

The Ethics Board will hold this meeting in person, in the City Hall Council Conference Room. Attendance may be in person or the meeting is also accessible via the Zoom meeting platform.

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

- July 8, 2026 Meeting Agenda

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. Please refer to guidelines and instructions for public comment, including orderly behavior and civility in remarks, attached below. The lack of comment is not an endorsement or a denial of the comment. 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.

3.A Instructions for Providing Public Comment

4. REGULAR BUSINESS

4.A Approval of Minutes:

- December 10, 2025 Meeting Minutes

4.B Outreach (Farmers Market, etc.)

4.C Review Status of Pending Complaints

- Complaint EB 2026-01

4.D Training Updates

4.E Ethics Code Recommendations to City Council / Joint Subcommittee: Status Update

4.F Board Member Update

- **Departing Members**
 - Karen Anderson
 - Rafael Escandon
- **Welcome New Board Members**
 - Paula Radloff, Board, Position 2, for a three-year term ending June 30, 2029.
 - Samantha Rist, Board, Position 5, to complete a three-year term ending June 30, 2028.
 - Jonathan Flesher, Position 6, to complete a three-year term ending June 30, 2028.
 - Gary Baldwin, Board, Position 7, to complete a three-year term ending June 30, 2028.

4.G City Liaison Briefing

4.H 2025 Annual Report / 2026 Work Plan: Review and Approve Draft

5. NEW BUSINESS

5.A Appointment of Board Chair – 12 month term beginning July 2026

5.B Appointment of Deputy Chair – 6 month term beginning July 2026

5.C Schedule Open Government Training by City Attorney’s Office

5.D Advisory Body Operations and BIMC 2.01.050(A) Interpretation

5.E Board Counsel Follow Up on Public Comment from December Meeting

6. AGENDA FOR NEXT MEETING

7. NEXT MEETING DATE: Current Board Counsel has a conflict on the second Wednesdays. Discuss whether to reevaluate when the Ethics Board meets. Otherwise, the next meeting date would be August 12, 2026.

8. GOOD OF THE ORDER

9. 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.



Public Comment

Members of the public are encouraged to submit public comment to the City Advisory Committees. Interested parties may provide comment by:

- Emailing the [City Clerk \(cityclerk@bainbridgewa.gov\)](mailto:cityclerk@bainbridgewa.gov). This comment may be submitted at any time.
- Providing in-person comment at a meeting.
- Providing comment at a meeting via Zoom, in accordance with the advance notice and camera requirements.

Members of the public who wish to provide public comment in-person at a meeting should sign up to speak on the sign-in sheet. The Chair will call the people signed up on the sign-in sheet, and speakers will have three minutes (or such other time set by the Chair) to speak. The Chair or a designee will indicate when the time has elapsed.

Remote public comment is allowed with advance notice to the City by 4:00 p.m. on the business day before the meeting at cityclerk@bainbridgewa.gov, 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.

Guidelines for public comment are below. These guidelines were established for and approved by the City Council and also apply to all advisory boards, committees and commissions of the City Council.

Excerpts from the Governance Manual regarding public comment:

5.6 Respect and Decorum

It is the duty of the Presiding Officer and Councilmembers to maintain dignity and respect for their offices, City staff, and the public. While the Council is in session, the Councilmembers shall preserve civility, order and decorum. No member of the public shall, by conversation or otherwise, delay, disrupt, or interrupt the proceedings of the Council, nor engage in any of the prohibited behavior described below. Councilmembers and the public shall obey the proper orders of the Presiding Officer of the meeting.

5.6.1 Orderly Behavior and Civility in Remarks

Any person disrupting the business of the Council, either while addressing the Council or attending the proceedings, shall be asked to leave, or be removed from the meeting. Continued disruptions may result in a point of order by the Presiding Officer or a Councilmember pursuant to the Council's parliamentary rules, or a recess, forced removal, or adjournment as described elsewhere in this manual. Disruptive behavior includes, but is not limited to, the following:

- a) Speaking without being recognized by the Presiding Officer.
- b) Continuing to speak after the allotted time has expired.

- c) Speaking on an item at a time not designated for discussion by the public of that item, such as speaking on a quasi-judicial item at a time other than during a public hearing or closed record proceeding on the matter.
- d) Throwing objects.
- e) Speaking on an issue that is not a public topic, in violation of Section 9.12.2.
- f) Speaking in favor of or in opposition to a ballot proposition or a candidate for public office, provided, that public comment is allowed when the City Council is considering taking a collective position in favor of or in opposition to a ballot proposition as authorized in RCW 42.17A.555.
- g) Impersonating a City Councilmember or a member of the City staff.
- h) Shouting or otherwise engaging in loud or boisterous behavior.
- i) Continuing to make repetitive remarks after being requested not to do so by the Presiding Officer or a majority of the City Council.
- j) Attempting to engage the audience rather than the Council, e.g., asking audience members to stand, clap, boo or otherwise express collective support or opposition to any matter.
- k) Booing, hissing, or otherwise disrupting the comments of another speaker.
- l) Using racial slurs or other slurs directed at the color, creed, religion, ancestry, gender, sexual orientation, gender expression or identity, national origin, citizenship or immigration status, or mental, physical, or sensory disability of any individual or group, under circumstances where such words constitute “fighting words” under constitutional law.
- m) Refusing to modify conduct after being advised by the Presiding Officer that the conduct is disrupting the meeting or disobeying any other lawful order of the Presiding Officer or a majority of the City Council.

5.6.2 Permission Required to Address the Council

Persons other than Councilmembers and Administration shall be permitted to address the Council only upon recognition and introduction by the Presiding Officer of the meeting.

9.12.2 Subjects – Whether or Not on the Current Agenda

Public comments received during the public comment period may be on any public topic, whether or not on the agenda, but a comment on the subject that is covered by a public hearing at that meeting must be made during the period of the public hearing. All public comments shall be made consistent with Section 5.6.

9.12.3 Use of Microphones

Comments shall be made directly into the microphone, as it is necessary for the public record and for the audience to hear all proceedings. No comments shall be made from any other location.

COBI ETHICS BOARD
Regular Meeting
Wednesday, December 10, 2025
In-person and via Zoom

Minutes

1. CALL TO ORDER/ROLL CALL—6:30 PM

Present: Doña Keating (Chair), Rafael Escandon (Dep Chair), Eve Sherling, Turner Vail, Drew Pollum (Counsel), and Marlene Schubert (City Staff) all present at opening of the meeting. Karen Anderson joined at 6:35 via zoom.

2. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Approval of December 10, 2025 Agenda

MOTION: Rafael Escandon; **SECOND:** Karen Anderson - **Passed Unanimously**

No conflicts of interest disclosed by any members.

3. PUBLIC COMMENT

3.A Instructions for Providing Public Comment (Chair Keating)

Public comment received and document provided from Mr. Ron Peltier

4. REGULAR BUSINESS

4.A Approval of November 10, 2025 Minutes

MOTION to approve Eve Sherling; **SECOND:** Karen Anderson - **Passed Unanimously**

4.B. Review Status of Pending Complaints – No New Complaints

4.C. Review Determination Letter Draft

- **Complaint EB 2021-05**: Review and discussion of determination letter by EB.

MOTION to approve determination letter for EB 2021-05 with section C removed as per complaints EB 2021-04 and 06 by Karen Anderson, **SECOND:** Turner Vail – **Passed Unanimously**.

4.D Training Update: EB continued discussions from prior sessions re: identification of new board/committee members requiring training (via tracking sheet provided by COBI staff) and strategies for ensuring compliance across boards and committees for compliance. Further discussions of EB members being available for live training(s) as needed.

MOTION from Karen Anderson to send a survey to all committee/board chairs to assess effectiveness of training at end 2025. **NOT SECONDED/NOT CARRIED.**

4.E Ethics Code Recommendations to BI City Council. Chair Keating's address to the 21 October City Council Study Session was discussed again and the clarifying email discussed at the November 10 meeting has been reviewed and approved by counsel (D. Pollum).

MOTION for approved clarifying email to be sent by Chair Keating to City Council made by Karen Anderson, **SECOND:** Rafael Escandon – **Passed Unanimously.**

4.F. New Board Member Updates. Total membership remains at five EB members with two open positions. No new member applicants.

4.G. City Liaison Briefing. No new updates.

4.H. 2025 Annual Report / 2026 Work Plan: Review Draft. Review and discussion of draft led to **MOTION to Edit** and re-review, and to appoint Chair Keating to the Annual Report Subcommittee in place of Karen Anderson: Rafael Escandon, **SECOND:** Karen Anderson. **PASSED UNANIMOUSLY.**

5. NEW BUSINESS

5.A Appointment of Deputy Chair – 6 month term beginning January 2026

MOTION: Rafael Escandon nominated Karen Anderson as Deputy Chair for next term.
SECOND: Turner Vail. **PASSED UNANIMOUSLY**

6. AGENDA FOR NEXT MEETING – All Items

7. NEXT MEETING DATE: Wednesday January 14, at 6:30 pm.

8. GOOD OF THE ORDER – Nothing added.

9. ADJOURNMENT - 7:41 PM

Meeting adjourned by Chair Keating, 7:41 PM

Doña Keating, Chair

Date

EB 2026-01

**Article I (Code of Conduct)
Ethics Complaint Form**

I. Introduction:

Individuals seeking to submit an ethics complaint alleging a violation of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission should complete this form and submit it, along with any supporting documents, to the City Clerk at cityclerk@bainbridgewa.gov. By submitting this form, you are indicating your willingness to participate in mediation (i.e., “reconciliation”) to resolve this dispute. Should mediation be offered, and you do not agree to participate, your complaint will be dismissed pursuant to Article III, Subsection A.5.b of the Code of Conduct and Ethics Program.

II. Your Contact Information:

Name: _____ **Address:** P. O. Box 11215,
Bainbridge Island, WA
98110

III. Article I Complaint:

- A. Please provide the name of the Councilmember or the member of a City Committee or Commission who is the subject of your complaint (this individual is referred to as the “Respondent”): _____ - _____
_____)
- B. Please identify the section(s) or subsection(s) of the Code of Conduct (Article I) that you believe were violated by the Respondent: Sections B.1, B.2, B.3, C.1, C.2.b. Also violated is the precedent in Case #EB2020-07.
- C. Please describe the facts supporting your allegation that the Respondent has violated the sections or subsections of the Code of Conduct (Article I) indicated above. If necessary, please attach additional pages. If other records exist that you believe support your allegation (e.g., emails or other documents), please attach them to this form as well.
1. Please see Attachment 1, here incorporated.
 2. Please see the Ethics Board's Advisory Opinion EB2020-07, issued March ____, 2021 [sic]. This is attached to my submission (Attachment 2), and is found at https://wa-bainbridgeisland.civicplus.com/AgendaCenter/ViewFile/Agenda/_03152021-1569
 3. Please see the _____ Op Ed, attached to this submission (Attachment 3), and found at:

<https://www.bainbridgereview.com/2026/05/01/through-the-gateway-to-bainbridge-came-a-trojan-horse/>

4. Please see later letters to the editor by concerned citizens [REDACTED] ting to the [REDACTED] [REDACTED]
[REDACTED]'s Op Ed, attached to this submission (Attachment 4) and found at:
<https://www.bainbridgereview.com/2026/05/08/letters-to-the-editor-187/>

5. Please see Councilmember [REDACTED]'s forced defense of himself, attached here
(Attachment 5), and found at:

https://nextdoor.com/p/hBxxhhY5q8LJ?extras=OTc2ODkwNzI%3D&share_action_id=59b59137-d4b2-4b67-98c5-62177bd3dbe8

I certify under penalty of perjury under the laws of the State of Washington that the foregoing, including any additional pages or records attached by me, are true and correct (if my statements) or are true and correct copies of filed/published records.

Date: 5/14/26

Place: Bainbridge Island, WA

/s/[REDACTED]
Signature

ATTACHMENT 1 TO ██████████'S COMPLAINT

██████████ is Co-Chair of the Council-created ██████████ (██████████) (BIMC 2.72 et. seq.). Per the Ethics Program Article I Code of Conduct section A. Preamble, Article I applies to ██████████, and section C. 2. a. required ██████████ to familiarize herself with the Ethics rules.

██████████ recently authored an Opinion Editorial (Op Ed) that ran in the Review on May 1, 2026. I believe this Op Ed violates the Ethics Program rules governing Committee members because in it, ██████████, speaking for ██████████ and, possibly, COBI, condemns Council member ██████████ and his supporters/constituents by implying they are law breaking, right wing, Trump-loving, racists (among other statements). The Op Ed is attached to my submittal at No. 3, and may also be found here:

<https://www.bainbridgereview.com/2026/05/01/through-the-gateway-to-bainbridge-came-a-trojan-horse/>

For additional context for ██████████'s Op Ed, I refer you to the April 14, 2026, Council meeting, at which ██████████ and other ██████████ members took ██████████ to task for perceived slights against ██████████, including his asking questions about ██████████'s mission during the March 17, 2026 Council Study Session:

April 14 - <https://bainbridgeislandwa.portal.civicclerk.com/event/1066/media>

March 17 - <https://bainbridgeislandwa.portal.civicclerk.com/event/1104/media>

██████████'s Op Ed followed on the heels of ██████████'s vote against approving ██████████'s 2026 Work Plan because he had several questions for the City Attorney about parts of it.

Legal Support

Article I of the Ethics Program provides:

B.1 - Committee members commit to providing courteous service to citizens.

B.2 - Committee members are required to treat people, including citizens with "honesty and integrity" to maintain "trust."

B.3 - Committee members pledge to act with "equality and mutual respect with regard to interpersonal conduct."

C.1 - Committee members "act to promote the public good and preserve the public's trust," via "transparency and honesty in all public statements and written communications."

C.2.b - Committee members are required to "sustain a culture of ethical integrity" by "treat[ing] . . . the public with respect," "in all of their interactions," and by "conduct[ing] themselves in a manner that demonstrates civility and respect for others."

Ethics Board Decisional Precedent

Attached at No. 2, you can see the Ethics Board's decision in Case # EB2020-07 (Ethics Complaint 2021-01, filed Dec. 30, 2020, attached). In that decision, the Ethics Board confirmed (p. 2, section III. Findings (1)) that, "**In the future, personal correspondence from . . . members of city committees . . . should be represented as such with clear language indicating the opinions are not shared by or on behalf of the City or its Council.**" In Findings (3), the Board found that ". . . it is a best practice guideline . . . that an official should not mislead the public into thinking they're speaking in an official capacity or on behalf of the City." Officials ". . . should not be using public resources to engage in "off-duty" speech without clarifying that official affiliation is for identification purposes only and that comments do not imply an endorsement by the City . . . itself." ██████████'s Op Ed, as written, is not in accord with the Board's Findings in Case # EB2020-07, and its publication violated the Ethics Program.

In addition, the Board found in that case (Findings 1) that "**[D]iscussions toward improving our equity landscape are challenging in even the best environments. Efforts should be undertaken with sincerity, forethought, authenticity, and the assistance, wherever possible, of those trained and highly qualified to facilitate effective and productive results.**" In Findings 3, the Board found, "**The intersectional issues of racial equity, housing, and the environment are legitimate and deserving of informed and focused consideration and effort. Sending inflammatory emails [or writing an Op Ed for the paper] with inferential or careless accusations of racism, particularly to achieve political ends, is a disservice to such critically important issues.**" That is what ██████████'s Op Ed accomplished here, and her submission of the Op Ed clearly violates Article I. Her submission is made even worse given that she touts herself as one who has training and is qualified to weigh in on racial discussions to obtain effective and productive results.

Case and Code Authority Allows Removal

Council may remove any member from any Council appointed citizen committee for any reason. As such, removal of a committee member (here a co-chair) for the statements in the Op Ed, and later on social media (*via* her father's republishing) is completely within Council's discretion and authority, even without regard to whether the Op Ed violated the Ethics Program. *See Lathus v. City of Huntington Beach*, 56 F.4th 1238 (9th Cir. 2023) (removal of committee member for attendance at "antifa" rally did not violate First Amendment rights of member).

BIMC 2.01.020 A. 1. provides for removal by the Mayor for any "good cause."

Ratification

It is my position that a failure to remove ██████████ on ██████████ would result in Council's ratification (agreement) with her statements. Ratification will expose those Council members who do not vote to remove her to the same Ethics Complaint being lodged now, against ██████████

Applicable Legal Authority Applied to the Facts

Many of ██████████ Co-Chair ██████████'s Op Ed statements violate the Ethics Program subsections presented above. The applicability of the Program sections to the Op Ed's content is made clear by decision # EB2020-07 (Attachment 2). I will discuss a few of those statements.

1. ██████████ dismissively refers to elected City Council member ██████████ as "a guy who moved here in 2022." That statement appears to be an effort to diminish ██████████ in the eyes of his constituents, and the public. ██████████, an admitted newcomer to Bainbridge Island, though he grew up in Ballard, prevailed in the last election against two very popular home-grown candidates who have been here many years, or, in Blossom's case, her entire life. As a sitting Councilmember, ██████████ deserves respect, not attack, from ██████████, as do his supporters.
2. ██████████'s Op Ed informs the public of her/█████████'s position that, since taking office, "[█████████] has spent much of his time opining that the City of Bainbridge Island need not comply with state law requiring we plan for affordable housing, yet raising concerns "of a legal nature" about the City's [█████████] - a diverse group of seven council-appointed volunteers with professional and lived experience addressing racism. I am one of them." *This statement confirms that ██████████ is speaking for ██████████*, not in her personal capacity. In addition, ██████████ has never advocated not complying with any state law, so this **false statement** shows ██████████/█████████'s intent to put ██████████ in a bad light for political purposes.
3. ██████████ voted against ██████████'s Work Plan because it contained references to an "equity lens" that Council had not seen/approved, and that ██████████ asked be applied to the City Manager hiring process. According to his statements on the dais, ██████████ was concerned that the hiring process might be in violation of federal law, potentially subjecting COBI to liability for discriminatory hiring acts. Before approving the Work Plan, ██████████ wanted to speak with the City Attorney about the legal issue, just as he'd done with his similar concerns about the search firm's brochure for the city manager position (the city attorney evidently agreed that ██████████'s view of the matter was correct/legal as the illegal statement was removed from the brochure).

It is within that context that ██████ offered her and ██████'s conclusion that ██████ opposes Title VII of the Civil Rights Act of 1964, the same as ██████ asserts against Trump, before asserting that ██████ "held his vote in deference to [Trump's] vision of civil rights - a keystone of Project 2025." Few things can be as damaging to a politician on Bainbridge Island as being likened to being "anti-civil rights," Trump, and/or Project 2025, but ██████ ██████ did not hesitate to paint him with that **false** brush. This is ██████'s attempt to "relitigate" the election, by undermining the duly elected official, so as (██████ evidently believes) to promote ██████'s goals.

