



CITY OF  
BAINBRIDGE ISLAND

Ethics Board Regular Meeting  
Wednesday December 10, 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

- December 10, 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:

- November 10, 2025 Meeting Minutes

#### 4.B Review Status of Pending Complaints

#### 4.C Review Determination Letter Drafts

- Complaint EB2021-05

**4.D Training Updates**

- Tracking Sheet: 2025 Advisory Group Volunteers

**4.E Ethics Code Recommendations to City Council: Status Update**

- Email Response to City Council

**4.F Board Member Update**

**4.G City Liaison Briefing**

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

**5. NEW BUSINESS**

**5.A Elect Deputy Chair – 6-month term beginning February 2026**

**6. AGENDA FOR NEXT MEETING**

**7. NEXT MEETING DATE:** January 14, 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](mailto: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](mailto: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  
Monday, November 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 Peggy Nimb (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 November 10, 2025 Agenda (*with adjustment*)

**MOTION:** Rafael Escandon; **SECOND:** Turner Vail - **Passed Unanimously**

No conflicts of interest disclosed by any members.

**3. PUBLIC COMMENT**

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

No Public Comments Received.

**4. REGULAR BUSINESS**

**4.A Approval of October 8, 2025, Minutes**

**MOTION to amend** (*with 2 changes – handbook and training*): Rafael Escandon;  
**SECOND:** Eve Sherling - **Passed Unanimously**

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

**4.C. Review Determination Letter Drafts**

- **Complaint EB 2021-04**: Review and discussion of determination letter by EB.

**MOTION** to approve determination letter for EB 2021-04 with section C removed by Rafael Escandon, **SECOND:** Eve Sherling – **Motion Passed 4-1** yea to nay (Turner Vail opposed)

- **Complaint EB 2021-06**: Review and discussion of determination letter by EB.

**MOTION** to approve determination letter for EB 2021-06 with section D removed by Rafael Escandon, **SECOND:** Karen Anderson – **Passed Unanimously**.

- **Complaint EB 2021-05:** Review and discussion of dismissal letter to occur at December EB meeting.

**Note:** Chair Keating clarified that in the original assignments of cases/dismissal letters, that some subcommittees had three members assigned. Following the October EB meeting those assignments were corrected via email and prior to completing dismissal letters, to include only two members per case.

**4.D Update: Training.** EB discussed ways of capturing new training that occurs/ensuring training is current. New volunteers who sign volunteer agreements and receive the (new) handbook provided by the city are tracked. Existing (that is, non-new volunteers) are not captured (nor newly trained) until such time as they initiate a new term or otherwise sign & confirm a new volunteer agreement. **Peggy Nimb** (City Staff) confirms that listing of most recently trained volunteers/staff can be provided on an ad-hoc basis and will provide for December meeting.

**4.E Ethics Code Recommendations to BI City Council.** Chair Keating's address to the 21 October City Council Study Session was discussed, and the EB was in agreement with the statements made (emphasized) by Chair Keating to Council.

**MOTION** for clarifying email sent by EB Chair to City Council re: matters discussed at the study session on 21 October made by Karen Anderson, **SECOND:** Rafael Escandon – **Passed Unanimously.**

**4.F. New Board Member Updates.** No new member applicants/updates.

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

## **5. NEW BUSINESS**

### **5.A 2025 Annual Report and 2026 Work Plan.**

- Proposed sub-topic/recommendation of a timelier resolution by City Council of elements recommended by EB in prior years' Annual Report(s) and Work Plans.
- Carry all prior (incomplete) recommendations forward into the next year's work plan.

**MOTION** by Chair Keating nominating Karen Anderson and Turner Vail for subcommittee for 2025 Annual Report and 2026 Work Plan. **SECOND:** Rafael Escandon – **Passed Unanimously.**

**6. AGENDA FOR NEXT MEETING** – All Items, review Dismissal letter EB 2021-05.

**7. NEXT MEETING DATE: Wednesday December 10, at 6:30 pm.**

**8. GOOD OF THE ORDER** – Nothing added.

**9. ADJOURNMENT - 7:40 PM**

**MOTION** by Karen Anderson to adjourn. **SECOND:** Turner Vail – **Passed Unanimously.**

**Meeting adjourned by Chair Keating, 7:40 PM**

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Doña Keating, Chair

Date

DRAFT

December xx, 2025

**DETERMINATION LETTER: EB 2021-05**

Submitted to City Clerk: May 11, 2021

Response Received: June 3, 2021

Initial Consideration(s): June 21, 2021, October 8, 2025

Final Consideration: [Date]

**DETERMINATION: Complaint EB 2021-05 Dismissed**

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**I. Summary of Complaint**

This Complaint alleges a violation of Art. II, § D.1.b (Applications of Conflict of Interest) of the City of Bainbridge Island Code of Conduct and Ethics Program.

