



**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL STUDY SESSION
TUESDAY, JULY 02, 2019**

**BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON**

AGENDA

- 1. CALL TO ORDER / ROLL CALL - 6:00 PM**
- 2. EXECUTIVE SESSION**
 - 2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency,
30 Minutes
- 3. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE - 6:30 PM**
- 4. MAYOR'S REPORT - 6:35 PM**
- 5. NEW BUSINESS**
 - 5.A (6:40 PM) Discussion of Advisory Opinions and Determinations Issued by the Ethics Board, 2 Hours
[Memo - Procedure for City Council Review of Advisory Opinions and Determinations Issued by the Ethics Board](#)
[2019-09 - Advisory Opinion and Related Materials](#)
[2019-08 - Advisory Opinion and Related Materials](#)
[2019-06 - Advisory Opinion and Related Materials](#)
[2019-05 - Advisory Opinion/Determination and Related Materials](#)
[2019-04 - Advisory Opinion and Related Materials](#)
[2019-03 - Advisory Opinion and Related Materials](#)
[2019-02 - Advisory Opinion and Related Materials](#)
[2018-08 - Advisory Opinion and Related Materials](#)
[2018-07 - Advisory Opinion and Related Materials](#)
[2018-06 - Advisory Opinion and Related Materials](#)
[2018-05 - Advisory Opinion and Related Materials](#)
[2018-04 - Determination and Related Materials](#)

[2018-03 - Advisory Opinion and Related Materials](#)
[2018-02 - Advisory Opinion and Related Materials](#)
[2018-01 - Determination and Related Materials](#)

6. FUTURE COUNCIL AGENDAS

- 6.A (8:40 PM) Future Council Agendas, 10 Minutes
[City Council Regular Business Meeting July 9, 2019.pdf](#)
[City Council Study Session July 16, 2019.pdf](#)
[City Council Regular Business Meeting July 23, 2019.pdf](#)

7. FOR THE GOOD OF THE ORDER - 8:50 PM

8. ADJOURNMENT - 9:00 PM

GUIDING PRINCIPLES

Guiding Principle #1 - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

Guiding Principle #2 - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

Guiding Principle #4 - Consider the costs and benefits to Island residents and property owners in making land use decisions.

Guiding Principle #5 - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



City Council 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.



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: July 2, 2019

ESTIMATED TIME: 30 Minutes

AGENDA ITEM: Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Executive session discussion.

SUMMARY:

Executive session.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: July 2, 2019

ESTIMATED TIME: 2 Hours

AGENDA ITEM: (6:40 PM) Discussion of Advisory Opinions and Determinations Issued by the Ethics Board,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Council discussion.

SUMMARY:

City Council consideration and discussion of 13 advisory opinions and three determinations issued by the Ethics Board since January 1, 2018. Under the City's current Ethics Program, further Council action is only required with respect to two of the three determinations (2018-04 and 2019-05), in which the Ethics Board determined that a material violation of the City's Code of Ethics has likely occurred. The City Council may, but is not required to under the current Ethics Program, take further action on the remaining determination (2018-01) and the 13 advisory opinions.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

Since January 1, 2018, there have been a total of 17 complaints/requests submitted to the Ethics Board, resulting in the Ethics Board issuing a total of 13 advisory opinions and three determinations during that time period. Two of the complaints/requests were withdrawn before Ethics Board review, and, for one request/complaint, the Ethics Board issued both an Advisory Opinion and a Determination. For reference, only one advisory opinion and no determinations were issued in the three years preceding January 1, 2018.

The City Council has expressed its intent to review the 13 advisory opinions and three determinations issued by the Ethics Board since January 1, 2018, which are attached below along with related materials.

Also attached is a memo outlining the procedure, under the City's Ethics Program, for City Council review of advisory opinions and determinations issued by the Ethics Board. To the extent that the City's Ethics Program does not specify a procedure to follow, the absence of specific direction is noted in the memo and options are provided for Council consideration.

In summary, under the City's current Ethics Program, further City Council action is only required with respect to two of the three determinations (2018-04 and 2019-05), in which the Ethics Board determined that a material violation of the City's Code of Ethics has likely occurred. The Council may, but is not required to under the current Ethics Program, take further action on the remaining determination (2018-01) and the 13 advisory opinions.

ATTACHMENTS:

[Memo - Procedure for City Council Review of Advisory Opinions and Determinations Issued by the Ethics Board](#)

[2019-09 - Advisory Opinion and Related Materials](#)

[2019-08 - Advisory Opinion and Related Materials](#)

[2019-06 - Advisory Opinion and Related Materials](#)

[2019-05 - Advisory Opinion/Determination and Related Materials](#)

[2019-04 - Advisory Opinion and Related Materials](#)

[2019-03 - Advisory Opinion and Related Materials](#)

[2019-02 - Advisory Opinion and Related Materials](#)

[2018-08 - Advisory Opinion and Related Materials](#)

[2018-07 - Advisory Opinion and Related Materials](#)

[2018-06 - Advisory Opinion and Related Materials](#)

[2018-05 - Advisory Opinion and Related Materials](#)

[2018-04 - Determination and Related Materials](#)

[2018-03 - Advisory Opinion and Related Materials](#)

[2018-02 - Advisory Opinion and Related Materials](#)

[2018-01 - Determination and Related Materials](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
Memorandum

Date: June 28, 2019
To: City Council
From: Robbie Sepler, Deputy City Attorney
Re: Procedure for City Council Review of Advisory Opinions and Determinations Issued by the Ethics Board Since January 1, 2018.

The purpose of this memo is to outline the procedure, under the City’s Ethics Program, for City Council review of advisory opinions and determinations issued by the Ethics Board since January 1, 2018.¹ To the extent that the City’s Ethics Program does not specify a procedure to follow, the absence of specific direction is noted and options are provided for Council consideration.

1. Advisory Opinions and Determinations Issued by the Ethics Board Since January 1, 2018

2019			
	Type	Specific Council Review Procedure?	Applicable Sections of this Memo
2019-09	Advisory Opinion	No	Section 2
2019-08	Advisory Opinion	No	Section 2
2019-07	(Withdrawn) ²	N/A	N/A
2019-06	Advisory Opinion	No	Section 2
2019-05	Advisory Opinion/Determination	Yes (Determination) No (Advisory Opinion)	Section 2 and 3
2019-04	Advisory Opinion	No	Section 2
2019-03	Advisory Opinion	No	Section 2
2019-02	Advisory Opinion	No	Section 2
2019-01	(Withdrawn) ³	N/A	N/A

¹ For reference, only one advisory opinion and no determinations were issued in the three years preceding January 1, 2018 (Advisory Opinion 2016-01).

² The individual withdrew their request before the Ethics Board took action.

³ The individual withdrew their complaint before the Ethics Board took action.

2018			
	Type	Specific Council Review Procedure?	Applicable Sections of this Memo
2018-08	Advisory Opinion	No	Section 2
2018-07	Advisory Opinion	No	Section 2
2018-06	Advisory Opinion	No	Section 2
2018-05	Advisory Opinion	No	Section 2
2018-04	Determination on Remand	Yes	Section 3
2018-03	Advisory Opinion	No	Section 2
2018-02	Advisory Opinion	No	Section 2
2018-01	Determination	No	Section 4

2. Procedure for Review of Advisory Opinions

The Ethics Program does not specify a procedure for Council review of advisory opinions issued by the Ethics Board, and the Council has not otherwise specified a procedure to be followed.

Therefore, the Council, by majority vote, has the discretion to specify what actions, if any, the Council will take with respect to each of the advisory opinions issued by the Ethics Board.

Possible Council actions include, but are not limited to, one or more of the following:

- Discussion only;
- Affirm the advisory opinion;
- Revoke or otherwise rescind the advisory opinion;
- Amend the advisory opinion;
- Remand to the Ethics Board for further clarification;
- Impose one or more of the possible sanctions outlined in Section 3.D of this memo (i.e., admonition, reprimand, censure, or other sanctions); or
- Schedule time for additional Council consideration.

3. Procedure for Review of Article II Determinations Finding that a Material Violation of the Code of Ethics has Likely Occurred

Article IV of the Ethics Program specifies the following procedure for the Council to follow when reviewing a determination by the Ethics Board that a material violation of the Code of Ethics has likely occurred.

A. Council Review

The Ethics Program directs the Council to review the following materials to determine whether there appears to be a sufficient factual basis to prove one or more violations of Article II (Code of Ethics) by clear and convincing evidence:

- The ethics complaint, filed by the Complainant;
- The response to the ethics complaint, filed by the Respondent; and
- Any other relevant supporting materials.

As part of the Council's review, the Ethics Program mandates that the Respondent be given an opportunity to respond to the complaint. The Ethics Program does not address whether the Complainant may similarly address the Council. However, the Council could vote to allow the Complainant to speak or otherwise respond in some manner.

If the Council needs additional time to complete its review of an ethics complaint, the Council can vote to continue its review to a subsequent Council meeting.

If the Council desires clarification of the Ethics Board's rationale in making its determination, the Council can vote to remand the matter to the Ethics Board to develop additional written findings and conclusions supporting the Ethics Board's determination.

B. Council Decision

After reviewing the matter, the Ethics Program directs the Council to either:

- (1) dismiss the complaint; or
- (2) make a finding that there appears to be a sufficient factual basis to prove a material violation of the Article II (Code of Ethics) by clear and convincing evidence.

The Respondent shall not participate in such votes.

Proof by "clear and convincing evidence" means that the violation must be established by evidence that carries a greater weight and is more convincing than a preponderance of evidence. A "preponderance of the evidence" means, considering all of the evidence, that a violation is more probably true than not true. In contrast, "clear and convincing evidence" exists when occurrence of the violation has been shown by the evidence to be **highly probable**. However, clear and convincing evidence does not mean that the violation must be established by evidence that is convincing beyond a reasonable doubt.

C. Respondent's Options if a Violation is Found

If the Council, by majority vote in an open public meeting, makes a finding that there appears to be a sufficient factual basis to prove a material violation of Article II (Code of Ethics) by clear and convincing evidence, then the Respondent may take one of the following four actions:

1. Admit to the alleged violations of the Code of Ethics;
2. Not admit to the alleged violations, but expressly forego and waive any right to a hearing to contest the violations and any resulting sanction(s) imposed by the Council;
3. Request a hearing before the City's Hearing Examiner to present evidence to dispute, rebut, mitigate, explain, or otherwise defend against any or all of the Code of Ethics violations alleged in the complaint; or
4. Remain silent.

If the Respondent does not request a hearing before the Hearing Examiner, then the Council is directed to schedule and, to the extent allowed under the Open Public Meetings Act, hold an executive session to hear from the Respondent and deliberate upon the appropriate level of civil sanctions to be imposed, which are summarized below. However, the Respondent may request that such deliberations take place in an open public meeting. After such deliberations, the Council would, in an open public meeting by majority vote, adopt written findings, conclusions, and sanctions. The Respondent shall not participate in such votes.

If the Respondent requests a hearing before the Hearing Examiner, then the Respondent may be represented by legal counsel and the Ethics Program directs the City Attorney to designate special counsel to present the Code of Ethics violations charges and case. A hearing would be held and the Hearing Examiner is directed to issue findings of fact and conclusions of law. If the Hearing Examiner determines that the alleged Code of Ethics violation(s) have not been proven, the Examiner shall dismiss the complaint. If the Hearing Examiner determines that a violation occurred, then the Examiner will forward the complaint to the Council for a determination regarding the appropriate level of sanctions to be imposed.

As part of the Hearing Examiner's transmittal to the City Council related to sustaining a violation, the Examiner shall include findings and conclusions that sustain a Code of Ethics violation. Upon receipt of the Hearing Examiner's findings and conclusions, the City Council shall schedule an executive session to consider the findings and conclusions, hear from the respondent, and deliberate upon the appropriate sanctions to be imposed. If the respondent requests that the matter be held in an open public session rather than executive session, the Council shall consider the matter in open session. Written findings, conclusions, and sanctions shall be approved by a majority vote of the Council in an open public session, and the respondent shall not participate in that vote.

D. Possible Sanctions

In the event that either the Hearing Examiner or the Council concludes that a violation of Article II (Code of Ethics) has occurred, the Ethics Program states that the Council may impose any of the following sanctions:

1. Admonition: An admonition is a verbal non-public statement made by the Mayor to the official who has violated the Code.
2. Reprimand: A reprimand shall be a letter prepared by the Council, signed by the Mayor, and directed to the official who has violated the Code.
3. Censure: A censure shall be a written statement administered personally by the Mayor to the official who has violated the Code of Ethics. The individual shall appear at a time and place directed by the Council to receive the censure. The censure shall be given publicly and the official who has violated Article II (Code of Ethics) shall not make any statement in support or opposition thereto or in mitigation. A censure shall be deemed administered at the time it is scheduled whether or not the member appears as required.
4. Other sanctions: Any sanction imposed under the Ethics Program is in addition to and not in lieu of any other penalty, sanction, or remedy which may be imposed or sought according to law or equity.

In reference to the “Other sanctions” option above, the Council has authority under state law to censure one of its members by motion adopted by a majority vote of the Council. If the Council opts to take such an action in a situation involving, for example, an Article II violation by a Councilmember, the Council could move to censure that member for that violation, and in so doing the Council would state in that motion that it was also waiving any provision of the Ethics Program that could potentially conflict with the Council’s authority to conduct such a censure in that manner. Such a waiver would be necessitated because one of the four options above includes a censure, and the censure described as part of the Ethics Program includes specific requirements that are part of the Ethics Program but aren’t required by state law.

4. Procedure for Review of Other Article II Determinations

Since January 1, 2018, the Ethics Board also issued Determination 2018-01, in which the Board determined that the complaint at issue lacked reasonable credibility. The Ethics Program does not specify a procedure for Council review of such a determination, and the Council has not otherwise specified a specific procedure to be followed. Therefore, the Council, by majority vote, could specify what actions, if any, the Council may take with respect to Determination 2018-01.

Under the Ethics Program, no action is required with respect to Determination 2018-01.

If the Council desires to take action, possible Council actions include, but are not limited to, one or more of the following:

- Discussion only;
- Affirm the determination;
- Revoke or otherwise rescind the determination;
- Amend the determination;
- Remand to the Ethics Board for further clarification;
- Impose one or more of the possible sanctions outlined in Section 3.D of this memo (e.g., admonition, reprimand, censure); or
- Schedule time for additional Council consideration.

CEM

**ETHICS COMPLAINT CITY OF
BAINBRIDGE ISLAND**

TO: City Clerk

SUBMITTED BY: Name: Salvatore DeRosalia

**Address: [REDACTED]
Bainbridge Island, WA 98110**

Telephone: (206) 240-8857

Ethics Complaints concern the actions of individuals in relation to the City of Bainbridge Island Ethics Code.

1. Does the situation for which you are making a complaint involve: (please circle one)

a. An Elected Official

JOE DEETS - Bainbridge Island Council Member, North Ward

2. Please describe the facts that constitute the violation(s) of the Code of Ethics. (If necessary, please attach additional pages for description)

On January XX, 2019, Council Member Joe Deets received a phone call from Erin Phillips. Mrs. Phillips asked to meet with Council Member Joe Deets to discuss me, Sal DeRosalia and my supposed behavior inside of a private group, the Race Equity Network (REN). "XX" Indicates unknown date.

At the time of her request for a meeting with Council Member Deets, Mrs. Phillips was a candidate to be on the newly formed Race Equity Task Force and Joe Deets was an appointed Council Member Liaison to the group as well as one of three Council Members that would be interviewing myself and Erin to be on the Race Equity Task Force.

In addition, Mrs. Phillips had just resigned from the Race Equity Network (REN) organization she helped found along with myself and Karen Vargas. 10 Days after her resignation, Erin Phillips sent a rogue mass email out to everyone

whom had ever signed up for information about REN. The contents of this email discuss what Mrs. Phillips talked to Council Member Deets about. I have included a copy of that email.

Council Member Joe Deets agreed to meet with Erin Phillips in person.

On January XX, 2019, Council Member Joe Deets met with Erin Phillips at an undisclosed location. In that meeting, Council Member Deets reported that Mrs. Phillips told him, "...that three women at REN felt either uncomfortable or unsafe being around you - and that all three left REN as a direct result of your behavior towards them." "XX" Indicates unknown date.

Council Member Joe Deets chose not inform anyone of his meeting with Erin Phillips.

On Friday, January 25, 2019, I discovered the meeting had occurred through a third party. I emailed Council Member Deets along with Mayor, Kol Medina and City Manager, Morgan Smith to voice my concerns.

Council Member Joe Deets chose not inform co-Council Liaisons, Matt Tirman and Rasham Nassar of the full details of his conversations with Erin Phillips.

In not recusing himself fully, Council Member Joe Deets affected the outcome of the process and choosing of the Race Equity Task Force. This can be explained in simple math as well as withholding information. The math part is a fact and can be proved. The withholding information is subjective.

Council Member Joe Deets has still not recused himself from his position as Council Liaison on the Race Equity Task Force.

In the first Race Equity Task Force meeting held on March 7, 2019, Council member Joe Deets did not site any conflicts of interest during the call for conflicts of interest. Council Member Deets only stated he had a conflict of interest after Ethics Board member Scott Wilder walked into the room to give his presentation on COBI Ethics Program. This was about an hour into the meeting.

In an email response to me concerning this matter, Council Member Joe Deets stated this about his colleagues Matt Tirman, Rasham Nassar and Kol Medina, “I have spoken with them at length about this and based on the facts of the matter all of them have strongly advocated that I stay on.”

This is not a true statement. Mayor Kol Medina explained to me that he spoke with Council Member Joe Deets to make sure that was corrected. I have not received a correction from Council Member Deets.

Upon requesting a meeting to discuss this issue as well as several other issues pertaining to Council Member Joe Deets, I was granted an audience with Council Member Joe Deets and Mayor Kol Medina.

In this meeting, Council Member Deets was very evasive about the context of his meeting with Erin Phillips. Council Member Deets said he did not remember dates and times of the conversations or phone calls he had with Mrs. Phillips but he did state he would get those to me. (To date, I have not been provided with those records. “XX” Indicates unknown date.)

Council Member Joe Deets said at the end of our meeting, “...and I hope you account for what you did to those women.” Mayor Kol Medina and a guest of mine were both present for this comment. My guest is more than willing to provide a written and/or verbal statement.

In short, Council Member Joe Deets agreed to take a meeting he should not have. It had nothing to do with City business and he knew that before he went. He admitted as much in the meeting with Kol Medina and I.

After he made that mistake, he made another by not reporting his inappropriate meeting.

He compounded all of this by being a person of influence in the process of picking the Race Equity Task Force committee.

When confronted with the evidence that he had an inappropriate meeting with Erin Phillips, he responded by taking no meaningful action. In fact, his actions

since have only exacerbated this issue and put a stain on the City of Bainbridge Island and the newly formed Race Equity Task Force.

Below is Council Member Deets written response:

Councilmember Deets' Response:

The conversation that I had with Erin Phillips is a sensitive matter, for it directly involves your behavior at the Race Equity Network (REN). She asked me to meet with her, where she told me that three women at REN felt either uncomfortable or unsafe being around you - and that all three left REN as a direct result of your behavior towards them. This was shocking to me, and while of course I have nothing to do with what happens at REN, I do have a responsibility for considering those who are applying to serve on the City's Race Equity Taskforce (RET). Getting along with others is a crucial attribute for a Committee Member, and what I learned made me concerned about your suitability. However, in order to remove any perception of bias in the process I decided to recuse myself from the decision of whether you or Erin should be on RET. I thus took no part in your or her interviews or the subsequent internal discussion. That work and ultimate decision was carried out by Councilmembers Tirman and Nassar.

Lastly, I did take part in the process in respect to the other candidates, and I trust that you share with me the excitement that seven outstanding citizens were chosen to serve on RET."

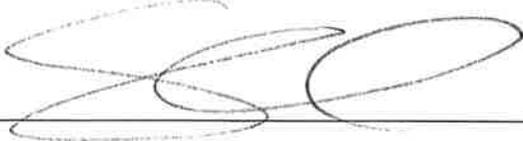
3. Section(s) and subsection(s) of the Code of Ethics that are alleged to have been or would be violated **[optional]**: _____

4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: March 26, 2019

Place: City of Bainbridge Island | 280 Madison Avenue N.