4. In violation of Section B.1, ██████ and ██████ failed to provide "courteous service" to ██████ and his supporting citizens (including me) when it criticized them by likening them to Trump, Civil Rights violators, etc. The same is true for B.2's requirement that ██████ and ██████ treat citizens with "honesty and integrity" to maintain "trust." Falsely implying that ██████ and his supporters are racists violates B.3's requirement that ██████ and ██████ act with "equality and mutual respect with regard to interpersonal conduct." The Op Ed's content also violates C.1's requirement that ██████ and ██████ act to promote the public good and preserve the public's trust," via "transparency and honesty in all public statements and written communications." Finally, C.2.b. requires ██████ and ██████ to "sustain a culture of ethical integrity" by "treat[ing] . . . the public with respect," "in all of their interactions," and by "conduct[ing] themselves in a manner that demonstrates civility and respect for others."

5. Should there be any doubt that the Op Ed statements violate the Ethics Program, please refer to the decision in EB2020-07 (Attachment 2). False, inferential and careless accusations of racism, especially for political ends as occurred here, violates the Ethics Program, and must be condemned.

6. ██████ Co-Chair's use of her ██████ membership to support her Op Ed violated the Ethics Program, according to the determination in Ethics Complaint 2101-01 Case # EB2020-07 (Attachment 2). The Ethics Program, as discussed in Board Decision EB2020-07, makes clear that ██████ Co-Chair ██████ should not have used her ██████ membership as support for her Op Ed opinions. As noted above, the first part of the Op Ed finds ██████ asserting, "[██████] has spent much of his time opining . . . about **the City's [██████] - a diverse group of seven council-appointed volunteers with professional and lived experience addressing racism. I am one of them.**" The Op Ed's by-line shows the author as "██████." The Author's Note at the end reads: "██████ lives on Bainbridge Island with her husband and three children. She works for the nonprofit ██████ **and serves on the city's ██████ ██████.**" (emphasis added)

I note that nowhere in the Op Ed does ██████ say she is writing the Op Ed strictly in her personal capacity, and that she is not speaking on behalf, or with the acquiescence of ██████, or COBI. By referencing her service on ██████, the reader is invited to infer, as I did, and as have others with whom I've spoken, that ██████'s "expertise" flows

from her role on ██████, that she is speaking on behalf of ██████, and, thus, is speaking on behalf of COBI.

██████ expressly used her ██████ membership to supply the expertise required for an Op Ed, and to bolster the acceptance of her false claims by the public. The Ethics Board has traveled this road before (Attachment 2) and found that committee members wanting to express personal opinions in public forums need to specifically distance themselves from their roles in City government.

Impact on the Community and Functioning of Government

The Op Ed plainly violates Article I. If you have any doubt that multiple other members of the public read the Op Ed as I did, please see the letters that several wrote to the Review's editor to voice their unhappiness with ██████'s and ██████'s unfounded attack on ██████. These are attached to this submission (Attachment 4), and may also be found at:

<https://www.bainbridgereview.com/2026/05/08/letters-to-the-editor-187/>

To confirm that ██████'s intent was to hurt ██████ politically, one needs to also consider that she had her father, whose surname is different from ██████'s, post the Op Ed's link on NextDoor under the title "Time to take a hard look at what we're becoming":

https://nextdoor.com/p/Xw26RkzFbRcY/?utm_source=share&utm_campaign=1778420622506&share_action_id=f16dd43a-5fcf-4622-ba06-9fea1b338fb8&comment=1598017147

Tellingly, ██████ is absent in the social media discussion, and it appears she had her father post her Op Ed to artificially create the impression that a disinterested member of the public agrees with her and ██████'s opinion of ██████ for the purpose of hurting ██████, politically.

Further, due to what some called a "drive by" Op Ed, a sitting council member was compelled to defend himself on social media (Attachment 5), thus confirming the injury to Council member ██████:

https://nextdoor.com/p/hBxxhhY5q8LJ?extras=OTc2ODkwNzI%3D&share_action_id=59b59137-d4b2-4b67-98c5-62177bd3dbe8

██████ Co-Chair ██████'s tactic is akin to the presumptive and accusing question - "when did you stop beating _____?" Simply seeding the ground with false accusations is harmful to a council member, members of the community, and, therefore, ultimately harmful to our government and social cohesion.

Conclusion

██████████'s and ██████████'s Op Ed violated Article I by it was not written or presented to the Review with "sincerity, forethought, authenticity, and the assistance, wherever possible, of those trained and highly qualified to facilitate effective and productive results."

██████████'s express misuse of her ██████████ leadership and membership to support her attack on Council member ██████████ and those who voted for him additionally violated the Ethics Program.

As should be clear, ██████████ Co-Chair ██████████ violated this prior Board finding: **"The intersectional issues of racial equity, housing, and the environment are legitimate and deserving of informed and focused consideration and effort. Sending inflammatory emails [or writing an Op Ed for the paper] with inferential or careless accusations of racism, particularly to achieve political ends, is a disservice to such critically important issues."**

I hope, and believe, that the majority on Council do not approve of the ██████████ Co-Chair's tactics in her Op Ed, in the republishing of her false and inflammatory claims by her father on social media, and, most importantly, of the accusations in the Op Ed. Under the *Lathus* decision (which is the binding law of the Ninth Circuit), the Council may, and here should, remove ██████████ from the ██████████, not merely demote her from Co-Chair. The failure to take action appropriate to the situation will be seen by the public as COBI's ratification of this tactic and these false accusations, to the detriment of our government.

I ask that the Mayor, or if he refuses to act, the Council in the absence of a functioning Ethics Board, remove (not demote) Co-Chair ██████████ from ██████████ and that she be barred from holding any form of public office within COBI for at least 2 years.

ETHICS COMPLAINT

2021-01

City of Bainbridge Island Ethics Board

Advisory Opinion

Case # EB2020-07

Date Filed: December 30, 2020

Requestor: [REDACTED]

Advisory Opinion Issued: March ____, 2021

I. *Questions Presented*

Requestor seeks Code of Conduct educational feedback regarding emails recently exchanged between him and several parties regarding what he perceived to be racial equality issues during City Council's selection of a final appointee to a vacant Council seat. Subsequent to these emails, an Article I Complaint (hereinafter, "Complaint") was filed against him by one of the two remaining candidates, also the recipient of the emails. The Request for Advisory Opinion (hereinafter, "Request") is attached in its entirety, but with redactions per Article III, Section D.3 that requires the Board to not include any identifying information as to "...the requestor or the individuals(s) whose conduct is the subject of the opinion unless otherwise agreed in writing by both the requestor and the subject individual(s)."

Due to the phrasing of the Request, it was necessary for the Ethics Board to extract the relevant substance of the clarifications sought. They are below:

A. Requestor Queries

(1) How to have respectful, yet meaningful discussions on race equity, diversity, and inclusion.

(2) How to keep discussions focused on how to take meaningful actionable steps to address racial inequities and to increase diversity and inclusiveness in our local government in a manner which respects the core values of respect, integrity, trust, etc. as adopted by the City of Bainbridge Island.

(3) Were the emails sent by the Requestor, including to County Commissioners, a violation of the Code of Conduct as a method of attempting to resolve a 3-3- tie?

(4) Was there a Code of Conduct violation when Requestor suggested a debate between the finalists as a means of resolving the 3-3- tie?

II. Applicable Provisions of the Ethics Program

The Complaint alleged violations of Article I, § B.1, § B.2, § B.3, and § C.2b of the City of Bainbridge Island Code of Conduct and Ethics Program, effective July 28, 2020 (“the Program”). Related allegations included the following:

A. Alleged violation of Article I, Section B.1

The Complaint alleged that Requestor violated Article I, § B.1, which provides, in relevant part, that Councilmembers are “...committed to provide service to the people of Bainbridge Island that is courteous...”

B. Alleged violation of Article I, Section B.2

The Complaint alleged that Requestor violated Article I, § B.2, which provides, in relevant part, that Councilmembers are to “...treat one another with honesty and integrity, recognizing that trust is hard won and easily lost... in keeping with that integrity and the highest standards of this community”.

C. Alleged violation of Article I, Section B.3

The Complaint alleged that Requestor violated Article I, § B.3, which provides, in relevant part, that Councilmembers are to “...pledge to act with the standard of fairness and impartiality in the application of policies and directives and that of equality and mutual respect with regard to interpersonal conduct”.

D. Alleged violation of Article I, Section C.2b

The Complaint alleged that Requestor violated Article I, § C.2b, which provides, in relevant part, that Councilmembers are to “...sustain a culture of ethical integrity...and in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others”.

III. Findings

(1) How to have respectful, yet meaningful discussions on race equity, diversity, and inclusion.

In the future, personal correspondence from City Councilmembers and members of city committees, boards, and commissions should be represented as such with clear language indicating the opinions are not shared by or on behalf of the City or its Council.

Discussions towards improving our equity landscape are challenging in even the best environments. Efforts should be undertaken with sincerity, forethought, authenticity, and the assistance, wherever possible, of those trained and highly qualified to facilitate effective and productive results.

(2) How to keep discussions focused on how to take meaningful actionable steps to address racial inequities and to increase diversity and inclusiveness in our local government in a manner which respects the core values of respect, integrity, trust, etc. as adopted by the City of Bainbridge Island.

See response to #1 above.

(3) Were the emails sent by Requestor, including to County Commissioners, a violation of the Code of Conduct as a method of attempting to resolve a 3-3- tie?

Yes. Resolution of a 3-3 tie was a previously agreed upon decision for City Council to discuss and decide in a public meeting. The emails sent were an attempt to circumvent that process.

Requestor transmitted an email from a City email address and signed it as a member of City Council. This email, in turn, was addressed to County Commissioners in the position to break a 3-3 tie in City Council. While it is true that elected officials have the right to express their opinions on political subjects or candidates, it is a best practice guideline for many cities or municipalities that an official should not mislead the public into thinking they're speaking in an official capacity or on behalf of the City. An email is today's equivalent of using city letterhead, and Requestor should not be using public resources to engage in "off-duty" speech without clarifying that official affiliation is for identification purposes only and that comments do not imply an endorsement by the City or City Council itself.

The core purpose of adopting guidelines and Codes of Conduct of this nature is to ensure mutual respect and transparency, which sets expectations towards fostering community trust and engagement. No elected person should use his or her position in such a manner that a conflict arises between the interests of the City of Bainbridge Island and his or her personal interests. Nor should he or she use their position to circumvent the process which was underway in City Council in order to achieve a special privilege or consideration for a desired outcome, especially via means that insult or cast in a negative light the character of fellow Councilmembers, potential appointees, or members of the public.

Other key tenets of the Code of Conduct are grounded in "courtesy", "integrity", and "mutual respect" not only toward other members of the City Council and members of the City Committees and Commission but also to "the public". By sending the referenced email, Respondent exhibited disregard for the Complainant as a member of the "public" and to the City Council as a representative on their behalf.

The intersectional issues of racial equity, housing, and the environment are legitimate and deserving of informed and focused consideration and effort. Sending inflammatory emails with inferential or careless accusations of racism, particularly to achieve political ends, is a disservice to such critically important issues.

As sworn City Officials, Councilmembers are entrusted by the community to uphold the tenets of the Code of Conduct. The people have the right to expect from their elected representatives at all levels of government the highest standard of integrity, honesty and fairness in their dealings.

This means abstaining from the distribution or dissemination of materials or any communications which may be considered discriminatory or in a context that may be construed as a personal attack, sexist, racist, or as a form of harassment.

A. Article I, Section B.1

The emails sent by Requestor, including to County Commissioners, were a violation of Article I, § B.1 of the Code of Conduct as a method of attempting to resolve a 3-3- tie because the emails were potentially disparaging of fellow Councilmembers and a Council candidate under consideration. In doing so, Requestor's actions were not committed to providing service to the people of Bainbridge Island in a courteous manner.

B. Article I, Section B.2

The emails sent by Requestor, including to County Commissioners, were a violation of Article I, § B.2 as a method of attempting to resolve a 3-3- tie because the emails were sent via Requestor's City account, and to County Commissioners who would have been decision makers in the event of a 3-3 tie. By circumventing the process and inferring Councilmembers and the Complainant (per the email subject and attached article) were complicit in systemic racism as "...'good White people' who were derailing racial progress", Requestor failed to act with integrity and the highest standards of this community.

C. Article I, Section B.3

The emails sent by Requestor, including to County Commissioners, were a violation of Article I, § B.3 as a method of attempting to resolve a 3-3- tie because transmitting an email to community members, elected officials, potential officials, and others reflected partiality towards a Council candidate. Requestor's communication aimed to pre-empt the voting process underway with fellow City Council members, and in a manner which exhibited a lack of respect and regard for colleagues via accusatory interpersonal conduct.

D. Article I, Section C.2b

The emails sent by Requestor, including to County Commissioners, were a violation of Article I, § C.2b as a method of attempting to resolve a 3-3- tie because Requestor acted in a manner which was disrespectful and uncivil towards a Council candidate, fellow Councilmembers, and anyone who might disagree with Requestor's choice. The transmitted emails set the stage in the community such that any similar opposition might

be viewed as racist or contributory to systemic racism, potentially causing negative or retaliatory repercussions for those individuals.

(4) Was there a Code of Conduct violation when Requestor suggested a debate between the finalists as a means of resolving the 3-3- tie?

The Ethics Board does not have the authority to offer an advisory or educational opinion on whether suggesting a debate between the finalists as a means of resolving the 3-3- tie is a Code of Conduct violation.

IV. **Conclusion**

The Board submits this Opinion to the City Clerk for publication, pursuant to Article III, § D.2.

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Through the ‘Gateway’ to Bainbridge came a Trojan Horse

Published 1:30 am Friday, May 1, 2026

By [REDACTED]

A deeply blue community, only 12.2% of Bainbridge voters chose President Donald Trump in 2024. But, one year later, on an anti-growth, “Keep Bainbridge Bainbridge” platform, we elected [REDACTED] to City Council — ironically, handing the duty of protecting our specialness to a guy who moved here in 2022. As affordable housing at 625 Winslow became the election’s marquee issue last fall, [REDACTED] painted a grim picture of the City Council’s plan to “massively upzone Winslow and the surrounding areas,” warning voters, “Don’t let Bainbridge become Ballard.”

A galvanizing statement, indeed. [REDACTED] won, and since taking office has spent much of his time opining that the City of Bainbridge Island need not comply with state law requiring we plan for more affordable housing, yet raising concerns “of a legal nature” about the City’s Race Equity Advisory Committee (REAC) — a diverse group of seven council-appointed volunteers with professional and lived experience addressing racism. I am one of them. From his new seat on the dais and with great regularity on “Nextdoor,” [REDACTED] airs his discomfort with a wide array of REAC activities. Most recently, and most revealingly, he was the sole vote against approving REAC’s 2026 work plan, noting that “new legal precedent” may mean recommendations about equity in hiring are not “consistent with federal and state law.”



Trending

It's unrealistic for drivers to know every single traffic law

(<https://www.bainbridgereview.com/2024/10/11/its-unrealistic-for-drivers-to-know-every-single-traffic-law/>).

4 BI high school students receive Youth Art Award

(<https://www.bainbridgereview.com/2026/05/13/4-bi-high-school-students-receive-youth-art-award/>).

The federal law he is talking about? Title VII of the Civil Rights Act of 1964, prohibiting employment discrimination based on race, color, religion, sex and national origin — landmark civil rights legislation that activists fought and died for throughout the 50s and 60s. Sixty-two years later, Trump and his loyalists have twisted the original intent of the law to claim that “DEI” is unfair to... white people, straight people, and men. And on April 14, ██████ held his vote in deference to this vision of civil rights — a keystone of Project 2025.

Like many of Trump’s threats, enacting his anti-equity orders requires that we comply in advance. Numerous state attorneys general, and thousands of private companies, nonprofits, universities, and municipalities around the country, including our own, have shown that resistance is not only the right thing to do, it is the smart thing to do. Just last year, our City Council agreed not to capitulate to new federal grant language demanding recipients cooperate with ICE and end all DEI practices. Yet, while ██████ stands ready to sue the state over affordable housing requirements, he appears eager to comply with this funhouse version of civil rights.

This isn’t really about ██████, though — this is about what he represents, which is, quite literally: us. Because before we knew who Councilmember ██████ was, we voted for candidate ██████ — the one who cited protecting our island’s “special character” or “small town feel” six separate times in his candidate statement. ██████ didn’t coin these terms, which are at once ambiguous and heavy with the weight of history — a history that, in the United States, is always a mix of good, bad, and ugly. I say ambiguous because, while they may carry emotional weight, definitions are elusive. Is Bainbridge special and small when compared to Port Townsend — a town with half as many residents, but many more historic (and much taller) buildings?

And I say heavy with the weight of history because, across the country, the vast majority of our neighborhoods are as segregated today as they were in the 1960s. After white WWII veterans achieved homeownership through the GI Bill (good) while Black veterans could not (bad) and as racial housing covenants and redlining (ugly) were being banned, terms like “special character” and “small town feel” started showing up in planning and zoning: race-neutral on their face, but locking in “character” and “feel” created in large part by centuries of racist housing policies, practices, and racial intimidation. Today, these terms are lifted up at the exact moments when affordable housing is proposed in jurisdictions across the country. And, knowingly or not, Bainbridge fell right in line.

I’ve been on Bainbridge long enough to remember when the BIMA complex was an auto-wrecking yard on the way to Captain K’s (blissfully open past 8 p.m. and full of working-class regulars). But, somehow, I missed knowing the corner of Winslow and 305 was the great “Gateway to our Island” until last year, when it needed to be saved from affordable housing, and in walked ██████. There has been an incredible amount of misinformation and fear-mongering about who we have room and resources for on Bainbridge Island, and it’s okay to be confused or worried. But fear rarely leads us in the right direction, and — once we see that — it’s usually a good idea to turn around.

██████████ lives on Bainbridge Island with her husband and three children. She works for the nonprofit ████████████████████ and serves on the city’s Race Equity Advisory Committee.

Trending

Your rooftop can be a powerful place

(<https://www.bainbridgereview.com/2026/05/08/your-rooftop-can-be-a-powerful-place/>).

New film shot around the island a modern-day ‘Breakfast Club’

(<https://www.bainbridgereview.com/2026/05/08/new-film-shot-around-the-island-a-modern-day-breakfast-club/>).





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BAINBRIDGE ISLAND
REVIEW

Opinion

Neighbor Helping Neighbor – Helpline’s pledge to help those in need

(<https://www.bainbridgereview.com/2026/05/01/neighbor-helping-neighbor-helplines-pledge-to-help-those-in-need/>)



BAINBRIDGE ISLAND
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Opinion

Trump’s blasphemies create an unlikely opening for Democrats

(<https://www.bainbridgereview.com/2026/05/01/trumps-blasphemies-create-an-unlikely-opening-for-democrats/>)



Opinion

Zoomers put their own stamp on tech-enabled rudeness

(<https://www.bainbridgereview.com/2026/04/24/zoomers-put-their-own-stamp-on-tech-enabled-rudeness/>)

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Letters to the editor

Published 1:30 am Friday, May 8, 2026

just doing his job

To the editor:

's recent op-ed tries to fuse legitimate City Council oversight with national anger toward Donald Trump—a cheap and distracting tactic that avoids the real issue: accountability.