The Complaint, filed by Complainant, alleges that Respondent violated Art. II, § D.1.b during her service as Chair of the Island Center Subarea Planning Steering Committee ("Committee") by having "other significant financial or private interest" in upzoning ██████████'s property and failing to disclose this conflict.

Specifically, the Complaint alleges that:

- Respondent, as Committee Chair, stated at the first Committee meeting (December 5, 2017) that she "had wanted to help" ██████████ with his upzone request when she served on the Planning Commission
- Respondent's application for appointment to the Committee stated she had "[t]ried for several years to get this neighborhood subarea planning started"
- These statements suggest Respondent had a "significant private interest" (non-financial) in upzoning ██████████'s property
- Respondent never disclosed this alleged conflict of interest
- Conflict disclosures weren't placed on Committee agendas until April 18, 2018, after repeated objections from the complainant
- Respondent often argued that disclosures weren't required because the Committee only made recommendations
- Respondent consistently called disclosures "statements of interest" rather than "conflicts of interest"
- Respondent stated on May 5, 2021 that the disclosures were "not really a conflict"
- Respondent voted on matters affecting ██████████'s property without disclosing her alleged interest in helping him

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

(b). Have other significant financial or private interest in that matter (which includes serving on a Board of Directors for any organization but does not, for Councilmembers, include appointing members to the Salary Commission)

## II. Summary of Response

Respondent's response outlines the following:

1. She served for 11½ years on the Bainbridge Island Planning Commission and treated all applicants who came before the Commission with courtesy and compassion in a friendly spirit.
2. After finishing her terms on the Planning Commission, she was appointed to the Committee by the City Council.
3. Committee members were expressly selected because of their special relationship to Island Center and are expressly authorized to vote on matters before the Committee.
4. **Most importantly:** She does not have and has never had any interest whatsoever in any property or business in Island Center, including that owned by [REDACTED] and/or his family.

## III. Compliance with Art. III, § B.8

Article III, Section B.8 of the City of Bainbridge Island Code of Conduct and Ethics Program states: "The Ethics Board shall strive to complete its review within 45 business days from the date that the City Clerk forwarded the complaint to the Ethics Board. If review takes longer than 45 business days, the Ethics Board in its determination shall specify the reasons why additional time was needed."

Additionally, Article III, Section B.8.e provides: "If the Ethics Board learns at any time during its review of the complaint that the matter is the subject of litigation it shall hold the complaint for action at a future time."

This Determination Letter is being issued on December xx, 2025, which is more than forty-five business days after the Complaint was received by the City Clerk. The Ethics Board did not complete its review within the 45-business-day period due to pending litigation filed by Complainant against the City of Bainbridge Island. Pursuant to Article III, Section B.8.e, the Ethics Board held these complaints for action at a future time while the litigation was pending. Following the resolution of that litigation, the Ethics Board was further advised by counsel to wait an additional 30 days following the rejection of the en banc petition, as the Complainant had the right to petition the Supreme Court within that period. The Board resumed review of these complaints in October 2025 following the expiration of that deadline.

## IV. Analysis of Complaint

The Ethics Board has reviewed Complaint EB 2021-05 and has concluded that the allegations **do not** indicate a violation of Art. II, § D.1.b.

### A. Analysis of Alleged "Private Interest"

The Complaint argues that Respondent's statements about wanting to help [REDACTED] and wanting to advance subarea planning constitute a "significant private interest" under the Code. The Ethics Code explicitly includes both financial AND private (non-financial) interests as potential conflicts.

