



Ethics Board Regular Meeting
Wednesday, August 13, 2025, 6:30 PM
Chamber Conference Room, City Hall
280 Madison Ave N
Bainbridge Island, WA 98110

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

- June 11, 2025 Meeting Agenda (reapproval per correction)
- August 13, 2025 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:

- June 11, 2025 Meeting Minutes

4.B Outreach Opportunities

4.C Review Status of Pending Complaints

4.D Training Updates

4.E Ethics Code Recommendations: Review Draft Response to Council

Background: At its May 27 meeting, City Council declined to pass the resolution associated with the Ethics Board's 2022 & 2023 Annual Reports / 2023 & 2024 Work Plans. Councilmember Hytopolous raised two concerns previously expressed during the March study session: (1) the starting point of the proposed one-year limitation on complaints; and (2) a proposal to exempt former Councilmembers entirely from ethics complaints. Additional edits made by City staff to Article III were not part of the Board's recommendations. This item is on the agenda to review the draft response to City Council (attorney reviewed).

5. NEW BUSINESS

5.A Welcome New Board Member: Eve Sherling, Position 3

6. AGENDA FOR NEXT MEETING

7. NEXT MEETING DATE: September 10, 2025

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.



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3.A Instructions for Providing Public Comment

4. REGULAR BUSINESS

4.A Approval of Minutes:

- April 9, 2025 Meeting Minutes (corrected)
- May 14, 2025 Meeting Minutes

4.B Outreach Opportunities (Farmers Market Update)

4.C Review Status of Pending Complaints

4.D Training Updates: Schedule Training Date(s)

5. NEW BUSINESS

5.A Board Member Resignation & Acknowledgment of Service: Hildja Saas

5.B Appointment of Chair (1-year term beginning July 2025) Section 2.A. of Ethics Board Operating Rules (Effective Date: February 12, 2025): The Chair will serve for one year and may be re-elected. However, one individual may not hold the position of Chair for more than two successive terms. Responsibilities of the Chair include: presiding over meetings of the Board, organization of the meeting agenda in coordination with the Deputy Chair, distributing work of the Board to individual members, communication with City staff, informing respondents of complaints, requesting responses to complaints, and communicating receipt of complaints to the Ethics Board.

5.C Appointment of Deputy Chair (6-month term beginning July 2025) Section 2.B. of Ethics Board Operating Rules (Effective Date: February 12, 2025): The Deputy Chair will serve for six months. One individual may not hold the position of Deputy Chair for two successive terms, but may be re-elected to non-successive terms. Responsibilities of the Deputy Chair include: presiding over meetings of the Board in the absence of the Chair, organization of the meeting agenda in coordination with the Chair, taking minutes of meetings of the Board, and serving as time-keeper during public comment periods.

5.D Ethics Code Recommendations: Council Response and Next Steps

Background: At its May 27 meeting, City Council declined to pass the resolution associated with the Ethics Board's 2022 & 2023 Annual Reports / 2023 & 2024 Work Plans. Councilmember Hytopolous raised two concerns previously expressed during the March study session: (1) the starting point of the proposed one-year limitation on complaints; and (2) a proposal to exempt former Councilmembers entirely from ethics complaints. Additional edits made by City staff to Article III were not part of the Board's recommendations. This item is on the agenda to clarify the record, discuss next steps, and consider whether a formal response should be prepared.

6. AGENDA FOR NEXT MEETING

7. NEXT MEETING DATE: July 9, ~~11~~, 2025

8. GOOD OF THE ORDER

9. ADJOURNMENT



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COBI ETHICS BOARD
Regular Meeting
Wednesday, June 11, 2025
In-person and via Zoom

Minutes

1. CALL TO ORDER/ROLL CALL—6:37 PM

Present: Rafael Escandon, Rosemary Hollinger, Donna Davison, Drew Pollom (Counsel), and Marlene Schubert (City Staff) present at opening of the meeting.