Signature _____





Sal DeRosalia <sal@outcomeathletics.com>

Decision

Erin Phillips <erin.n.phillips@me.com>

Tue, Jan 22, 2019 at 1:54 AM

To: "To:" <bainbridgenotebook@gmail.com>, Airen Lydick <airenlydick@yahoo.com>, Allison McDonald <allie@notimeforflashcards.com>, Amanda Negi <amanda.negi@gmail.com>, Amy Nakata <vanakata@msn.com>, Andy Rovelstad <office@rovelstad.net>, Anne <anne@berfield.org>, Anthony Oddo <aoddo1@gmail.com>, Asia Wolfe <asiawolfe@gmail.com>, Barb De Normandie <denormandie@spu.edu>, Barbara Golden <b10golden@gmail.com>, Bea Dixon <bea_dixon2@msn.com>, Beth Riggs <rriggs@bisd303.org>, Bethanee Randles <bethanee@outcomeathletics.com>, Brandi Bispham <bbispham@bisd303.org>, Brenda Fantroy-Johnson <brendaremade@yahoo.com>, Carrie Holloway <cholloway@bisd303.org>, Charlotte Rovelstad <milagrosx2@comcast.net>, Chasity Malatesta <malatesta.chasity@gmail.com>, Christina Peato <cpeato@bisd303.org>, Colleen Huck <ckinnon@hotmail.com>, Danny Sackett <dannysackett@gmail.com>, Diana Oestreich <classroomdo@gmail.com>, Diane Hollyer <dhollyer@gmail.com>, Dominique Cantwell <dominiquecantwell@gmail.com>, Emily Eigen <EEigen@bisd303.org>, Erin Thomasson <erin.thomasson25@gmail.com>, Gina Corpuz <ginacorpuz33@gmail.com>, Heide Madden <heide.madden@gmail.com>, Hollie McIntyre <holliemc@comcast.net>, JC Cash <jbc98110@aol.com>, Jeanine Greco <Jmgreco.78@gmail.com>, Jeannie Grassi <jcgpianos@gmail.com>, joann oligario <oligarioj@comcast.net>, Joyce Nishimura <joyce.nishimura@gmail.com>, Kate Camber <camber@msn.com>, Katie Fisher <indiebanditas@hotmail.com>, Katy Curtis <mediate2peace@yahoo.com>, Kerrie Agosta <agostak@uw.edu>, Kyla Garlid <kylagarlid@gmail.com>, Laura McMullan <Laura.mcmullan@gmail.com>, Liz Pascal <lizapascal@gmail.com>, Madi Williamson <madzy79@gmail.com>, Maggie Hitchcock <mhitchcock@bisd303.org>, Marie Spearman <mariespearman@comcast.net>, Marsha Cutting <mcutting@gmail.com>, Matt Kelley <matt@pantagraf.com>, Maura Brueger <maurabrueger@gmail.com>, McGowan Kathryn <kbrmcgowan@hotmail.com>, Michelle Mudrock <memudrock@gmail.com>, Nadine Zygaj <dinodino97@hotmail.com>, Neil Baker <neil@njbaker.net>, Okada Eileen <eokada31@gmail.com>, Peggie Erickson <peggi.erickson@comcast.net>, Prasad Mahendra <prasad.mahendra@gmail.com>, Promise Partner <pbpartner@gmail.com>, Robin Hunt <jrobinhunt@msn.com>, Sable Bruce <sablebruce@gmail.com>, Sal DeRosalia <sal@outcomeathletics.com>, Savannah Rovelstad <smrovels@syr.edu>, Sheila Curwen <sheilacurwen@gmail.com>, Sheryl Belt <sbelt@bisd303.org>, Susan Collins <susanonbi@gmail.com>, Susan Tolley <stolley@bisd303.org>, Tammy ? <tamelaho@gmail.com>, Vargas Karen <karendvargas@gmail.com>, Willow Fox <willow.wilcox.fox@gmail.com>

Dear REN,

It is with a heavy heart that I write this email, especially after throwing such a successful event last night, but as the founder, I feel an obligation to be open and transparent about an important decision I have made.

Recently, a female REN member communicated to me that Sal had made her colleague feel 'unsafe' during a REN meeting at IslandWood. The woman who told me this said that she felt the same way. Because of conflicts that I, plus another woman had had with Sal, I relayed that I had concerns that there was a pattern of behavior during a subsequent meeting with Sal, Karen and me.

That woman was planning on reaching out to Karen about the matter as well. We discussed that Karen could facilitate a direct conversation with the women who had expressed their discomfort with Sal and Sal himself. Sal, Karen and I also agreed to keep the present conversation confidential.

The next day, I received an email from the woman, saying that Sal had contacted IslandWood to 'inform' them about what the women had said about him. The woman expressed to me that she had stayed up all night, worried that she would be reprimanded or even worse, as she is her family's only breadwinner. She had to meet with her CEO the next day to explain.

In light of what happened, I felt that Sal should step away from his leadership role. The incident involved two REN members, as well as a REN partner so I did not feel it would be viewed in isolation. I feel that our job as REN ambassadors is to de-escalate conflict and not retaliate when we feel wronged but rather, seek clarification and begin the healing process. I felt that this incident was incompatible with what we are trying to achieve as an organization. Sal said that he would not step down and Karen proposed to table the matter of asking Sal to step down until after the event, to which I reluctantly agreed. I feel that through inaction, however, REN displayed a sense of indifference towards what happened with these two women.

As a result, I have decided to step away from the REN leadership team for the time being. I will remain a REN member and will continue to do the work, no matter where I sit in the organization as I continue to believe in the work that we are doing. There is so much momentum. In fact, I continue to love and admire Sal for many reasons. This may sound insincere but I believe that both can be true. I just believe that he is not the appropriate person to be a figure head of the organization until some reconciliation takes place.

I do, however, think we need to have a group conversation about process in general, as several members have raised concerns connected to process, decision-making, etc.

I am also available to meet in person if anyone would like to talk about this in person.

Again, I am sorry that this is a distraction from the work but I felt it was my obligation to be as transparent as possible about the matter.

Sincerely,

Erin Phillips



Sal DeRosalia <sal@outcomeathletics.com>

Joe Deets Inquiry

Sal DeRosalia <sal@outcomeathletics.com>

Fri, Jan 25, 2019 at 9:12 AM

To: jdeets@bainbridgewa.gov, kmedina@bainbridgewa.gov, msmith@bainbridgewa.gov

Everyone,

I just came from a meeting where I was told that Erin Phillips and Joe Deets had a discussion about me and potential Race Equity Task Force positions. I was told that Joe informed Erin he would not allow or advocate for me to be on the Task Force.

I hope this isn't true as it would seem pretty unethical.

I would like to discuss this and Joe's prior treatment of me in meetings as soon as possible.

I have already talked to Joe about his previous slights towards me and my wanting to address them. This new information has brought it to the top of my priority list.

Please let me know how we should proceed.

Thank you,
Sal DeRosalia

Councilmember Deets' Response to Complaint 2019-09

April 2, 2019

Dear City of Bainbridge Island Ethics Board,

Please see my response below to the 2019-09 complaint. Reading the text, I identified six separate matters to respond to, three of which I believe to be the core concerns of Mr. DeRosalia. To complete the response as written below, please that note I spoke with Mayor Medina and Councilmembers' Nassar and Tirman.

The first three items below are, I believe, the core parts of Mr. DeRosalia's complaint.

1) That I should not have taken a meeting with Ms. Phillips.

I think it is fair to say that the meeting I had with Ms. Phillips, where she informed me of his behavior towards some women, is probably the single biggest concern for Mr. DeRosalia. Among other things, he has said that I should not have taken the meeting, describing it as "inappropriate" on my part. I am in strong disagreement with this view; for one of the most important things a public official can do is meet with a constituent when requested to do so. The only clear exception to this is, as advised by our City Attorney, when there are legal proceedings between the City and the person, or it is known that legal proceedings may be forthcoming. That was clearly not the case here.

The facts are that Ms. Phillips contacted me, requesting a meeting. She said that it was about Mr. DeRosalia, but that she wanted to talk with me about it face to face. I had no idea what it was she was going to tell me, but I readily agreed to meet, as I felt that I had an obligation to do so.

To take a contrary view, and state as Mr. DeRosalia essentially does in his complaint, that there are meetings with constituents which a Councilmember should refuse to take is, to me, very troubling. It runs counter to the role of a public official, the importance of the open relationship that we have with our

community. To accept his view would jeopardize that relationship and set a terrible precedent.

2) That I did not disclose the meeting I had with Ms. Phillips.

That is not correct. It shouldn't be surprising that when I told Councilmembers Tirman and Nassar that I was recusing myself from interviewing and selecting either Mr. DeRosalia and Ms. Phillips that I provided them with details as to why I was taking this action. I explained that I had a meeting with Ms. Phillips at her request and that it was about Mr. DeRosalia's behavior.

To get a sense of the extent that I communicated this matter with other Councilmembers please also see my comments in #3 and #5.

3) That I took part in choosing members of the Race Equity Task Force.

I gave quite a bit of thought as to the most appropriate way that I should participate in the choosing of members for the Race Equity Task Force. First, I spoke candidly with my colleagues on Council about the situation, and they encouraged me to make the best decision that I saw fit. My options, as I saw them, were to a) have no recusal, b) have complete recusal, or c) do something in between.

To decide on which of these options to take, I considered whether my meeting with Ms. Phillips was an actual conflict of interest. Specifically, whether it could reasonably be determined that Ms. Phillips, in her disclosure to me of Mr. DeRosalia's behavior, was doing so with the aim of personally benefitting herself to get on the Race Equity Task Force. I decided that this was not the case, for while she was also an applicant there really was no competition involved between her and Mr. DeRosalia, as there seven positions to fill. Another way of putting it is that, with there being so many spots on the roster it was not a zero-sum-game between them. It was reasonable, I decided, to conclude that no actual conflict of interest occurred since Ms. Phillips derived no material benefit in providing the disclosure.

However, while I decided that there was not an actual conflict of interest, I recognize that perceptions matter, which became especially apparent when Mr. DeRosalia spoke of his concerns. I saw that despite the circumstances that I described above, there could still be a perception of a conflict. Perceptions

are extremely important for a City, as people need to trust the process it takes to make decisions, especially when they don't like the outcome. So, I decided that option #a, no recusal, was not appropriate. But neither was option #b, complete recusal (i.e. do no interviews at all), as that seemed excessive considering a situation that only involved two candidates applying for a roster of seven. I ultimately decided on a middle way, option #c, partial recusal, and chose to reduce my choices from seven to five. In this way I would be unable to influence all the choices made, as Councilmembers Tirman and Nassar would still have seven choices, and most notably they would be the decision makers as to whether Mr. DeRosalia and/or Ms. Phillips were chosen. My colleagues agreed with the decision that I made on recusal. This was admittedly a difficult situation and I made a sincere and considered effort to take the most fair and impartial course of action.

As it turned out, Mr. DeRosalia was not chosen to be on the Race Equity Task Force (and neither was Ms. Phillips). I can disclose that Councilmember Nassar told him at their February 28th meeting that he was not on her list of seven choices. I can confirm that I took no part in her decision.

The following are other matters which Mr. DeRosalia brought up

4) That I brought up Mr. DeRosalia's behavior during the February 16th Meeting

I acknowledge that I did speak up for the women who left the non-profit organization Race Equity Network. This came up after a full hour into our meeting, when it became clear that Mr. DeRosalia wished to remain focused on how he believed I mistreated him. I decided to speak up when it struck me that this meeting was, unfortunately, solely about lapses or perceived lapses in my behavior. That being the situation, I saw a real imbalance in play and that it became a matter of fairness that Mr. DeRosalia's own behavior be brought up. I was brief and simply said that he needs to answer for how he treated the women who, as a result, left the Race Equity Network.

To provide some useful context to what I am referring to, please see Ms. Phillips' Jan. 22, 2019 e-mail that Mr. DeRosalia provided to the Ethics Board; where she describes a pattern of behavior by Mr. DeRosalia, where women

can feel unsafe around him. It is I believe noteworthy that while Mr. DeRosalia has downplayed the allegations, he never has, to my knowledge, refuted them.

5) Comments made by Mayor Medina regarding my role on the Race Equity Task Force

When I was deciding whether to stay on the Race Equity Task Force I spent time talking with some of my colleagues, seeking their perspective; essentially asking them what they would do if they were in my shoes. Each of them (Councilmembers Tirman, Nassar & Mayor Medina) said that they would support my staying on the Task Force if that was my wish.

As Mr. DeRosalia brought up Mayor Medina, I can confirm that the Mayor told me, as he told Mr. DeRosalia, that the claims made against me by Mr. DeRosalia did not, in his view, rise to the level of my leaving the Task Force. I do apologize for any possible confusion in my choice of language in the quote Mr. DeRosalia provided, but it does not change the core point that I had the support of my fellow Councilmembers to stay on the Race Equity Task Force.

6) That I did not disclose the date and location of my meeting with Ms. Phillips.

While I am not sure of its relevance, I am happy to provide the details as to when Ms. Phillips and I had our meeting. Looking at my phone records I believe that it was Thursday, January 10th. The venue was CUPS Espresso on Bjune Drive, the same venue that Mr. DeRosalia and I first met.

City of Bainbridge Island Ethics Board

Case # 2019-09

Date Filed: 26 March 2019

Complainant: Salvatore DeRosalia

Respondent: Councilmember Deets

Response Filed: 2 April 2019

Advisory Opinion Issued: 20 May 2019

I. Questions Presented:

The complainant, Mr. DeRosalia, alleges that the respondent, Councilmember Deets, demonstrated an Article II violation (conflict of interest) and an Article I violation (core values) in a series of events related to the selection of candidates for the COBI Race Equity Taskforce (RET).

II. Jurisdiction:

Mr. DeRosalia's complaint appears to allege violations of both Article I and Article II of the City's Ethics Program.

Regarding the alleged Article I violations, the City's Ethics Program, as modified by motion of the City Council on February 5, 2019, authorizes the Ethics Board to consider all requests and complaints referred to the Board and submitted by any person related to alleged violations of Article I of the City's Ethics Program involving City Councilmembers and to issue advisory opinions regarding such requests and complaints.

Regarding the alleged Article II violations, Article III of the City's Ethics Program authorizes the Ethics Board to review any complaint forwarded to it by the City Clerk and to issue an advisory opinion if the subject of the complaint is more appropriate for such action.

III. Background:

Councilmember Deets is one of three liaisons to the Race Equity Taskforce (RET). Councilmember Deets met with Ms. Phillips (a candidate for the RET) on January 10, 2019, prior to selection of RET members and was told that Mr. DeRosalia (also a candidate for the RET) had exhibited behaviors which made some women uncomfortable. Mr. DeRosalia contends this was an "inappropriate" meeting.

During a subsequent RET candidate selection meeting, Councilmember Deets recused himself partially from the candidate selection process, stating he would not vote for either Phillips or DeRosalia. Councilmember Deets states he shared the details of his conversation with Ms. Phillips with Councilmember Tirman and Councilmember Nassar, the two other liaisons for the RET. City Council approved members at February 5, 2019. Neither DeRosalia nor Phillips was selected.

Councilmember Deets stated during the February 16, 2019 RET meeting that Mr. DeRosalia should be accountable for his treatment of women who, as a result, left the Race Equity Network.

Mr. DeRosalia filed a complaint regarding this situation on March 26, 2019, and Councilmember Deets responded to the complaint on April 2, 2019.

IV. Applicable Provisions of the Ethics Program:

Article I.B of the Ethics Programs outlines the following core value applicable to the circumstances at issue:

Equality, Fairness, Mutual Respect

We 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.

In his complaint, Mr. DeRosalia alleges that Councilmember Deets' behavior resulted in a conflict of interest. With respect to conflicts of interest, Article II.D.1 of the City's Ethics Program states the following:

Applications of Conflict of Interest

Except as permitted in subsection (b) below, an elected official or member of a City Committee or Commission shall not directly, or indirectly through a subordinate or fellow officer, official or employee, take any direct official action on a matter on behalf of the City if he or she, or a member of the immediate family:

- a. Has any substantial direct or indirect contractual employment related to the matter;
- b. Has other financial or private interest in that matter (which includes serving on a Board of Directors for any organization); or
- c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by the action.

V. Findings:

Was it "appropriate" for Councilmember Deets to meet with Phillips? **Yes.** An important responsibility of an elected official is to meet and interact with his/her constituents. Councilmember Deets' decision to meet with his constituent, whatever the topic(s) discussed, does not violate either Article I or Article II of the City's Ethics Program.

Was it a conflict of interest for Councilmember Deets to participate in choosing members of RET? **No.** Based on the documents provided to the Ethics Board, Councilmember Deets: (a) does not have any substantial direct or indirect contractual employment related to the matter; (b) does not have other financial or private interests in the matter; and (c) is not a party to a contract or the owner of interest in real or personal property that would be significantly affected by the action. Therefore, Councilmember

Deets' actions do not violate the rules outlined in the Ethics Program for determining whether a conflict of interest exists in this situation.

Did Councilmember Deets violate Article I Core Values in not fully recusing himself? **No.** The Ethics Board finds that the standards of fairness and impartiality were upheld by Councilmember Deets vis-à-vis his partial recusal. During the course of normal Council business, Councilmember Deets shared information about the reason for his partial recusal with Councilmembers Tirman and Nassar.

VI. Conclusion:

This Advisory Opinion addresses three separate issues. First, Councilmember Deets' decision to meet with his constituent does not violate either Article I or Article II of the City's Ethics Program. Second, the need for Councilmember Deets to recuse himself from the selection process does not meet the standards for a conflict of interest, so there is no conflict of interest as defined in Article II, D. 1. Third, by sharing information with the other decision-makers, the Ethics Board finds Councilmember Deets upheld the standards of fairness and impartiality as outlined in Article I.

**ETHICS COMPLAINT CITY OF
BAINBRIDGE ISLAND**

TO: City Clerk

SUBMITTED BY: Name: Salvatore DeRosalia

Address: [REDACTED]
Bainbridge Island, WA 98110

Telephone: [REDACTED]

Ethics Complaints concern the actions of individuals in relation to the City of Bainbridge Island Ethics Code.

1. Does the situation for which you are making a complaint involve: (please circle one)

a. An Elected Official

JOE DEETS - Bainbridge Island Council Member, North Ward

2. Please describe the facts that constitute the violation(s) of the Code of Ethics. (If necessary, please attach additional pages for description)

During the Saturday, January 12, 2019 North Ward Meeting, Council Member Joe Deets said in front of everyone in the room, "Thanks for being the only diversity in the room, Sal."

This was in direct response to another Citizen's comments about the lack of diversity on Bainbridge Island.

This is demeaning, racist and discriminatory language. I was humiliated in front of everyone in attendance at the North Ward meeting.

What Council Member Deets did was degrading. That type of comment should not be said by anyone, let alone an elected official that is there to represent myself and others.

When I asked Joe Deets about this incident, he claimed he did not recall it what he said. His full written response is quoted below.

Mayor Kol Medina was also present at the Saturday, January 12, 2019 North Ward Meeting. Mayor Medina remembered the comment Joe levied after being provided with the context.

In addition to myself and Mayor Medina, I have spoken to two (2) other witnesses whom were present and remember Council Member Deets comment about me at the North Ward Meeting on Saturday, January 12, 2019. They are more than willing to provide written and/or verbal statement(s) that speak to what they saw and heard from Council Member Deets during the meeting and how it made them feel. Please let me know if you would like me to obtain these statements for the record.

Below is Council Member Deets written response:

Councilmember Deets' Response:

"While I honestly do not recall the language that you sited, I recognize that I can never really know how you felt to what it was I said. The fact that you say you felt uncomfortable is sufficient enough for me to decide that I could have done better, and that I will endeavor to be more mindful of my interactions with you."