However, the Ethics Board finds that:

1. **No Concrete Interest Identified:** Respondent convincingly states she has no property or business interests in Island Center, including in property owned by [REDACTED] or his family. The Complaint does not allege any personal relationship, financial benefit, or other concrete interest beyond Respondent's general role as a planning volunteer.
2. **Professional Interest vs. Disqualifying Conflict:** Respondent's statements about wanting to help [REDACTED] and advance subarea planning reflect her role as a Planning Commissioner interested in community planning processes. A general desire to assist community members with planning processes, or to advance neighborhood planning, does not constitute a "significant private interest" under the Ethics Code.
3. **Nature of "Significant Private Interest":** The Ethics Code contemplates conflicts arising from concrete interests—property, business, contracts, financial stakes, personal relationships that create bias. It does not extend to general policy preferences or professional interests in good planning that are part of a volunteer planning role.
4. **The Primary Allegation:** The complaint against Respondent primarily alleges that she had a conflict under Article II, D.1.b (significant private interest in helping [REDACTED]). The procedural issues regarding terminology and delayed disclosures, while concerning, are not the violations alleged in the complaint. The Ethics Board's role is to determine whether the conduct alleged in the complaint constitutes a violation, not to find violations for related but unalleged conduct.

### B. Consideration of Alternative Theory: "Protecting" [REDACTED]

Some consideration was given to whether Respondent's procedural failures could constitute an attempt to "protect" [REDACTED] from proper conflict disclosure requirements, which might itself constitute improper conduct.

The Ethics Board finds this theory unsupported by the evidence for several reasons:

1. **[REDACTED] Was Disclosed:** [REDACTED] actually disclosed his property interests in Committee meetings. The disclosure statement was read at meetings, and [REDACTED] identified his family's properties. If Respondent's alleged goal was to help [REDACTED] hide his conflicts, this theory fails because [REDACTED] was not hiding his conflicts—he was

disclosing them. To the extent the Complaint suggests that "desire to upzone" is a separate interest requiring separate disclosure beyond property ownership, the Ethics Board disagrees. Article II, D.1.c addresses conflicts arising from ownership of property "that would be significantly affected by" the matter at hand. A property owner's interest in how that property is zoned, including potential upzoning, is inherent to ownership itself. The Code does not require parsing every financial implication of ownership into separate disclosure categories; disclosure of the ownership interest encompasses the interests arising from that ownership.

2. **No Evidence of Coordination:** There is nothing in the record suggesting Respondent coordinated with ██████ to evade disclosure requirements or that she took any action specifically designed to benefit ██████'s interests.
3. **Systemic, Not Targeted:** The procedural problems with conflict disclosures affected the entire Committee, not just ██████. The delayed implementation, minimizing language, and "changes in status" approach applied to all Committee members, not selectively to ██████.
4. **City-Wide Confusion:** The confusion about conflict disclosure requirements was not limited to Respondent or even to the Committee. City staff, city counsel, and City Council itself grappled with how to apply conflict rules to this unique stakeholder-based committee, eventually providing guidance in September 2019.
5. **Imputing Motives Without Evidence:** Suggesting Respondent deliberately delayed disclosures to protect ██████ would require the Ethics Board to speculate about her motives without evidentiary support. Perhaps she genuinely believed the Committee didn't need formal conflict procedures. Perhaps she was focused on facilitating the planning process. Perhaps she was confused about the requirements given the novel committee structure. The Ethics Board cannot and should not guess at motives not supported by evidence in the record.

### C. Proportionality and Institutional Considerations

Even if the procedural issues could somehow be characterized as violations (which the Ethics Board does not find), the Ethics Board considered whether forwarding this matter to the Hearing Examiner would be appropriate:

1. **Temporal Distance:** The alleged conduct occurred 4.5 years ago. The Committee no longer exists. The planning process is complete.
2. **Proportionality of Process:** The Hearing Examiner process involves formal hearings, special counsel, sworn testimony, potential sanctions, and significant time and expense. Such a process would be disproportionate to procedural confusion about disclosure requirements in a novel committee structure, particularly where:
  - The respondent had no financial interest in outcomes
  - No allegation of personal gain or corruption
  - City guidance was unclear until 2019
  - The systemic nature of the confusion
3. **Educational vs. Punitive Purpose:** The Ethics Code serves both regulatory and educational functions. Where the primary value is educational—clarifying standards for

future committees—extensive formal proceedings serve little purpose beyond punishment.

4. **Institutional Credibility:** Pursuing formal proceedings against a volunteer planning committee chair for procedural imperfections in managing a novel stakeholder-based committee structure, where no personal financial interest existed, could undermine public confidence in the proportionality and fairness of the ethics process.