Note:

- Meeting initially paused due to absence of quorum, however Karen Anderson joined at 6:39pm, completing a quorum.
- Meeting was thus initiated with Rafael Escandon as (immediate past chair) acting as interim chair (due to absence of current Chair and Deputy Chair) via motion from Donna Davison, seconded by Karen Anderson and passed with 3 in favor and one abstention (Rafael Escandon).
- Doña Keating, Current Ethics Board Chair had messaged Rafael to inform of an issue preventing her participation at meeting initiation, however was able to join the meeting and take over as current Chair by joining the meeting at 6:55pm.

2. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE

Approval of June 11, 2025 Agenda

MOTION: Rosemary Hollinger **SECOND:** Donna Davison - Passed Unanimously

No conflicts of interest disclosed.

3. PUBLIC COMMENT – None received.

3.A Instructions for Providing Public Comment

4. REGULAR BUSINESS

4.A Approval of Minutes

April 9, 2025 Regular Meeting Minutes (amended)

MOTION: Donna Davison **SECOND:** Karen Anderson Passed Unanimously

May 14, 2025 Regular Meeting Minutes

MOTION: Karen Anderson **SECOND:** Rosemary Hollinger Passed Unanimously

4.B Update: Outreach Opportunities – Rafael Escandon provided an update on the BI Farmer's Market attendance by Chair Keating and himself on Saturday May 24. Summary

positive experience for this outreach opportunity to the community to increase awareness of the Ethics Board and our work.

4.C Review Status of Pending Complaints - Three Complaints remain on hold due to recent U.S. Court of Appeals filing. No additional complaints. Drew Pollum updated the board that oral arguments were held at the Ninth Circuit during the week of June 2. Arguments were limited to 15 minutes per party and the hope is that a decision will be issued relatively soon, however it is difficult to predict timing and further updates will be made accordingly. Drew also shared the basics of the judicial process at this stage.

4.D Update: Training Subcommittee – A motion was made by Karen Anderson to table discussion of item 4D until the July meeting, in the chair’s absence. Seconded by Donna Davison and passed unanimously.

5. NEW BUSINESS

- 5.A Service Awards/Acknowledgments and certificates for**
- Hildja Saas (service as board member and Deputy Chair)
 - Rosemary Hollinger (3Y of service on EB)
 - Donna Davison (3Y of service on EB)

Board Vacancy and Term Expirations: - As noted above, Rosemary Hollinger, Donna Davison and Rafael Escandon complete their 3-year terms on the Ethics Board at end June, 2025. Rafael Escandon has applied for a second 3Y term and was informed of re-appointment, by the Board chair at this meeting.

Mayor Mathews and City Councilmembers Moriwaki and Deets will be continuing to review and selecting candidates for interviewing on an ongoing basis, as with two term expirations and two resignations in the past year, EB Board positions 4, 5 and 7 are vacant.

5.B Appointment of New EB Chair for 12 month term:

MOTION: Karen Anderson nominated Doña Keating to serve another 12-month term as EB Chair. **Seconded by:** Rafael Escandon. Unanimously passed; and Doña kindly agreed.

5.C Appointment of Deputy Chair for 6-month term:

MOTION nominating Rafael Escandon for Deputy Chair: Karen Anderson
SECOND: Rosemary Hollinger. Passed Unanimously; and Rafael kindly agreed.

5.D Ethics Code Recommendations – In the most recent City Council Meeting minutes, an action by council was to return to the Ethics Board to consider the following: 1) A proposal to prohibit the period of acceptance of complaints to the period that elected officials are in office. 2) The EB should discuss timing of complaints (eg; must be received within 12 months of knowledge of [alleged] incident) vs, for example, 2Y since event occurrence. 3) The EB should discuss how changes to the city code may affect the Code of Ethics; how to ensure and maintain parity between city code and the Code of Ethics and that any changes are made and tracked according to a process that includes appropriate member(s) of the EB. 4) A desire by the EB to

ensure that references to the EB's purpose, function and output are correctly perceived and characterized within city employees, boards and committees and council.

MOTION from Rafael Escandon: A communication to city council to be developed by EB to address items 1-4 above, making recommendations and clarifications where requested and/or required. **SECOND:** Karen Anderson. Passed Unanimously.

6. AGENDA FOR NEXT MEETING - All existing items, except items 5A, B and C from the June agenda will be included in the July meeting's agenda. Training updates will now be general and not per subcommittee work.