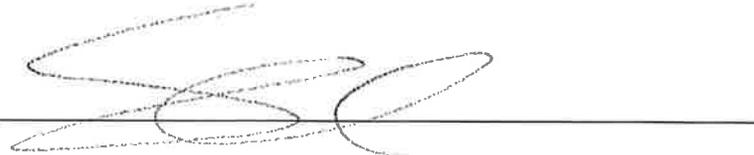
3. Section(s) and subsection(s) of the Code of Ethics that are alleged to have been or would be violated **[optional]**: _____

4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: March 26, 2019

Place: City of Bainbridge Island | 280 Madison Avenue N.

Signature _____



Councilmember Deets' Response to 2019-08 Complaint

With respect to the January 12th North Ward Meeting, I stated in my February 13th response to Mr. DeRosalia that I did not recall the language that he cited. Subsequently, after jogging my memory a bit I can say that I believe that his quote is most probably accurate. I certainly had no intention to be discriminatory or racist in saying those words. It was spoken off-the-cuff in response to a statement made in the audience, my intention being to convey that, yes, there is diversity on the Island. I fully recognize that my intentions don't matter here. What matters is how Mr. DeRosalia felt by what I said. He didn't like it and that is what matters.

While I fully acknowledge that I was essentially clueless at the time as to the impact of the words that I used (spoken in an clumsy attempt at inclusiveness), I have apologized and tried to make amends to Mr. DeRosalia. Please see the following:

On February 13th I wrote to Mr. DeRosalia:

"While I honestly do not recall the language you cited, I recognize that I can never really know how you felt to what it was I said. The fact that you say you felt uncomfortable is sufficient enough to me to decide that I could have done better, and that I will endeavor to be more mindful of my interactions with you"

On March 6th I wrote to Mr. DeRosalia:

"As to our interactions, I wanted to tell you how truly sorry I am for the pain that you've experienced. As a Councilmember I hold myself to a high standard of conduct, and I strive to mirror the best aspirations of our community by being courteous, respectful and civil. These are purposefully high aspirations and Councilmembers like all people are flawed. I know that I can do better. Again, I am sorry, and I promise to do better for you."

Whatever one's intention, attaching labels to a person is not acceptable. I should have been more thoughtful and considerate in my choice of language at the North Ward meeting. Subsequent to the North Ward meeting I reached out to Mr. DeRosalia to apologize and hopefully make amends.

Respectfully,

Joe Deets

April 2, 2019

City of Bainbridge Island Ethics Board

Case # 2019-08

Date Filed: 26 March 2019

Complainant: Salvatore DeRosalia

Respondent: Councilmember Deets

Response Filed: 2 April 2019

Advisory Opinion Issued: 15 April 2019

Background:

A comment was made in public at a City Council ward meeting on January 12, 2019. The complainant filed this complaint to express his concern at the use of language by Councilmember Deets, specifically the statement, "Thanks for being the only diversity in the room, Sal."

Subsequently, Councilmember Deets responded to the incident and the complaint, including the apologies he sent on two separate occasions (February 13 and March 6) to Mr. DeRosalia.

Mr. DeRosalia filed a complaint regarding this situation on March 26, 2019, and Councilmember Deets responded to the complaint on April 2, 2019.

Advisory Opinion:

It is unfortunate that our society has not evolved socially to the point where we are all more aware of using language that avoids statements that cause discomfort, embarrassment or similar negative feelings in other people. This is often a particular problem when members of different cultural backgrounds interact, and it occurs even when people share a common culture.

A key element in encouraging awareness in our society is to express the concerns and to be sure that these concerns are heard by everyone, and especially by the person(s) who caused the discomfort in the first place. One indication that Mr. DeRosalia's concern was heard was by the issuance of an of apology. In this case, the two written apologies by Councilmember Deets fulfill this obligation by recognizing the hurt that was engendered by his comment. Further, Councilmember Deets pledges to work to become more aware in the future of his use of appropriate terms and phrases.

Given the nature of the original comment and the subsequent interaction between Mr. DeRosalia and Councilmember Deets, the Ethics Board concludes that this matter has been resolved.

March 4, 2019

Dear Ethics Board,

I am requesting an Article I Advisory Opinion for myself from the Ethics Board, coming from a series of interactions that I had with a citizen. Below is an e-mail string between us, where on Feb. 9th he sent me a message, stating that there had been four instances which, among other things, he describes as “negative interactions” between us. You will see my replies, which include my responses to each of the specific instances he identifies.

Following these e-mails, I met with the citizen (accompanied by Mayor Medina and a friend of the citizen) on Feb. 16th. I would describe the meeting as a rehashing of the contents in the e-mail string. I have since learned that the citizen met with Councilmembers Nassar and Tirman on Feb. 28, which I understand covered the Race Equity Task Force selection process and my conduct. For matters of privacy I have deleted his name, as well as another citizen, and a local organization, replacing them with “XX”. I have also deleted the e-mail addresses of others.

I welcome your recommendations in respect to my conduct. Should you wish, you may in your deliberations apply the measures contained in draft Resolution 2019-13, which approves amendments to the City’s Ethics Program. As I am supportive of the Resolution allowing you to do this only seems fair.

I would be happy to answer any questions you may have.

Best regards,

Joe Deets
City of Bainbridge Island Councilmember

Feb. 13th E-mail from me to Citizen:

XX,

I wish to honor your request that I provide my perspective of our interactions, and so am providing you with written responses. Please see them in your Feb. 9th e-mail below. As you can see, I have a very different take on what has transpired.

I believe that what has occurred is a series of unfortunate misunderstandings. I look forward to our 12:15 pm meeting at City Hall this Saturday (Feb. 16th), where it is my hope that we can have a constructive dialogue on how we can work well together for the good of the Community.

Best regards,

Joe

Feb. 9th E-Mail from Citizen to me:

From: Saturday, February 9, 2019 4:36 PM
To: Joe Deets <jdeets@bainbridgewa.gov>
Subject: Re: Scheduling a Meeting with You

Joe,

I look forward to hearing your account of the events. It's a shame any of it had to happen in the first place for there to be a misunderstanding.

Next Saturday works. I'll plan on meeting with you with Kol. Based on the subject matter, I would ask that we meet at a place with more privacy than Town and Country. Also, I have reached out to a few of the folks that were at some of these events. They are happy to provide their recounting as well. Let me know and I can line that up.

Please advise.

XX

Feb. 9th E-mail from me to Citizen:

On Feb 9, 2019, at 4:26 PM, Joe Deets <jdeets@bainbridgewa.gov> wrote:

XX,

I take my role as a public servant very seriously, and strive to interact with others in a manner that is courteous and respectful. It saddens me to see your description of our interactions, which to be clear I have a very different take on.

There is so much that needs to be done on Bainbridge, so I really want to resolve this with you, to find a way where we can work constructively together. My offer to meet with you next Saturday still stands. Please let me know if that works for you.

Best regards,

Joe

Feb. 9th, 2019 E-Mail from Citizen to me, and my Feb. 13th responses:

From: Saturday, February 9, 2019 1:46 PM
To: Joe Deets <jdeets@bainbridgewa.gov>
Subject: Re: Scheduling a Meeting with You

Joe,

Below is a message I composed but had not sent yet. In it, it outlines 4 instances where I believe you have treated me unfairly, degraded me, discriminated against me used your power as a council member to try and quit me at inappropriate times.

I can meet with you and Kol or anyone else. What I am looking for is honesty and transparency from you. I do not feel that has been the case thus far.

****My first negative interaction with Joe Deets came at the Public Safety Committee meeting that he personally invited me to. In it, we were asked to give public comment if we had any. I was speaking in my turn when Joe cut me off several times to tell me “we know”, “we have actually walked through there” and then to say, “if you have a question ask it, XX.” I stayed that this was public comment. He apologized in front of the entire group at the end of the meeting.**

Councilmember Deets’ Response:

Providing Public Comment is an important right for citizens at City Council Meetings (outside of Study Sessions, where they are not taken), and City Committee Meetings. People should feel free to speak their minds - with the caveat that they need to do so in a manner that is civil and respectful for all involved. No doubt you’ve noticed how important this issue has been of late.

I serve as Chair to the Public Safety Committee (PSC) and among the responsibilities I’m tasked with is ensuring that civility and respect is maintained at the meetings. When you spoke about the homeless encampment by Hwy 305 & High School Road you said that PSC Committee members “should be ashamed” for what is happening there. This is aggressive language and I took the view that this line of commentary was neither civil nor respectful, that it supported an untruth (i.e. there can be no shame when every PSC Member is working to resolve the issue in a humane manner), and it certainly was not productive. I made the decision to step in. You will recall that others did so as well, including Councilmember Peltier and the Chief of Police.

While I believed that my decision to step in was the right one, I still felt bad about the whole thing. It is a very important issue and wanting to move on I extended an apology to you. You will recall that you apologized as well, and that we shook hands. Ending this as we did, I thought that we could move on.

**In the North Ward meeting Joe stated in front of everyone in attendance, “Thanks for being the only diversity in the room XX.”

Councilmember Deets’ Response:

While I honestly do not recall the language that you cited, I recognize that I can never really know how you felt to what it was I said. The fact that you say you felt uncomfortable is sufficient enough for me to decide that I could have done better, and that I will endeavor to be more mindful of my interactions with you.

**In a City Council meeting Joe came directly up to me and said, “you know you can’t give public comment here tonight.” I said I knew. He went on to ask me why I was there. I told him it was to hear the MLK proclamation. He then recovered and said that I may indeed want to say something when receiving the proclamation.

Councilmember Deets’ Response:

One of the activities that I really enjoy about being a Councilmember is talking with people and listening to what they have to say. Before Council Meetings you may have noticed that I often step into the audience, to thank people for coming, and ask them if there is any particular issue that brought them to City Hall. I have probably done this dozens of times in the past year. It is a friendly gesture on my part, the sole intent is to help people (who took the time and trouble to come to a City Council Meeting) feel welcomed, recognized and valued as citizens. Should it be a Study Session, as a courtesy to people’s time, in case they came with the intention to speak, I let them know that Public Comment is not provided. I am truly sorry that you misinterpreted my gesture and felt threatened by my approaching you for a brief conversation.

**I was informed that Joe Deets had a conversation with XX about me and my role on the Race Equity Task Force. This was before any citizen interviews were made. He then refused himself from both interviews. Neither person made the task force yet we were driving force to get it established.

Councilmember Deets’ Response:

The conversation that I had with XX is a sensitive matter, for it directly involves your behavior at XX. She asked me to meet with her, where she told me that three women at XX felt either uncomfortable or unsafe being around you - and that all three left XX as a direct result of your behavior towards them. This was shocking to me, and while of course I have nothing to do with what happens at XX, I do have a responsibility for considering those who are applying to serve on the City’s Race Equity Task Force. Getting along with others is a crucial attribute for a Committee Member, and what I learned made me concerned about your suitability. However, in order to remove any perception of bias in the process I decided to recuse myself from the decision of whether you or XX should be on the Race Equity Task Force. I thus took no part in your or her interviews or the subsequent internal discussion. That work and ultimate decision was carried out by Councilmembers Tirman and Nassar.

Lastly, I did take part in the process in respect to the other candidates, and I trust that you share with me the excitement that seven outstanding citizens were chosen to serve on the Race Equity Task Force.

Continuation of Feb. 9th E-mail message from the Citizen:

This seems excessive to me.

These are very short versions of the interactions that happened. I would appreciate the opportunity to address these instances and Joe's aggressive behavior towards me over the last few months.

In addition, I do not think it's okay to degrade people in meetings and Joe continues to do just that. It makes me feel Unsafe, unwelcome, discriminated against and singled out.

Please let me know how I should proceed.

XX

From: [Suzanne Keel-Eckmann](#)
To: [City Clerk](#); [Joe Deets](#)
Subject: Advisory Opinion 2019-06
Date: Tuesday, April 16, 2019 1:21:25 PM
Attachments: [2019-08 AO DeRosalia.docx](#)

Councilmember Deets,

The Ethics Board has reviewed your request for an Advisory Opinion, submitted on March 4, 2019, as well as the Advisory Opinion sought by Mr. DeRosalia (submitted March 26, 2019) and your Response (submitted April 2, 2019). The Ethics Board will not be issuing a separate Advisory Opinion for your request as it believes the attached Advisory Opinion (2019-08) answers the issues you raised, i.e., your recognition and response resolved the matter appropriately.

The Ethics Board thanks you for your request and hopes that this advisory opinion provides you with the guidance you sought.

Please let me know if you have questions.

Christine, for publication. Thanks.

SK-E

Suzanne Keel-Eckmann
Ethics Board, Chair
suzanne.keel-eckmann@cobicommittee.email

City of Bainbridge Island Ethics Board

Case # 2019-08

Date Filed: 26 March 2019

Complainant: Salvatore DeRosalia

Respondent: Councilmember Deets

Response Filed: 2 April 2019

Advisory Opinion Issued: 15 April 2019

Background:

A comment was made in public at a City Council ward meeting on January 12, 2019. The complainant filed this complaint to express his concern at the use of language by Councilmember Deets, specifically the statement, "Thanks for being the only diversity in the room, Sal."

Subsequently, Councilmember Deets responded to the incident and the complaint, including the apologies he sent on two separate occasions (February 13 and March 6) to Mr. DeRosalia.

Mr. DeRosalia filed a complaint regarding this situation on March 26, 2019, and Councilmember Deets responded to the complaint on April 2, 2019.

Advisory Opinion:

It is unfortunate that our society has not evolved socially to the point where we are all more aware of using language that avoids statements that cause discomfort, embarrassment or similar negative feelings in other people. This is often a particular problem when members of different cultural backgrounds interact, and it occurs even when people share a common culture.

A key element in encouraging awareness in our society is to express the concerns and to be sure that these concerns are heard by everyone, and especially by the person(s) who caused the discomfort in the first place. One indication that Mr. DeRosalia's concern was heard was by the issuance of an of apology. In this case, the two written apologies by Councilmember Deets fulfill this obligation by recognizing the hurt that was engendered by his comment. Further, Councilmember Deets pledges to work to become more aware in the future of his use of appropriate terms and phrases.

Given the nature of the original comment and the subsequent interaction between Mr. DeRosalia and Councilmember Deets, the Ethics Board concludes that this matter has been resolved.

ETHICS COMPLAINT
CITY OF BAINBRIDGE ISLAND

TO: City Clerk

SUBMITTED BY: Name: LISA SCHULZE
Address: [REDACTED]
BANNING, CA 92220
Telephone No.: [REDACTED]

Ethics Complaints concern the actions of individuals in relation to the City of Bainbridge Island Ethics Code.

1. Does the situation for which you are making a complaint involve: (please circle one)

- a. An Elected Official
- b. A Member of a City Committee or Commission
- c. A Major Contractor with the City
- d. A City Employee

2. Please describe the facts that constitute the violation(s) of the Code of Ethics. (If necessary, please attach additional pages for description)

ATTACHED.

3. Section(s) and subsection(s) of the Code of Ethics that are alleged to have been or would be violated [optional]: ARTICLE I, SECTION B, SUB 1-4
ARTICLE I, SECTION C, SUB 2(b)

4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: 2.24.19 Place: Banning, CA
Signature: Lisa Schulze

To Whom It Concerns:

Five months ago, my husband, Doug Schulze, voluntarily separated employment with the City of Bainbridge Island to accept a similar position with the City of Banning, CA. Since leaving Bainbridge Island, he has been focused on providing the best possible service to his current employer since assuming his duties; just as he did while employed by the City of Bainbridge Island. I am extremely concerned about the involvement of Councilmember Ron Peltier with a member of the Banning City Council, which is clearly motivated by Mr. Peltier's disdain for Doug and me.

Approximately one month ago, I was notified by a friend on Bainbridge Island that Councilmember Ron Peltier was sharing with community members that he had become friends with a Councilmember from Banning, California. Shortly thereafter, a member of the Banning community shared with me that Doug and I were being attacked on local social media pages (Facebook pages named: Sun Lakes/Banning Tattler and Banning Informer). Upon review of the social media pages, I was appalled by the juvenile posts directed not only toward Doug and members of the Banning City Council, but also toward me. It was clear that someone from Bainbridge Island had shared information to those involved with the social media pages, including Banning Councilmember Don Peterson.

I filed a request for public records involving communications between Mr. Ron Peltier and Mr. Don Peterson. While the City Clerk has closed the request and communicated that all responsive records have been provided, upon review of the records, it appears that some communications have not been provided. However, those that have been provided confirm that Mr. Peltier has communicated with Mr. Don Peterson for the sole purpose of causing harm and embarrassment to Doug and me. Simply engaging in this behavior lacks integrity, demonstrates incivility, and is disrespectful. For an elected official to participate in and encourage this type of behavior reflects poorly on the entire organization and diminishes public trust and confidence in that individual's judgement.

I am asking the Ethics Board to review my complaint that Council Member Ron Peltier has violated the City of Bainbridge Island Ethics Code, as follows:

Article I, Section B – Core Values

Subsection 1, Service, Helpfulness, Innovation – The email communication Mr. Peltier shared with Mr. Peterson are public records because they are related to City business. Mr. Peltier is acting in his capacity as an elected official of the City of Bainbridge Island. On January 11, 2019, Mr. Peltier's communications are discourteous and certainly do not reflect a core value of continuous improvement.

Subsection 2, Integrity – The information Mr. Peltier communicated to ICMA in his second ethics complaint filed against Doug is information provided from a closed session held by the Banning City Council. While the disclosure of this information violates the California Brown Act, Mr. Peltier is not held to that standard. However, Mr. Peltier is an elected official and has a clear understanding of the confidentiality of closed or executive sessions. Furthermore, Mr. Peltier would have no knowledge or proof of any conversation between the Banning City Council and Doug that occurred in closed session. Communicating this information through an ethics complaint to ICMA lacked integrity and was dishonest.

Subsection 3, Equity, Fairness, Mutual Respect – The email communications express childish satisfaction in the fact that Doug and I are being attacked. Furthermore, Mr. Peltier shared information (ethics complaints) with Mr. Peterson that is considered confidential.

Section C, Obligations to Others

Subsection 2 (b) – This section requires all those associated with the City of Bainbridge Island government, in all their interactions, to conduct themselves in a manner that demonstrates civility and respect for others. The email communication is completely unprofessional, lacks civility, and are extremely disrespectful.

I trust that each of you will fairly review this complaint and recommend appropriate action by the City Council of the City of Bainbridge Island.

Respectfully,

A handwritten signature in blue ink that reads "Lisa M. Schulze". The signature is written in a cursive style with a large, looping "L" and "S".

Lisa M. Schulze

Lisa Schulze

From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Monday, November 26, 2018 8:58 PM
To: don@donpeterson.org
Subject: Hello from Bainbridge Island

Hi Don,
Phillip Goebels called me today, told me some of what's happening in Banning, and sent me your contact information.

I am very relieved that Doug Schulze is no longer our city manager on Bainbridge. I found it difficult to ever believe anything he said unless I personally knew it to be true. Be glad to talk some time. My home number is 206 842-4798.

Best Regards,
Ron Peltier

Lisa Schulze

From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Monday, January 7, 2019 9:28 AM
To: Marshall Tappen; Doug Rauh; Dan Reisfeld; AA Debbi Lester
Subject: Fw: Banning to Vote on Contract for Matt Hamner

FYI

From: Ron Peltier
Sent: Sunday, January 6, 2019 9:28 PM
To: Christine Brown
Subject: Banning to Vote on Contract for Matt Hamner

Christine,
Please forward this to the city council.
Thanks,
Ron Peltier

Council Colleagues,

A link to the agenda packet for the City of Banning's 1/8/19 City Council meeting is included below. Item VII. 1., on page 275, is a resolution approving a contract for Matt Hamner to be the next chief of police for Banning, CA. The contract would pay Mr. Hamner \$190,857.99 per year. According to the agenda bill, Chief Hamner has already signed the contract pending approval by the Banning city council.

Take Care,
Ron Peltier

<https://ci.banning.ca.us/Archive.aspx?ADID=2002>

Lisa Schulze

From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Friday, January 11, 2019 12:36 AM
To: don@donpeterson.org
Subject: Draft
Attachments: ICMA Ethics Complaint 1.10.19.docx

Hi Don,

I'm planning to submit an ethics complaint against Schulze for planning, while still employed by the City of Bainbridge Island, to poach our police chief. I would like to cc you on the message to the ICMA. Please take a look and let me know how it looks. Would need your address.