## **B. Procedural Issues and Educational Notes**

While the Complaint does not establish a violation, it highlights several procedural concerns about how Respondent, as Committee Chair, managed conflict disclosures. The Ethics Board notes the following for educational purposes:

### **1. Delayed Implementation of Conflict Disclosures**

Article II, Section J.2 requires that "Meetings of the City Council and City Committees and Commissions shall have a standing agenda item for disclosure of possible conflicts of interest."

Conflict disclosures were not placed on Committee agendas from December 2017 until April 2018. While this was a systemic issue affecting the entire Committee, as Chair, Respondent bore responsibility for ensuring proper procedures were followed from the outset.

### **2. Use of Minimizing Language**

The Complaint documents that Respondent:

- Consistently used the term "statements of interest" rather than "conflicts of interest"
- Explicitly stated on May 5, 2021 that disclosures were "not really a conflict"
- For extended periods, had the Committee only ask if there were "changes in status" rather than making full disclosures at each meeting
- Argued that disclosures weren't required because the Committee only made recommendations

**The Ethics Board emphasizes:** Using euphemistic language like "statements of interest" or stating that disclosures are "not really a conflict" undermines the transparency that conflict disclosure requirements are designed to provide. Even when exceptions allow participation despite conflicts, the conflicts themselves remain real and should be acknowledged as such.

### **3. Conflicts Exist Even When Exceptions Allow Participation**

The exception in Article II, D.3.a (which applied to other Committee members with property interests) allows participation despite conflicts—it does not eliminate the conflicts themselves. Committee members appointed because of property interests in Island Center have actual conflicts of interest when voting on matters affecting their properties. The exception manages these conflicts through disclosure; it does not render them non-existent.

Characterizing situations as "not really a conflict" misrepresents what is occurring and can confuse the public about the nature and significance of committee members' financial interests in outcomes.

#### **4. The Distinction Between Personal Conflicts and Committee Member Conflicts**

Respondent correctly identified that she personally had no conflict of interest, as she owned no property or business in Island Center. However, as Committee Chair, she was responsible for ensuring that *other* Committee members with actual conflicts properly disclosed them using accurate terminology. The minimizing language and delayed implementation of disclosure procedures created confusion about whether conflicts existed and how they should be managed.

#### **D. Mitigating Factors**

The Ethics Board recognizes several important factors:

1. **Novel Committee Structure:** The Island Center Subarea Planning Committee presented unique challenges, as it was specifically designed to include stakeholders with direct financial interests in the outcomes. This created inherent tensions with conflict of interest provisions that had not been fully addressed in prior guidance.
2. **Good Faith Service:** There is no evidence that Respondent acted in bad faith. Her focus appeared to be on facilitating the planning process and keeping the Committee moving forward, even as she navigated uncertain procedural terrain.
3. **Evolving Understanding:** The Committee's conflict disclosure procedures improved over time, particularly after City Council guidance was provided in September 2019.
4. **Reasonable Reliance on Evolving Guidance:** The Committee operated in an environment of evolving guidance and interpretation. City Counsel and City Council were themselves working through how to apply ethics requirements to this novel committee structure, ultimately providing clarifying guidance in September 2019. While this does not excuse procedural deficiencies, it helps explain the confusion that existed, particularly in the Committee's early stages.

#### **E. Guidance for Future Committee Chairs and Advisory Group Members**

While committee members and chairs should be able to rely on official City guidance, the Ethics Board encourages proactive consultation when questions arise about potential ethics issues.

##### **For Committee Chairs:**

Committee chairs should:

- Ensure conflict disclosures are a standing agenda item from the first meeting, as required by Article II, J.2
- Use accurate terminology—"conflicts of interest" rather than euphemistic alternatives
- Recognize that conflicts exist even when exceptions allow participation
- Help committee members understand proper disclosure practices

- Seek guidance from the City Attorney when questions about procedures arise

### **For All Advisory Group Members:**

Advisory group members who perceive conflicts between official guidance and the Ethics Code, or who have questions about their ethical obligations, should:

1. **Consult the Code of Conduct and Ethics Program** directly to understand the requirements
2. **Request an Advisory Opinion from the Ethics Board** pursuant to Article III, Section D, which allows advisory group members to seek guidance on whether their conduct has violated or might violate the Code
3. **Raise concerns with City staff and City Attorney** to seek clarification before taking action

Proactive consultation helps prevent ethics issues and demonstrates good faith, while also ensuring that any ambiguities in guidance can be addressed before they create problems. These practices ensure transparency and maintain public trust in the decision-making process, particularly when committees include stakeholders with direct financial interests in outcomes.