Trending

[Many from Kitsap qualify for districts at OL tennis tournament](https://www.bainbridgereview.com/2026/05/11/kitsap-girls-qualify-for-districts-at-ol-tennis-tournament/)

(<https://www.bainbridgereview.com/2026/05/11/kitsap-girls-qualify-for-districts-at-ol-tennis-tournament/>)

[Skylar Aspen Crawte](https://www.bainbridgereview.com/2026/05/06/skylar-aspen-crawte/)

(<https://www.bainbridgereview.com/2026/05/06/skylar-aspen-crawte/>)

As co-chair of the (), holds a position that should promote dialogue, fairness, and respect. Instead, her op-ed leans on personal attacks against Councilmember , a duly elected official with a legal responsibility to oversee taxpayer-funded programs—including . Questioning spending and priorities is not extremism; it is the job of the City Council

oys the very intolerance she claims to and the mission of .

was created by the City Council to advise—not to attack—the very officials it serves. When its leadership resorts to inflammatory language instead of reasoned argument, it raises a fair question: why is scrutiny of being avoided?

Bainbridge Island deserves better. Constructive change cannot be built on hostility and deflection. If seeks to foster equity, trust, and inclusiveness, it must first demonstrate respect for oversight and a willingness to engage in honest, civil discourse—not personal attacks.

Peter Tarvin

Bainbridge Island

Trending

New film shot around the island a modern-day 'Breakfast Club'

(<https://www.bainbridgereview.com/2026/05/08/new-film-shot-around-the-island-a-modern-day-breakfast-club/>).

Letter to the editor

(<https://www.bainbridgereview.com/2025/07/04/letter-to-the-editor-71/>).

off course

To the editor:

I was once a strong supporter of creating the (). At its inception, I understood it to be a body that would foster understanding, tolerance, and equal opportunity within our community. Today, it appears to have drifted away from that purpose.

A recent opinion piece in this paper by 's co-chair suggests a troubling shift in tone and approach. Rather than encouraging dialogue, the article relies on a sharp attack on a city councilmember and others who raise legitimate questions about the committee's direction and use of public funds.

This is not an isolated instance, but part of a broader pattern of related public writings that risk undermining the committee's credibility and publicly perceived objectives.

Constructive questioning of is not hostility; it is an essential component of responsible governance. When disagreement is framed as opposition or ill intent, it discourages the very engagement and inclusion that was created to promote.

's mission is too important to be diminished by rhetoric that divides rather than informs. If the committee is to fulfill its intended role, it must recommit to open dialogue, mutual respect, and a willingness to engage thoughtfully with differing perspectives.

Bainbridge Island deserves a process grounded in toleration and inclusion, not only in principle, but in practice.

Mary Matthews

Bainbridge Island

should resign

To the editor:

's recent opinion piece, written as co-chair of the City Council-appointed (), falls short of the standards expected of a committee chairperson. is entitled to her views. However, using this newspaper to deliver a lengthy personal attack on a sitting city councilmember—the group is tasked to advise—is inappropriate.

Committee leaders have a responsibility to elevate public discourse, not inflame it. When that line is crossed, it undermines both the committee's credibility and its mission.

If 's intent was to defend 's legitimacy, the result is the opposite. Public trust in advisory bodies depends on professionalism and objectivity. Public disputes with elected officials erode that trust.

's goals are enviable, but its leadership should reflect discipline, restraint, and respect—even in disagreement.

When leaders of appointed committees become publicly at odds with those they serve, the group's effectiveness is severely damaged.

In such cases, the appropriate course is for the co-chair to resign for the good of their committee and the ultimate attainment of its goals.

David Schutz

Bainbridge Island

Thankful for new councilmembers

To the editor:

doesn't seem to understand "deep blue Bainbridge."

To clarify, we support sensible growth based on water and infrastructure availability. Not the planning without facts, lack of skilled expertise, staff over and backroom dealing that characterized the massive 625 building project.

Once we understand infrastructure limits, we are eager to prioritize growth that favors diverse low-income housing options over market-rate housing.

Most of us have chosen Bainbridge for its special character and small-town feel because we like the pace, friendly neighbors, and proximity to the natural world. Not because we are looking for a segregated community. To assume otherwise is a huge stretch.

We are grateful to our new councilmembers and Lant for asking hard questions about how we can create a Bainbridge that makes smart decisions about water, growth and affordability.

Let's get this done together.

Ellen Lockert

Bainbridge Island

█'s op-ed courageous

To the editor:

█'s response to █'s op-ed opened by invoking civil discourse, yet an op-ed is precisely the kind of contribution civil discourse depends on. Characterizing it as a violation while positioning himself as the aggrieved party undermines the very principle he's citing. "I will not be silenced" is a remarkable thing to write as a sitting elected official responding publicly on his own platform.

He used words like "innuendo" and "insinuation" without citing a single specific example. If his criticism is that she was vague, his response should model the opposite.

On the "moved here in 2022" point: that wasn't her argument. She used it to illustrate a broader irony about the public, not to question his right to hold office.

Seizing on it as a personal attack, then invoking "All Are Welcome" against her, suggests he engaged with the most convenient sentence rather than her actual argument.

He frames the op-ed as retaliation for asking questions. But her piece was about what those questions reveal about his priorities and their alignment with broader national political trends.

His claim that people are afraid to speak is unfalsifiable: it conjures a silent majority without evidence, and implicitly frames █'s willingness to publish as proof she isn't afraid. Courage and fear are not mutually exclusive.

Criticism directed at a public official in good faith deserves a substantive response, not a reframing of the critic as the problem. Do better.

Sarah Ward

Bainbridge Island

█'s efforts appreciated

To the editor:

I see from the headline of █'s May 1 op-ed in the Bainbridge Review that City Councilmember █ is "a Trojan Horse" for █ionary racists here on the Island. Apparently, that disparaging tag is what he gets for having the temerity to question █ about its activities and work plan, including its so-called "Race Equity Lens" for institutionalizing race-based criteria for city hiring and decision-making.

I won't bother listing the many ways in which █'s op-ed distorted the facts to try to support what is, at base, an unseemly ad hominem attack (though I'm happy to provide specifics for anyone who wishes to pursue it). Quite a spectacle coming from the co-chair of a city advisory committee.

My purpose here is simply to say to Councilmember █: "Keep up the good work." You have a great deal of support here in the community, and your efforts are much appreciated, especially in light of the unfair attacks you have to endure for having the courage to ask probing questions and bring relevant facts into the discussion of public matters.

Joseph McMillan

Bainbridge Island

Effects of Iran war

To the editor:

I write from Malawi, where our war with Iran hits hard.

In a country where per capita income is about \$510 a year, the sudden loss of petroleum is life-threatening. Five pregnant mothers died last week because the central hospital had no power to run its C-section operating room. Basic governmental functions are stopped for days due to a lack of power due to a lack of petroleum. Malawians cope courageously. Since few cars and buses can drive, workers now walk by my flat beginning at 4 a.m and return as late as 8 pm.

Thousands of enthusiastic students now miss school. These are harvest and corn farmers who have labored all year for a single paycheck, and cannot afford to bring their crop to market because the cost of trucking is prohibitive.

Farmer suicide has soared. Store shelves are emptying due to a lack of transit here and in the Strait of Hormuz. Businesses close to cope as the hard-won progress from decades of work crumbles under our war. A war we can end in weeks will continue here for years. Despite this, Malawians continue to be gracious. Instead of complaining about our president, one noted, "We understand, we had a President like that once."

John Kydd

Bainbridge Island

Let builders build

To the editor:

We are constantly told that Washington State is facing a housing crisis, yet our local and state governments continue to feed the very machine that created it.

The skyrocketing cost of housing in Kitsap County isn't just an accident of the market; it is the direct result of overbearing zoning laws and endless bureaucratic red tape.

Every time a developer or a private property owner tries to build, they are met with a wall of exclusionary zoning restrictions, permitting delays, and fee structures that artificially choke the housing supply. By making it nearly impossible to build diverse and affordable housing, the state has effectively priced working families, young professionals, and retirees right out of their own neighborhoods.

We don't need more government intervention or subsidized band-aids to fix housing in Kitsap County. We need the regulatory machine to get out of the way. If we want to bring down the cost of living in Washington, we must demand that our local councils and state representatives tear down outdated zoning laws and let builders actually build.

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(<https://www.bainbridgereview.com/2026/04/10/letters-to-the-editor-184/>)



Statement from Councilmember [REDACTED] on [REDACTED]'s May 1, 2026 Op-Ed

I have always been very upfront about who I am and what I stand for. I stand for civil discourse. I stand for the democratic process. I stand for responsible growth planning that takes into account our available environmental resources and the community's voice.

Let me be clear. [REDACTED]'s May 1st op-ed in the Bainbridge Island Review is offensive, and I reject her baseless innuendo, insinuation, and irresponsible rhetoric. It seeks to dismiss and exclude my voice because I am "a guy who moved here in 2022." This is an odd statement from the Co-Chair of a committee that preaches "All Are Welcome." Further, [REDACTED] does not draw the line at insulting me, but also extends her offensive hyperbole to insult all Islanders who voted for me.

Why was this written? Because I dared to ask questions and raise concerns about certain actions and recommendations of the Race Equity Advisory Committee (REAC). I dared, as a sitting City Councilmember, to exercise oversight over a citizen advisory committee.

I would be shocked by this response if it wasn't completely expected. Instead of engaging in a professional and respectful conversation with me, [REDACTED] elected to insult me publicly through irresponsible rhetoric and innuendo. It saddens me the sheer number of Islanders that have shared with me that they are afraid to speak up, or even to ask a question, for fear of being publicly shamed just as [REDACTED] has sought to do to me. This is what the author wants you to know. If you speak up or ask questions, this is what will happen to you.

I believe in civil discourse. An atmosphere that does not tolerate discussion, scrutiny, or even basic questions does not advance the democratic process we all cherish. No dissent will be tolerated is where democracy goes to die. I cannot abide. I will not be shamed by reckless insinuation. I will not be silenced. I will ask questions.

When I was Co-Chair of the Diversity Advisory Committee at the Washington State Attorney General's Office, we focused on a core idea: meeting people where they are. We focused on inclusion, not exclusion. We listened and welcomed different ideas. We didn't shame people into silence.

REAC can and must do better than this. What this op-ed highlights for me is the need for further training and education from the City Attorney on legally viable strategies for advancing racial equity and inclusion, especially in the hiring context. REAC's recommendations must be legally permissible. We must be good stewards of taxpayer dollars and spend these precious dollars wisely to advance community interests, instead of squandering them on settling avoidable discrimination claims. I think we would all welcome legally viable strategies for advancing racial equity and inclusion.

I welcome thoughtful discussion on these important matters.

June 30, 2026

To the City of Bainbridge Island Ethics Board:

I am providing a written response to the Ethics Complaint filed by ██████ on May 14, 2026. The Complaint centers on an editorial column I authored that appeared in *The Bainbridge Review* on May 1, 2026 and is provided in ██████'s Complaint. The premise of the Complaint relies on ██████'s assertion that I wrote the editorial "speaking for ██████ (████████████████████) and, possibly, COBI (City of Bainbridge Island)," in my official capacity as ██████ Co-Chair. I believe the Complaint to be invalid on this point alone, as I did not write on behalf of ██████ or COBI. A few points that support this:

- I am a somewhat frequent guest columnist/Op-Ed contributor on matters of equity and justice to *The Kitsap Sun* and *Bainbridge Review*, and I write on my own behalf as resident of Bainbridge. Only after facing accusations on social media that I was "hiding my affiliation with ██████" when writing as a columnist, did I begin to include ██████ in my byline.
- Being a member of ██████ was only one of several ways I identified myself in the column and byline, and I never stated I was writing on behalf of ██████ (nor on behalf of my employer, ██████ Project, which I also included).
- In contrast, on the one occasion that I [co-authored an Op-Ed](#) with two of my fellow ██████ members in 2024, we stated in the first sentence that we were writing as committee members, and provided no other identifying information in our byline beyond our roles as committee members. Importantly, even in this case we wrote as individual committee members rather than on behalf of ██████ as a body, due to the Public Records Act and quorum rules.

While I believe this alone addresses ██████'s complaint, I will provide a bit of additional information. Overall, ██████'s complaint comes down to her interpretations of what I "insinuated" in my column rather than what I wrote. For this reason, I would ask that the Ethics Board simply read the May 1 column and decide for themselves whether a private citizen – or even a volunteer advisory committee member – critiquing the words and actions of a public official in the manner I have, is in fact against the Ethics rules.

For example, ██████ asserts that the May 1 Op-Ed "condemns Council member ██████ and his supporters/constituents by implying they are law breaking, right wing, Trump-loving, racists (among other statements)." However, I make none of the statements above and use none of the terms or phrases ██████ describes. I do share concerns about the racialized impact of housing policies and practices, such as the hundreds of racially restricted housing covenants recorded on Bainbridge Island properties up through the 1940s. And I do describe a number of actions and statements that ██████ has made, all of which are easily verified and public. For example, I don't "imply" that ██████ cited Title VII of the Civil Rights Act when he voted against ██████'s

work plan on April 14th, I state it because it is a fact. I also state that “twist(ing) the original intent of the (Civil Rights Act) law to claim that DEI is unfair” is a “keystone of Project 2025” which can be verified by reading Project 2025. After [REDACTED] posted a response to my column (on social media and since taken down), I [REDACTED]hed out to him via email as a constituent and asked which “insinuations” he felt were false, to please clarify his position on “DEI” and civil rights if my representations are wrong, and to specify any statements in the Op-Ed he found to be untrue. I have not received a response to date.

[REDACTED] claims that I “had (my) father” post the Op-Ed on Next Door. I do not engage in social media for many reasons, including and in large part due to the vitriol and misinformation spreading worldwide and in this community over the past year. I don’t belong to any Next Door groups on Bainbridge so I only know about the activity there from members sharing screenshots and threads with me, which they often will when I am the subject matter. I also don’t control what my father posts on social media, but he does share posts about his family very regularly – from every article I’ve ever written, to videos of my sister representing her clients in court, to countless photos of his grandchildren. However sinister it may have appeared to [REDACTED], my dad is just proud of me and what I stand for and I learned he posted this particle article after the fact. I prefer to engage in public meetings, emails, and in the press, where facts matter, at least for now.

Alternatively, since joining Council in January 2026, [REDACTED] has posted, commented, and “liked” numerous social media statements seeding distrust and conspiratorial thinking about [REDACTED] and its members. In public meetings and on the dais, [REDACTED] has displayed regular opposition to [REDACTED] ideas and recommendations, which he has every right to do as an individual council member. This is not of concern to me, and I would never consider filing an Ethics Complaint over this behavior. I include this information here only to address [REDACTED]’s characterization of my May 1 Op-Ed as a “drive by” (presumably meaning it came out of nowhere and without reason) rather than a continuation of ongoing discourse, however impassioned. Confusingly, she also provides “context” for her Complaint that includes [REDACTED] questioning [REDACTED], as well as commentary by myself and others at public meetings leading up to May 1. To address these conflicting assertions, I will share a brief timeline of [REDACTED]’s actions (that I am aware of) toward the City’s [REDACTED] and myself as Co-Chair over the past six months since he took office:

1. My first interpersonal experience with [REDACTED] was a “welcome” coffee meeting on February 6, 2026, scheduled at the invitation of myself and [REDACTED]. At the meeting, the three of us had a robust but respectful conversation about affordable housing and equity and sent thank you emails to one another afterwards.
2. My next direct experiences with [REDACTED] were related to [REDACTED]’s suggested updates to the Guiding Principles for the new Comprehensive Plan, a project Council directed [REDACTED] to do in its 2024 and 2025 work plans. Through two Steering Committee meetings in February and March, and a number of email exchanges, [REDACTED] questioned, and I provided responses about, numerous aspects

of ██████'s recommended updates. Rather than a violation of Ethics rules, I believe this is strong committee work, and that after two years of gathering community input and working to center equity in the Guiding Principles, it was my job as Co-Chair to provide reasoned responses to an individual council member's attempts to strike ██████'s recommendations before they went to Planning Commission and full City Council for consideration. Ultimately, other council members on the Steering Committee found ██████'s recommendations useful and advocated for their inclusion. The result was a very strong set of Guiding Principles that reflect many varied perspectives and interests.

3. In the following months of March and April, ██████'s public accusations against ██████ and its members increased. To this day, he often makes and supports comments on social media that ██████ has overstepped its "authority" or has been making some sort of backdoor lobbying deals with nonprofit affordable housing providers and workers, or is out of line in one way or another. ██████ has discussed all his ██████-related concerns with the City Attorney on several occasions and has never taken any formal action as a council member to remedy these supposed violations. Instead, he has watched and approved as these claims grow on Next Door, with people, including ██████, feeding misinformation that ██████ validates with comments and approval. ██████ has also brought his concerns to the dais, which you can view in the [Council Study Session on March 17th](#) at which I presented the 2026 ██████ Work Plan.

Given all this, I feel my Op-Ed was fairly reserved and respectful while still expressing my sincere concerns about the actions of an elected official, and further about the potential to undermine our goals of increasing diversity on Bainbridge Island if we are unwilling to take a critical look at racism in history. I am confident we do not want to be a City that allows criticism of volunteer committee members by elected officials, but does not allow volunteer committee members, in their personal or volunteer capacity, to dissent or critique elected officials without facing retribution.

I hope this response provides helpful information and perspective as you consider ██████'s Complaint. I am always willing to answer any additional questions you may have and appreciate your work on the Ethics Board. For further comments on this matter from numerous community members, you can view the public comment portion of the June 30, 2026 City Council meeting.

Sincerely,

████████████████████

Request for Formation of City Council/Ethics Board Subcommittee

From Doña Keating <dona.keating@cobicommittee.email>

Date Fri 7/26/2024 12:36 AM

To Joe Deets <jdeets@bainbridgewa.gov>; Ashley Mathews <amathews@bainbridgewa.gov>; Kirsten Hytopoulos <khytopoulos@bainbridgewa.gov>; Brenda Fantroy-Johnson <bfantroy-johnson@bainbridgewa.gov>; Jon Quitslund <jquitslund@bainbridgewa.gov>; Leslie Schneider <lschneider@bainbridgewa.gov>; Clarence Moriwaki <cmoriwaki@bainbridgewa.gov>

Cc Karen Anderson <karen.anderson@cobicommittee.email>; Rafael Escandon <rafael.escandon@cobicommittee.email>; Rosemary Hollinger <rosemary.hollinger@cobicommittee.email>; Donna Davison <donna.davison@cobicommittee.email>; Hildja Saas <hildja.saas@cobicommittee.email>; Mark Markuly <mark.markuly@cobicommittee.email>; Peggy Nimb <pnimb@bainbridgewa.gov>; Drew T. Pollom <dpollom@omwlaw.com>

For your information/consideration only. Please be mindful of invoking OPMA in forwarding or replying to multiple recipients.