Thanks,

Ron Peltier

Lisa Schulze

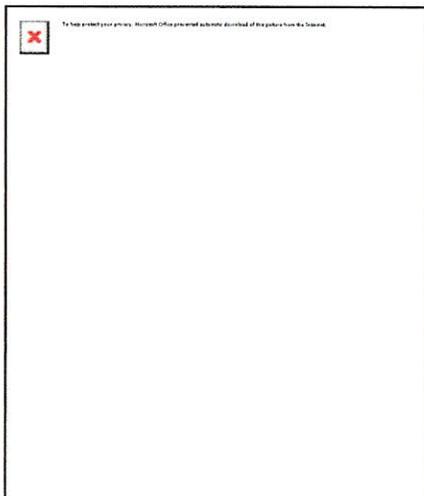
From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Friday, January 11, 2019 9:34 PM
To: Don Peterson
Subject: Re: Read this!

Don,
Way to go. A lone voice in the wilderness but you're right about the process and holding the line on salaries.
RP

From: Don Peterson <don@donpeterson.org>
Sent: Friday, January 11, 2019 4:19 PM
To: Ron Peltier
Subject: Re: Read this!

Hi about this link:

https://www.recordgazette.net/news/local/betting-on-a-big-investment-banning-hires-police-chief/article_cb64155c-14fa-11e9-b352-c3d960843e33.html



Betting on a big investment, Banning hires police chief | Local News | recordgazette.net

www.recordgazette.net

City Manager Doug Schulze has selected his former Bainbridge Island police chief Doug Hamner to be the next chief for the city of Banning. While he comes highly recommended, he comes with a hefty price tag for a city that is \$2 million in the hole, councilman Don Peterson pointed out: his \$190,857 ...

Don M. Peterson, Councilman
City of Banning, CA

Sent from my iPhone

On Jan 11, 2019, at 2:00 PM, Ron Peltier <rpeltier@bainbridgewa.gov> wrote:

Link didn't work. Wanted me to sign in.

From: don@donpeterson.org <don@donpeterson.org>

Sent: Friday, January 11, 2019 12:07 PM

To: Ron Peltier

Subject: RE:Read this!

https://www.recordgazette.net/eedition/page/page_e719ae69-f6af-5b82-ad40-1ccd5158ba7c.html



Page 03

www.recordgazette.net

Click here to view this item from [recordgazette.net](http://www.recordgazette.net).

Don Peterson, Councilman
City of Banning, CA

----- Original Message -----

Subject: Re: Draft

From: Ron Peltier <rpeltier@bainbridgewa.gov>

Date: Fri, January 11, 2019 10:49 am

To: Don Peterson <don@donpeterson.org>

Okay. Need your address to include on the complaint.

From: Don Peterson <don@donpeterson.org>
Sent: Friday, January 11, 2019 10:12 AM
To: Ron Peltier
Subject: Re: Draft

This is great. Don't send it yet, and I will forward my Grand Jury complaint to you.

Don M. Peterson, Councilman
City of Banning, CA

Sent from my iPhone

On Jan 11, 2019, at 12:36 AM, Ron Peltier <rpeltier@bainbridgewa.gov> wrote:

Hi Don,
I'm planning to submit an ethics complaint against Schulze for planning, while still employed by the City of Bainbridge Island, to poach our police chief. I would like to cc you on the message to the ICMA. Please take a look and let me know how it looks. Would need your address.

Thanks,
Ron Peltier

<ICMA Ethics Complaint 1.10.19.docx>

Lisa Schulze

From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Friday, January 11, 2019 10:38 PM
To: Don Peterson
Subject: Re: Draft

Thanks. Too bad we're not on the same city council!

From: Don Peterson <don@donpeterson.org>
Sent: Friday, January 11, 2019 11:25 AM
To: Ron Peltier
Subject: Re: Draft

1022 So. 22nd St., Banning, CA 92220

Don M. Peterson, Councilman
City of Banning, CA

Sent from my iPhone

On Jan 11, 2019, at 10:49 AM, Ron Peltier <rpeltier@bainbridgewa.gov> wrote:

Okay. Need your address to include on the complaint.

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Sent: Friday, January 11, 2019 10:12 AM
To: Ron Peltier
Subject: Re: Draft

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City of Banning, CA

Sent from my iPhone

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Thanks,
Ron Peltier

<ICMA Ethics Complaint 1.10.19.docx>

Lisa Schulze

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Sent: Friday, January 11, 2019 11:25 AM
To: Ron Peltier
Subject: Re: Draft

1022 So. 22nd St., Banning, CA 92220

Don M. Peterson, Councilman
City of Banning, CA

Sent from my iPhone

On Jan 11, 2019, at 10:49 AM, Ron Peltier <rpeltier@bainbridgewa.gov> wrote:

Okay. Need your address to include on the complaint.

From: Don Peterson <don@donpeterson.org>
Sent: Friday, January 11, 2019 10:12 AM
To: Ron Peltier
Subject: Re: Draft

This is great. Don't send it yet, and I will forward my Grand Jury complaint to you.

Don M. Peterson, Councilman
City of Banning, CA

Sent from my iPhone

On Jan 11, 2019, at 12:36 AM, Ron Peltier <rpeltier@bainbridgewa.gov> wrote:

Hi Don,
I'm planning to submit an ethics complaint against Schulze for planning, while still employed by the City of Bainbridge Island, to poach our police chief. I would like to cc you on the message to the ICMA. Please take a look and let me know how it looks. Would need your address.

Thanks,
Ron Peltier

<ICMA Ethics Complaint 1.10.19.docx>

Lisa Schulze

From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Sunday, January 20, 2019 8:06 PM
To: Don Peterson
Subject: Ethics Complaints re: D. Schulze
Attachments: Schulze ICMA Complaint 1.10.19.pdf; ICMA Ethics Complaint Final.pdf

Hi Don,
Both ICMA ethics complaints are attached.
Take Care,
Ron Peltier

Lisa Schulze

From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Wednesday, January 23, 2019 6:21 PM
To: Debbie Vancil
Subject: The Sun Lakes / Banning Tattler

Debbie, Richard,
They don't mess around in Banning, CA. D. Schulze doesn't seem too popular there.
RP

<https://www.facebook.com/sunlakeinsider2/>

SUN LAKES/Banning Tattler - Home | Facebook

www.facebook.com

ANOTHER BONEHEADED MOVE BY SUN LAKES BOARD OF DIRECTORS. FIRST SERVICE RESIDENTIAL COMPANY is the new Sun Lakes management company. Formerly Merit Property Management.

Lisa Schulze

From: don@donpeterson.org
Sent: Thursday, January 24, 2019 5:50 PM
To: Ron Peltier
Subject: Sunlakes/Banning Tattler

Read the latest in the Sun Lakes/Banning Tattler, they are ripping Doug-eee's ass!

https://www.facebook.com/sunlakeinsider2/?epa=SEARCH_BOX

Don

Lisa Schulze

From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Thursday, January 24, 2019 9:01 PM
To: don@donpeterson.org
Subject: Re: Sunlakes/Banning Tattler

Doug,
God, hilarious. And Doug wanted to be involved in "positive community building". Holy cow. Please tell your friends at the tattler that I'm enjoying their satire.
Ron

From: don@donpeterson.org <don@donpeterson.org>
Sent: Thursday, January 24, 2019 5:50 PM
To: Ron Peltier
Subject: Sunlakes/Banning Tattler

Read the latest in the Sun Lakes/Banning Tattler, they are ripping Doug-eee's ass!

https://www.facebook.com/sunlakeinsider2/?epa=SEARCH_BOX

Don

Lisa Schulze

From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Friday, January 25, 2019 7:51 PM
To: don@donpeterson.org
Subject: Re: Sunlakes/Banning Tattler

Don,
I think you should ask Doug how much "passion" he's feeling for his job about now.
RP

From: don@donpeterson.org <don@donpeterson.org>
Sent: Thursday, January 24, 2019 5:50 PM
To: Ron Peltier
Subject: Sunlakes/Banning Tattler

Read the latest in the Sun Lakes/Banning Tattler, they are ripping Doug-eee's ass!

https://www.facebook.com/sunlakeinsider2/?epa=SEARCH_BOX

Don

Lisa Schulze

From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Friday, January 25, 2019 9:50 PM
To: don@donpeterson.org
Subject: Re: Sunlakes/Banning Tattler

OMG

From: don@donpeterson.org <don@donpeterson.org>
Sent: Friday, January 25, 2019 8:05 PM
To: Ron Peltier
Subject: RE: Sunlakes/Banning Tattler

LOL,, we're just getting started.

Don

----- Original Message -----

Subject: Re: Sunlakes/Banning Tattler
From: Ron Peltier <rpeltier@bainbridgewa.gov>
Date: Fri, January 25, 2019 7:51 pm
To: "don@donpeterson.org" <don@donpeterson.org>

Don,

I think you should ask Doug how much "passion" he's feeling for his job about now.

RP

From: don@donpeterson.org <don@donpeterson.org>
Sent: Thursday, January 24, 2019 5:50 PM
To: Ron Peltier
Subject: Sunlakes/Banning Tattler

Read the latest in the Sun Lakes/Banning Tattler, they are ripping Doug-eee's ass!

https://www.facebook.com/sunlakeinsider2/?epa=SEARCH_BOX

Don

Date: April 3, 2019
From: Ron Peltier, Bainbridge Island City Council Member at Large
To: City of Bainbridge Island Ethics Board
Subject: Response to 2019-05 Schulze Request for Advisory Opinion

Members of the Ethics Board,

These are my comments in response to #2019-05 request for advisory opinion, submitted by Lisa Schulze on 2/25/19.

Complainant is concerned about my communications with a member of the Banning City Council. In her complaint Lisa Schulze states that she is “extremely concerned about the involvement of Councilmember Ron Peltier with a member of the Banning City Council, which is clearly motivated by Mr. Peltier's disdain for Doug and me.”

My response

My communications with Don Peterson started in late November of 2018 when his friend and editor of the Banning Informer, Philipp Goebels, called me after they read an 8/8/18 Kitsap Sun article in which Doug Schulze refers to me as a “bully”. They were having their own issues in Banning with Doug Schulze, and wanted to meet the person who had earned Doug’s ire at the last city where he’d been employed as city manager. Using the contact information provided by Philipp, I sent an email to Don and he responded with a phone call.

Don described to me a police chief hiring process in Banning that was being unethically manipulated by Doug Schulze for the sole purpose of hiring his friend and police chief from Bainbridge Island, Matt Hamner. Philipp had also mentioned this and it was the primary reason I was interested in talking to Don. The possibility of Bainbridge Island’s police chief, Matt Hamner, leaving for Banning was a bit of a bombshell, unexpected, and difficult to grasp considering the efforts made to keep Hamner on Bainbridge Island just a few months earlier.

Allegations of cronyism involving Hamner in Banning. According to Don Peterson, when Doug Schulze arrived in Banning a police chief hiring process had narrowed the applicants down to three finalists. All three were highly qualified and had gone through a lengthy process of interviews prior to being selected as finalists. Right after assuming the job of city manager, Doug Schulze expedited an application for Matt Hamner, disqualified one of the finalists, and inserted Hamner. The process then continued with everyone knowing that Schulze had already made up his mind

and would be selecting Matt Hamner, which is exactly what happened. This angered Don and others who felt Schulze had disrespected the other applicants, who had invested their time and effort in what they expected would be a fair process. Schulze then agreed to pay Hamner \$16k over the advertised yearly salary, awarding him a salary of \$190k per year.

Hamner's possible departure seemed like a big deal to me. Just a few months prior to these events in Banning, Chief Hamner had been given a generous new contract with the City of Bainbridge Island that made him the highest paid police chief for a city our size in Western Washington. The negotiations had been complicated, with Hamner turning down an initial offer that was approved by the City Council in May of 2018 and then travelling to Boulder Colorado for a police chief interview there. Determined to keep him on Bainbridge Island, a member of the City Council met with Hamner and negotiated a higher salary, which the Chief was amenable to. The increased salary was then approved by the City Council. There was general relief on the Island that Chief Hamner now appeared to be staying for the long term. For his part Hamner expressed gratitude for the new contract and to the community for their support.

Negotiating a new contract for Matt Hamner had involved a considerable amount of time on the part of Doug Schulze, City staff, and the City Council. Hamner was credited with reforming Bainbridge Island's police department and was considered to be the most popular public figure on the Island. Doug Schulze wrote to the Bainbridge Island City Council on May 18, 2018 about the importance of retaining Hamner as Bainbridge Island's police chief and about the possible consequences of losing him:

"The total search cost would be in the range of \$160,000 to \$200,000 and the impact on morale within the Police Department if Chief Hamner were to leave could result in the loss of other personnel" (the full email included as Exhibit E)

Maybe I'm naïve but I was really surprised when I heard that Doug Schulze, now the city manager for Banning, was trying to lure Matt Hamner away from Bainbridge Island just a few months after writing this email. It just seemed so bizarre. Would Hamner really leave the Island, for Banning? Why? I wasn't thinking about a possible ICMA Code of Ethics violation, however, until Don Peterson mentioned comments by Doug Schulze to Banning officials regarding Chief Hamner while Schulze was still under contract with the City of Bainbridge Island.

Schulze's interview comments about bringing Bainbridge Island's Police Chief to Banning. According to Don Peterson, Doug Schulze expressed a desire to bring Chief Hamner from Bainbridge Island to Banning during his two interviews for the Banning city manager position in the Summer of 2018. Don told me this was also discussed by Schulze outside of executive session during at least one social event attended by Don and his wife. This took place when Doug Schulze was still under contract with the City of Bainbridge Island. Schulze's COBI contract included a clause requiring him to abide by the ICMA Code of Ethics. Expressing a desire to bring our police chief to Banning as part of his job interviews, after all the effort put into keeping Hamner on the Island just a month earlier, struck me as a clear violation of the ICMA code. Doug Schulze's interview comments regarding Bainbridge Island's police chief would be reported in the Kitsap Sun on January 9, 2019.

On January 19, 2019 I filed an ICMA ethics complaint related to the interview comments in which Schulze's discussed bringing Bainbridge Island's police chief to Banning. I believe Doug Schulze violated three tenets of the ICMA code of ethics:

***Tenet 2.** Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.*

***Tenet 3.** Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.*

***Tenet 4.** Serve the best interests of the people*

To support my complaint I cited the 1/9/19 Kitsap Sun article reporting Doug Schulze's interview comments about bringing Chief Hamner to Banning. Don Peterson had been interviewed by the Sun and was the source of the information regarding Doug Schulze's interview comments. The 1/19/19 complaint is included as Exhibit A. There is an error in paragraph 7. I state that Chief Hamner's new contract with COBI paid him \$190k per year. The correct number is \$170K. \$190K was the amount that Hamner asked for and eventually received in Banning.

The primary reasons for my communications with Don Peterson

My primary reasons for communicating with Don Peterson were: 1) my interest in the possible departure of Bainbridge Island's police chief, and; 2) Doug Schulze's comments to Banning officials about bringing our police chief to Banning while Schulze was under contract with the City of Bainbridge Island. Anything else was

secondary and would not have motivated me to initiate communications with persons in Banning, CA.

ALLEGED INVOLVEMENT IN DISPARAGING FACEBOOK POSTS

Complainant writes the following:

“Approximately one month ago, I was notified by a friend on Bainbridge Island that Councilmember Ron Peltier was sharing with community members that he had become friends with a Councilmember from Banning, California. Shortly thereafter, a member of the Banning community shared with me that Doug and I were being attacked on local social media pages (Facebook pages named: Sun Lakes/Banning Tattler and Banning Informer). Upon review of the social media pages, I was appalled by the juvenile posts directed not only toward Doug and members of the Banning City Council, but also toward me. It was clear that someone from Bainbridge Island had shared information to those involved with the social media pages, including Banning Councilmember Don Peterson.”

My response: I have not provided personal information about the Schulzes to anyone in Banning or elsewhere, including anyone who has posted on social media pages. Nor have I posted, or asked anyone else to post, demeaning and personal comments about the Schulzes on social media pages.

Complainant continues: “I filed a request for public records involving communications between Mr. Ron Peltier and Mr. Don Peterson. While the City Clerk has closed the request and communicated that all responsive records have been provided, upon review of the records, it appears that some communications have not been provided. However, those that have been provided confirm that Mr. Peltier has communicated with Mr. Don Peterson for the sole purpose of causing harm and embarrassment to Doug and me.”

My response: I have not withheld any email or other communications that are responsive to the complainant’s public records requests (15 requests so far this year). The emails included in the complainant’s request for an advisory opinion are included at the end of this document as Appendix C. They are organized chronologically with added notes.

My communications with Don Peterson have mainly been focused on two issues: 1) the possible departure of Bainbridge Island’s police chief, and; 2) Doug Schulze’s comments about bringing Bainbridge Island’s police chief to Banning while Schulze was still under contract with The City of Bainbridge Island. I have not

communicated with Don Peterson for the purpose of causing harm and embarrassment to the Schulzes.

Alleged Article I, Section B- Core Values Violations

The complainant continues: “Subsection 1, Service, Helpfulness, Innovation-

The email communication Mr. Peltier shared with Mr. Peterson are public records because they are related to City business. Mr. Peltier is acting in his capacity as an elected official of the City of Bainbridge Island. On January 11, 2019, Mr. Peltier's communications are discourteous and certainly do not reflect a core value of continuous improvement.”

My response: The email comments that the complainant objects to were addressed to Don Peterson and were only publicized because she chose to make public records requests and then include emails between Don Peterson and myself in her request for an Article I opinion. Those email communications are organized chronologically in Exhibit C.

Complainant continues: “Subsection 2, Integrity- The information Mr. Peltier communicated to ICMA in his second ethics complaint filed against Doug is information provided from a closed session held by the Banning City Council. While the disclosure of this information violates the California Brown Act, Mr. Peltier is not held to that standard. However, Mr. Peltier is an elected official and has a clear understanding of the confidentiality of closed or executive sessions. Furthermore, Mr. Peltier would have no knowledge or proof of any conversation between the Banning City Council and Doug that occurred in closed session. Communicating this information through an ethics complaint to ICMA lacked integrity and was dishonest.”

My response:

Information cited in my second ICMA complaint is not confidential. The complainant alleges that I violated confidentiality by disclosing in my second ICMA complaint Doug Schulze's comments during two interviews with Banning officials his desire to bring Bainbridge Island's police chief to Banning. This information was not privileged or confidential primarily because it was published in the Kitsap Sun on January 9th of this year. A link to that article is included as part of Exhibit A.

There is no reasonable rationale to support the contention by the complainant that citing information from a newspaper article as the basis for an ICMA ethics complaint is dishonest or lacks integrity. The information was public knowledge

and directly related to Doug Schulze's contractual obligation to abide by the ICMA code of ethics while employed by the City of Bainbridge Island. According to Don Peterson, Doug's comments about bringing Chief Hamner to Banning were also discussed outside of executive session during at least one social event. If the Schulzes believe there was a breach of confidentiality they need to take that up with Don Peterson. I have every right to cite what is published in a reputable newspaper.

Complainant continues

"Subsection 3, Equity, Fairness, Mutual Respect-The email communications express childish satisfaction in the fact that Doug and I are being attacked. Furthermore, Mr. Peltier shared information (ethics complaints) with Mr. Peterson that is considered confidential."

My response

Appreciation of political satire: A couple of my email communications with Don expressed appreciation for the political satire in one particular Facebook post, included as Exhibit D. That posting, on the Sun Lakes/Banning Tattler on January 23, 2019, mocks Doug Schulze by quoting his own interview comments from an August 8, 2018 Kitsap Sun article about Schulze's departure from the City of Bainbridge Island. In that article Doug Schulze refers to me as a "bully", and someone who makes everything "a second guess and a battle". The 1/23/19 Facebook post was mocking but it was related to his performance as a city manager, used no profanity, and did not mention Doug Schulze's family. I found one Facebook post on 1/25/19 to be inappropriate and simply replied, "OMG".