### **V. Determination**

After review of Complaint EB 2021-05, the response, and supporting documentation, the Ethics Board dismisses this Complaint pursuant to Article III, Section B.8.c of the Code of Conduct and Ethics Program.

#### **Applicable Dismissal Standard:**

Article III, B.8.c provides that the Ethics Board shall dismiss a complaint if "the facts stated in the complaint, even if true, would not constitute a violation of the Code of Ethics (Article II)."

#### **Reasoning:**

1. Respondent has no property or business interests in Island Center or in property owned by [REDACTED]
2. Her statements about wanting to help [REDACTED] and advance subarea planning reflect general professional interest in community planning, not a "significant private interest" under the Ethics Code
3. A Planning Commissioner's general desire to facilitate planning processes or help community members does not create a disqualifying conflict of interest
4. There is no evidence of any personal, financial, or other concrete interest that would constitute a conflict beyond her role as a planning volunteer

**No sanctions are warranted.** Respondent served the community through her volunteer work on the Committee.

## Ethics Board Training (Electronic) Tracking Sheet: 2025 Advisory Group Volunteers

□

Volunteer ID #	First Name	Last Name	Term Expiration	Number of Terms Served	Conflict of Interest Form Completed	OPMA PRA Training Completed	Ethics Training Completed	Completed Volunteer Service Agreement	Committee
020007	Ray	Victurine	6/30/2028		6/25/2025	6/25/2025	6/25/2025		Climate Change Advisory Committee
040007	Elaine	Liffgens	6/30/2028		6/20/2025	6/20/2025	6/20/2025		Design Review Board
060003	Eve	Sherling	6/30/2027		6/18/2025	6/18/2025	6/18/2025		Ethics Board
060006	Rafael	Escandon	6/30/2028		6/18/2025	6/18/2025	6/18/2025		Ethics Board
060008	Turner	Vail	6/30/2027		9/11/2025	9/11/2025	9/11/2025	9/11/2025	Ethics Board
130005	Dashiell	Tibbals	6/30/2028		6/19/2025	6/19/2025	6/19/2025		Civil Services Commission
150007	Ted	Jones	6/30/2028		7/11/2025	7/11/2025	7/11/2025		Civil Services Commission

Notes from Peggy:

I pulled our tracking sheet with just the new volunteers in 2025 on committees. This may not be completely accurate as we've had some turnover in the EA position. Roz used to track these. The good news is it is now an electronic process with viewing the videos and signing an electronic form verifying completion. Turner was the last one and he also signed the new Volunteer Service Agreement (all will soon).

We'll make sure it's updated in the new year.

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. This past Monday, 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 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)

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

### 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.

## 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 Councilmembers Moriwaki and Deets 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**

During 2025, the Board continued work on updating Ethics Program materials to align with prior recommendations and recent Code amendments under Council consideration. Training materials were revised to include clearer summaries of existing and proposed Code changes, along with updated flowcharts for Advisory Opinions and Waivers.

The Board also reviewed and approved updated complaint forms, the Advisory Opinion request form, and proposed revisions to the Ethics Board webpage to reflect anonymity provisions, statute-of-limitations language, and new eligibility for advisory requests by the City Manager. With most training-related work completed, the Board voted to sunset the Training Subcommittee and incorporate its responsibilities into regular Board business.

### **IV. Training**

Training preparation remained a significant area of activity throughout 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.

In 2025, the Ethics Board continued its outreach efforts to increase public awareness of the Ethics Program. Board members staffed an information table at the Bainbridge Island Farmers Market during the spring and fall sessions, which provided an opportunity for residents to learn about the Board's work and available resources. Chair Keating and Deputy Chair Escandon also participated in a recorded podcast hosted by BARN, which offered a broader overview of the Ethics Program and helped reach community members who may not attend City meetings or in-person events.

### **V. Requests and Recommendations**

In 2025, the Ethics Board reviewed several matters referred by the City Council relating to 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, ensuring timely posting of key Ethics Program materials, 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. 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.
- F. The Board will continue to respond to official ethics complaints and inquiries for advisory opinions in adherence to the Ethics Program.

Approved, \_\_\_\_\_(Date)

## 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).