Councilmembers:

On behalf of the Ethics Board, I respectfully request the formation of a joint City Council/Ethics Board subcommittee (as we did in September 2021) to discuss and address several recommendations in the Annual Reports and Work Plans we've submitted since that time. Previous efforts to get this on the Council's agenda have been unsuccessful, and as we begin preparation of the 2024 Annual Report and 2025 Work Plan this September for submission in February 2025, we are concerned about the potential backlog and redundancy of unaddressed recommendations.

Below are the key recommendations that remain outstanding:

2022 Annual Report and 2023 Work Plan:

- 1. City Manager and Advisory Opinions:** Initially, the Board declined a request for an Advisory Opinion from the City Manager. Upon further reflection, we recommended that the City Manager be included in the program for Advisory Opinions, aligning with the educational intent of the Ethics programme.
- 2. Statute of Limitations Regarding Complaints:** We suggested a time limitation akin to a Statute of Limitations for Ethics Complaints of 12 months or longer. This would prevent complaints regarding actions that occurred years prior from being lodged and ensure that the Board can focus on current and relevant issues, enhancing the educational benefit of our reviews. In the past, the Board received complaints regarding actions which took place years prior to the complaint being filed. The Board, in its interpretation of the programme, had no choice but to review the complaint, despite the Board's inability to discern certain appropriate salient points due to the delayed nature of the complaint. The Board notes that prior allegations, when recourse or redress is not an option, provide little to no educational benefit. By placing a limit of time on complaints, Council would emphasise the educational aspects and limit any other intended uses of the Board's process.
- 3. Mandatory Ethics Training:** We recommended mandatory ethics training for all members of City Council-appointed committees, commissions, boards, and task forces, as well as for City Council

members, with annual follow-up training. City Staff will assist in tracking those members who have taken the training and those who still are required to complete the training.

2023 Annual Report and 2024 Work Plan:

1. **Statutes of Limitations or Expiration of Complaints:** The Board again recommended the City Council consider some type of Statute of Limitations or expiration in cases where Ethics Complaints reference individuals or actions who are either no longer with the City Council or Committee/Commission after a period of 12 months (or longer) from event(s) referenced in the complaint. The recommendation along with assurance of consistent and proper training should reduce the number of complaints. Similarly, when recourse or redress is not an option and provides no educational benefit, such a reduction may aid the Ethics Board in maintaining its focus on the most contemporaneous and relevant complaints. Similarly, the Board also recommends the City Council establish an additional Statute of Limitations on the date(s) by which complaints may be filed against prior actions. In the past, the Board has received complaints regarding actions that took place years prior to the complaint being filed. The Board, in its interpretation of the Ethics programme, had no choice but to review the complaint, despite the Board's inability to discern certain salient points because of the elapsed time and Council/Committee turnover. By placing a time limit on both instances, the City Council would emphasise the educational aspects over the political or punitive possibilities that may emerge without such adoption.
2. **Ethics Training Mandatory:** The Board again recommended mandatory Ethics programme training for all members of all Committees/Commissions/Boards and Task Forces appointed by the City Council and for all City Council members. Members must complete the training along with follow-ups on an annual basis. City Staff may assist in tracking those members who have completed training and inform those who are still required to complete the training.
3. **Timely Placement and Public Access to Key Documents:** The Board recommended a timely review and placement of important documents (e.g., the 2022 Annual Report/2023 Work Plan) into the public's view (e.g. hyperlinked into the EB's public archive) allowing full transparency to the public on work completed and planned activities for the current year.
4. **Addition of Student/Young Adult Memberships:** In the Fall of 2023, we discussed and subsequently proposed a programme allowing 6-month or 1-year memberships for young adults (aged 16 to 22 years) on the Ethics Board to foster early exposure to municipal volunteer service.
 - o Update: We are pleased to note that this recommendation is being addressed per the Deputy Mayor's urging and your recent vote at City Council's July 23, 2024 meeting (8.G Discuss Potential Youth Participation in Local Government Via Youth Consultation Exercises and Activities).

The formation of a subcommittee to consider these recommendations is crucial for maintaining the integrity and effectiveness of our programme. Timely addressing these issues, hopefully by end of year, will enhance the Board's ability to serve the community and uphold the public's trust in our municipal processes.

We appreciate your interest in our advisory feedback, and your consideration of opportunities to ensure continued success and relevance. Kindly advise if you believe a redline of proposed changes will facilitate and inform our discussion as we'd happily provide one.

Thank you for your time and consideration.



Doña Keating, Chair

Ethics Board, Position 1

dona.keating@cobicommittee.email

Response to City Council Study Session Discussion

From Doña Keating <dona.keating@cobicommittee.email>

Date Wed 12/10/2025 10:30 PM

To Ashley Mathews <amathews@bainbridgewa.gov>; Jon Quitslund <jquitslund@bainbridgewa.gov>

Cc Drew T. Pollom <dpollom@omwlaw.com>

Dear Mayor Mathews and Deputy Mayor Quitslund,

Thank you for the opportunity to discuss the Ethics Board's recommended updates to the Program's Rules at the October 21 Study Session. On November 10, the Board met again to discuss its recommendations. After open discussion and debate, the Ethics Board reaffirmed its recommendation that the City Council adopt a statute of limitations for filing complaints and to preserve the public's right to file complaints, even after a Council or Advisory Group member has left office. The following below sets forth our basis for maintaining this recommendation:

1. Statute of Limitations (Complaint Timeliness)

There is currently no time limit for filing ethics complaints. This means a complaint regarding conduct that occurred five or more years ago could still be submitted today. The Board has proposed a 1- or 2-year window, consistent with other timelines already in the Ethics Code.

This is a reasonable reform that:

- Prevents evaluations of *stale complaints* where context has been lost.
- Increases fairness for respondents who may no longer have access to documentation or witnesses.
- Supports the Board's *educational purpose* by focusing on current and actionable guidance, rather than retrospective analysis with no remedial value.
- Strengthens the impact of ethics training, allowing guidance to evolve with clarity on what is enforceable and within scope.

2. Post-Service Complaint Jurisdiction (Public Access to Accountability)

If former Council or Advisory Group members are exempt from complaints upon leaving office, this creates a conflict with the proposed "discovery rule" that would allow complaints based on when the public becomes aware of a violation.

Example:

A Councilmember accepts inappropriate gifts in Year 3. The misconduct was discovered two months after they left office.

- Under the "discovery" standard: the complaint is valid.
- Under a post-service exemption: the complaint is barred.

This contradiction would make it less possible for the public to hold officials accountable when violations are concealed until after they depart, a situation that risks eroding public trust.

3. Governance

The Ethics Board began formally recommending these changes in 2022. There was no objection during the intervening years to the proposals until final implementation was near. This has:

- Delayed action into a fourth year since we are now preparing our 2025 Annual Report / 2026 Work Plan,
- Undermined the ability to train or educate effectively as the Board is uncertain whether the City Council will take any action on modifying the Ethics Program, and
- Left the Board operating under outdated standards with unclear enforcement boundaries.

Summary of Ethics Board Recommendations (2022–2025)

Recommendation	First Proposed	Status
Statute of Limitations on Complaints	2022	Pending
Post-Service Complaint Jurisdiction	2022	Pending
City Manager Advisory Opinions Eligibility	2022	Pending
Mandatory Ethics Training	2022	Implemented
Timely Publication of Reports	2023	Implemented
Youth Advisory Member Program	2023	Partial / Pending

4. Risk of Public Perception and Alternative Remedies

As noted by the Mayor in the Study Session, attempts by City Council to exempt itself from future complaints, especially after leaving office, may be perceived by the public as self-serving or a conflict of interest. Removing the community’s access to the Ethics Board process may lead residents to seek alternative channels, such as:

- Legal action or litigation,
- Formal complaints through other jurisdictions, or
- Public campaigns and reputational damage through social media and press.

5. Final Board Position

- A fair statute of limitations is not strictly “necessary” but is reasonable, practical, and consistent with existing Code structure.
- The Ethics Board does not support exempting former Council or Advisory Group members from jurisdiction.

The Board understands that its role under the Program is limited, and the proposed changes are recommendations that the City Council may accept, reject, or modify. We respectfully request that the City Council take action on these recommendations so that the Ethics Board can proceed with its training and education obligations.



Doña Keating, Chair

Ethics Board, Position 1

dona.keating@cobicommittee.email

Re: Joint Subcommittee: City Council and Ethics Board

From Doña Keating <dona.keating@cobicommittee.email>

Date Thu 2/26/2026 2:43 PM

To Peggy Nimb <pnimb@bainbridgewa.gov>

Cc Drew T. Pollom <dpollom@omwlaw.com>

Hi Peggy,

When the Board originally requested the formation of a joint subcommittee in July 2024, we discussed that past subcommittees included the Chair and Deputy Chair and that the same would apply here. Votes weren't required since chairs of a standing committee are generally empowered to designate members, including themselves or the deputy chair, to subcommittee roles. That said, now that the subcommittee has been approved by Council and the Board informed via my email, I would want a vote to formally appoint the Chair and Deputy Chair as subcommittee members on the record, and to approve our Annual Report and Work Plan.

The concern is that the status of the ordinance interpretation hasn't changed. Under the City's current position, the Board cannot meet or take action with four members. Designating this as a special meeting doesn't change the underlying issue. If the City is now offering the Board the opportunity to meet, approve documents, and appoint subcommittee members, I'd want legal cover that this is permissible, in writing, before proceeding. Otherwise, any actions taken could be challenged, and as Chair, that falls on me.



Doña Keating, Chair

Ethics Board, Position 1

dona.keating@cobicommittee.email

From: Peggy Nimb <pnimb@bainbridgewa.gov>

Sent: Wednesday, February 25, 2026 3:50 PM

To: Doña Keating <dona.keating@cobicommittee.email>

Cc: Drew T. Pollom <dpollom@omwlaw.com>

Subject: RE: Joint Subcommittee: City Council and Ethics Board

Hello Doña,

I spoke with Ellen Shroer this morning. She asked that I reach out to discuss the scheduling of a special meeting of the Ethics Board to give the board an opportunity to discuss the Council's motion to form a Joint Subcommittee with the Ethics Board. The board could elect two members to participate in the subcommittee.

This meeting would also provide the board an opportunity to approve the submitted draft of the 2025 Annual Report and 2026 Work Plan. The City Council will receive these reports at the

March 17 and April 21 study sessions. The Ethics Board is tentatively scheduled for March 17, provided the report is approved.

If the regular meeting date of March 11 works for the board, I would cancel the regular meeting and schedule a special meeting at 6:30 p.m. (same date and time).

Let me know if that works or if you have any questions.

Best,



Peggy Nimb, CMC

Deputy City Clerk

In office: T W F

206-780-8604 desk | 206-939-3671 cell

From: Doña Keating <dona.keating@cobicommittee.email>

Sent: Tuesday, February 24, 2026 7:27 PM

Cc: Drew T. Pollom <dpollom@omwlaw.com>; Peggy Nimb <pnimb@bainbridgewa.gov>

Subject: Joint Subcommittee: City Council and Ethics Board

****Do not reply in any manner that could involve the majority of the Board or violate [OPMA](#), including [serial meetings](#).****

Greetings All,

At tonight's City Council meeting, the motion to form a Joint Subcommittee with the Ethics Board to Consider Revisions to the Ethics Program was unanimously approved, 7-0. The subcommittee members from Council are:

- Deputy Mayor Hytopoulos
- Councilmember Fantroy-Johnson
- Councilmember Lant

I attended tonight's meeting virtually. Thank you, Rafael, for being there in person.

bcc: Ethics Board



Doña Keating, Chair

Ethics Board, Position 1

dona.keating@cobicommittee.email

Ethics Board

2025 Annual Report / 2026 Workplan

Report on 2025 Activities

Pursuant to Article V, § D of the City of Bainbridge Island Code of Conduct and Ethics Program (the “Program”), the Bainbridge Island Ethics Board hereby provides its annual report and workplan to the Bainbridge Island City Council.

I. Complaints and Advisory Opinions

In 2025, the Ethics Board addressed three previously deferred complaints related to the City Code of Conduct and Ethics Program. The outcomes were as follows:

- **EB 2021-04:** The Board dismissed this complaint after determining that the alleged facts did not meet the threshold of a violation under Article II, Section D.1(c) of the Program.
- **EB 2021-05:** This complaint was dismissed by a vote of 4–1. The Board found that, even if the facts presented were accurate, they did not amount to a “significant financial or private interest” as defined under Article II, Section D.1(b).
- **EB 2021-06:** The Board voted to dismiss this complaint (with four members in favor and one abstention), concluding that the allegations did not meet the definition of a property-related conflict according to Article II, Section D.1(c).

Prior to deliberations, the Board conducted a thorough conflict-of-interest review and found no disqualifying conflicts.

Throughout 2025, no new complaints were received. Multiple meetings reaffirmed that the three deferred complaints remained on hold until litigation concluded.

II. Ethics Board Members

In 2025, the Ethics Board experienced routine membership transitions. Leadership appointments for the year reaffirmed Ms. Keating as Chair and Dr. Escandon as Deputy Chair, ensuring continuity as vacancies were filled. Chair Doña Keating and member Karen Anderson continued serving terms expiring in June 2026, while Rafael Escandon continued his term through June 2028.

New members, Eve Sherling and Turner Vail, were appointed to terms ending in June 2027. The Board experienced vacancies throughout the year due to resignations and term completions, with Mayor Ashley Mathews, Councilmembers Moriwaki and Deets, and Chair Keating conducting candidate review and selection.

Members Donna Davison, Hildja Saas, and Rosemary Hollinger concluded their three-year terms in June 2025 and were formally recognized for their service.

III. Changes to the Ethics Program

No specific changes to the Ethics Program have occurred in 2025.

IV. Training

In 2025, the Board reviewed the results of a training survey distributed to Advisory Group members, incorporated counsel-drafted case studies into updated materials, and coordinated with City staff scheduling requirements for recording introductory training sessions once Council finalizes Code updates.

Updated training slides were completed. Outstanding items were limited to finalizing timing and sequencing with City Council after adoption of the relevant recommendations. No in-person or virtual training sessions were conducted in 2025 due to the pending status of these Code changes, though the Board remained prepared to proceed upon Council approval.

Ethics Board training is structured to be completed as follows:

- An in-person and remote, Zoom-based training and informational session for City Council.
- An in-person recording by two Board members to include related materials, which will be shared with all Advisory Group members and posted for review on the City's Ethics Board Web Page, under the "Resources" Section.
- Updated documentation and training program as applicable to reflect appropriate Ethics Code changes and effective dates.

In order to complete this annual training, the Board needs technical assistance from the Council and the City with the following:

- Sending notices of the training sessions to all current members of Advisory Group Committees, Boards, and Commissions.
- Scheduling the training sessions and providing the Board with the necessary tools and permissions to host the Zoom meetings.
- Scheduling the joint/training session with Council.
- Recording the training sessions and posting one on the Ethics Board website along with the PowerPoint slides.
- Keeping track of which City Council and Advisory Group members have attended or viewed a training session.

V. Requests and Recommendations

A. Statutes of Limitations or Expiration of Complaints

The Board recommends the City Council consider some type of Statute of Limitations or expiration in cases where Ethics Complaints referencing individuals or actions who are either no longer with the City Council or Committee/Commission after a period of 2 years from event(s) referenced in the complaint. The aforementioned recommendation along with assurance of consistent and proper training should reduce the number of complaints. Similarly, when recourse or redress is not an option and provides no educational benefit, such a reduction may aid the Ethics Board in maintaining focus on the most contemporaneous and relevant complaints.

Similarly, the Board also recommends the City Council establish an additional Statute of Limitations on the date(s) by which complaints may be filed against prior actions. In the past, the Board has received complaints regarding actions that took place years prior to the complaint being filed. The Board, in its interpretation of the Ethics Program, had no choice but to review the complaint, despite the Board's inability to discern certain salient points because of the elapsed time and Council/Committee turnover.

By placing a time limit on both of these instances, the City Council would emphasize the educational aspects over the political or punitive possibilities that may emerge without such adoption.

B. City Manager and Advisory Opinions

The Board was approached by the City Manager with a request for an Advisory Opinion. This request was respectfully declined by the Board. Upon further consideration and in keeping with the spirit and intent of the educational nature of the Ethics Program, the Board would recommend the City Manager be included in the program for Advisory Opinions.

C. Addition of Student/Young Adult 6 Mo/1-Year Membership(s)/Ethics Board Rotations

Implement a program allowing 6-month or 1-year EB membership terms for young adults (roughly high-school, undergraduate age: ~ 16 to 22 years) to allow exposure to municipal volunteer service.

Status of Recommendations

The above recommendations are carry-overs from prior annual reports/work plans.

In 2025, the Ethics Board reviewed several matters referred by the City Council relating to the above potential updates to the Ethics Program. The Council requested that the Board evaluate four areas:

- (1) whether the acceptance of complaints should be limited to the period during which an elected official is in office;
- (2) whether filing timelines should begin at the time of an event or when the event becomes known, including consideration of a twelve-month or two-year window;
- (3) how changes to the City Code should be reflected in the Ethics Code to ensure consistency and an appropriate tracking process; and
- (4) how the Board's purpose, function, and outputs are understood within the City organization, including Council, committees, commissions, and staff.

In response, the Board approved a motion directing the development of a formal communication to the City Council addressing these four items and providing recommendations and clarifications where appropriate.

The Board also reaffirmed its previously adopted recommendations, including establishing a statute of limitations for ethics complaints, maintaining mandatory annual Ethics Program training for Councilmembers and advisory group members, updating the Ethics Code to allow the City Manager to request advisory opinions, and supporting opportunities for youth participation in Ethics Board service. The Board continues to emphasize the importance of clarity, transparency, and consistency in the administration of the Ethics Program.

2026 Workplan Priorities

- A. The Ethics Board will assist the City Council by encouraging timely application, consideration, interview, and confirmation of qualified people for Ethics Board positions whose terms will be completed during the year.
- B. The Board will identify any needed adjustments to previously approved Ethics Program materials based on continued experience with the Code. If necessary, it will provide suggestions to City Council for consideration.
- C. With the assistance of City staff, the Board will ensure that all appropriate individuals have received Ethics Program training and that all new members are

trained as soon as possible, including coordinating training near the time of appointment.