Supposed confidentiality of ICMA complaints: The two ICMA complaints I filed against Doug, which I shared with a small number of people, including Don Peterson, are not confidential. I am the creator of those documents, did not intend for them to be confidential, and did not disclose what I believed to be privileged information in them. Furthermore, in order to transmit the complaints to the ICMA I was required by the City to either send them as non privileged email attachments or to have them recorded by the COBI City Clerk prior to being mailed to the ICMA.

To underscore that the ICMA complaints were not confidential, Doug Schulze and a local newspaper editor both obtained copies of my first ICMA complaint last Fall through public records requests. In addition the following public records requests captured one or more of my ICMA complaints:

- 8/20/18, PRR 18-697 captured a draft of my first ICMA complaint.
- 9/10/18, PRR 18-760 captured my first ICMA complaint.

- 1/28/19, PRR 19-93 captured both ICMA complaints.
- 1/28/19, PRR 19-88 captured the 2nd ICMA complaint.
- 2/25/19, PRR19-165 captured both ICMA complaints.
- 2/26/19, PRR19-172 captured both ICMA complaints.
- 2/26/19, PRR19-174 captured both ICMA complaints.

The complainant concludes:

“Section C, Obligations to Others

Subsection 2 (b) -This section requires all those associated with the City of Bainbridge Island government, in all their interactions, to conduct themselves in a manner that demonstrates civility and respect for others. The email communication is completely unprofessional, lacks civility, and are extremely disrespectful.”

My Response

The email communications between Don Peterson and myself, while not confidential, were not addressed to the Schulzes and were not intended for general distribution. They related primarily to a hiring process likely to impact the City of Bainbridge Island and to what I believe was a violation of Doug Schulze’s contract with the City of Bainbridge Island related to his obligation to abide by the ICMA Code of Ethics.

Doug Schulze’s obligation to respect and uphold the ICMA Code of Ethics

Doug Schulze’s contracts, with both Bainbridge and Banning, contain a clause requiring him to abide by the tenets of the ICMA Code of Ethics. Believing that Doug Schulze has not lived up to those tenets, I have filed two ICMA Ethics Complaints against him pertaining to his performance while employed by the City of Bainbridge Island. Those complaints are included as Exhibits A and B. The ICMA notified me last December that they had made a determination regarding the first complaint, which the ICMA is keeping confidential. I think it’s fair to conclude, however, that the ICMA did not exonerate Schulze or they would likely have made that public. As far as I know, there has been no determination to date in regards to my second complaint.

The ethical thing for Schulze to do would have been

When Doug Schulze decided to leave the City of Bainbridge Island, and bring “his” chief of police with him to another city, he should have resigned from his city manager position on Bainbridge Island before discussing those plans with city officials elsewhere. Instead, Doug Schulze continued to draw his generous salary

from the City of Bainbridge Island while travelling to Banning, CA where he discussed bringing Chief Hamner with him if hired. Had the Bainbridge Island City Council been aware of this at the time, I believe we would have fired Schulze with cause for clearly unethical conduct and breach of contract. By Doug Schulze's own words it was in the best interest of the City of Bainbridge Island to retain Chief Hamner. On 5/18/18 Schulze wrote to the city council:

"The total search cost would be in the range of \$160,000 to \$200,000 and the impact on morale within the Police Department if Chief Hamner were to leave could result in the loss of other personnel."

A month later, still under contract with the City of Bainbridge Island, Doug Schulze would be discussing with Banning city official his desire to bring Bainbridge Island's police chief to Banning if hired as their new city manager.

Respectfully Submitted,
Ron Peltier

EXHIBITS

Exhibit A: ICMA complaint filed on 1/19/19

Exhibit B: ICMA complaint filed on 8/27/18

Exhibit C: Compilation of emails included in Lisa Schulze complaint

Exhibit D: Sun Lakes/Banning Tattler Facebook post from 1/23/19

Exhibit E: Email to the Bainbridge Island City Council from Doug Schulze on 5/18/18 regarding the importance of retaining Chief Hamner.

EXHIBIT A

ICMA Ethics Complaint, filed on 1/19/2019

To: The International City Managers Association
Att: Martha Perego, MPEREGO@ICMA.org , and;
Jessica Cowles: jcowles@icma.org

CC: Don Peterson, City of Banning City Council Member
1022 So. 22nd St., Banning, CA 92220

From: Ron Peltier, Bainbridge Island City Council member, elected in 2015
11186 Valley Heights Circle NE
Bainbridge Island, WA 98110 206 842-3601

Subject: ICMA Code of Ethics Complaint regarding former Bainbridge Island City Manager, Doug Schulze.

To the ICMA,

This is the second ICMA ethics complaint I have filed against our former Bainbridge Island City Manager, Doug Schulze, who is now the city manager of Banning CA. To make this concise, please refer to my first complaint filed on 8/27/18 for additional background material.

The documentation for this complaint is in the form of newspaper article published in the Kitsap Sun on January 9, 2019. I wish to be on the record filing this complaint.

Selected ICMA Code of Ethics Tenets:

***Tenet 2.** Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.*

***Tenet 3.** Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.*

***Tenet 4.** Serve the best interests of the people.*

Specific Complaint

Doug Schulze was the City Manager for the City of Bainbridge Island up until the end of September, 2018. He then assumed the position of city manager for the City of Banning, CA. in early October. At issue are two interviews that Mr. Schulze participated in with City of Banning officials in June of 2018. According to a Kitsap Sun newspaper article published on January 9, and according to Banning City Council member Don Peterson (who was part of the Banning interview team), our former city manager discussed the possibility of bringing Bainbridge Island's police chief to Banning during those interviews. In effect, Mr. Schulze was laying the groundwork for poaching our chief of police during those interviews while still under contract with the City of Bainbridge Island. Here is a link to the article (paragraph 10):

<https://www.kitsapsun.com/story/news/local/communities/bainbridge-islander/2019/01/08/bainbridge-police-chief-leaving-new-job-california/2515769002/>

Only a month earlier, in May of 2018, City Manager Doug Schulze had been part of a process to negotiate a new contract between Chief Hamner and the City of Bainbridge Island. That process involved Mr. Schulze's time, as well as the time of staff members, the City Attorney, and members of the City Council. During the negotiation process Mr. Hamner interviewed for a chief of police position in Boulder Colorado. In a 5/18/18 email message to the city council Mr. Schulze wrote about the importance of keeping Chief Hamner on Bainbridge Island and what it might take:

"The total search cost would be in the range of \$160,000 to \$200,000 and the impact on morale within the Police Department if Chief Hamner were to leave could result in the loss of other personnel."

The first attempt to reach agreement with Chief Hamner involved a pay raise from \$144,192 to about \$154,000. At that point there seemed to be an impasse and speculation that the Chief would be going to Boulder. After the intervention of a city council member, who spoke directly to Chief Hamner, agreement on a new contract paying him \$190,000/year, plus benefits, was reached. At that time Chief Hamner expressed his intention to remain on the Island for an extended period of time.

By his own words, Doug Schulze acknowledged the importance of keeping Chief Hamner on Bainbridge Island yet while still under contract with the City of Bainbridge Island was offering to bring our Chief to Banning, CA, apparently as a way to sweeten the pot for his own hiring as Banning's new city manager.

I believe that Mr. Schulze's actions while still under contract with the City of Bainbridge Island, in laying the groundwork for later recruiting Bainbridge Island's police chief, makes a mockery of tenets 2, 3, and 4 of the ICMA Code of Ethics.

Respectfully Submitted,
Ron Peltier
Bainbridge Island City Council

EXHIBIT B

ICMA Ethics Complaint, filed on 8/27/18

To: The International City Managers Association
Att: Martha Perego

From: Ron Peltier, Bainbridge Island City Council member elected in 2015
11186 Valley Heights Circle NE
Bainbridge Island, WA 98110 206 842-3601

Subject: ICMA Code of Ethics Complaint regarding Bainbridge Island City Manager, Doug Schulze.

To the ICMA,

I'm a current member of the Bainbridge Island City Council, elected in 2015. Our city manager Doug Schulze was hired in 2012. On August 3rd Mr. Schulze resigned from our city to accept the city manager position in Banning, California. On August 8, 2018 the Kitsap Sun newspaper published an interview in which Mr. Schulze was critical of our city council and of me, in particular. I believe that Mr. Schulze's comments, and the circumstances leading up to his resignation violate the ICMA Code of Ethics. I'm asking you to review this official complaint, carry out whatever process you deem appropriate, and make a determination.

I understand that ethics complaints to the ICMA are required to include documentation. For now, that documentation is in the form of my comments and Mr. Schulze's newspaper interview. I wish to be on the record filing this complaint.

Complaint:

Tenet 1 Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

I believe that Mr. Schulze violated Tenet 1 by failing to communicate professionally and appropriately with the city council regarding various city council actions and decisions he felt were not in the best interests of the City, choosing instead to communicate those concerns in a newspaper interview after he had resigned. I believe it was his responsibility to share his concerns as part of a constructive dialogue with the council as a whole rather than to express them as a parting shot before leaving for his new position in Banning, California.

Tenet 5 Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

***Tenet 6** Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.*

I believe that Mr. Schulze violated Tenet 5 & 6 by criticizing decisions by the city council in his August 8th Kitsap Sun interview. In the interview, particularly in his references to a controversial bridge project, Mr. Schulze describes council members as “volunteers” who should rely on the City’s professionals to make important decisions.

***Tenet 7** Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.*

I believe that Mr. Schulze violated Tenet 7 by taking sides in a highly politicized city council decision, cancellation of the STO Bridge Project, which had been the leading issue in the 2017 election, and by reserving his harshest criticism for one council member who was identified with strong political opposition to the project.

***Tenet 10** Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.*

I believe that Mr. Schulze violated Tent 7 by failing to initiate a constructive dialogue with the city council for the purpose of resolving what he regarded as encroachment on his professional responsibilities, choosing instead to publicly call out and criticize one member of the city council after his resignation, someone who he claims had interfered with and made his job as city manager difficult. Mr. Schulze, in the newspaper interview, indicated it was one of the reasons for his departure.

RECENT EVENTS LEADING UP TO DOUG SCHULZE’S RESIGNATION

New contract for Chief of Police

In May of this year the City Council approved a new contract for Police Chief Matt Hamner, giving him a raise about \$26k to \$170k per year, approximately the same as Mr. Schulze. With benefits, severance pay and deferred compensation the Chief’s new contract now makes him more highly compensated than Mr. Schulze.

The negotiations for the Chief’s new contract were unusual (he was at the end of a term contract). CM Schulze negotiated an approximately \$14k raise for the Chief, and assured the City Council that the Chief would accept that amount and stay on Bainbridge Island. The Chief, who had interviewed for a job in Boulder, Colorado,

and became a finalist there, subsequently indicated the approximately \$158k per year offered was not enough to keep him with the City of Bainbridge Island. Only after a member of the city council contacted the Chief to negotiate additional compensation was a contract for \$170k per year approved by the city council and later accepted by Chief Hamner.

Chief Hamner is probably the most popular public official on Bainbridge Island and highly regarded by the public and **all** the members of the city council. Interest in Chief Hamner by another city, and the very real possibility that he would be leaving, was a key factor motivating the city council to offer him a generous new contract.

Doug Schulze emails announcing his possible departure

On June 15, about three weeks after the Chief received his new contract, our city council received the first in a series of four emails from city manager Schulze regarding his possible departure from the City of Bainbridge Island. The first message simply informed us that he had accepted an interview elsewhere, with no mention of where. Here is the sequence and dates of the messages:

- 1) June 15th, informing us he had accepted an interview with another city;
- 2) June 29th, reporting that he was one of three finalist for the city manager position in Banning California;
- 3) July 16th, letting us know the Banning city council had offered him the CM job there contingent upon negotiating a contract;
- 4) August 8th, his notice and letter of resignation from his position as city manager for the City of Bainbridge Island

During the span of time over which these emails were sent to the city council, between June 15th and August 8th, there was only one meeting at which the city manager and the majority of city council were present and during which the subject of Mr. Schulze possibly taking another CM job was mentioned. It was not, however, a substantive discussion. Some council members met with Mr. Schulze individually but the council as a whole never discussed with Mr. Schulze why he had accepted an interview elsewhere, and might be leaving the City of Bainbridge Island.

I am not aware of any effort by city council members to facilitate negotiating a new contract Mr. Schulze during this time period, as had been done for the police chief. Moreover, it was my distinct impression that a majority of the city council was not in favor of negotiating a new contract for Mr. Schulze.

Kitsap Sun Interview, August 8, 2018

On August 8th an interview was published in the Kitsap Sun, just a few days after Mr. Schulze had submitted his resignation letter. It appeared under a couple of headlines including, ***“Bainbridge’s City Manager Has Had Enough”***. In the article Mr. Schulze is critical of the city council, as a whole, and particularly critical of me, calling me as a “bully”. Here is a link to view the article online:

<https://www.kitsapsun.com/story/news/local/communities/bainbridge-islander/2018/08/08/bainbridge-city-manager-leaving-new-job-california/935942002/>

BACKGROUND INFORMATION PER SUN INTERVIEW

Sound to Olympics Pedestrian Bridge

Referred to in the interview, the “STO” Bridge was a highly controversial project that became the major campaign issue during the 2017 elections for three city council positions. Prior to the election 3 out of 7 members of our city council had voted against the bridge project, contributing to its controversial status and helping to make it a campaign issue. Out of 6 candidates who filed, four came out against the STO bridge project during the course of the campaign. All three open seats were subsequently won by candidates who opposed the bridge project, all of them winning by a wide margin. The bridge issue was widely recognized as a key factor in the election.

When the three new members took their seats in early 2018 there were a number of votes leading up to the project being cancelled and removed from the Capital Improvements Plan. The votes were close with two returning council members actually changing their previous positions and voting for the bridge.

FALLOUT FROM SUN INTERVIEW

Divisiveness on city council

Mr. Schulze’s comments in the Sun interview have contributed to a considerable amount tension on the city council, particularly between me and other council members. This has in turn resulted in the community taking sides.

Has exacerbated existing tensions in the community

Mr. Schulze’s comments in the newspaper interview, along with his wife Lisa’s comments on FaceBook, have been divisive and inflammatory. Encouraged by the Schulze’s comments, a citizen came up during the public comment period at our August 14th city council meeting to launch a personal attack on me personally. The individual is bitterly opposed to the City’s current building moratorium, which I proposed and was approved by the city council in January, got up to make serious accusations of ethical

misconduct regarding my behavior as a member of the city council. The comments included accusations that I had recently instructed city advisory committees to tighten development regulations and that I had used the City's Design Review Board to arbitrarily impose conditions on the commenter's development project and on others. The comments specifically cited above were mean-spirited and completely untrue. I have no authority to do these things and did none of them. I believe that such an open and blatant attack would not likely have occurred if not for the city manager's newspaper comments, as the speaker referenced the city manager's newspaper interview comments and used the false accusations above as examples of me being a "bully".

Adding to the acrimony, Mr. Schulze's wife, Lisa Schulze has been a frequent FaceBook poster ever since the Schulze's first arrived on the Island in 2012, and she has been in the habit of commenting regularly on City related issues. Her most recent FaceBook posts have repeated the City Manager's claim that I'm a "bully" multiple times. The person who attacked me at the August 8th meeting is one of Lisa Schulze's frequent FaceBook "friends".

FINAL STATEMENTS

The real reason why Mr. Schulze resigned

I want to be clear that I don't believe for a second that Mr. Schulze resigned from the City of Bainbridge Island for the reasons stated in the newspaper article. His frustrations are real but they are not what ultimately led him to accept and interview with the City of Banning, California, eventually deciding to accept a job offer there. First of all, the city manager's negative assessment of the city council in the newspaper interview doesn't jibe with the actual positive and collaborative interactions between Mr. Schulze and city council members that occurred over the two months leading up to his resignation and interview. Those positive interactions contradict Mr. Schulze's contention that he was fed up with a council going in the wrong direction and adding items willy-nilly to the city's already "ridiculously long work plan". Examples include:

"For the Love of Bainbridge" Event

In early June of 2018 I attended a special event Doug arranged called "For the Love of Bainbridge". It was about special things in communities referred to as "Love Notes". About half the people who signed up to attend actually showed up. I was one of only two council members who attended and participated in what was an interactive event. Doug's wife, Lisa, thanked me for participating and I told her I came to support Doug's event. About 6 weeks later, right after the city manager's resignation and newspaper interview, she would be attacking me on FaceBook, repeatedly referring to me as a "bully". I don't know what happened between early June and early August to warrant going from being welcomed and thanked and then to being vilified. The Schulzes have not been specific

about their general complaint that I'm a "bully" but they have worked in tandem for almost a month to blame their departure on me.

Saving the Large Tree at Miller and Arrow Point Roads

Soon after the "For the Love of Bainbridge" event the city manager collaborated with me and two other council members to find a solution for saving a large Douglas fir tree that was scheduled to be cut down to make way for a bike path. We actually met at the tree with city manager Schulze and public works staff to identify a way to save it while still being able to construct the bike path. Council concern for the tree had certainly been an inconvenience to Doug and our public works staff, but the extra work and creative collaboration seemed like one of those "Love Notes" from the *For the Love of Bainbridge* event that Doug had put on the week before. The collaboration between council members and city manager Schulze resulted in the City saving the tree and resulted in many appreciative citizens.

The Landmark Tree Ordinance

Capping off about a month of very positive interactions between the city manager and the city council was the development of a new Landmark Tree Ordinance. Doug, who basically wrote the entire ordinance, asked both the mayor and me for input, which we provided. I publicly complimented his efforts, including at the city council meeting in early July where we approved the ordinance. It felt at the time as if city manager Schulze was starting to embrace the environmentalist leanings of the city council.

Frustrations

There were definite frustrations for city manager Schulze. Those included the aforementioned cancellation of the STO bridge project, the imposition of a building moratorium and our new critical areas ordinance, which created significant protections for native vegetation. Over the past three years I personally challenged the city manager over code enforcement issues and requests for information. However annoying that might have been, it doesn't seem reasonable to conclude that this was the cause of his resignation. Had Mr. Schulze gotten his new desired new contract (just like Chief Hamner), I believe we wouldn't be hearing about his frustrations with the city council, that were so publicly aired in the newspaper interview, or about my supposed role in his resignation.

Why not just be "up front"

If the city manager's reasons for leaving were really those stated in the interview why not just say so right up front, back in June, when he first notified the city council he had accepted an interview elsewhere? Instead, he just hung the Banning, California interview out there and waited to see what the city council's reaction would be. As it turned out, the city council was content to just let the city manager's job interview process in Banning play out. And why work so hard to show he was in tune with the

environmentalist leanings of the city council right around the time he first notified us about the interview? It was very odd and seemed extremely unprofessional.

Either the city manager or our council elected mayor should have initiated a dialogue between the city manager and the council as a whole to talk openly about the city manager's frustrations and his desire for a new contract. That fact that this didn't happen only reinforces my belief that a majority of the city council was not interested in giving the city manager a new contract and eventually city manager Schulze realized that fact. There's a saying here: "everyone at city hall knows how to count to four".

The IMCA Code calls for a positive and proactive city manager

Taking Mr. Schulze's newspaper comments at face value, along with the circumstances leading up to them, I believe his actions clearly violate the ICMA Code of Ethics. Mr. Schulze's had ample opportunity to initiate discussions with the city council regarding the concerns he expressed in the newspaper interview. All he had to do was request a meeting to initiate a constructive dialogue. Instead he chose to wait until after he was leaving our city to criticize us in a very public way, resulting in divisiveness and increased tensions in the community over already simmering issues, including the recently cancelled bridge project, the ongoing building moratorium, our new critical areas ordinance, and the Landmark Tree Ordinance that he wrote but has now distanced himself from. Everything the city council is doing is now subject to increased criticism, even initiatives in which council members closely collaborated with the city manager. Here's an example:

Landmark Tree Ordinance

What was in reality a positive collaboration between the city manager and the city council has now become the object of public criticism and is seen as validation of the city manager's criticism of the city council. Since the city manager's interview in the Sun on 8/8/18 he doesn't acknowledge that he wrote the Landmark Tree Ordinance, evidenced by denial of his true role at our August 14 city council meeting.

