Sarah Blossom, Kol Medina, Peltier

NOES: Joe Deets, Rasham Nassar, Leslie Schneider, Matt Tirman

ABSENT:

ABSTAIN:

MOTION ON THE FLOOR: I recommend that "e" reads as follows: "A person who is or was actively involved with the election campaign of a sitting City Councilmember or of a candidate for City Council in either of the last two Council election cycles shall not be eligible for appointment to the Ethics Board. Donating to an election campaign or endorsing a candidate does not, on its own, constitute being "actively involved.""

The motion failed, 2 – 5.

AYES: Sarah Blossom, Kol Medina

NOES: Joe Deets, Rasham Nassar, Ron Peltier, Leslie Schneider, Matt Tirman

ABSENT:

ABSTAIN:

MOTION ON THE FLOOR: I move to direct the Deputy City Attorney to draft more detailed language to include in the Conflict of Interest disclosure form attached to the application of interested ethics board members to include language and questions expressed in Article V, Section A.2. "d" and "e."

The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Joe Deets, Kol Medina, Rasham Nassar, Ron Peltier, Leslie Schneider, Matt Tirman

NOES:

ABSENT:

ABSTAIN:

MOTION ON THE FLOOR: I move to direct the Deputy City Attorney to draft language requiring that any member of the Ethics Board recuse themselves from consideration of complaints or requests for advisory opinions relating to the conduct of a Councilmember where that member of the Ethics Board is or was a member of a political action committee that supports, supported, opposes, or opposed the election of the Councilmember in question.

The motion carried, 7-0 [there was no actual vote]

13. Article V, Section A.3.a.

MOTION ON THE FLOOR: I recommend amending this current subsection to read as follows:

"a. Members of the Ethics Board shall be nominated by the Mayor and confirmed by the City Council by a supermajority vote of at least 5 Councilmembers."

The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Joe Deets, Kol Medina, Rasham Nassar, Ron Peltier, Leslie Schneider, Matt Tirman

NOES:

ABSENT:

ABSTAIN:

14. Article V, Section A.9.

MOTION ON THE FLOOR: I recommend adding a new subsection A.9 to read as follows: "9. City Liaison to the Ethics Board. A representative of the City Attorney's office shall attend all Ethics Board meetings and serve as the Ethics Board liaison with the City. A City Councilmember shall not serve as a liaison to the Ethics Board."

The motion carried unanimously, 7 – 0.

AYES: Sarah Blossom, Joe Deets, Kol Medina, Rasham Nassar, Ron Peltier, Leslie Schneider, Matt Tirman

NOES:

ABSENT:

ABSTAIN:

15. Article I, Section A

MOTION ON THE FLOOR: I move to amend Article I, Section A, to read as follows: "The City of Bainbridge Island has adopted this Code of Conduct, which consists of the Core Values and Ethics Principles detailed below, to promote and maintain the highest standards of personal and professional conduct among City Councilmembers and members of City Committees and Commissions. The optimal operation of democratic government requires that the City's government be fair and accountable to the people it serves. This Code of Conduct articulated in Article I applies to Councilmembers and members of ~~City Committees and Commissions~~ Committees, Commissions, Task Forces and Boards.

The motion was withdrawn.

16. Article III, Subsection B.4

MOTION ON THE FLOOR: I move to amend Article, Subsection B.4, in removing that the Ethics Board "may initiate its own complaint" (but keep that it can identify a possible violation).

The motion was withdrawn.

17. Article V, Subsection A.1

MOTION ON THE FLOOR: I move to amend membership from five members to seven.

The motion carried, 6 – 1.

AYES: Sarah Blossom, Joe Deets, Kol Medina, Rasham Nassar, Leslie Schneider, Matt Tirman

NOES: Ron Peltier

ABSENT:

ABSTAIN:

18. Article V, Subsection A.2

MOTION ON THE FLOOR: I move to amend to include the following: that at least two members be formerly elected public officials, coming from either a City, County or State Government, or the US Federal Government. That no such person would either have served on Council with a sitting member of Council or ran against a sitting Councilmember in an election.

The motion failed, 1 – 5.

AYES: Joe Deets

NOES: Sarah Blossom, Kol Medina, Rasham Nassar, Leslie Schneider, Matt Tirman

ABSENT:

ABSTAIN: Ron Peltier

MOTION ON THE FLOOR: I move to amend to specify that no member of the Ethics Board will have been a member of a political Action Committee that acted to influence a City election.

The motion was withdrawn.

19. Article V, Subsection A.7

MOTION ON THE FLOOR: I move to amend to include the following: Members of the Ethics Board accept and acknowledge that their role is sensitive in nature and that they will comply with the rules and spirit of the Ethics Program.

The motion failed, 2 – 4. (Councilmember Nassar not present for vote.)

AYES: Joe Deets, Ron Peltier

NOES: Sarah Blossom, Kol Medina, Leslie Schneider, Matt Tirman

ABSENT: Rasham Nassar

ABSTAIN:

20. New Article – Probationary Period for Revised Ethics Program

MOTION ON THE FLOOR: That the revised Ethics Program will automatically end 12 months from inception, unless it is expressly renewed or amended by the City Council.

The motion carried, 6 – 1.

AYES: Sarah Blossom, Joe Deets, Kol Medina, Rasham Nassar, Ron Peltier, Leslie Schneider

NOES: Matt Tirman

ABSENT:

ABSTAIN:

6.B Bainbridge Island Community Bill of Rights Ordinance - Councilmembers Nassar and Peltier

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Memo to the City Council

Councilmember Nassar introduced the agenda item and explained her motivation in drafting the bill of rights. Councilmember Peltier also gave comment.

Mayor Medina stated that this item will be placed on a future study session agenda.

7) FUTURE COUNCIL AGENDAS

7.A Future Council Agendas

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City Council Regular Business Meeting, August 27, 2019

City Council Study Session, September 3, 2019

City Council Regular Business Meeting, September 10, 2019

8) FOR THE GOOD OF THE ORDER

9) ADJOURNMENT

Mayor Medina adjourned the meeting at 10:19 p.m.



Kelly Jahraus, Deputy City Clerk



Kol Medina, Mayor