- D. The Board will provide Q&A support relating to Ethics Code training for Councilmembers if requested and will be available for questions from members of Boards, Committees, and Commissions after they have reviewed the archived (video) training content on the Ethics Board website.
- E. Increase public exposure to the existence of the Ethics Board/Ethics Program, its membership and its function at times during the 2026 calendar year through outreach. This may be achieved by having member(s) available at scheduled times at the community farmer's market, the moonlight market, the national night out, and other community events, as availability dictates.
- F. The Board will continue to support the Ethics Program's role as an educational resource that promotes public trust and transparency in local government. This may include providing clarification on how to apply Ethics Code provisions to commonly encountered situations.
- G. The Board will continue to respond to official ethics complaints and inquiries for advisory opinions in adherence to the Ethics Program.

Approved, _____(Date)

Advisory Body Operations and BIMC 2.01.050(A) Interpretation

From Doña Keating <dona.keating@cobicommittee.email>

Date Sun 1/18/2026 4:37 PM

Bcc Turner Vail <turner.vail@cobicommittee.email>; Eve Sherling <eve.sherling@cobicommittee.email>

****FYI only - Do not reply in any manner that could involve the majority of the Board or violate OPMA, including serial meetings.****

Bcc: Ethics Board



Doña Keating, Chair

Ethics Board, Position 1

dona.keating@cobicommittee.email

From: Doña Keating <dona.keating@cobicommittee.email>

Sent: Monday, January 12, 2026 3:26 PM

To: Council <Council@bainbridgewa.gov>

Subject: Advisory Body Operations and BIMC 2.01.050(A) Interpretation

Esteemed Members of City Council:

I write ahead of tomorrow evening's meeting to raise a concern about an interpretation of BIMC 2.01.050(A) that has resulted in multiple advisory bodies across the City being halted due to vacancies.

The Ordinance reflects the position that advisory bodies cannot meet when vacancies reduce membership below the "five to seven" range established in BIMC 2.01.050(A). Under this interpretation, the Ethics Board—which currently has four members—has been prohibited from conducting business, and our January meeting was canceled.

This interpretation reads composition language as an operational threshold. I believe that is incorrect, for several reasons.

First, 'shall consist of five to seven voting members' is a directive to the appointing authority regarding how the body should be constituted. It does not, on its face, speak to whether a body with vacancies may continue to meet.

Second, the interpretation produces an absurd outcome: four members present cannot conduct business if vacancies exist, but four of seven can conduct business if all positions are filled. The same deliberative capacity yields different results based solely on appointment lag, something entirely outside the boards' control.

Third, and most significantly, the ordinance itself addresses quorum directly. BIMC 2.01.060(E) states: 'A majority of the voting members *then serving* on a committee shall constitute a quorum'. The phrase 'then serving' explicitly contemplates boards operating with vacancies. It ties quorum to members currently in office, not to authorised positions. With four members serving, a majority is three. The Ethics Board has quorum under the City's own ordinance.

The Ethics Board's Operating Guidelines, adopted consistent with the authority granted to the Board to establish reasonable operating rules, also establish that four members constitute a quorum. The Guidelines are consistent with BIMC 2.01.060(E). There is no conflict between the ordinance and the Guidelines; both point to the same conclusion.

Standard parliamentary procedure and Washington state law reflect this same principle. Multiple RCWs governing state boards explicitly provide that vacancies do not impair the right of remaining members to exercise powers or perform duties, so long as a quorum is present. This prevents boards from being paralysed by vacancies they have no power to fill.

Recent amendments to Chapter 2.01 BIMC created a framework in which advisory bodies are rendered inoperative whenever vacancies arise. This effectively suspends community participation in advisory processes whenever appointment pipelines lag behind attrition. Multiple boards have apparently been halted under this reasoning. That is a significant policy outcome: one that silences the very citizen voices these bodies were created to amplify.

That the Ethics Board is being shut down shortly after public discussions with City Council regarding proposed amendments to the Code of Conduct and Ethics Program, including the exemption of Councilmembers from complaints once they leave office, could lead voters to conclude the City is creating a cone of silence.

I respectfully request that the current interpretation be reconsidered. If the City concludes that advisory bodies may continue to meet and act so long as a quorum of seated members is present, as BIMC 2.01.060(E) plainly provides, the Ethics Board's January meeting should be rescheduled.

Our Annual Report and Work Plan is due in February. We are prepared to conduct business and would like to do so.

I am happy to discuss this further at your convenience.



Doña Keating, Chair

Ethics Board, Position 1

dona.keating@cobicommittee.email

COBI ETHICS BOARD
Regular Meeting
Wednesday, December 10, 2025
In-person and via Zoom

Minutes

1. CALL TO ORDER/ROLL CALL—6:30 PM

Present: Doña Keating (Chair), Rafael Escandon (Dep Chair), Eve Sherling, Turner Vail, Drew Pollum (Counsel), and Marlene Schubert (City Staff) all present at opening of the meeting. Karen Anderson joined at 6:35 via zoom.

2. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Approval of December 10, 2025 Agenda

MOTION: Rafael Escandon; **SECOND:** Karen Anderson - **Passed Unanimously**

No conflicts of interest disclosed by any members.

3. PUBLIC COMMENT

3.A Instructions for Providing Public Comment (Chair Keating)

Public comment received and document provided from Mr. Ron Peltier

4. REGULAR BUSINESS

4.A Approval of November 10, 2025 Minutes

MOTION to approve Eve Sherling; **SECOND:** Karen Anderson - **Passed Unanimously**

4.B. Review Status of Pending Complaints – No New Complaints

4.C. Review Determination Letter Draft

- **Complaint EB 2021-05:** Review and discussion of determination letter by EB.

MOTION to approve determination letter for EB 2021-05 with section C removed as per complaints EB 2021-04 and 06 by Karen Anderson, **SECOND:** Turner Vail – **Passed Unanimously.**

4.D Training Update: EB continued discussions from prior sessions re: identification of new board/committee members requiring training (via tracking sheet provided by COBI staff) and strategies for ensuring compliance across boards and committees for compliance. Further discussions of EB members being available for live training(s) as needed.

MOTION from Karen Anderson to send a survey to all committee/board chairs to assess effectiveness of training at end 2025. **NOT SECONDED/NOT CARRIED.**

4.E Ethics Code Recommendations to BI City Council. Chair Keating's address to the 21 October City Council Study Session was discussed again and the clarifying email discussed at the November 10 meeting has been reviewed and approved by counsel (D. Pollum).

MOTION for approved clarifying email to be sent by Chair Keating to City Council made by Karen Anderson, **SECOND:** Rafael Escandon – **Passed Unanimously.**

4.F. New Board Member Updates. Total membership remains at five EB members with two open positions. No new member applicants.

4.G. City Liaison Briefing. No new updates.

4.H. 2025 Annual Report / 2026 Work Plan: Review Draft. Review and discussion of draft led to **MOTION to Edit** and re-review, and to appoint Chair Keating to the Annual Report Subcommittee in place of Karen Anderson: Rafael Escandon, **SECOND:** Karen Anderson. **PASSED UNANIMOUSLY.**

5. NEW BUSINESS

5.A Appointment of Deputy Chair – 6 month term beginning January 2026

MOTION: Rafael Escandon nominated Karen Anderson as Deputy Chair for next term.
SECOND: Turner Vail. **PASSED UNANIMOUSLY**

6. AGENDA FOR NEXT MEETING – All Items

7. NEXT MEETING DATE: Wednesday January 14, at 6:30 pm.

8. GOOD OF THE ORDER – Nothing added.

9. ADJOURNMENT - 7:41 PM

Meeting adjourned by Chair Keating, 7:41 PM

Doña Keating, Chair

Date

EB 2026-01

**Article I (Code of Conduct)
Ethics Complaint Form**

I. Introduction:

Individuals seeking to submit an ethics complaint alleging a violation of the Code of Conduct (Article I) by a Councilmember or a member of a City Committee or Commission should complete this form and submit it, along with any supporting documents, to the City Clerk at cityclerk@bainbridgewa.gov. By submitting this form, you are indicating your willingness to participate in mediation (i.e., “reconciliation”) to resolve this dispute. Should mediation be offered, and you do not agree to participate, your complaint will be dismissed pursuant to Article III, Subsection A.5.b of the Code of Conduct and Ethics Program.

II. Your Contact Information:

Name: [REDACTED] Address: P. O. Box 11215,
Bainbridge Island, WA
98110

III. Article I Complaint:

- A. Please provide the name of the Councilmember or the member of a City Committee or Commission who is the subject of your complaint (this individual is referred to as the “Respondent”): [REDACTED] - [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED])
- B. Please identify the section(s) or subsection(s) of the Code of Conduct (Article I) that you believe were violated by the Respondent: Sections B.1, B.2, B.3, C.1, C.2.b. Also violated is the precedent in Case #EB2020-07.
- C. Please describe the facts supporting your allegation that the Respondent has violated the sections or subsections of the Code of Conduct (Article I) indicated above. If necessary, please attach additional pages. If other records exist that you believe support your allegation (e.g., emails or other documents), please attach them to this form as well.
1. Please see Attachment 1, here incorporated.
 2. Please see the Ethics Board's Advisory Opinion EB2020-07, issued March __, 2021 [sic]. This is attached to my submission (Attachment 2), and is found at https://wa-bainbridgeisland.civicplus.com/AgendaCenter/ViewFile/Agenda/_03152021-1569
 3. Please see the [REDACTED] Op Ed, attached to this submission (Attachment 3), and found at:

<https://www.bainbridgereview.com/2026/05/01/through-the-gateway-to-bainbridge-came-a-trojan-horse/>

4. Please see later letters to the editor by concerned citizens [REDACTED] ting to the [REDACTED] [REDACTED]
[REDACTED]'s Op Ed, attached to this submission (Attachment 4) and found at:
<https://www.bainbridgereview.com/2026/05/08/letters-to-the-editor-187/>

5. Please see Councilmember [REDACTED]'s forced defense of himself, attached here
(Attachment 5), and found at:

https://nextdoor.com/p/hBxxhhY5q8LJ?extras=OTc2ODkwNzI%3D&share_action_id=59b59137-d4b2-4b67-98c5-62177bd3dbe8

I certify under penalty of perjury under the laws of the State of Washington that the foregoing, including any additional pages or records attached by me, are true and correct (if my statements) or are true and correct copies of filed/published records.

Date: 5/14/26

Place: Bainbridge Island, WA

/s/[REDACTED]
Signature

ATTACHMENT 1 TO ██████████'S COMPLAINT

██████████ is Co-Chair of the Council-created ██████████ (██████████) (BIMC 2.72 et. seq.). Per the Ethics Program Article I Code of Conduct section A. Preamble, Article I applies to ██████████, and section C. 2. a. required ██████████ to familiarize herself with the Ethics rules.

██████████ recently authored an Opinion Editorial (Op Ed) that ran in the Review on May 1, 2026. I believe this Op Ed violates the Ethics Program rules governing Committee members because in it, ██████████, speaking for ██████████ and, possibly, COBI, condemns Council member ██████████ and his supporters/constituents by implying they are law breaking, right wing, Trump-loving, racists (among other statements). The Op Ed is attached to my submittal at No. 3, and may also be found here:

<https://www.bainbridgereview.com/2026/05/01/through-the-gateway-to-bainbridge-came-a-trojan-horse/>

For additional context for ██████████'s Op Ed, I refer you to the April 14, 2026, Council meeting, at which ██████████ and other ██████████ members took ██████████ to task for perceived slights against ██████████, including his asking questions about ██████████'s mission during the March 17, 2026 Council Study Session:

April 14 - <https://bainbridgeislandwa.portal.civicclerk.com/event/1066/media>

March 17 - <https://bainbridgeislandwa.portal.civicclerk.com/event/1104/media>

██████████'s Op Ed followed on the heels of ██████████'s vote against approving ██████████'s 2026 Work Plan because he had several questions for the City Attorney about parts of it.

Legal Support

Article I of the Ethics Program provides:

B.1 - Committee members commit to providing courteous service to citizens.

B.2 - Committee members are required to treat people, including citizens with "honesty and integrity" to maintain "trust."

B.3 - Committee members pledge to act with "equality and mutual respect with regard to interpersonal conduct."

C.1 - Committee members "act to promote the public good and preserve the public's trust," via "transparency and honesty in all public statements and written communications."

C.2.b - Committee members are required to "sustain a culture of ethical integrity" by "treat[ing] . . . the public with respect," "in all of their interactions," and by "conduct[ing] themselves in a manner that demonstrates civility and respect for others."

Ethics Board Decisional Precedent

Attached at No. 2, you can see the Ethics Board's decision in Case # EB2020-07 (Ethics Complaint 2021-01, filed Dec. 30, 2020, attached). In that decision, the Ethics Board confirmed (p. 2, section III. Findings (1)) that, "**In the future, personal correspondence from . . . members of city committees . . . should be represented as such with clear language indicating the opinions are not shared by or on behalf of the City or its Council.**" In Findings (3), the Board found that ". . . it is a best practice guideline . . . that an official should not mislead the public into thinking they're speaking in an official capacity or on behalf of the City." Officials ". . . should not be using public resources to engage in "off-duty" speech without clarifying that official affiliation is for identification purposes only and that comments do not imply an endorsement by the City . . . itself." ██████████'s Op Ed, as written, is not in accord with the Board's Findings in Case # EB2020-07, and its publication violated the Ethics Program.

In addition, the Board found in that case (Findings 1) that "**[D]iscussions toward improving our equity landscape are challenging in even the best environments. Efforts should be undertaken with sincerity, forethought, authenticity, and the assistance, wherever possible, of those trained and highly qualified to facilitate effective and productive results.**" In Findings 3, the Board found, "**The intersectional issues of racial equity, housing, and the environment are legitimate and deserving of informed and focused consideration and effort. Sending inflammatory emails [or writing an Op Ed for the paper] with inferential or careless accusations of racism, particularly to achieve political ends, is a disservice to such critically important issues.**" That is what ██████████'s Op Ed accomplished here, and her submission of the Op Ed clearly violates Article I. Her submission is made even worse given that she touts herself as one who has training and is qualified to weigh in on racial discussions to obtain effective and productive results.

Case and Code Authority Allows Removal

Council may remove any member from any Council appointed citizen committee for any reason. As such, removal of a committee member (here a co-chair) for the statements in the Op Ed, and later on social media (*via* her father's republishing) is completely within Council's discretion and authority, even without regard to whether the Op Ed violated the Ethics Program. *See Lathus v. City of Huntington Beach*, 56 F.4th 1238 (9th Cir. 2023) (removal of committee member for attendance at "antifa" rally did not violate First Amendment rights of member).

BIMC 2.01.020 A. 1. provides for removal by the Mayor for any "good cause."

Ratification

It is my position that a failure to remove ██████████ on ██████████ would result in Council's ratification (agreement) with her statements. Ratification will expose those Council members who do not vote to remove her to the same Ethics Complaint being lodged now, against ██████████

Applicable Legal Authority Applied to the Facts

Many of ██████████ Co-Chair ██████████'s Op Ed statements violate the Ethics Program subsections presented above. The applicability of the Program sections to the Op Ed's content is made clear by decision # EB2020-07 (Attachment 2). I will discuss a few of those statements.

1. ██████████ dismissively refers to elected City Council member ██████████ as "a guy who moved here in 2022." That statement appears to be an effort to diminish ██████████ in the eyes of his constituents, and the public. ██████████, an admitted newcomer to Bainbridge Island, though he grew up in Ballard, prevailed in the last election against two very popular home-grown candidates who have been here many years, or, in Blossom's case, her entire life. As a sitting Councilmember, ██████████ deserves respect, not attack, from ██████████, as do his supporters.
2. ██████████'s Op Ed informs the public of her/█████████'s position that, since taking office, "[█████████] has spent much of his time opining that the City of Bainbridge Island need not comply with state law requiring we plan for affordable housing, yet raising concerns "of a legal nature" about the City's [█████████] - a diverse group of seven council-appointed volunteers with professional and lived experience addressing racism. I am one of them." *This statement confirms that ██████████ is speaking for ██████████*, not in her personal capacity. In addition, ██████████ has never advocated not complying with any state law, so this **false statement** shows ██████████/█████████'s intent to put ██████████ in a bad light for political purposes.
3. ██████████ voted against ██████████'s Work Plan because it contained references to an "equity lens" that Council had not seen/approved, and that ██████████ asked be applied to the City Manager hiring process. According to his statements on the dais, ██████████ was concerned that the hiring process might be in violation of federal law, potentially subjecting COBI to liability for discriminatory hiring acts. Before approving the Work Plan, ██████████ wanted to speak with the City Attorney about the legal issue, just as he'd done with his similar concerns about the search firm's brochure for the city manager position (the city attorney evidently agreed that ██████████'s view of the matter was correct/legal as the illegal statement was removed from the brochure).

It is within that context that ██████ offered her and ██████'s conclusion that ██████ opposes Title VII of the Civil Rights Act of 1964, the same as ██████ asserts against Trump, before asserting that ██████ "held his vote in deference to [Trump's] vision of civil rights - a keystone of Project 2025." Few things can be as damaging to a politician on Bainbridge Island as being likened to being "anti-civil rights," Trump, and/or Project 2025, but ██████ ██████ did not hesitate to paint him with that **false** brush. This is ██████'s attempt to "relitigate" the election, by undermining the duly elected official, so as (██████ evidently believes) to promote ██████'s goals.

4. In violation of Section B.1, ██████ and ██████ failed to provide "courteous service" to ██████ and his supporting citizens (including me) when it criticized them by likening them to Trump, Civil Rights violators, etc. The same is true for B.2's requirement that ██████ and ██████ treat citizens with "honesty and integrity" to maintain "trust." Falsely implying that ██████ and his supporters are racists violates B.3's requirement that ██████ and ██████ act with "equality and mutual respect with regard to interpersonal conduct." The Op Ed's content also violates C.1's requirement that ██████ and ██████ act to promote the public good and preserve the public's trust," via "transparency and honesty in all public statements and written communications." Finally, C.2.b. requires ██████ and ██████ to "sustain a culture of ethical integrity" by "treat[ing] . . . the public with respect," "in all of their interactions," and by "conduct[ing] themselves in a manner that demonstrates civility and respect for others."

5. Should there be any doubt that the Op Ed statements violate the Ethics Program, please refer to the decision in EB2020-07 (Attachment 2). False, inferential and careless accusations of racism, especially for political ends as occurred here, violates the Ethics Program, and must be condemned.