In late May Doug engaged in an email exchange with citizens concerned about the pending removal of a large Madrone tree on a recently approved sub division property. He showed an interest in addressing something that had eluded our ad hoc tree committee over the span of a couple of years: mandatory protections for special trees. It was suggested by the Mayor, in an email, that Doug work on a new ordinance to protect special trees like the big Madrone. City manager Schulze was only too happy to oblige.

Over the next few weeks the city manager worked on drafts of what would eventually become the Landmark Tree Ordinance. It imposed very strong protections for large

significant trees, with a \$25K fine for illegal removal. I supported the draft and complimented Doug. It felt like a very genuine and positive collaboration that he'd taken the lead on. After the city council approved the ordinance, however, it was subsequently met with considerable criticism from the public. One citizen commented to me shortly after it was approved, "You've just gone too far this time". When Doug's comments came out in the newspaper about a city council going in a direction that he wasn't comfortable with, and adding more and more items to the City's work plan, the Landmark Tree Ordinance was looked at as an example of those excesses: a city council out of control, not listening to the experts, and continuously adding things to an already "ridiculously long work plan".

The ICMA Code of Ethics is important to our city

I don't believe that all of this taken together is representative of how a city manager should perform his job; regardless of whether or not they are on their way out the door; and whether or not they agree with the decisions and direction of the city council. A city manager's job should include guidance for constructive dialogue, being open and trying to bring people together, as opposed to dividing them and choosing sides. Had Mr. Schulze expressed his concerns in a timely and appropriate manner, there could have been improvement in the overall working relationship between the city manager and city council. I would have been happy to engage in meaningful dialogue between Doug and **the city council as a whole** to help address a range of issues.

The city manager's obligation to follow and respect the ICMA Code of ethics is written into his contract, and is included in our city's Governance Manual. We are new to the city manager form of government and the tenets of the ICMA Code of Ethics played a major role in our community's decision to make that transition. Regardless of what you decide, your determination on this matter will help us better understand what is expected of city managers by the ICMA and will serve as a valuable reference for our city going forward.

Respectfully Submitted,
Ron Peltier
Bainbridge Island City Council

**EXHIBIT C: Email communications included in request for advisory opinion.
November 26, 2018 email sent to Don Peterson**

Hi Don,
Phillip Goebels called me today, told me some of what's happening in Banning, and sent me your contact information.

I am very relieved that Doug Schulze is no longer our city manager on Bainbridge . I found it difficult to ever believe anything he said unless I personally knew it to be true . Be glad to talk some time. My home number is 206 842-4798.

Best Regards, Ron Peltier

Notes: The above email was sent to Don Peterson after I received a phone call from Philipp Goebels, during which he explained what was going on with the police chief hiring process and told me Don Peterson wanted to talk to me. My comments about Doug Schulze are simply an honest impression of Doug Schulze after having worked with him for almost three years.

January 6, 2019 email sent to Bainbridge Island City Council

Subject: Banning to Vote on Contract for Matt Hamner

Council Colleagues,

A link to the agenda packet for the City of Banning's 1/8/19 City Council meeting is included below. Item VII. 1., on page 275, is a resolution approving a contract for Matt Hamner to be the next chief of police for Banning, CA. The contract would pay Mr. Hamner \$190,857.99 per year. According to the agenda bill, Chief Hamner has already signed the contract pending approval by the Banning city council.

Take Care, Ron Peltier

<https://ci.banning.ca.us/Archive.aspx?ADID=2002>

January 7, 2019, 1/6/19 email forwarded to four members of the public

January 11, 2019 email sent to Don Peterson at 12:36 AM

Subject: Draft ICMA Ethics Complaint 1.10.19.docx

Attachments: (draft ICMA Ethics Complaint was attached)

Hi Don,

I'm planning to submit an ethics complaint against Schulze for planning, while still employed by the City of Bainbridge Island, to poach our police chief. I would like to cc you on the message to the ICMA. Please take a look and let me know how it looks. Would need your address.

Thanks,

Ron Peltier

Notes: I included Don in my second ICMA complaint against Doug Schulze because a key piece of information, Schulze's comments about bringing Bainbridge Island's police chief with him to Banning while still employed by COBI, was provided by Don and quoted in the Kitsap Sun.

January 11, 2019 Email from Don Peterson at 10:12 AM

Subject: Re: Draft (ICMA complaint)

This is great. Don't send it yet, and I will forward my Grand Jury complaint to you.
Don M. Peterson, Councilman, City of Banning, CA , Sent from my iPhone

January 11, 2019 email to Don Peterson at 10:49 AM

Subject: Re: (ICMA ethics complaint)

Okay. Need your address to include on the complaint .

January 11, 2019 email from Don Peterson at 11:25 AM

Subject: Draft (ICMA ethics complaint)

1022 So. 22nd St., Banning,CA 92220

Don M. Peterson, Councilman City of Banning, CA, Sent from my iPhone

January 11, 2019 email from Don Peterson at 12:07 PM

Subject: RE: Read this!

https://www.recordgazette.net/eedition/page/page_e719ae69-f6af-5b82-ad40-1ccd5158ba7c.html

Note: this was an article in the Record Gazette about Hamner's hiring in Banning, which included Banning City Council discussion.

January 11, 2019 email to Don Peterson at 2:00 PM

Subject: RE: Read this!

Link didn't work. Wanted me to sign in.

January 11, 2019 email from Don Peterson at 4:19 PM

Subject: Read this!

Sent from my iPhone

Betting on a big investment, Banning hires police chief | Local News |
recordgazette.net

www.recordgazette.net

City Manager Doug Schulze has selected his former Bainbridge Island police chief Doug Hamner to be the next chief for the city of Banning. While he comes highly recommended, he comes with a hefty price tag for a city that is \$2 million in the hole, councilman Don Peterson pointed out: his \$190,857 ...

January 11, 2019 email sent to Don Peterson at 9:34 PM

Subject: Re: Read this!

Don,

Way to go. A lone voice in the wilderness but you're right about the process and holding the line on salaries.

RP

January 11, 2019 email sent to Don Peterson at 10:38 PM

Subject: Re: Draft (ICMA ethics complaint)

Thanks. Too bad we're not on the same city council.

Thanks,

Ron Peltier

January 20, 2019 email sent to Don Peterson at 8:06 PM

Subject: Ethics Complaints re: D. Schulze

Attachments: Schulze ICMA Ethics Complaint Final.pdf

Hi Don,

Both ICMA ethics complaints are attached.

Take Care,

Ron Peltier

Notes: I sent both of my ICMA complaints to Don because he provided information for the second and because the first, filed on 8/27/18, was pending at the time Doug Schulze signed his contract with Banning. That contract, like his contract with Bainbridge, includes a section requiring Doug Schulze to follow the ICMA Code of Ethics. In Don Peterson's view, Banning officials should have know about the pending complaint so they could have discussed it with Doug before hiring him. Not disclosing the complaint demonstrated a lack of integrity, which is contrary to the expectations set forth in the tenets of the ICMA Code of Ethics.

January 23, 2019 email to two members of the public at 6:21 PM

Subject: The Sun Lakes I Banning Tattler

Debbie, Richard,

They don't mess around in Banning, CA. D. Schulze doesn't seem too popular there.

RP

<https://www.facebook.com/sunlakeinsider2/>

SUN LAKES/Banning Tattler- Home I Facebook

ANOTHER BONEHEADED MOVE BY SUN LAKES BOARD OF DIRECTORS. FIRST SERVICE RESIDENTIAL COMPANY is the new Sun Lakes management company. Formerly Merit Property Management.

January 24, 2019 email from Don Peterson at 5:50 PM

Subject: Sunlakes/Banning Tattler

Read the latest in the Sun La kes/Banning Tattler, they are ripping Doug-eee's ass!
https://www.facebook.com/sunlakeinsidcr2/?epa=SEARCH_BOX
Don

January 24, 2019 email to Don Peterson at 9:01 PM

Subject: Re: Sunlakes/Banning Tattler

Doug, (I meant "Don")

God, hilarious. And Doug wanted to be involved in "positive community building".
Holy cow. Please tell your friends at the tattler that I'm enjoying their satire.

Ron

Note: This was in response to a Facebook post, posted to the Sun Lakes/Banning Tattler on 1/23/19. The post is a satirical takeoff on quotes from both Doug Schulze and myself that were published in the Kitsap Sun on August 8, 2018. That post is included as **Exhibit D**.

January 25, 2019 email to Don Peterson at 7:51

Subject: Re: Sunlakes/Banning Tattler

Don,

I think you should ask Doug how much "passion" he's feeling for his job about now.
RP

Notes: One of the quotes from Doug Schulze in the 8/8/18 Kitsap Sun article is that he wanted to go to a community where he could be part of positive community building because he'd lost his passion for the job on Bainbridge. That seemed ironic, given how quickly he had managed to stir up trouble in Banning by manipulating the police chief hiring process in order to hire his friend Matt Hamner from Bainbridge.

January 25, 2019 email from Don Peterson at 8:05 PM

Subject: RE: Sunlakes/Banning Tattler

LOL, we're just getting started. Don

January 25, 2019 email to Don Peterson at 9:50 PM

Subject: Re: Sunlakes/Banning Tattler

OMG

Notes: This was in response to a link for a 1/25/19 Sun Lakes/Banning Facebook post that Don Peterson sent to me. I honestly was shocked by the post and felt it was inappropriate.

EXHIBIT D

Sun Lakes/Banning Tattler Facebook Page
Posted on January 23, 2019

WHY NEW CM SCHULZE WANTS ULTIMATE CONTROL OF OUR CITY OF BANNING

Out of Bainbridge:

"Schulze also pointed to criticisms of city projects from a vocal group of "armchair quarterbacks" and conflicts with Councilman Ron Peltier as contributing reasons for his departure.

SO IN DOUG-EE'S OPINION, CONCERNED AND OUTSPOKEN CITIZENS ARE "ARMCHAIR QUARTERBACKS"? BEWARE BANNING!

"Ron has been difficult," Schulze said. "He's a bully and everything is a second-guess and a battle."

****BEWARE PEOPLE, IF YOU DON'T AGREE WITH DOUG-EE, YOU'RE A "BULLY"**

(Schulze) "The negativity is really what has weighed on me, to the point where I realized I'm losing passion for the job, because everything is so hard to do, whether it's a project like Waterfront Park or the city dock or widening shoulders on a road."

"It's just not something I want to be a part of," Schulze said. "I want to be a part of positive community building."

****MEANING, HE WANTS ULTIMATE CONTROL, NO CITIZEN OR FELLOW COUNCIL INPUT AND NO CAP ON SPENDING FOR HIMSELF AND HIS BUDDY HAMNER.**

"Peltier fired back in an interview, saying that while he wishes Schulze well, he HASN'T BEEN SATISFIED WITH HIS JOB PERFORMANCE and that he sees the split as a fresh start for both parties.

OH DANDY! BANNING IS PAYING OUT \$ 2MIL A YEAR FOR A GUY WHO DOESN'T DO HIS JOB AND DOESN'T PLAY NICE.**

"I think he's right, I think he isn't a good fit for where we want to go," Peltier said. "That sums it up, and I think it's a great opportunity to find someone who is a good fit and complement to where the community and the City Council is going."

SO DOUG-EE SOUGHT OUT THE MOST CORRUPT AND IGNORANT CITY COUNCIL 4 - KNOWN FOR HANDING OUT MILLIONS OF DOLLARS TO CMs CARPETBAGGERS AND DEVELOPERS TO HELP LINE HIS POCKETS. THEN HE'LL MOVE ONTO THE NEXT CITY WHO'LL BUY INTO HIS B.S.

DOUG-EE HAS GONE THROUGH AS MANY CITIES AND HE HAS WIVES. THERE'S A COMMON THREAD HERE FOLKS THAT SHOULDN'T BE IGNORED.

JUST SAY'N.....

kidding about those wives

EXHIBIT E: Doug Schulze 5/18/18 email to the Bainbridge Island City Council (attachment not included)

The attached document is a newspaper article from Colorado University, where Matt Hamner interviewed this past week for the Campus Police Chief position. The interview went very well and I have talked with Matt about what it will take to keep him with the City of Bainbridge Island. The proposed contract that will be in the agenda packet is what will be needed to keep him. It is slightly different than what I have shared with those of you who have talked with me about the materials I sent out last week, but not significantly different.

I think the proposed employment agreement is a good offer and recommend City Council approval. I will point out that the process of filling the Police Chief position is typically equivalent to the annual salary and it is customary for a new department director to be compensated for moving expenses. The total search cost would be in the range of \$160,000 to \$200,000 and the impact on morale within the Police Department if Chief Hamner were to leave could result in the loss of other personnel.

If you have any questions, please contact me.

Doug

City of Bainbridge Island Ethics Board

Case Number 2019-05

Date Filed: 24 February 2019

Complainant: Lisa Schulze

Respondent: Councilman Ron Peltier

Response Filed: 3 April 2019

Advisory Opinion Issued: 15 April 2019

This complaint was filed on 24 February 2019 by the wife of the former City Manager of Bainbridge Island. The documents accompanying the complaint detail numerous instances of questionable behavior, ranging from minor to serious breaches of ethics. They include likely violations of both Article I and Article II of the Code of Ethics. In researching this complaint, the Ethics Board also took note of materials submitted to members of the Ethics Board and the City Council by Bainbridge Island Citizens for Ethical Government as a “complaint against COBI actions.”

Background:

Doug Schulze served as the City Manager for Bainbridge Island from 2012 until his departure through his resignation on October 2, 2018. The City Manager is responsible to the elected members of the City Council, and during the time of Schulze’s tenure, Ron Peltier was elected and served as a member of the City Council. On July 16, 2018, Schulze informed the City Council that he was offered a position by the City of Banning, California to serve as City Manager. On August 3, 2018, Schulze submitted a formal letter of resignation to take effect on October 2, 2018. Subsequently, on August 8, Schulze was interviewed by the Kitsap Sun about his tenure on Bainbridge Island, and cited his frustrations with working with some members of City Council. In particular, Schulze cited conflicts with Councilmember Peltier as adding to his reasons for leaving. From that point through February 2019, Peltier has engaged in activities that appear to violate the City of Bainbridge Island Code of Ethics. Councilmember Peltier submitted responses to the complaint and these were reviewed by the Ethics Board. The Ethics Board has not requested nor received subsequent documentation that may be related to this complaint.

Process and review:

In working through the myriad documents associated with the complaint, the following actions were of concern to the Ethics Board. After listing here, each will be discussed in greater detail and related to our Code of Ethics.

1. Violation of core values of the Bainbridge Island Code of Ethics, specifically integrity, mutual respect, obligations to others and fairness
2. Initiating contact with a councilmember in Banning to engage in discrediting Schulze

City of Bainbridge Island Ethics Board

3. Harassment of a former employee by Councilmember Peltier vis-à-vis following Schulze to a new position in another city
4. Possible collusion with a Banning City Councilmember to create a hostile work environment for a Banning city employee
5. An extended campaign, on-going since July 2018, to discredit Schulze
6. The use of city resources to conduct a campaign against the former City Manager Schulze
7. Confidentiality violations in documents offered to Banning Councilmember and in the process used to file complaints with the International City Manager's Association (ICMA)
8. Possible conflict of interest through actions taken in an official capacity to pursue a matter of private interest

Findings:

Article I B Violations

Integrity is the second item in the core values of the Bainbridge Island Code of Ethics. The third section deals with equality, fairness and mutual respect. Without attempting to “classify” any particular behavior or action as falling under any specific term listed above, the Ethics Board finds that the following actions violate some or all of the core values.

The first departure from what is considered ethical behavior was the phone call by Peltier to a City Council member in Banning. This occurred following a phone conversation made by a member of the media in Banning to Peltier. Inasmuch as the media conversation was based on the Kitsap Sun interview with Doug Schulze when he announced his decision to leave Bainbridge Island, and addressed some matters before the Banning City Council, Peltier knew there were possible issues in Banning. While he did not initiate the phone call from the press, there was no professional reason for Peltier subsequently to make a phone call to the City Councilmember in Banning. And the continuing exchange of emails, once the tenor was discerned, was clearly out of line.

Peltier professes to have been blindsided by Schulze's interest in securing the Bainbridge Island Police Chief for a similar position in Banning: “a bit of a bombshell, unexpected and difficult to grasp” [R p 1]. Given that the City Manager has the responsibility to hire and develop his/her own staff, this sort of action is not unexpected, even though it may not be appreciated. The dismissal by the ICMA of Peltier's complaint about this matter indicates that this is not a violation of the ICMA Code of Ethics and is part of the business of running a municipality. Continued attempted involvement in the affairs of another city for the purposes of satisfying a personal interest is unprofessional behavior. Councilmember Peltier's conduct did not meet the standards established in Bainbridge Island's Code of Ethics.

While Peltier claims that his intent has not been to cause “harm and embarrassment” to the Schulzes [R p.4], his ongoing email exchanges with the Councilmember in Banning contradict that statement. The casual bantering between the two, using Peltier’s city email account, does not portray respect or fairness toward his former employee, Schulze. Regardless of the circumstances that existed between the employer and the employee, one does not follow a former employee to a new employment situation and engage in harassment in conjunction with another public servant.

Working with the Council Member in Banning has put Peltier in the position of colluding with another elected official to create a hostile work environment for Schulze. An example of this is the fact that Peltier emailed to the Banning Council Member Peltier’s personal 2016 evaluation of Schulze as City Manager. This document was discussed in Executive Session of the City Council and the results, along with the evaluations of the other six members of the Council, were summarized by staff. That summary was then further discussed in Executive Session, before it was presented to the City Manager in a public session. The personal evaluation of Schulze by Councilmember Peltier, used out of the context of the entire review process by the full City Council, demonstrates Peltier’s pursuit of discrediting Schulze. Sending such information to Banning is further evidence of a campaign of harassment.

Article I C Violations

In the Ethics Code, Article I C 2 details “Obligations to Others.” The Ethics Board finds the following actions to be a violation of Article I C 2.

Given that the communication between the Banning City Councilmember and Peltier have become matters of public discourse on social media, not unexpected in these times, the behavior and communication violate the standards of civility and respect required of our elected officials. Whether or not this has entered the public awareness, the fact of the matter is that this behavior is unacceptable, and the public airing of it only exacerbates the impacts on the City of Bainbridge Island. Specifically, here are three ways in which Councilmember Peltier’s actions damage our community.

- 1) The impact of such exchanges to the person about whom the comments are being made amounts to bullying, pure and simple. A former employee has an expectation of fairness in dealing with members of his/her former employer. To be followed to a new community and a new position by a former employer is appalling. This is a clear violation of the Bainbridge Island Code of Ethics.
- 2) From the standpoint of the future of the City, this sort of activity will be widely noted. Bainbridge Island will be seeking a new City Manager in the near future, and it will not be an easy task given the treatment, post-departure, of this City Manager (Schulze). This could prove to be quite detrimental to Bainbridge Island when developing a pool of candidates for this position.

- 3) For the average citizen observing these activities, it raises the question as to whether one can safely engage in discussion before City Council, for fear that there could be a reprisal if someone took issue with a statement made or an opinion expressed. In point of fact, the submission of a "Complaint Against COBI" submitted on 12 March 2019 regarding Peltier's involvement with Banning matters is exemplary of the concern engendered by Councilmember Peltier's behavior. The complaint recognizes the involvement of one City Council member and chastises the entire City Council for allowing this abuse to continue. The described behavior is clearly NOT a way to engender trust in the elected official of Bainbridge by its citizens.

Advisory Opinion:

In the simplest terms possible, the Ethics Board's opinion is: **stop this harassing behavior**. The numerous emails and activities which have been a part of the campaign to discredit the former Bainbridge Island employee constitutes unethical behavior.