7. NEXT MEETING DATE: Wednesday, July 9, 2025, at 6:30 pm.

8. GOOD OF THE ORDER – Chair Keating and members expressed gratitude for Rosemary's Donna's and Hilja's service on the EB.

9. ADJOURNMENT - 7:36 PM

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

Doña Keating, Chair

Date

To: City Council and City Manager

Subject: Ethics Board Response to Council's May 27 Action

Overview

Following City Council's May 27 discussion on the resolution associated with the Ethics Board's Annual Report and Work Plan, we respectfully submit this memo to outline the Board's position regarding the following amendments proposed by Council:

1. That former Councilmembers be entirely exempt from complaints once they leave office; and
2. That the statute of limitations for filing a complaint begin at the time of *discovery* rather than the *occurrence* of a potential violation.

Per the official minutes of the May 27, 2025 City Council meeting, the resolution was returned to the Board with amendments:

"Specifically concerning accepting complaints against individuals no longer in office and submitting complaints within 12 months of knowledge of the alleged offense versus commitment of the alleged offense"

Below is the Board's response to those proposed changes.

1. Board Position on Amendment Eliminating Ethics Oversight Over Former Councilmembers

The Ethics Board believes that the proposal to render the Ethics Program inapplicable to councilmembers after they have left office is incompatible with both the spirit and the structure of our existing Ethics Program for the following reasons:

- **The Amendment Conflicts with the Language of the Existing Program:** Article II, Section E of the City's Ethics Program establishes a two-year post-service restriction on specific actions by former Councilmembers (e.g., employment benefits or litigation involving prior matters). Allowing no complaints once a Councilmember leaves office would create a direct conflict with this provision and render ethical accountability regarding these post-service restrictions functionally unenforceable.
- **The Amendment Does Not Provide Equity Across Roles:** The proposed exemption applies only to Councilmembers. Members of City Committees and Commissions would still remain subject to ethics complaints after their service. Councilmembers are paid public officials, which carries heightened public accountability obligations. Ethical standards should apply evenly, if not more rigorously, to elected officials.

2. Board Position on Shifting Statute of Limitations to Time of Discovery

The Board does not support the proposed amendment changing the statute of limitations for filing a complaint from the date of which the alleged event has occurred to “time of discovery”, for the following reasons:

- **Uncertainty and Delay:** Determining when someone “should have discovered” a violation introduces ambiguity, invites disputes, and burdens the process with interpretive judgment.
- **Potentially Unlimited Window:** Discovery-based standards could allow complaints to be filed several years after an incident, particularly in cases involving delayed public awareness or withheld information. This would directly conflict with the proposed exemption for post-service Councilmembers, who would be unreachable under that exemption despite a potentially valid complaint.
- **Best Practices:** Most municipal ethics systems use occurrence-based limitations, often between one and five years, because they are clear, administrable, and fair to all parties.
- **Not a Legal Tribunal:** It is important to note that the Ethics Board is not a court of law. Viewing our role through a strictly legalistic lens may inadvertently shift focus away from our educational mission and erode public trust. Ethics exists across industries and professions, not just within legal parameters.

Board’s Proposed Path Forward: Two-Year Unified Standard

Adopting a consistent two-year window across both service status and event timing provides clarity for the public, City staff, and the Board.

Rather than adopting either of the amendments proposed by the Council, the Ethics Board recommends aligning both standards, event occurrence and post-service eligibility, with the existing two-year timeframe already defined in Article II. Specifically:

- Complaints must be filed within two years of the alleged *violation’s occurrence*; and
- Complaints may be filed within two years *after* a Councilmember or Advisory Group member leaves service, provided the alleged violation occurred during their term.

Diverging standards increase the risk of confusion and procedural errors.

This approach creates consistency across Code sections and aligns with the structure already in place for post-service limitations. It is also administrable, fair, and respectful of public process.

Complaint Review and Hearing Examiner Referral

Under the current Code, complaints found to have merit and determined to involve violations of Article II may be referred to the City’s Hearing Examiner. We recognise that escalation to a formal hearing may have reputational implications, particularly for elected officials.