6. ██████ Co-Chair's use of her ██████ membership to support her Op Ed violated the Ethics Program, according to the determination in Ethics Complaint 2101-01 Case # EB2020-07 (Attachment 2). The Ethics Program, as discussed in Board Decision EB2020-07, makes clear that ██████ Co-Chair ██████ should not have used her ██████ membership as support for her Op Ed opinions. As noted above, the first part of the Op Ed finds ██████ asserting, "[██████] has spent much of his time opining . . . about **the City's [██████] - a diverse group of seven council-appointed volunteers with professional and lived experience addressing racism. I am one of them.**" The Op Ed's by-line shows the author as "██████." The Author's Note at the end reads: "██████ lives on Bainbridge Island with her husband and three children. She works for the nonprofit ██████ **and serves on the city's ██████ ██████.**" (emphasis added)

I note that nowhere in the Op Ed does ██████ say she is writing the Op Ed strictly in her personal capacity, and that she is not speaking on behalf, or with the acquiescence of ██████, or COBI. By referencing her service on ██████, the reader is invited to infer, as I did, and as have others with whom I've spoken, that ██████'s "expertise" flows

from her role on ██████, that she is speaking on behalf of ██████, and, thus, is speaking on behalf of COBI.

██████ expressly used her ██████ membership to supply the expertise required for an Op Ed, and to bolster the acceptance of her false claims by the public. The Ethics Board has traveled this road before (Attachment 2) and found that committee members wanting to express personal opinions in public forums need to specifically distance themselves from their roles in City government.

Impact on the Community and Functioning of Government

The Op Ed plainly violates Article I. If you have any doubt that multiple other members of the public read the Op Ed as I did, please see the letters that several wrote to the Review's editor to voice their unhappiness with ██████'s and ██████'s unfounded attack on ██████. These are attached to this submission (Attachment 4), and may also be found at:

<https://www.bainbridgereview.com/2026/05/08/letters-to-the-editor-187/>

To confirm that ██████'s intent was to hurt ██████ politically, one needs to also consider that she had her father, whose surname is different from ██████'s, post the Op Ed's link on NextDoor under the title "Time to take a hard look at what we're becoming":

https://nextdoor.com/p/Xw26RkzFbRcY/?utm_source=share&utm_campaign=1778420622506&share_action_id=f16dd43a-5fcf-4622-ba06-9fea1b338fb8&comment=1598017147

Tellingly, ██████ is absent in the social media discussion, and it appears she had her father post her Op Ed to artificially create the impression that a disinterested member of the public agrees with her and ██████'s opinion of ██████ for the purpose of hurting ██████, politically.

Further, due to what some called a "drive by" Op Ed, a sitting council member was compelled to defend himself on social media (Attachment 5), thus confirming the injury to Council member ██████:

https://nextdoor.com/p/hBxxhhY5q8LJ?extras=OTc2ODkwNzI%3D&share_action_id=59b59137-d4b2-4b67-98c5-62177bd3dbe8

██████ Co-Chair ██████'s tactic is akin to the presumptive and accusing question - "when did you stop beating _____?" Simply seeding the ground with false accusations is harmful to a council member, members of the community, and, therefore, ultimately harmful to our government and social cohesion.

Conclusion

██████████'s and ██████████'s Op Ed violated Article I by it was not written or presented to the Review with "sincerity, forethought, authenticity, and the assistance, wherever possible, of those trained and highly qualified to facilitate effective and productive results."

██████████'s express misuse of her ██████████ leadership and membership to support her attack on Council member ██████████ and those who voted for him additionally violated the Ethics Program.

As should be clear, ██████████ Co-Chair ██████████ violated this prior Board finding: **"The intersectional issues of racial equity, housing, and the environment are legitimate and deserving of informed and focused consideration and effort. Sending inflammatory emails [or writing an Op Ed for the paper] with inferential or careless accusations of racism, particularly to achieve political ends, is a disservice to such critically important issues."**

I hope, and believe, that the majority on Council do not approve of the ██████████ Co-Chair's tactics in her Op Ed, in the republishing of her false and inflammatory claims by her father on social media, and, most importantly, of the accusations in the Op Ed. Under the *Lathus* decision (which is the binding law of the Ninth Circuit), the Council may, and here should, remove ██████████ from the ██████████, not merely demote her from Co-Chair. The failure to take action appropriate to the situation will be seen by the public as COBI's ratification of this tactic and these false accusations, to the detriment of our government.

I ask that the Mayor, or if he refuses to act, the Council in the absence of a functioning Ethics Board, remove (not demote) Co-Chair ██████████ from ██████████ and that she be barred from holding any form of public office within COBI for at least 2 years.

ETHICS COMPLAINT

2021-01

City of Bainbridge Island Ethics Board

Advisory Opinion

Case # EB2020-07

Date Filed: December 30, 2020

Requestor: [REDACTED]

Advisory Opinion Issued: March ____, 2021

I. *Questions Presented*

Requestor seeks Code of Conduct educational feedback regarding emails recently exchanged between him and several parties regarding what he perceived to be racial equality issues during City Council's selection of a final appointee to a vacant Council seat. Subsequent to these emails, an Article I Complaint (hereinafter, "Complaint") was filed against him by one of the two remaining candidates, also the recipient of the emails. The Request for Advisory Opinion (hereinafter, "Request") is attached in its entirety, but with redactions per Article III, Section D.3 that requires the Board to not include any identifying information as to "...the requestor or the individuals(s) whose conduct is the subject of the opinion unless otherwise agreed in writing by both the requestor and the subject individual(s)."

Due to the phrasing of the Request, it was necessary for the Ethics Board to extract the relevant substance of the clarifications sought. They are below:

A. Requestor Queries

(1) How to have respectful, yet meaningful discussions on race equity, diversity, and inclusion.

(2) How to keep discussions focused on how to take meaningful actionable steps to address racial inequities and to increase diversity and inclusiveness in our local government in a manner which respects the core values of respect, integrity, trust, etc. as adopted by the City of Bainbridge Island.

(3) Were the emails sent by the Requestor, including to County Commissioners, a violation of the Code of Conduct as a method of attempting to resolve a 3-3- tie?

(4) Was there a Code of Conduct violation when Requestor suggested a debate between the finalists as a means of resolving the 3-3- tie?

II. Applicable Provisions of the Ethics Program

The Complaint alleged violations of Article I, § B.1, § B.2, § B.3, and § C.2b of the City of Bainbridge Island Code of Conduct and Ethics Program, effective July 28, 2020 (“the Program”). Related allegations included the following:

A. Alleged violation of Article I, Section B.1

The Complaint alleged that Requestor violated Article I, § B.1, which provides, in relevant part, that Councilmembers are “...committed to provide service to the people of Bainbridge Island that is courteous...”

B. Alleged violation of Article I, Section B.2

The Complaint alleged that Requestor violated Article I, § B.2, which provides, in relevant part, that Councilmembers are to “...treat one another with honesty and integrity, recognizing that trust is hard won and easily lost... in keeping with that integrity and the highest standards of this community”.

C. Alleged violation of Article I, Section B.3

The Complaint alleged that Requestor violated Article I, § B.3, which provides, in relevant part, that Councilmembers are to “...pledge to act with the standard of fairness and impartiality in the application of policies and directives and that of equality and mutual respect with regard to interpersonal conduct”.

D. Alleged violation of Article I, Section C.2b

The Complaint alleged that Requestor violated Article I, § C.2b, which provides, in relevant part, that Councilmembers are to “...sustain a culture of ethical integrity...and in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others”.

III. Findings

(1) How to have respectful, yet meaningful discussions on race equity, diversity, and inclusion.

In the future, personal correspondence from City Councilmembers and members of city committees, boards, and commissions should be represented as such with clear language indicating the opinions are not shared by or on behalf of the City or its Council.

Discussions towards improving our equity landscape are challenging in even the best environments. Efforts should be undertaken with sincerity, forethought, authenticity, and the assistance, wherever possible, of those trained and highly qualified to facilitate effective and productive results.

(2) How to keep discussions focused on how to take meaningful actionable steps to address racial inequities and to increase diversity and inclusiveness in our local government in a manner which respects the core values of respect, integrity, trust, etc. as adopted by the City of Bainbridge Island.

See response to #1 above.

(3) Were the emails sent by Requestor, including to County Commissioners, a violation of the Code of Conduct as a method of attempting to resolve a 3-3- tie?

Yes. Resolution of a 3-3 tie was a previously agreed upon decision for City Council to discuss and decide in a public meeting. The emails sent were an attempt to circumvent that process.

Requestor transmitted an email from a City email address and signed it as a member of City Council. This email, in turn, was addressed to County Commissioners in the position to break a 3-3 tie in City Council. While it is true that elected officials have the right to express their opinions on political subjects or candidates, it is a best practice guideline for many cities or municipalities that an official should not mislead the public into thinking they're speaking in an official capacity or on behalf of the City. An email is today's equivalent of using city letterhead, and Requestor should not be using public resources to engage in "off-duty" speech without clarifying that official affiliation is for identification purposes only and that comments do not imply an endorsement by the City or City Council itself.

The core purpose of adopting guidelines and Codes of Conduct of this nature is to ensure mutual respect and transparency, which sets expectations towards fostering community trust and engagement. No elected person should use his or her position in such a manner that a conflict arises between the interests of the City of Bainbridge Island and his or her personal interests. Nor should he or she use their position to circumvent the process which was underway in City Council in order to achieve a special privilege or consideration for a desired outcome, especially via means that insult or cast in a negative light the character of fellow Councilmembers, potential appointees, or members of the public.

Other key tenets of the Code of Conduct are grounded in "courtesy", "integrity", and "mutual respect" not only toward other members of the City Council and members of the City Committees and Commission but also to "the public". By sending the referenced email, Respondent exhibited disregard for the Complainant as a member of the "public" and to the City Council as a representative on their behalf.

The intersectional issues of racial equity, housing, and the environment are legitimate and deserving of informed and focused consideration and effort. Sending inflammatory emails with inferential or careless accusations of racism, particularly to achieve political ends, is a disservice to such critically important issues.

As sworn City Officials, Councilmembers are entrusted by the community to uphold the tenets of the Code of Conduct. The people have the right to expect from their elected representatives at all levels of government the highest standard of integrity, honesty and fairness in their dealings.

This means abstaining from the distribution or dissemination of materials or any communications which may be considered discriminatory or in a context that may be construed as a personal attack, sexist, racist, or as a form of harassment.

A. Article I, Section B.1

The emails sent by Requestor, including to County Commissioners, were a violation of Article I, § B.1 of the Code of Conduct as a method of attempting to resolve a 3-3- tie because the emails were potentially disparaging of fellow Councilmembers and a Council candidate under consideration. In doing so, Requestor's actions were not committed to providing service to the people of Bainbridge Island in a courteous manner.

B. Article I, Section B.2

The emails sent by Requestor, including to County Commissioners, were a violation of Article I, § B.2 as a method of attempting to resolve a 3-3- tie because the emails were sent via Requestor's City account, and to County Commissioners who would have been decision makers in the event of a 3-3 tie. By circumventing the process and inferring Councilmembers and the Complainant (per the email subject and attached article) were complicit in systemic racism as "...'good White people' who were derailing racial progress", Requestor failed to act with integrity and the highest standards of this community.

C. Article I, Section B.3

The emails sent by Requestor, including to County Commissioners, were a violation of Article I, § B.3 as a method of attempting to resolve a 3-3- tie because transmitting an email to community members, elected officials, potential officials, and others reflected partiality towards a Council candidate. Requestor's communication aimed to pre-empt the voting process underway with fellow City Council members, and in a manner which exhibited a lack of respect and regard for colleagues via accusatory interpersonal conduct.

D. Article I, Section C.2b

The emails sent by Requestor, including to County Commissioners, were a violation of Article I, § C.2b as a method of attempting to resolve a 3-3- tie because Requestor acted in a manner which was disrespectful and uncivil towards a Council candidate, fellow Councilmembers, and anyone who might disagree with Requestor's choice. The transmitted emails set the stage in the community such that any similar opposition might

be viewed as racist or contributory to systemic racism, potentially causing negative or retaliatory repercussions for those individuals.

(4) Was there a Code of Conduct violation when Requestor suggested a debate between the finalists as a means of resolving the 3-3- tie?

The Ethics Board does not have the authority to offer an advisory or educational opinion on whether suggesting a debate between the finalists as a means of resolving the 3-3- tie is a Code of Conduct violation.

IV. **Conclusion**

The Board submits this Opinion to the City Clerk for publication, pursuant to Article III, § D.2.

(<https://www.bainbridgereview.com>).

[category/life/](#) [Obituaries](#) ∨ (<https://www.bainbridgereview.com/category/obituaries/>) [Opinion](#) ∨ (<https://www.bainbridgereview.com/category/opinion/>) [Contests](#) ∨

Through the ‘Gateway’ to Bainbridge came a Trojan Horse

Published 1:30 am Friday, May 1, 2026

By [REDACTED]

A deeply blue community, only 12.2% of Bainbridge voters chose President Donald Trump in 2024. But, one year later, on an anti-growth, “Keep Bainbridge Bainbridge” platform, we elected [REDACTED] to City Council — ironically, handing the duty of protecting our specialness to a guy who moved here in 2022. As affordable housing at 625 Winslow became the election’s marquee issue last fall, [REDACTED] painted a grim picture of the City Council’s plan to “massively upzone Winslow and the surrounding areas,” warning voters, “Don’t let Bainbridge become Ballard.”

A galvanizing statement, indeed. [REDACTED] won, and since taking office has spent much of his time opining that the City of Bainbridge Island need not comply with state law requiring we plan for more affordable housing, yet raising concerns “of a legal nature” about the City’s Race Equity Advisory Committee (REAC) — a diverse group of seven council-appointed volunteers with professional and lived experience addressing racism. I am one of them. From his new seat on the dais and with great regularity on “Nextdoor,” [REDACTED] airs his discomfort with a wide array of REAC activities. Most recently, and most revealingly, he was the sole vote against approving REAC’s 2026 work plan, noting that “new legal precedent” may mean recommendations about equity in hiring are not “consistent with federal and state law.”



Trending

It's unrealistic for drivers to know every single traffic law

(<https://www.bainbridgereview.com/2024/10/11/its-unrealistic-for-drivers-to-know-every-single-traffic-law/>).

4 BI high school students receive Youth Art Award

(<https://www.bainbridgereview.com/2026/05/13/4-bi-high-school-students-receive-youth-art-award/>).

The federal law he is talking about? Title VII of the Civil Rights Act of 1964, prohibiting employment discrimination based on race, color, religion, sex and national origin — landmark civil rights legislation that activists fought and died for throughout the 50s and 60s. Sixty-two years later, Trump and his loyalists have twisted the original intent of the law to claim that “DEI” is unfair to... white people, straight people, and men. And on April 14, ██████ held his vote in deference to this vision of civil rights — a keystone of Project 2025.

Like many of Trump’s threats, enacting his anti-equity orders requires that we comply in advance. Numerous state attorneys general, and thousands of private companies, nonprofits, universities, and municipalities around the country, including our own, have shown that resistance is not only the right thing to do, it is the smart thing to do. Just last year, our City Council agreed not to capitulate to new federal grant language demanding recipients cooperate with ICE and end all DEI practices. Yet, while ██████ stands ready to sue the state over affordable housing requirements, he appears eager to comply with this funhouse version of civil rights.

This isn’t really about ██████, though — this is about what he represents, which is, quite literally: us. Because before we knew who Councilmember ██████ was, we voted for candidate ██████ — the one who cited protecting our island’s “special character” or “small town feel” six separate times in his candidate statement. ██████ didn’t coin these terms, which are at once ambiguous and heavy with the weight of history — a history that, in the United States, is always a mix of good, bad, and ugly. I say ambiguous because, while they may carry emotional weight, definitions are elusive. Is Bainbridge special and small when compared to Port Townsend — a town with half as many residents, but many more historic (and much taller) buildings?

And I say heavy with the weight of history because, across the country, the vast majority of our neighborhoods are as segregated today as they were in the 1960s. After white WWII veterans achieved homeownership through the GI Bill (good) while Black veterans could not (bad) and as racial housing covenants and redlining (ugly) were being banned, terms like “special character” and “small town feel” started showing up in planning and zoning: race-neutral on their face, but locking in “character” and “feel” created in large part by centuries of racist housing policies, practices, and racial intimidation. Today, these terms are lifted up at the exact moments when affordable housing is proposed in jurisdictions across the country. And, knowingly or not, Bainbridge fell right in line.

I’ve been on Bainbridge long enough to remember when the BIMA complex was an auto-wrecking yard on the way to Captain K’s (blissfully open past 8 p.m. and full of working-class regulars). But, somehow, I missed knowing the corner of Winslow and 305 was the great “Gateway to our Island” until last year, when it needed to be saved from affordable housing, and in walked ██████. There has been an incredible amount of misinformation and fear-mongering about who we have room and resources for on Bainbridge Island, and it’s okay to be confused or worried. But fear rarely leads us in the right direction, and — once we see that — it’s usually a good idea to turn around.

██████████ lives on Bainbridge Island with her husband and three children. She works for the nonprofit ████████████████████ and serves on the city’s Race Equity Advisory Committee.

Trending

Your rooftop can be a powerful place

(<https://www.bainbridgereview.com/2026/05/08/your-rooftop-can-be-a-powerful-place/>).

New film shot around the island a modern-day ‘Breakfast Club’

(<https://www.bainbridgereview.com/2026/05/08/new-film-shot-around-the-island-a-modern-day-breakfast-club/>).





BAINBRIDGE ISLAND
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Your rooftop can be a powerful place

(<https://www.bainbridgereview.com/2026/05/08/your-rooftop-can-be-a-powerful-place/>)



BAINBRIDGE ISLAND
REVIEW

Opinion

Neighbor Helping Neighbor – Helpline’s pledge to help those in need

(<https://www.bainbridgereview.com/2026/05/01/neighbor-helping-neighbor-helplines-pledge-to-help-those-in-need/>)



BAINBRIDGE ISLAND
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Opinion

Trump’s blasphemies create an unlikely opening for Democrats

(<https://www.bainbridgereview.com/2026/05/01/trumps-blasphemies-create-an-unlikely-opening-for-democrats/>)



Opinion

Zoomers put their own stamp on tech-enabled rudeness

(<https://www.bainbridgereview.com/2026/04/24/zoomers-put-their-own-stamp-on-tech-enabled-rudeness/>)

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Letters to the editor

Published 1:30 am Friday, May 8, 2026

just doing his job

To the editor:

's recent op-ed tries to fuse legitimate City Council oversight with national anger toward Donald Trump—a cheap and distracting tactic that avoids the real issue: accountability.

Trending

Many from Kitsap qualify for districts at OL tennis tournament

[\(https://www.bainbridgereview.com/2026/05/11/kitsap-girls-qualify-for-districts-at-ol-tennis-tournament/\)](https://www.bainbridgereview.com/2026/05/11/kitsap-girls-qualify-for-districts-at-ol-tennis-tournament/)

Skylar Aspen Crawte

[\(https://www.bainbridgereview.com/2026/05/06/skylar-aspen-crawte/\)](https://www.bainbridgereview.com/2026/05/06/skylar-aspen-crawte/)

As co-chair of the (), holds a position that should promote dialogue, fairness, and respect. Instead, her op-ed leans on personal attacks against Councilmember , a duly elected official with a legal responsibility to oversee taxpayer-funded programs—including . Questioning spending and priorities is not extremism; it is the job of the City Council

oys the very intolerance she claims to and the mission of .

was created by the City Council to advise—not to attack—the very officials it serves. When its leadership resorts to inflammatory language instead of reasoned argument, it raises a fair question: why is scrutiny of being avoided?