Findings regarding Article II Violations

Article II. D. 1. Applications of Conflict of Interest states:

“. . . an elected official or member of a City Committee or Commission shall not directly, or indirectly through a subordinate or fellow officer, official or employee, take any direct official action on a matter on behalf of the City if he or she . . .

b. Has other financial or private interest in that matter"

Councilmember Peltier was referred to in an August 8, 2018 Kitsap Sun article as a "bully" by Mr. Schulze. At that point, Mr. Peltier began taking direct official action on a matter of private interest. Two weeks later (August 27, 2018), Councilmember Peltier filed a complaint with ICMA, not as a private citizen, but as a member of the Bainbridge Island City Council. The ICMA dismissed his complaint on December 28, 2018.

In November, Councilmember Peltier began communications, taking direct official action as a member of City Council, to discredit and harass Mr. Schulze on a matter of private interest to Councilmember Peltier. On January 11, 2019, Councilmember Peltier filed a second complaint with the ICMA, again taking direct official action as a member of City Council on a matter of private interest. He and a member of Banning City Council colluded in creating this complaint by sharing confidential information, contrary to the requirements of the ICMA. The ICMA dismissed this complaint as being without merit.

The Ethics Board finds no evidence that the Bainbridge Island City Council directed Councilmember Peltier to file ethics complaints with the ICMA or to communicate with another city's council member to discredit their city manager.

Determination:

Either Councilmember Peltier was acting in an official capacity in his actions, exposing the City of Bainbridge and its entire City Council to risk of litigation by either/both Mr. Schulze and the City of Banning or Councilmember Peltier took direct official action on a matter of private interest. The Ethics Board finds no evidence that Councilmember Peltier's actions were agreed to or authorized by the Bainbridge Island City Council. The Ethics Board finds that Councilmember Peltier used his "official" position to pursue a private interest. Therefore, the Ethics Board **finds it likely a conflict of interest has occurred.**

Article II. C. Confidentiality states:

Except as required by law, an elected official, former elected official, or current or former member of a City Committee or Commission shall not disclose or use privileged, confidential or propriety information obtained in executive session or otherwise in the course of their duties as a result of their position.

On December 1, 2019, Councilmember Peltier, on his own initiative, shared his personal evaluation of Mr. Schulze's performance with a member of Banning City Council. Performance evaluations are conducted in executive session; information in executive session is confidential. Mr. Schulze's performance review ultimately became public record but only after input from all City Council members and a consolidation process conducted by the City HR Manager. Performance evaluations are not subject to disclosure "which do not discuss specific instances of misconduct" (Open Public Records Act RCW 42.30.110(g)). By excerpting one piece of an executive session process, Councilmember Peltier provided a biased and distorted view of Mr. Schulze's performance and likely violated Washington State confidentiality rules by sharing a performance evaluation component offered in executive session.

In addition, the Open Records Act specifically notes that "Councilmembers do not have the right to randomly access local government personnel files. Access should be limited to only those personnel records which they need in order to perform their official functions. Public officials have no special right to access employee personnel records if the access is not necessary for the performance of their public duties." (MRSC Public Records Act, page 42)

Councilmember Peltier notes in his Response [R p. 4] "I have not provided personal information about the Schulzes to anyone in Banning or elsewhere, including anyone who has posted on social media pages." Yet, through dozens of emails beginning as early as August 10, 2018 and continuing through February 24, 2019, Councilmember Peltier provides personal information about the Schulzes to Bainbridge Island citizens, to former Bainbridge City Council members,

and to a City of Banning Councilmember. In his emails, Councilmember Peltier forwards Facebook and YouTube links, as well as links to Banning’s scandal paper, The Tattler. While Councilmember Peltier may not have created the content of these disparaging social media pages, he certainly promulgated the attacks on Mr. Schulze by his distribution of them.

On August 27, 2018, Councilmember Peltier submitted an ethics complaint to the International City Manager’s Association (ICMA) related to Mr. Schulze. ICMA specifically notes that any ethics review is a “. . . confidential review process.”¹ Councilmember Peltier acknowledges that he shared this information publicly at a City Council meeting and notes “I should have refrained from expressing my intention to file a complaint.” Clearly Councilmember Peltier violated another entity’s confidentiality code. His *mea culpa* does not mitigate his action.

Councilmember Peltier contradicts himself in his response, noting [R p. 6] “The two ICMA complaints I filed against Doug . . . are not confidential.” It appears that Councilmember Peltier disregards confidentiality rules not just in Washington State but those demanded by the professional organization to which he appealed his concerns about the City Manager.

Determination:

The Ethics Board finds that a **breach of confidentiality has likely occurred.**

Article II. B. Use of City Property by Elected Officials states:

Except for limited incidental personal use or emergency circumstances, no elected official shall request, permit, or use City vehicles, equipment, materials, or property for personal use, personal convenience or profit.

Councilmember Peltier used City email to pursue an on-going, apparently personal, campaign to discredit Doug Schulze in his position as City Manager of Banning. This use of a Bainbridge Island city resource was not at the request of, or with the approval of, City Council. Between July 2018 and February 2019, more than 45 emails were exchanged between Councilmember Peltier and various citizens and/or elected officials of both Bainbridge Island and Banning, all related to discrediting Mr. Schulze.

Determination:

The citizens of Bainbridge Island pay taxes to fund City resources. And while not specifically listed among vehicles, materials and property, City email is a resource paid for by citizens. After reviewing the numerous instances of Councilmember Peltier’s use of City email, the Ethics Board considers these emails as more significant than “limited, incidental or emergency

¹ See Enforcing the ICMA Code of Ethics <https://icma.org/enforcing-icma-code-ethics>

circumstances.” The Ethics Board finds that these emails are not “official” City communications given their subject, content and tone. Therefore, the Ethics Board finds that a **likely violation of use of City property has occurred.**

Conclusions:

The Ethics Board incorporated here Article I Advisory Opinions and Article II Determinations into one document as both stem from the same set of activities and behaviors on the part of Councilmember Peltier. The Ethics Board intends that the material provided in the Article I discussion and Advisory Opinions serve as instructive examples of what constitutes a violation of the City’s Core Values. The Ethics Board also hopes that Councilmember Peltier will reflect seriously and thoughtfully on how he might better demonstrate the City’s Core Values. The degree to which his behavior continues to be troubling to this community will be determined, ultimately, by the voice of the people through the election process.

The Determinations of the likely violation of use of City property, the likely violation of conflict of interest, and the likely violation of the rules of confidentiality rise to the level of possible intervention by the City Council. The Ethics Board also hopes that the City Council, after review and discussion, will consider its options for action as set out in Article IV C 2 of the Code of Ethics.



CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
City Attorney Statement

Date: April 17, 2019
To: General Public
From: Joe Levan, City Attorney
Re: Ethics Board Case No. 2019-05 (Issued 4/15/19)

I am issuing this City Attorney Statement to avoid any misunderstanding that could occur due to a combined Advisory Opinion and Complaint Determination issued by the City of Bainbridge Island Ethics Board. The Determination at issue, [Determination 2019-05](#), is dated 4/15/19 and was provided by the Ethics Board to the City Clerk on 4/16/19.

Determination 2019-05 relates to a [complaint](#) filed by the wife of former Bainbridge City Manager Doug Schulze related to communications and activities of Bainbridge Councilmember Ron Peltier concerning Mr. Schulze's resignation from his position as Bainbridge City Manager to become City Manager in Banning, California. The specific allegations are set forth in the complaint filed with the Ethics Board.

This City Attorney Statement is necessitated to clarify conclusions reached in the Advisory Opinion portion of the Determination, as well as to address an incorrect legal conclusion reached related to confidentiality.

Regarding the clarification related to the Advisory Opinion portion of the Determination, the Opinion refers in several instances to "harassment" and to a "hostile work environment." Although these terms are legal terms that have specific definitions under law, Determination 2019-05 uses the terms without referring to their legal definitions. Rather, the terms are used more generally as part of the Opinion. For the sake of clarity, the Ethics Board did not consult with the City Attorney related to the use of these terms, and the City Attorney interprets these terms as part of this Determination as statements of general opinion by the Ethics Board, and not as legal conclusions supported by specific legal authority.

Regarding the Complaint Determination portion of Determination 2019-05, the Determination reaches an incorrect legal conclusion related to what constitutes a breach of confidentiality under Washington state law. In doing so, in part, the Determination incorrectly cites to “Open Public Records Act RCW 42.30.110(g).” Presumably, the intended reference is to RCW 42.30.110(1)(g), but that reference is to the Open Public Meetings Act, not to the Public Records Act, which is set forth in Chapter 42.56 RCW.

Additionally, neither the Open Public Meetings Act (Chapter 42.30 RCW) nor the Public Records Act provide that the type of personal performance evaluation at issue related to a City Manager is confidential. To the contrary, Washington courts interpreting the Public Records Act have concluded that City Manager performance evaluations are not exempt from disclosure and are, therefore, not confidential. See, e.g., *Spokane Research & Defense Fund v. City of Spokane*, 99 Wn. App. 452 (2000).

Determination 2019-05 also refers to the performance evaluation at issue, in part, as being confidential because it was discussed in executive session. For a record to be exempt under the Public Records Act, it must meet a specific exemption and, as above described, a performance evaluation of a City Manager is not exempt from disclosure.

RE: Request for Advisory Opinions regarding the comment “with all due respect” as it appeared in an email sent to David Johnson on May 12th 2016

February 11, 2019

By Ron Peltier, Bainbridge Island City Council Member

To the COBI Ethics Board,

I am requesting an advisory opinion from the Ethics Board regarding a specific comment I made in a 5/12/19 email sent to David Johnson.

SPECIFIC REQUEST TO THE ETHICS BOARD

In a complaint filed in May of 2016 David Johnson alleged that my use of the phrase, “*With all due respect..*” was unethical. In this request for an opinion, I am asking the Ethics Board for an advisory opinion as to whether or not my use of the term “*with all due respect*”, as it appears in the email below, constitutes a violation of Article I of our Ethics Program. That is all I am asking you for. Here is the email sent on 5/12/16 in which the phrase, “*with all due respect*”, was used.

“*David,*

There is some wrong information here, specifically regarding the cost of acquiring the electric infrastructure from PSE in Jefferson County. They were overcharged by PSE and forced to refund some of that \$103 million price back to rate payers.

With all due respect, you sound like you are working for PSE.

Ron”

BACKGROUND

2016

As the debate over a proposal to create a municipal electric utility on Bainbridge Island heated up (*the Island Power issue*) in 2016, the city council began receiving frequent emails from David Johnson. Between April 27, 2016 and May 9, 2018 we received 106 messages from Mr. Johnson. At issue was whether the City of Bainbridge Island should create its own municipal electric utility and in the process push Puget Sound Energy off the Island by acquiring its assets.

My impression of Mr. Johnson’s frequent messages, which were typically very technical, was that they were in one way or another intended to be supportive of Puget Sound Energy. Mr. Johnson, however, had explicitly stated that he was not employed by PSE. I accept that as true and have no reason to believe Mr. Johnson would lie about it. Whether or not Mr. Johnson was or is employed by PSE, however, is not the issue. What is at issue is my opinion that Mr. Johnson sounded like he was working for PSE. Working for an entity can simply mean advocating for them in some way. Whatever the case is, Mr. Johnson has the right to advocate for anyone and anything he chooses.

David Johnson Ethics Complaint filed in 2016

In May of 2016 David Johnson filed an Article I ethics complaint in regards to the email that I sent to him on May 12th, objecting to the phrase, “*with all due respect, you sound like you are working for PSE*”. Mr. Johnson alleges in his complaint that the specific phrase, “*with all due respect*” was in fact disrespectful and intended as an insult, citing language from two websites as proof. The Ethics Board at that time declined to consider Mr. Johnson’s complaint because it pertained to Article I, which they correctly felt was not provided for in the Ethics Program. From David Johnson’s 2016 complaint:

Mr. Peltier’s intent is borne out by the words he used — the trite opening phrase “with all due respect.” One Web site says that this phrase “allows a subtle disrespect, cloaked in courtesy.” (<http://grammarist.com/phrase/with-all-due-respect/>) Another Web site says that this phrase has become associated “more with insult” than with respectful deference. (<http://www.dailywritingtips.com/with-all-due-respect/>)

According to Mr. Johnson there is only one intended meaning for the phrase, “*with all due respect*,” and that is, in fact, to show disrespect or to otherwise to insult someone. That simply is not true.

Yes, the phrase, “with all due respect” can be used sarcastically, but most of the time it is a sincere way of saying, “*this is not intended to be disrespectful, but...*” I would guess that every member of the Ethics Board has used this phrase and generally not intended it as an insult. When I made the comment, “with all due respect...”, in my 5/12/16 email, it was **NOT** intended as an insult. It was simply intended as an honest impression of how Mr. Johnson came off within the context of his many emails and comments to the City Council regarding the Island Power issue. I believe that this level of honesty is consistent with Core Value 2. Of our Ethics Program:

2. Integrity: *We will treat one another and the citizens of Bainbridge Island with honesty and integrity, recognizing that the trust that results is hard won and easily lost. We pledge to promote balanced, consistent, lawful policies and directives, in keeping with that integrity and the highest standards of this community.*

Honesty is essential for us to have meaningful interactions and discussions. Sometimes that can come off as bluntness, which might make people feel uncomfortable. Saying or writing things that makes others feel uncomfortable, though, is not unethical in and of itself.

The test of reasonableness

Our Ethics Program doesn’t talk about the need for us all to be reasonable in our interactions with one another. In part I believe that’s because those who wrote the Ethics Program did not intend for it to provide for Article I ethics complaints. Now that the Pandora’s box of Article I ethics complaints has been opened, however, I think we all need to ask ourselves: don’t we need some standard of reasonableness? The alternative, I believe, is to allow our Ethics Program to be used as a political tool and in the process actually encourage unethical behavior by those empowered to wield that tool as a weapon.

City of Bainbridge Island Ethics Board

Case # 2019-04

Date Filed: 11 February 2019

Requestor: Councilmember Peltier

Advisory Opinion Issued: 15 April 2019

Advisory Opinion issued per COBI Code of Ethics Article III, Section F

The purposes of Article I, the Core Values section of the City of Bainbridge Island Ethics Program, are set out in the preamble:

“The City of Bainbridge Island has adopted the following Core Values and Ethics Principles to promote and maintain the highest standards of personal and professional conduct among all the people who comprise the City’s government. The optimal operation of democratic government requires that all of its decision-makers be fair and accountable to the people they serve.”

In addition to the COBI stated reasons, it is clear from materials related to municipal government, such as the America Society of Public Administrators (ASPA) Code of Ethicsⁱ, that there are further purposes, among them:

1. To advance the public interest
2. To promote democratic participation
3. To strengthen social equity
4. To demonstrate personal integrity

The efficacy of government and its ability to deliver on the needs of the community is founded in the trust that a community has in that body. Trust is hard to earn and very easy to lose. Particularly in current times, it can be difficult to define tightly what behavior reflects the Core Values, and we do not propose a static definition of this behavior, yet instead we look towards what promotes trust and what erodes it. In an article by Williamsⁱⁱ, the matter of civility in political discourse is examined. “[H]ow do we define civility? Especially if we accept the notion that it cannot be static – as technology and innovation are constantly redefining the means and manner in which we communicate. In this sense civility is a lot like obscenity, at least in the way the late Supreme Court Justice Potter Stewart chose to define it in his famous opinion in *Jacobellis v. Ohio* (1964), ‘I know it when I see it.’”

We can look towards rules of etiquette established by governing bodies to provide greater definition. The U.S. House of Representatives Republicans’ rules of decorum include several categories of unacceptable speechⁱⁱⁱ:

- Defaming or degrading the [House] – in our case, the City
- Criticism of personal conduct
- Impugning the motives of another member
- Charging falsehood or deception
- Claiming lack of intelligence or knowledge

City of Bainbridge Island Ethics Board

While not as precisely articulated, the City of Bainbridge Island Ethics Board believes our Code of Ethics Core Values were promulgated to engender trust by the public in our city government. While the First Amendment protects speech, including that of elected officials, “it does not remove the individuals’ responsibility to be respectful in their use of language. With a far greater means of amplifying their message, elected officials have an even greater responsibility to be judicious in their communication respecting the rules of . . . civil discourse for the benefit” of the council and the community.^{iv} In other words, elected officials are held to a higher standard than their constituents who do not purport to represent the community. This is with the intent to engender trust in government and the representatives who are elected.

The Ethics Board recognizes that people are human, and mistakes and misjudgments will be made. Where the Ethics Board has a responsibility, it is to recognize the problematic actions, particularly when they seem to become a pattern of behavior that causes citizen concern and thus weaken the public trust. The role of the Ethics Board is to educate when we observe inappropriate behavior, or it is called to our attention, and to recommend behavior that comports with our shared values and principles, while understanding there is not a static definition of acceptable behavior. In issuing advisory opinions, we are guided by other democratic bodies which deal with similar issues of behavior.

In developing an Advisory Opinion for this request, the Ethics Board reviewed Mr. Peltier’s email of February 11, 2019. *The Ethics Board also reviewed the initial complaint and response.* This Advisory Opinion stems from that considered review.

Mr. Peltier specifically requests that the Ethics Board issue an advisory opinion related to his use of the term “with all due respect” which he used in email communication with David Johnson in May, 2016.

Findings:

The phrase, “with all due respect” standing alone, has a neutral meaning. The context in which it is used is what makes this phrase meaningful. As a modifying prepositional phrase, it generally precedes another statement, which then determines the tenor of the phrase in question.

The traditional and formal meaning of the phrase in conjunction with a following statement has been used as a polite means of communicating, intended to mitigate the effect of an expression of disagreement or criticism. However, in more current vernacular, the expression is used in an argument to indicate that there is no respect and that in any case it is not due^v. Like many phrases that formerly bore no hidden subtext, this particular phrase now can be heard as something less than respectful.

In context, what follows Mr. Peltier’s use of the phrase “with all due respect” suggests a level of criticism and disdain. Specifically, the tenor of “with all due respect” is determined by what follows – “you must be working for PSE.”

Advisory Opinion:

While there are times when an official may feel frustrated by a member of the public, responding in anger is not appropriate in any circumstance, particularly using phrases easily mis-interpreted. In such a situation, the responsible and respectful behavior is to refrain from using such phrases. Words are powerful tools and should be used with a more thoughtful response, or to offer a constructive reply and establish a culture of open discourse. Otherwise such action degrades trust in government and unchecked, can lead to rapid erosion of all trust built over time, especially in highly public forums.

ⁱ Practices to Promote the ASPA Code of Ethics, approved 3/16/13.

ⁱⁱ Williams, Yohuru, "A Matter of Integrity: Civility and Political Discourse." Insights on Law and Society, 13 Winter 2013

ⁱⁱⁱ Williams, *ibid*, p. 4

^{iv} Williams, *ibid.*, p. 5

^v Urban Dictionary.com

From: [Joe Deets](#)
To: [Matthew Tirman](#); [Suzanne Keel-Eckmann](#)
Cc: [Robbie Sepler](#); [Joe Levan](#); [Christine Brown](#)
Subject: RE: Advisory Opinion Request
Date: Friday, February 1, 2019 4:32:02 PM

Matt,

Just to let you know, requests to the Ethics Board go to Christine, the City Clerk.

Best regards,

Joe

From: Matthew Tirman <mtirman@bainbridgewa.gov>
Sent: Friday, February 1, 2019 2:40 PM
To: Suzanne Keel-Eckmann <suzanne.keel-eckmann@cobicommittee.email>
Cc: Joe Deets <jdeets@bainbridgewa.gov>; Robbie Sepler <rsepler@bainbridgewa.gov>; Joe Levan <jlevan@bainbridgewa.gov>
Subject: Advisory Opinion Request

Suzanne,

I hope all is well. I would like to ask the Ethics Board to provide an advisory opinion for me on the following:

1. My wife, Christina Aitchison, is Program Director of Bainbridge Prepares. It is highly likely that the organization will come before Council in the near future. They work closely with city staff to include the new Emergency Management Director. I'd like to know what my left and right boundaries are, where to step back, and when to make it known that there may be a conflict or an appearance of conflict.
2. Christina is also on the BIPD's Citizens Advisory Panel. Would ask for similar guidance or any thoughts there as well.

Thanks much and let me know if more detail is needed.