However, the Ethics Board approaches all complaints with neutrality and rigour. Our process is designed to be deliberative, fair, and consistent with the principles of due process. The majority of

complaints are resolved through careful evaluation without requiring a formal hearing. Our role is to apply the Code impartially, not to pursue punitive outcomes.

Clarity around this process is essential. Framing the Board as adversarial may discourage public engagement or obscure the impartial safeguards the Code is intended to provide.

Our Educational Mission

The Ethics Board's primary purpose, as defined by the Code, is educational and deliberative. We are not an enforcement body, nor do we initiate complaints or act in an adversarial capacity. Our role is to clarify standards, help uphold public trust in governance, and review submitted complaints for merit in accordance with the Code.

In light of recent Council discussions, we feel it is important to reaffirm this distinction. Comments during public meetings, such as descriptions of the Board as "coming after" Councilmembers or "sitting in judgment", may contribute to public misunderstanding of our role. While such characterisations may not be intended to mislead, they risk undermining the transparency and trust that ethics processes are designed to foster.

We respectfully encourage Council to help support clear and accurate public messaging so that residents can engage constructively and without unnecessary confusion or fear. Clear understanding benefits everyone, elected officials, advisory group members, and the broader community alike.

Clarifying Origin of Proposed Language

During the May 27 Council meeting, there was a suggestion that certain provisions be sent back to the Ethics Board for redrafting. For the record, the original language under discussion was drafted by City staff at the Council's direction—not by the Board itself.

In addition, edits to Article III, Section B(1) and the removal of Section B(1)(b) were not part of the Board's Annual Report or Work Plan recommendations. When language appears under the Board's banner but originates elsewhere, it risks confusing the public record and undermining the independence we are tasked with upholding.

Implementation Urgency

Finally, we note that several of our recommendations have taken two to three years to resolve. We are currently working to schedule mandatory ethics training for both City Council and all Advisory Groups. Further delays in clarifying the Code and finalizing the resolution will postpone this training, potentially limiting its effectiveness. Timely and clear guidance is needed to ensure that the next stage of implementation is aligned with current policy.

Our Commitment

The Ethics Board remains committed to collaboration with Council to ensure our City's ethics policies are clear, consistent, and reflective of best practices. We believe a unified two-year standard is both fair and enforceable, and we respectfully urge Council to reconsider the proposed changes in light of these concerns.

We welcome continued dialogue during a public session or through any other appropriate venue.

DRAFT

ROBERTS RULES CHEAT SHEET

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Adjourn	"I move that we adjourn"	No	Yes	No	No	Majority
Recess	"I move that we recess until..."	No	Yes	No	Yes	Majority
Complain about noise, room temp., etc.	"Point of privilege"	Yes	No	No	No	Chair Decides
Suspend further consideration of something	"I move that we table it"	No	Yes	No	No	Majority
End debate	"I move the previous question"	No	Yes	No	No	2/3
Postpone consideration of something	"I move we postpone this matter until..."	No	Yes	Yes	Yes	Majority
Amend a motion	"I move that this motion be amended by..."	No	Yes	Yes	Yes	Majority
Introduce business (a primary motion)	"I move that..."	No	Yes	Yes	Yes	Majority

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

To:	You say:	Interrupt Speaker	Second Needed	Debatable	Amendable	Vote Needed
Object to procedure or personal affront	"Point of order"	Yes	No	No	No	Chair decides
Request information	"Point of information"	Yes	No	No	No	None
Ask for vote by actual count to verify voice vote	"I call for a division of the house"	Must be done before new motion	No	No	No	None unless someone objects
Object to considering some undiplomatic or improper matter	"I object to consideration of this question"	Yes	No	No	No	2/3
Take up matter previously tabled	"I move we take from the table..."	Yes	Yes	No	No	Majority
Reconsider something already disposed of	"I move we now (or later) reconsider our action relative to..."	Yes	Yes	Only if original motion was debatable	No	Majority
Consider something out of its scheduled order	"I move we suspend the rules and consider..."	No	Yes	No	No	2/3
Vote on a ruling by the Chair	"I appeal the Chair's decision"	Yes	Yes	Yes	No	Majority

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).