Bainbridge Island deserves better. Constructive change cannot be built on hostility and deflection. If seeks to foster equity, trust, and inclusiveness, it must first demonstrate respect for oversight and a willingness to engage in honest, civil discourse—not personal attacks.

Peter Tarvin

Bainbridge Island

Trending

New film shot around the island a modern-day 'Breakfast Club'

(<https://www.bainbridgereview.com/2026/05/08/new-film-shot-around-the-island-a-modern-day-breakfast-club/>).

Letter to the editor

(<https://www.bainbridgereview.com/2025/07/04/letter-to-the-editor-71/>).

off course

To the editor:

I was once a strong supporter of creating the (). At its inception, I understood it to be a body that would foster understanding, tolerance, and equal opportunity within our community. Today, it appears to have drifted away from that purpose.

A recent opinion piece in this paper by 's co-chair suggests a troubling shift in tone and approach. Rather than encouraging dialogue, the article relies on a sharp attack on a city councilmember and others who raise legitimate questions about the committee's direction and use of public funds.

This is not an isolated instance, but part of a broader pattern of related public writings that risk undermining the committee's credibility and publicly perceived objectives.

Constructive questioning of is not hostility; it is an essential component of responsible governance. When disagreement is framed as opposition or ill intent, it discourages the very engagement and inclusion that was created to promote.

's mission is too important to be diminished by rhetoric that divides rather than informs. If the committee is to fulfill its intended role, it must recommit to open dialogue, mutual respect, and a willingness to engage thoughtfully with differing perspectives.

Bainbridge Island deserves a process grounded in toleration and inclusion, not only in principle, but in practice.

Mary Matthews

Bainbridge Island

should resign

To the editor:

's recent opinion piece, written as co-chair of the City Council-appointed (), falls short of the standards expected of a committee chairperson. is entitled to her views. However, using this newspaper to deliver a lengthy personal attack on a sitting city councilmember—the group is tasked to advise—is inappropriate.

Committee leaders have a responsibility to elevate public discourse, not inflame it. When that line is crossed, it undermines both the committee's credibility and its mission.

If 's intent was to defend 's legitimacy, the result is the opposite. Public trust in advisory bodies depends on professionalism and objectivity. Public disputes with elected officials erode that trust.

's goals are enviable, but its leadership should reflect discipline, restraint, and respect—even in disagreement.

When leaders of appointed committees become publicly at odds with those they serve, the group's effectiveness is severely damaged.

In such cases, the appropriate course is for the co-chair to resign for the good of their committee and the ultimate attainment of its goals.

David Schutz

Bainbridge Island

Thankful for new councilmembers

To the editor:

doesn't seem to understand "deep blue Bainbridge."

To clarify, we support sensible growth based on water and infrastructure availability. Not the planning without facts, lack of skilled expertise, staff over and backroom dealing that characterized the massive 625 building project.

Once we understand infrastructure limits, we are eager to prioritize growth that favors diverse low-income housing options over market-rate housing.

Most of us have chosen Bainbridge for its special character and small-town feel because we like the pace, friendly neighbors, and proximity to the natural world. Not because we are looking for a segregated community. To assume otherwise is a huge stretch.

We are grateful to our new councilmembers and Lant for asking hard questions about how we can create a Bainbridge that makes smart decisions about water, growth and affordability.

Let's get this done together.

Ellen Lockert

Bainbridge Island

█'s op-ed courageous

To the editor:

█'s response to █'s op-ed opened by invoking civil discourse, yet an op-ed is precisely the kind of contribution civil discourse depends on. Characterizing it as a violation while positioning himself as the aggrieved party undermines the very principle he's citing. "I will not be silenced" is a remarkable thing to write as a sitting elected official responding publicly on his own platform.

He used words like "innuendo" and "insinuation" without citing a single specific example. If his criticism is that she was vague, his response should model the opposite.

On the "moved here in 2022" point: that wasn't her argument. She used it to illustrate a broader irony about the public, not to question his right to hold office.

Seizing on it as a personal attack, then invoking "All Are Welcome" against her, suggests he engaged with the most convenient sentence rather than her actual argument.

He frames the op-ed as retaliation for asking questions. But her piece was about what those questions reveal about his priorities and their alignment with broader national political trends.

His claim that people are afraid to speak is unfalsifiable: it conjures a silent majority without evidence, and implicitly frames █'s willingness to publish as proof she isn't afraid. Courage and fear are not mutually exclusive.

Criticism directed at a public official in good faith deserves a substantive response, not a reframing of the critic as the problem. Do better.

Sarah Ward

Bainbridge Island

█'s efforts appreciated

To the editor:

I see from the headline of █'s May 1 op-ed in the Bainbridge Review that City Councilmember █ is "a Trojan Horse" for reactionary racists here on the Island. Apparently, that disparaging tag is what he gets for having the temerity to question █ about its activities and work plan, including its so-called "Race Equity Lens" for institutionalizing race-based criteria for city hiring and decision-making.

I won't bother listing the many ways in which █'s op-ed distorted the facts to try to support what is, at base, an unseemly ad hominem attack (though I'm happy to provide specifics for anyone who wishes to pursue it). Quite a spectacle coming from the co-chair of a city advisory committee.

My purpose here is simply to say to Councilmember █: "Keep up the good work." You have a great deal of support here in the community, and your efforts are much appreciated, especially in light of the unfair attacks you have to endure for having the courage to ask probing questions and bring relevant facts into the discussion of public matters.

Joseph McMillan

Bainbridge Island

Effects of Iran war

To the editor:

I write from Malawi, where our war with Iran hits hard.

In a country where per capita income is about \$510 a year, the sudden loss of petroleum is life-threatening. Five pregnant mothers died last week because the central hospital had no power to run its C-section operating room. Basic governmental functions are stopped for days due to a lack of power due to a lack of petroleum. Malawians cope courageously. Since few cars and buses can drive, workers now walk by my flat beginning at 4 a.m and return as late as 8 pm.

Thousands of enthusiastic students now miss school. These are harvest and corn farmers who have labored all year for a single paycheck, and cannot afford to bring their crop to market because the cost of trucking is prohibitive.

Farmer suicide has soared. Store shelves are emptying due to a lack of transit here and in the Strait of Hormuz. Businesses close to cope as the hard-won progress from decades of work crumbles under our war. A war we can end in weeks will continue here for years. Despite this, Malawians continue to be gracious. Instead of complaining about our president, one noted, "We understand, we had a President like that once."

John Kydd

Bainbridge Island

Let builders build

To the editor:

We are constantly told that Washington State is facing a housing crisis, yet our local and state governments continue to feed the very machine that created it.

The skyrocketing cost of housing in Kitsap County isn't just an accident of the market; it is the direct result of overbearing zoning laws and endless bureaucratic red tape.

Every time a developer or a private property owner tries to build, they are met with a wall of exclusionary zoning restrictions, permitting delays, and fee structures that artificially choke the housing supply. By making it nearly impossible to build diverse and affordable housing, the state has effectively priced working families, young professionals, and retirees right out of their own neighborhoods.

We don't need more government intervention or subsidized band-aids to fix housing in Kitsap County. We need the regulatory machine to get out of the way. If we want to bring down the cost of living in Washington, we must demand that our local councils and state representatives tear down outdated zoning laws and let builders actually build.

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Statement from Councilmember [REDACTED] on [REDACTED]'s May 1, 2026 Op-Ed

I have always been very upfront about who I am and what I stand for. I stand for civil discourse. I stand for the democratic process. I stand for responsible growth planning that takes into account our available environmental resources and the community's voice.

Let me be clear. [REDACTED]'s May 1st op-ed in the Bainbridge Island Review is offensive, and I reject her baseless innuendo, insinuation, and irresponsible rhetoric. It seeks to dismiss and exclude my voice because I am "a guy who moved here in 2022." This is an odd statement from the Co-Chair of a committee that preaches "All Are Welcome." Further, [REDACTED] does not draw the line at insulting me, but also extends her offensive hyperbole to insult all Islanders who voted for me.

Why was this written? Because I dared to ask questions and raise concerns about certain actions and recommendations of the Race Equity Advisory Committee (REAC). I dared, as a sitting City Councilmember, to exercise oversight over a citizen advisory committee.

I would be shocked by this response if it wasn't completely expected. Instead of engaging in a professional and respectful conversation with me, [REDACTED] elected to insult me publicly through irresponsible rhetoric and innuendo. It saddens me the sheer number of Islanders that have shared with me that they are afraid to speak up, or even to ask a question, for fear of being publicly shamed just as [REDACTED] has sought to do to me. This is what the author wants you to know. If you speak up or ask questions, this is what will happen to you.

I believe in civil discourse. An atmosphere that does not tolerate discussion, scrutiny, or even basic questions does not advance the democratic process we all cherish. No dissent will be tolerated is where democracy goes to die. I cannot abide. I will not be shamed by reckless insinuation. I will not be silenced. I will ask questions.

When I was Co-Chair of the Diversity Advisory Committee at the Washington State Attorney General's Office, we focused on a core idea: meeting people where they are. We focused on inclusion, not exclusion. We listened and welcomed different ideas. We didn't shame people into silence.

REAC can and must do better than this. What this op-ed highlights for me is the need for further training and education from the City Attorney on legally viable strategies for advancing racial equity and inclusion, especially in the hiring context. REAC's recommendations must be legally permissible. We must be good stewards of taxpayer dollars and spend these precious dollars wisely to advance community interests, instead of squandering them on settling avoidable discrimination claims. I think we would all welcome legally viable strategies for advancing racial equity and inclusion.

I welcome thoughtful discussion on these important matters.

June 30, 2026

To the City of Bainbridge Island Ethics Board:

I am providing a written response to the Ethics Complaint filed by ██████ on May 14, 2026. The Complaint centers on an editorial column I authored that appeared in *The Bainbridge Review* on May 1, 2026 and is provided in ██████'s Complaint. The premise of the Complaint relies on ██████'s assertion that I wrote the editorial "speaking for ██████ (████████████████████) and, possibly, COBI (City of Bainbridge Island)," in my official capacity as ██████ Co-Chair. I believe the Complaint to be invalid on this point alone, as I did not write on behalf of ██████ or COBI. A few points that support this:

- I am a somewhat frequent guest columnist/Op-Ed contributor on matters of equity and justice to *The Kitsap Sun* and *Bainbridge Review*, and I write on my own behalf as resident of Bainbridge. Only after facing accusations on social media that I was "hiding my affiliation with ██████" when writing as a columnist, did I begin to include ██████ in my byline.
- Being a member of ██████ was only one of several ways I identified myself in the column and byline, and I never stated I was writing on behalf of ██████ (nor on behalf of my employer, ██████ Project, which I also included).
- In contrast, on the one occasion that I [co-authored an Op-Ed](#) with two of my fellow ██████ members in 2024, we stated in the first sentence that we were writing as committee members, and provided no other identifying information in our byline beyond our roles as committee members. Importantly, even in this case we wrote as individual committee members rather than on behalf of ██████ as a body, due to the Public Records Act and quorum rules.

While I believe this alone addresses ██████'s complaint, I will provide a bit of additional information. Overall, ██████'s complaint comes down to her interpretations of what I "insinuated" in my column rather than what I wrote. For this reason, I would ask that the Ethics Board simply read the May 1 column and decide for themselves whether a private citizen – or even a volunteer advisory committee member – critiquing the words and actions of a public official in the manner I have, is in fact against the Ethics rules.

For example, ██████ asserts that the May 1 Op-Ed "condemns Council member ██████ and his supporters/constituents by implying they are law breaking, right wing, Trump-loving, racists (among other statements)." However, I make none of the statements above and use none of the terms or phrases ██████ describes. I do share concerns about the racialized impact of housing policies and practices, such as the hundreds of racially restricted housing covenants recorded on Bainbridge Island properties up through the 1940s. And I do describe a number of actions and statements that ██████ has made, all of which are easily verified and public. For example, I don't "imply" that ██████ cited Title VII of the Civil Rights Act when he voted against ██████'s

work plan on April 14th, I state it because it is a fact. I also state that “twist(ing) the original intent of the (Civil Rights Act) law to claim that DEI is unfair” is a “keystone of Project 2025” which can be verified by reading Project 2025. After [REDACTED] posted a response to my column (on social media and since taken down), I [REDACTED]hed out to him via email as a constituent and asked which “insinuations” he felt were false, to please clarify his position on “DEI” and civil rights if my representations are wrong, and to specify any statements in the Op-Ed he found to be untrue. I have not received a response to date.

[REDACTED] claims that I “had (my) father” post the Op-Ed on Next Door. I do not engage in social media for many reasons, including and in large part due to the vitriol and misinformation spreading worldwide and in this community over the past year. I don’t belong to any Next Door groups on Bainbridge so I only know about the activity there from members sharing screenshots and threads with me, which they often will when I am the subject matter. I also don’t control what my father posts on social media, but he does share posts about his family very regularly – from every article I’ve ever written, to videos of my sister representing her clients in court, to countless photos of his grandchildren. However sinister it may have appeared to [REDACTED], my dad is just proud of me and what I stand for and I learned he posted this particle article after the fact. I prefer to engage in public meetings, emails, and in the press, where facts matter, at least for now.

Alternatively, since joining Council in January 2026, [REDACTED] has posted, commented, and “liked” numerous social media statements seeding distrust and conspiratorial thinking about [REDACTED] and its members. In public meetings and on the dais, [REDACTED] has displayed regular opposition to [REDACTED] ideas and recommendations, which he has every right to do as an individual council member. This is not of concern to me, and I would never consider filing an Ethics Complaint over this behavior. I include this information here only to address [REDACTED]’s characterization of my May 1 Op-Ed as a “drive by” (presumably meaning it came out of nowhere and without reason) rather than a continuation of ongoing discourse, however impassioned. Confusingly, she also provides “context” for her Complaint that includes [REDACTED] questioning [REDACTED], as well as commentary by myself and others at public meetings leading up to May 1. To address these conflicting assertions, I will share a brief timeline of [REDACTED]’s actions (that I am aware of) toward the City’s [REDACTED] and myself as Co-Chair over the past six months since he took office:

1. My first interpersonal experience with [REDACTED] was a “welcome” coffee meeting on February 6, 2026, scheduled at the invitation of myself and [REDACTED]. At the meeting, the three of us had a robust but respectful conversation about affordable housing and equity and sent thank you emails to one another afterwards.
2. My next direct experiences with [REDACTED] were related to [REDACTED]’s suggested updates to the Guiding Principles for the new Comprehensive Plan, a project Council directed [REDACTED] to do in its 2024 and 2025 work plans. Through two Steering Committee meetings in February and March, and a number of email exchanges, [REDACTED] questioned, and I provided responses about, numerous aspects

of ██████'s recommended updates. Rather than a violation of Ethics rules, I believe this is strong committee work, and that after two years of gathering community input and working to center equity in the Guiding Principles, it was my job as Co-Chair to provide reasoned responses to an individual council member's attempts to strike ██████'s recommendations before they went to Planning Commission and full City Council for consideration. Ultimately, other council members on the Steering Committee found ██████'s recommendations useful and advocated for their inclusion. The result was a very strong set of Guiding Principles that reflect many varied perspectives and interests.

3. In the following months of March and April, ██████'s public accusations against ██████ and its members increased. To this day, he often makes and supports comments on social media that ██████ has overstepped its "authority" or has been making some sort of backdoor lobbying deals with nonprofit affordable housing providers and workers, or is out of line in one way or another. ██████ has discussed all his ██████-related concerns with the City Attorney on several occasions and has never taken any formal action as a council member to remedy these supposed violations. Instead, he has watched and approved as these claims grow on Next Door, with people, including ██████, feeding misinformation that ██████ validates with comments and approval. ██████ has also brought his concerns to the dais, which you can view in the [Council Study Session on March 17th](#) at which I presented the 2026 ██████ Work Plan.

Given all this, I feel my Op-Ed was fairly reserved and respectful while still expressing my sincere concerns about the actions of an elected official, and further about the potential to undermine our goals of increasing diversity on Bainbridge Island if we are unwilling to take a critical look at racism in history. I am confident we do not want to be a City that allows criticism of volunteer committee members by elected officials, but does not allow volunteer committee members, in their personal or volunteer capacity, to dissent or critique elected officials without facing retribution.

I hope this response provides helpful information and perspective as you consider ██████'s Complaint. I am always willing to answer any additional questions you may have and appreciate your work on the Ethics Board. For further comments on this matter from numerous community members, you can view the public comment portion of the June 30, 2026 City Council meeting.

Sincerely,

████████████████████

END OF
EB 2026-01

Request for Formation of City Council/Ethics Board Subcommittee

From Doña Keating <dona.keating@cobicommittee.email>

Date Fri 7/26/2024 12:36 AM

To Joe Deets <jdeets@bainbridgewa.gov>; Ashley Mathews <amathews@bainbridgewa.gov>; Kirsten Hytopoulos <khytopoulos@bainbridgewa.gov>; Brenda Fantroy-Johnson <bfantroy-johnson@bainbridgewa.gov>; Jon Quitslund <jquitslund@bainbridgewa.gov>; Leslie Schneider <lschneider@bainbridgewa.gov>; Clarence Moriwaki <cmoriwaki@bainbridgewa.gov>

Cc Karen Anderson <karen.anderson@cobicommittee.email>; Rafael Escandon <rafael.escandon@cobicommittee.email>; Rosemary Hollinger <rosemary.hollinger@cobicommittee.email>; Donna Davison <donna.davison@cobicommittee.email>; Hildja Saas <hildja.saas@cobicommittee.email>; Mark Markuly <mark.markuly@cobicommittee.email>; Peggy Nimb <pnimb@bainbridgewa.gov>; Drew T. Pollom <dpollom@omwlaw.com>

For your information/consideration only. Please be mindful of invoking OPMA in forwarding or replying to multiple recipients.

Councilmembers:

On behalf of the Ethics Board, I respectfully request the formation of a joint City Council/Ethics Board subcommittee (as we did in September 2021) to discuss and address several recommendations in the Annual Reports and Work Plans we've submitted since that time. Previous efforts to get this on the Council's agenda have been unsuccessful, and as we begin preparation of the 2024 Annual Report and 2025 Work Plan this September for submission in February 2025, we are concerned about the potential backlog and redundancy of unaddressed recommendations.

Below are the key recommendations that remain outstanding:

2022 Annual Report and 2023 Work Plan:

- 1. City Manager and Advisory Opinions:** Initially, the Board declined a request for an Advisory Opinion from the City Manager. Upon further reflection, we recommended that the City Manager be included in the program for Advisory Opinions, aligning with the educational intent of the Ethics programme.
- 2. Statute of Limitations Regarding Complaints:** We suggested a time limitation akin to a Statute of Limitations for Ethics Complaints of 12 months or longer. This would prevent complaints regarding actions that occurred years prior from being lodged and ensure that the Board can focus on current and relevant issues, enhancing the educational benefit of our reviews. In the past, the Board received complaints regarding actions which took place years prior to the complaint being filed. The Board, in its interpretation of the programme, had no choice but to review the complaint, despite the Board's inability to discern certain appropriate salient points due to the delayed nature of the complaint. The Board notes that prior allegations, when recourse or redress is not an option, provide little to no educational benefit. By placing a limit of time on complaints, Council would emphasise the educational aspects and limit any other intended uses of the Board's process.
- 3. Mandatory Ethics Training:** We recommended mandatory ethics training for all members of City Council-appointed committees, commissions, boards, and task forces, as well as for City Council

members, with annual follow-up training. City Staff will assist in tracking those members who have taken the training and those who still are required to complete the training.

2023 Annual Report and 2024 Work Plan:

1. **Statutes of Limitations or Expiration of Complaints:** The Board again recommended the City Council consider some type of Statute of Limitations or expiration in cases where Ethics Complaints reference individuals or actions who are either no longer with the City Council or Committee/Commission after a period of 12 months (or longer) from event(s) referenced in the complaint. The recommendation along with assurance of consistent and proper training should reduce the number of complaints. Similarly, when recourse or redress is not an option and provides no educational benefit, such a reduction may aid the Ethics Board in maintaining its focus on the most contemporaneous and relevant complaints. Similarly, the Board also recommends the City Council establish an additional Statute of Limitations on the date(s) by which complaints may be filed against prior actions. In the past, the Board has received complaints regarding actions that took place years prior to the complaint being filed. The Board, in its interpretation of the Ethics programme, had no choice but to review the complaint, despite the Board's inability to discern certain salient points because of the elapsed time and Council/Committee turnover. By placing a time limit on both instances, the City Council would emphasise the educational aspects over the political or punitive possibilities that may emerge without such adoption.
2. **Ethics Training Mandatory:** The Board again recommended mandatory Ethics programme training for all members of all Committees/Commissions/Boards and Task Forces appointed by the City Council and for all City Council members. Members must complete the training along with follow-ups on an annual basis. City Staff may assist in tracking those members who have completed training and inform those who are still required to complete the training.
3. **Timely Placement and Public Access to Key Documents:** The Board recommended a timely review and placement of important documents (e.g., the 2022 Annual Report/2023 Work Plan) into the public's view (e.g. hyperlinked into the EB's public archive) allowing full transparency to the public on work completed and planned activities for the current year.
4. **Addition of Student/Young Adult Memberships:** In the Fall of 2023, we discussed and subsequently proposed a programme allowing 6-month or 1-year memberships for young adults (aged 16 to 22 years) on the Ethics Board to foster early exposure to municipal volunteer service.
 - o Update: We are pleased to note that this recommendation is being addressed per the Deputy Mayor's urging and your recent vote at City Council's July 23, 2024 meeting (8.G Discuss Potential Youth Participation in Local Government Via Youth Consultation Exercises and Activities).

The formation of a subcommittee to consider these recommendations is crucial for maintaining the integrity and effectiveness of our programme. Timely addressing these issues, hopefully by end of year, will enhance the Board's ability to serve the community and uphold the public's trust in our municipal processes.

We appreciate your interest in our advisory feedback, and your consideration of opportunities to ensure continued success and relevance. Kindly advise if you believe a redline of proposed changes will facilitate and inform our discussion as we'd happily provide one.

Thank you for your time and consideration.



Doña Keating, Chair

Ethics Board, Position 1

dona.keating@cobicommittee.email

Response to City Council Study Session Discussion

From Doña Keating <dona.keating@cobicommittee.email>

Date Wed 12/10/2025 10:30 PM

To Ashley Mathews <amathews@bainbridgewa.gov>; Jon Quitslund <jquitslund@bainbridgewa.gov>

Cc Drew T. Pollom <dpollom@omwlaw.com>

Dear Mayor Mathews and Deputy Mayor Quitslund,

Thank you for the opportunity to discuss the Ethics Board's recommended updates to the Program's Rules at the October 21 Study Session. On November 10, the Board met again to discuss its recommendations. After open discussion and debate, the Ethics Board reaffirmed its recommendation that the City Council adopt a statute of limitations for filing complaints and to preserve the public's right to file complaints, even after a Council or Advisory Group member has left office. The following below sets forth our basis for maintaining this recommendation:

1. Statute of Limitations (Complaint Timeliness)

There is currently no time limit for filing ethics complaints. This means a complaint regarding conduct that occurred five or more years ago could still be submitted today. The Board has proposed a 1- or 2-year window, consistent with other timelines already in the Ethics Code.

This is a reasonable reform that:

- Prevents evaluations of *stale complaints* where context has been lost.
- Increases fairness for respondents who may no longer have access to documentation or witnesses.
- Supports the Board's *educational purpose* by focusing on current and actionable guidance, rather than retrospective analysis with no remedial value.
- Strengthens the impact of ethics training, allowing guidance to evolve with clarity on what is enforceable and within scope.

2. Post-Service Complaint Jurisdiction (Public Access to Accountability)

If former Council or Advisory Group members are exempt from complaints upon leaving office, this creates a conflict with the proposed "discovery rule" that would allow complaints based on when the public becomes aware of a violation.

Example:

A Councilmember accepts inappropriate gifts in Year 3. The misconduct was discovered two months after they left office.

- Under the "discovery" standard: the complaint is valid.
- Under a post-service exemption: the complaint is barred.

This contradiction would make it less possible for the public to hold officials accountable when violations are concealed until after they depart, a situation that risks eroding public trust.

3. Governance

The Ethics Board began formally recommending these changes in 2022. There was no objection during the intervening years to the proposals until final implementation was near. This has:

- Delayed action into a fourth year since we are now preparing our 2025 Annual Report / 2026 Work Plan,
- Undermined the ability to train or educate effectively as the Board is uncertain whether the City Council will take any action on modifying the Ethics Program, and
- Left the Board operating under outdated standards with unclear enforcement boundaries.

Summary of Ethics Board Recommendations (2022–2025)

Recommendation	First Proposed	Status
Statute of Limitations on Complaints	2022	Pending
Post-Service Complaint Jurisdiction	2022	Pending
City Manager Advisory Opinions Eligibility	2022	Pending
Mandatory Ethics Training	2022	Implemented
Timely Publication of Reports	2023	Implemented
Youth Advisory Member Program	2023	Partial / Pending

4. Risk of Public Perception and Alternative Remedies

As noted by the Mayor in the Study Session, attempts by City Council to exempt itself from future complaints, especially after leaving office, may be perceived by the public as self-serving or a conflict of interest. Removing the community’s access to the Ethics Board process may lead residents to seek alternative channels, such as:

- Legal action or litigation,
- Formal complaints through other jurisdictions, or
- Public campaigns and reputational damage through social media and press.

5. Final Board Position

- A fair statute of limitations is not strictly “necessary” but is reasonable, practical, and consistent with existing Code structure.
- The Ethics Board does not support exempting former Council or Advisory Group members from jurisdiction.

The Board understands that its role under the Program is limited, and the proposed changes are recommendations that the City Council may accept, reject, or modify. We respectfully request that the City Council take action on these recommendations so that the Ethics Board can proceed with its training and education obligations.



Doña Keating, Chair
Ethics Board, Position 1
dona.keating@cobicommittee.email

Ethics Board

2025 Annual Report / 2026 Workplan

Report on 2025 Activities

Pursuant to Article V, § D of the City of Bainbridge Island Code of Conduct and Ethics Program (the “Program”), the Bainbridge Island Ethics Board hereby provides its annual report and workplan to the Bainbridge Island City Council.

I. Complaints and Advisory Opinions

In 2025, the Ethics Board addressed three previously deferred complaints related to the City Code of Conduct and Ethics Program. The outcomes were as follows:

- **EB 2021-04:** The Board dismissed this complaint after determining that the alleged facts did not meet the threshold of a violation under Article II, Section D.1(c) of the Program.
- **EB 2021-05:** This complaint was dismissed by a vote of 4–1. The Board found that, even if the facts presented were accurate, they did not amount to a “significant financial or private interest” as defined under Article II, Section D.1(b).
- **EB 2021-06:** The Board voted to dismiss this complaint (with four members in favor and one abstention), concluding that the allegations did not meet the definition of a property-related conflict according to Article II, Section D.1(c).

Prior to deliberations, the Board conducted a thorough conflict-of-interest review and found no disqualifying conflicts.

Throughout 2025, no new complaints were received. Multiple meetings reaffirmed that the three deferred complaints remained on hold until litigation concluded.

II. Ethics Board Members

In 2025, the Ethics Board experienced routine membership transitions. Leadership appointments for the year reaffirmed Ms. Keating as Chair and Dr. Escandon as Deputy Chair, ensuring continuity as vacancies were filled. Chair Doña Keating and member Karen Anderson continued serving terms expiring in June 2026, while Rafael Escandon continued his term through June 2028.

New members, Eve Sherling and Turner Vail, were appointed to terms ending in June 2027. The Board experienced vacancies throughout the year due to resignations and term completions, with Mayor Ashley Mathews, Councilmembers Moriwaki and Deets, and Chair Keating conducting candidate review and selection.

Members Donna Davison, Hildja Saas, and Rosemary Hollinger concluded their three-year terms in June 2025 and were formally recognized for their service.

III. Changes to the Ethics Program

No specific changes to the Ethics Program have occurred in 2025.

IV. Training

In 2025, the Board reviewed the results of a training survey distributed to Advisory Group members, incorporated counsel-drafted case studies into updated materials, and coordinated with City staff scheduling requirements for recording introductory training sessions once Council finalizes Code updates.

Updated training slides were completed. Outstanding items were limited to finalizing timing and sequencing with City Council after adoption of the relevant recommendations. No in-person or virtual training sessions were conducted in 2025 due to the pending status of these Code changes, though the Board remained prepared to proceed upon Council approval.

Ethics Board training is structured to be completed as follows:

- An in-person and remote, Zoom-based training and informational session for City Council.
- An in-person recording by two Board members to include related materials, which will be shared with all Advisory Group members and posted for review on the City's Ethics Board Web Page, under the "Resources" Section.
- Updated documentation and training program as applicable to reflect appropriate Ethics Code changes and effective dates.

In order to complete this annual training, the Board needs technical assistance from the Council and the City with the following:

- Sending notices of the training sessions to all current members of Advisory Group Committees, Boards, and Commissions.
- Scheduling the training sessions and providing the Board with the necessary tools and permissions to host the Zoom meetings.
- Scheduling the joint/training session with Council.
- Recording the training sessions and posting one on the Ethics Board website along with the PowerPoint slides.
- Keeping track of which City Council and Advisory Group members have attended or viewed a training session.

V. Requests and Recommendations

A. Statutes of Limitations or Expiration of Complaints

The Board recommends the City Council consider some type of Statute of Limitations or expiration in cases where Ethics Complaints referencing individuals or actions who are either no longer with the City Council or Committee/Commission after a period of 2 years from event(s) referenced in the complaint. The aforementioned recommendation along with assurance of consistent and proper training should reduce the number of complaints. Similarly, when recourse or redress is not an option and provides no educational benefit, such a reduction may aid the Ethics Board in maintaining focus on the most contemporaneous and relevant complaints.

Similarly, the Board also recommends the City Council establish an additional Statute of Limitations on the date(s) by which complaints may be filed against prior actions. In the past, the Board has received complaints regarding actions that took place years prior to the complaint being filed. The Board, in its interpretation of the Ethics Program, had no choice but to review the complaint, despite the Board's inability to discern certain salient points because of the elapsed time and Council/Committee turnover.

By placing a time limit on both of these instances, the City Council would emphasize the educational aspects over the political or punitive possibilities that may emerge without such adoption.

B. City Manager and Advisory Opinions

The Board was approached by the City Manager with a request for an Advisory Opinion. This request was respectfully declined by the Board. Upon further consideration and in keeping with the spirit and intent of the educational nature of the Ethics Program, the Board would recommend the City Manager be included in the program for Advisory Opinions.

C. Addition of Student/Young Adult 6 Mo/1-Year Membership(s)/Ethics Board Rotations

Implement a program allowing 6-month or 1-year EB membership terms for young adults (roughly high-school, undergraduate age: ~ 16 to 22 years) to allow exposure to municipal volunteer service.

Status of Recommendations

The above recommendations are carry-overs from prior annual reports/work plans.

In 2025, the Ethics Board reviewed several matters referred by the City Council relating to the above potential updates to the Ethics Program. The Council requested that the Board evaluate four areas:

- (1) whether the acceptance of complaints should be limited to the period during which an elected official is in office;
- (2) whether filing timelines should begin at the time of an event or when the event becomes known, including consideration of a twelve-month or two-year window;
- (3) how changes to the City Code should be reflected in the Ethics Code to ensure consistency and an appropriate tracking process; and
- (4) how the Board's purpose, function, and outputs are understood within the City organization, including Council, committees, commissions, and staff.

In response, the Board approved a motion directing the development of a formal communication to the City Council addressing these four items and providing recommendations and clarifications where appropriate.

The Board also reaffirmed its previously adopted recommendations, including establishing a statute of limitations for ethics complaints, maintaining mandatory annual Ethics Program training for Councilmembers and advisory group members, updating the Ethics Code to allow the City Manager to request advisory opinions, and supporting opportunities for youth participation in Ethics Board service. The Board continues to emphasize the importance of clarity, transparency, and consistency in the administration of the Ethics Program.

2026 Workplan Priorities

- A. The Ethics Board will assist the City Council by encouraging timely application, consideration, interview, and confirmation of qualified people for Ethics Board positions whose terms will be completed during the year.
- B. The Board will identify any needed adjustments to previously approved Ethics Program materials based on continued experience with the Code. If necessary, it will provide suggestions to City Council for consideration.
- C. With the assistance of City staff, the Board will ensure that all appropriate individuals have received Ethics Program training and that all new members are

trained as soon as possible, including coordinating training near the time of appointment.

- D. The Board will provide Q&A support relating to Ethics Code training for Councilmembers if requested and will be available for questions from members of Boards, Committees, and Commissions after they have reviewed the archived (video) training content on the Ethics Board website.
- E. Increase public exposure to the existence of the Ethics Board/Ethics Program, its membership and its function at times during the 2026 calendar year through outreach. This may be achieved by having member(s) available at scheduled times at the community farmer's market, the moonlight market, the national night out, and other community events, as availability dictates.
- F. The Board will continue to support the Ethics Program's role as an educational resource that promotes public trust and transparency in local government. This may include providing clarification on how to apply Ethics Code provisions to commonly encountered situations.
- G. The Board will continue to respond to official ethics complaints and inquiries for advisory opinions in adherence to the Ethics Program.

Approved, _____(Date)

Advisory Body Operations and BIMC 2.01.050(A) Interpretation

From Doña Keating <dona.keating@cobicommittee.email>

Date Sun 1/18/2026 4:37 PM

Bcc Turner Vail <turner.vail@cobicommittee.email>; Eve Sherling <eve.sherling@cobicommittee.email>

****FYI only - Do not reply in any manner that could involve the majority of the Board or violate OPMA, including serial meetings.****

Bcc: Ethics Board



Doña Keating, Chair

Ethics Board, Position 1

dona.keating@cobicommittee.email

From: Doña Keating <dona.keating@cobicommittee.email>

Sent: Monday, January 12, 2026 3:26 PM

To: Council <Council@bainbridgewa.gov>

Subject: Advisory Body Operations and BIMC 2.01.050(A) Interpretation

Esteemed Members of City Council:

I write ahead of tomorrow evening's meeting to raise a concern about an interpretation of BIMC 2.01.050(A) that has resulted in multiple advisory bodies across the City being halted due to vacancies.

The Ordinance reflects the position that advisory bodies cannot meet when vacancies reduce membership below the "five to seven" range established in BIMC 2.01.050(A). Under this interpretation, the Ethics Board—which currently has four members—has been prohibited from conducting business, and our January meeting was canceled.

This interpretation reads composition language as an operational threshold. I believe that is incorrect, for several reasons.

First, 'shall consist of five to seven voting members' is a directive to the appointing authority regarding how the body should be constituted. It does not, on its face, speak to whether a body with vacancies may continue to meet.

Second, the interpretation produces an absurd outcome: four members present cannot conduct business if vacancies exist, but four of seven can conduct business if all positions are filled. The same deliberative capacity yields different results based solely on appointment lag, something entirely outside the boards' control.

Third, and most significantly, the ordinance itself addresses quorum directly. BIMC 2.01.060(E) states: 'A majority of the voting members *then serving* on a committee shall constitute a quorum'. The phrase 'then serving' explicitly contemplates boards operating with vacancies. It ties quorum to members currently in office, not to authorised positions. With four members serving, a majority is three. The Ethics Board has quorum under the City's own ordinance.

The Ethics Board's Operating Guidelines, adopted consistent with the authority granted to the Board to establish reasonable operating rules, also establish that four members constitute a quorum. The Guidelines are consistent with BIMC 2.01.060(E). There is no conflict between the ordinance and the Guidelines; both point to the same conclusion.

Standard parliamentary procedure and Washington state law reflect this same principle. Multiple RCWs governing state boards explicitly provide that vacancies do not impair the right of remaining members to exercise powers or perform duties, so long as a quorum is present. This prevents boards from being paralysed by vacancies they have no power to fill.

Recent amendments to Chapter 2.01 BIMC created a framework in which advisory bodies are rendered inoperative whenever vacancies arise. This effectively suspends community participation in advisory processes whenever appointment pipelines lag behind attrition. Multiple boards have apparently been halted under this reasoning. That is a significant policy outcome: one that silences the very citizen voices these bodies were created to amplify.

That the Ethics Board is being shut down shortly after public discussions with City Council regarding proposed amendments to the Code of Conduct and Ethics Program, including the exemption of Councilmembers from complaints once they leave office, could lead voters to conclude the City is creating a cone of silence.

I respectfully request that the current interpretation be reconsidered. If the City concludes that advisory bodies may continue to meet and act so long as a quorum of seated members is present, as BIMC 2.01.060(E) plainly provides, the Ethics Board's January meeting should be rescheduled.

Our Annual Report and Work Plan is due in February. We are prepared to conduct business and would like to do so.

I am happy to discuss this further at your convenience.



Doña Keating, Chair
Ethics Board, Position 1
dona.keating@cobicommittee.email