Best,

Matt Tirman

City of Bainbridge Island
Ethics Board
Advisory Opinion

Case # 2019-03

Date Filed: 1 February 2019

Requestor: Matt Tirman

Subject: When Might I Have a Conflict of Interest and What Do I Do About It?

This advisory opinion issued under the authority granted to the Bainbridge Island Ethics Board, per Article III, Section F of the Ethics Program.

Findings:

This advisory opinion has been written in response to requests for clarification on conflicts of interest. In this opinion we suggest the process for determining and disclosing a potential conflict of interest and lay out some guidelines around conflicts of interest for city council members and city committee members, with the understanding that every situation is different and that we continue to rely on the best judgment of individuals. Hence, this opinion offers a framework and not specific guidelines.

The intent behind conflict of interest disclosures is to ensure that a government body and the community it represents understand situations where an elected or appointed member faces potential personal benefit from actions or decisions made when acting in their official capacity. In reporting known or potential conflicts of interest, a member is allowing the governing body to understand and determine the extent of this risk. Such a process mitigates concerns the community may have around the intent of a decision and builds trust with the community the governing body represents. As stated in other advisory opinions, trust is hard to earn and easy to lose. Thus, the spirit of this framework is to help council and committee members err on the side of transparency and building trust.

At the core of a conflict of interest is the potential for personal benefit. Personal benefit can take many forms, but we generally associate it with monetary benefit which can be most easily identified. An example commonly cited would be a decision where a council or committee member benefits monetarily from an award for city business. Beyond this example, which shows clear direct benefit, one can point to other situations where benefit can come in the form of favorable treatment through a city regulation, zoning changes, or local improvement projects. In these examples, a council or committee member may benefit from a change that positively impacts the value of their property.

Bainbridge Island is a small community, and much of the work we entrust to our elected and appointed committees will involve decisions that impact everyone, hence it may be challenging to understand when there is a conflict of interest. Furthermore, decisions involving parts of the community or island often require participation and representation from affected citizens.

When determining whether a committee member should disclose a potential or apparent conflict of interest, the following criteria should be taken into consideration:

1. **Benefit:** Benefit, in the case of a conflict of interest, stems from the potential personal returns derived from a decision. Benefit may be seen as a potential incentive for an action. In the context of this framework, the expectation is that committee members are acting with the intent to represent the larger community, or the affected group, impartially and without the intent of personal benefit. So, the first question should be: could it appear that I have a potential benefit (monetary or otherwise) associated with the action at hand? If such a benefit can be defined, then look at:
2. **Particularity:** As a community we all have a link to the island which does not require further clarification or declaration. However, in some cases the impact of the decision is closer to the decision-maker. When a policy decision benefits one or a small group of citizens, with less or no benefit going to the larger community, there is the potential for conflict of interest. This means that there is a further connection, such as in the case of a decision having a direct impact on a council or committee person's personal property, business, or locality which is narrower than the island and neighborhood they represent. Again, the benefit need not be monetary. Many decisions may appear to be related to a small group of people, but if there are no benefits to be derived from the action/decision, then there is likely not a conflict of interest.

This framework provides guidelines for those serving to use their judgment as to when to disclose a conflict of interest. Given that this is a small community, and many can draw some connection to a decision, a council or committee member should look at how these criteria apply to their specific situation. A helpful tool is to consider the "appearance of a conflict" when considering a disclosure. Could the citizens of the island view a decision as having the appearance of a conflict?

Process:

The above may seem complicated and possibly difficult to apply. However, it is really rather simple. When in doubt, disclose promptly.

Consider your own situation and how it may be affected by the decision in which you are participating. Is your situation any different than any other citizen of the island? If there is any way, based on the conditions discussed above, in which the answer is "yes," then you should disclose this situation to the council or committee, explaining your circumstances. This disclosure must be done at the outset of a relevant discussion in order to serve the concerns about transparency. The option then is for the council or the committee to weigh in with whether they feel that your participation in the discussion and decision could be seen as bringing an unfair bias to the decision due to a conflict of interest (or even an appearance of a conflict). The council or the committee may choose to have you recuse yourself from the discussion and/or the vote. A key part of this process is to disclose, rather than to withhold and possibly taint the decision.

**ETHICS COMPLAINT
CITY OF BAINBRIDGE ISLAND**

TO: City Clerk

SUBMITTED BY: Name: Bonnie McBryan
Address: [REDACTED]
Telephone #: [REDACTED]

Ethics Complaints concern the actions of individuals in relation to the City of Bainbridge Island Ethics Code.

1. Does the situation for which you are making a complaint involve:

a. An Elected Official

2. Please describe the facts that constitute the violation(s) of the Code of Ethics.

At the January 8th City Council meeting Councilmember Rasham Nassar read aloud her request for an Advisory Opinion from the Ethics Board. Ms. Nassar asked whether ownership of land classified as a critical area would demand that she announce a Conflict of Interest or recuse herself from voting on land use issues.

I ask the Ethics Board to broaden and reframe the issue. It would be meaningful if the Board would examine whether a Councilmember who is in violation of city land use ordinances is in a conflict of interest.

I request *an advisory opinion* on whether a Councilmember, formally notified of a specific land use violation, should recuse herself from voting on any issue substantively related to the land use and its regulation. In this case, should a councilmember engage in City Council discussion and vote on the designation of Critical Areas, the regulation of Critical Areas, the costs of permitting in Critical Areas, and the penalties for non-compliance with our city's laws — during the period of time when the violation exists. Is there any concern about a councilmember adjudicating their own cause or special interest?

3. Section(s) and subsection(s) of the Code of Ethics that are alleged to have been or would be violated [optional]: _____

4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: **January 10, 2019**

Place: **Bainbridge Island, Washington**

Bonnie McBryan Anisoglu

City of Bainbridge Island Ethics Board

Case # 2019-02

Date Filed: 10 January 2019

Complainant: Bonnie McBryan

Advisory Opinion Issued: 21 May 2019

I. Questions Presented:

Ms. McBryan requests an advisory opinion on whether a Councilmember, formally notified of a specific land use violation, should recuse herself from voting on any issue substantively related to land use and its regulation. In this case, should a councilmember engage in City Council discussion and vote on the designation of Critical Areas, the regulation of Critical Areas, the costs of permitting in Critical Areas, and the penalties for non-compliance with our city's laws — during the period of time when the violation exists. Is there any concern about a councilmember adjudicating their own cause or special interest?

II. Jurisdiction:

The focus of Ms. McBryan's request for an advisory opinion centers on whether there is a conflict of interest. Article II of the Ethics Program addresses conflicts of interest. Under Article III.E of the Ethics Program, members of the public are limited in their ability to request advisory opinions from the Ethics Board regarding alleged Article II violations. Specifically, Article III.E specifies only two situations where a member of the public can request an advisory opinion:

- Any person may request an opinion from the Ethics Board as to whether their own behavior has violated or might in the future violate the Code of Ethics or shared values and principles.
- Any person may request an advisory opinion from the Ethics Board regarding operating policies of the City Council or Citizen Committees and Commissions in relation to the Code of Ethics.

Neither situation appears clearly to apply to Ms. McBryan's request.

In acknowledging that Article III.E of the Ethics Program contains some ambiguity in who may request an advisory opinion, and in the interest of providing guidance on the ethical concerns raised by Ms. McBryan in her request, the Ethics Board has decided to, on its own initiative as allowed under Article III.E.5 of the Ethics Program, prepare and publish this advisory opinion responding to Ms. McBryan's request.

City of Bainbridge Island Ethics Board

III. Background:

This case centers around Councilmember Rasham Nassar and her property¹ on Bainbridge Island. While participating in discussions related to land use, the Councilmember was involved in a series of code violations regarding her property.

At the January 8, 2019 City Council meeting during a discussion of ethics matters, Nassar read into the record a statement regarding a violation on her property, and indicated she had requested on December 20, 2018, an advisory opinion of the Ethics Board related to her ability to vote on land use regulations given the constraints on her property by critical areas, wetlands and grandfathered uses on the property. [Case #2018-06] In that statement, Nassar indicated that she was working to obtain an after-the-fact building permit only “for repairs to the historic and unrecorded storage shed/well pumphouse located in the critical area buffer, work undertaken due to tree fall in the winter of 2014, completed in January of 2015.”

IV. Applicable Provisions of the Ethics Program:

Article II.D.1 of the City’s Ethics Program states the following:

Applications of Conflict of Interest

Except as permitted in subsection (b) below, an elected official or member of a City Committee or Commission shall not directly, or indirectly through a subordinate or fellow officer, official or employee, take any direct official action on a matter on behalf of the City if he or she, or a member of the immediate family:

- a. Has any substantial direct or indirect contractual employment related to the matter;
- b. Has other financial or private interest in that matter (which includes serving on a Board of Directors for any organization); or
- c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by the action.

V. Findings:

Was it a conflict of interest for Councilmember Nassar to participate in land use discussions? **No.**

Based on the documents provided to the Ethics Board, Councilmember Nassar: (a) does not have any substantial direct or indirect contractual employment related to the matter; (b) does not have other financial or private interests in the matter; and (c) is not a party to a contract or the owner of interest in real or personal property that would be significantly affected by the action. Admittedly, Councilmember

¹ The property is jointly owned by Nassar and Reily-Gibbons. Only Nassar’s name will be used in connection with this complaint.

City of Bainbridge Island Ethics Board

Nassar does own property which apparently is encumbered by wetlands. Wetlands are a frequent topic of land use regulation on Bainbridge Island. However, nothing in the votes or actual land use regulations appears to benefit Councilmember Nassar any more than any other landowner. Therefore, Councilmember Nassar's actions do not violate the rules outlined in the Ethics Program for determining whether a conflict of interest exists in this situation.

In reviewing the documents related to this situation, the Ethics Board discovered that there was another issue not raised in the initial request for an advisory opinion, namely a potential violation of Article I C. 1. b.

Ethics Principle

1. Obligations to the public

b. transparency and honesty in all public statements and written communications.

Since 2018, the City of Bainbridge Island Code Enforcement Officer has been engaged with Councilmember Nassar related to developments on her property. From documents obtained through a public records request, it became apparent to the Ethics Board that Councilmember Nassar was aware of multiple land use questions relating to the property dating back to at least 2018. The concern is that on January 8, 2019, in a public statement from the dais, Councilmember Nassar indicated that she was working to obtain an after-the-fact building permit only "for repairs to the historic and unrecorded storage shed/well pumphouse located in the critical area buffer, work undertaken due to tree fall in the winter of 2014, completed in January of 2015."

Nassar's statement did not accurately reflect her situation. Therefore, the Ethics Board finds that Councilmember Nassar did not meet the principles of transparency and honesty found in the City's Ethics Principles, Article I C. 1. b.

VI. Conclusion

While Councilmember Nassar is found not to have violated Article II of the Ethics Code, related to a conflict of interest, the Ethics Board does find that the obligation of Article I was not followed. The Ethics Board finds this important because the efficacy of government and its ability to deliver on the needs of the community is founded in the trust that a community has in that body. Trust is hard to earn and very easy to lose. It can be difficult to define tightly what behavior reflects the Core Values, and we do not propose a static definition of this behavior, yet instead we look towards what promotes trust and what erodes it.

From: [Ethics Board](#)
To: [Brian Strully](#); [Ingrid Billies](#); [Maradel Gale](#); [Scott Wilder](#); [Joe Deets](#); [Suzanne Keel-Eckmann](#)
Subject: FW: Request for Opinion: Resolution 2018-18
Date: Thursday, December 27, 2018 9:19:00 AM
Attachments: [Resolution No. 2018-18 - RLS Edits - 9-11-18 Mtg.pdf](#)

From: Kelly Jahraus <kjahraus@bainbridgewa.gov>
Sent: Friday, December 21, 2018 1:28 PM
To: Ethics Board <ethicsboard@bainbridgewa.gov>
Cc: Christine Brown <cbrown@bainbridgewa.gov>; Ron Peltier <rpeltier@bainbridgewa.gov>
Subject: FW: Request for Opinion: Resolution 2018-18

Please see attached and below from Councilmember Peltier.

KELLY JAHRAUS



DEPUTY CITY CLERK/RECORDS MGMT COORDINATOR

Executive Department

www.bainbridgewa.gov

206.780.8604

From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Friday, December 21, 2018 1:26 PM
To: Christine Brown <cbrown@bainbridgewa.gov>
Cc: Kelly Jahraus <kjahraus@bainbridgewa.gov>
Subject: Request for Opinion: Resolution 2018-18

Hi Christine and Kelly,

Please forward this request for an advisory opinion to the COBI Ethics Board along with the attached document.

Thanks,

Ron Peltier

To the City of Bainbridge Island Ethics Board,

I am requesting an advisory opinion regarding my participation in advocating and voting for Resolution 2018-18, which was approved by the Bainbridge Island City Council on September 11, 2018.

Background information

Approved by the Bainbridge Island City Council on September 11, 2018, Resolution 2018-18 reduced speed limits on certain Island roads that were formerly designated to have posted speed limits of 35mph. One of those roads, Valley Road, was reduced from 35mph to 25mph per Section 1. L. of the Resolution. I own a house on property that is located adjacent to Valley Road. In addition to advocating and voting in favor of Resolution 2018-18, I also advocated for lowering the speed limit on Valley Road in 2016, when the possible reduction of speed limits had earlier been taken up by the City Council. Reducing the speed limit on Valley was not included at that time.

Advisory opinion requested

I am specifically asking whether, in your opinion, my participation, as a member of the COBI City Council, in advocating for and voting in favor of Resolution 2018-18, which reduced speed limits on certain 35mph streets, including Valley Road, which is adjacent to the property on which my personal residence is located, constitutes a conflict of interest.

Thank you for your time and service and I look forward to your advisory opinion.

Best Regards,

Ron Peltier

Bainbridge Island City Council

Position 1, At Large

rpeltier@bainbridgewa.gov

(206) 842-4798

RESOLUTION NO. 2018-18

A RESOLUTION of the City Council of Bainbridge Island, Washington, reducing speed limits on certain 35-mph roadways and authorizing sign modifications.

WHEREAS, the City Council and City staff receive numerous requests each year to evaluate speed limits on Bainbridge Island roads; and

WHEREAS, the independent study report “2018 Focused Traffic Study,” dated July 2018, (the “Traffic Study”) by H.W. Lochner (the “Consultant”) was presented to the City Council on August 21, 2018; and

WHEREAS, the City Council has considered public comment and concurs with the recommendations presented by the Consultant in the Traffic Study; and

WHEREAS, the City Council is authorized to establish maximum speed limits in accordance with Chapter 308-330 WAC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:

Section 1. In accordance with the Washington Model Traffic Ordinance, Chapter 308-330 WAC, adopted by reference via BIMC 10.04.010, and the Manual on Uniform Traffic Control Devices (MUTCD), the City Council establishes the following traffic changes:

- a. Arrow Point Drive NE from NE Frey Avenue to 250 feet east of 90° bend (fronting Battle Point Park) – Reduce speed limit from 35-mph to 30-mph.
- b. Battle Point Drive NE from NE Beach Street to NE Frey Avenue – Reduce speed limit from 35-mph to 30-mph.
- c. Blakely Hill Road NE from NE Halls Hill Road to Old Mill Road NE – Reduce speed limit from 35-mph to 25-mph.
- d. NE Day Road from N Madison Avenue NE to Sunrise Drive NE – Reduce speed limit from 35-mph to 30-mph.
- e. NE Frey Avenue from Battle Point Drive NE to Arrow Point Drive NE – Reduce speed limit from 35-mph to 30-mph.
- f. Ferncliff Avenue NE from High School Road NE to NE Lofgren Road – Reduce speed limit from 35-mph to 30-mph.
- g. Grand Avenue NE from Ferncliff Avenue NE to NE Yeomalt Point Drive NE – Reduce speed limit from 35-mph to 30-mph.
- h. Moran Road NE/NE Lofgreen Road from N Madison Avenue to Ferncliff Avenue NE – Reduce speed limit from 35-mph to 30-mph.
- i. McDonald Avenue NE from Old Mill Road NE to Eagle Harbor Drive NE – Reduce speed limit from 35-mph to 25-mph.

- j. Sunrise Drive NE from NE Valley Road to NE Day Road – Reduce speed limit from 35-mph to 30-mph.
- k. NE Bucklin Hill Road from Blakely Avenue NE to Fletcher Bay Road NE – Reduce speed limit from 35-mph to 25-mph.
- l. NE Valley Road from Madison Avenue NE to Sunrise Drive NE – Reduce speed limit from 35-mph to 25-mph.
- m. NE Winther Road from Madison Avenue NE to Sunrise Drive NE – Reduce speed limit from 30-mph to 25-mph.
- n. N Madison Ave NE from NE Torvanger Rd to Phelps Rd NE– Reduce speed limit from 35-mph to 30-mph and refer this section of road for further study.

PASSED by the City Council this ____ day of _____, 2018.

APPROVED by the Mayor this ____ day of _____, 2018.

By: _____
 Kol Medina, Mayor

ATTEST/AUTHENTICATE:

By: _____
 Christine Brown, City Clerk

FILED WITH THE CITY CLERK: August 17, 2018
 PASSED BY THE CITY COUNCIL: ,2018
 RESOLUTION NO. 2018-18

City of Bainbridge Island
Ethics Board
Advisory Opinion

Case # 2018-08

Date Filed: 21 December 2018

Requested by: Councilmember Peltier

Subject: When Might I Have a Conflict of Interest and What Do I Do About It?

Date Issued: 15 April 2019

This advisory opinion issued under the authority granted to the Bainbridge Island Ethics Board, per Article III, Section F of the Ethics Program.

Findings:

This advisory opinion has been written in response to requests for clarification on conflicts of interest. In this opinion we suggest the process for determining and disclosing a potential conflict of interest and lay out some guidelines around conflicts of interest for city council members and city committee members, with the understanding that every situation is different and that we continue to rely on the best judgment of individuals. Hence, this opinion offers a framework and not specific guidelines.

The intent behind conflict of interest disclosures is to ensure that a government body and the community it represents understand situations where an elected or appointed member faces potential personal benefit from actions or decisions made when acting in their official capacity. In reporting known or potential conflicts of interest, a member is allowing the governing body to understand and determine the extent of this risk. Such a process mitigates concerns the community may have around the intent of a decision and builds trust with the community the governing body represents. As stated in other advisory opinions, trust is hard to earn and easy to lose. Thus, the spirit of this framework is to help council and committee members err on the side of transparency and building trust.

At the core of a conflict of interest is the potential for personal benefit. Personal benefit can take many forms, but we generally associate it with monetary benefit which can be most easily identified. An example commonly cited would be a decision where a council or committee member benefits monetarily from an award for city business. Beyond this example, which shows clear direct benefit, one can point to other situations where benefit can come in the form of favorable treatment through a city regulation, zoning changes, or local improvement projects. In these examples, a council or committee member may benefit from a change that positively impacts the value of their property.

Bainbridge Island is a small community, and much of the work we entrust to our elected and appointed committees will involve decisions that impact everyone, hence it may be challenging to understand when there is a conflict of interest. Furthermore, decisions involving parts of the community or island often require participation and representation from affected citizens.

When determining whether a committee member should disclose a potential or apparent conflict of interest, the following criteria should be taken into consideration:

1. **Benefit:** Benefit, in the case of a conflict of interest, stems from the potential personal returns derived from a decision. Benefit may be seen as a potential incentive for an action. In the context of this framework, the expectation is that committee members are acting with the intent to represent the larger community, or the affected group, impartially and without the intent of personal benefit. So, the first question should be: could it appear that I have a potential benefit (monetary or otherwise) associated with the action at hand? If such a benefit can be defined, then look at:
2. **Particularity:** As a community we all have a link to the island which does not require further clarification or declaration. However, in some cases the impact of the decision is closer to the decision-maker. When a policy decision benefits one or a small group of citizens, with less or no benefit going to the larger community, there is the potential for conflict of interest. This means that there is a further connection, such as in the case of a decision having a direct impact on a council or committee person's personal property, business, or locality which is narrower than the island and neighborhood they represent. Again, the benefit need not be monetary. Many decisions may appear to be related to a small group of people, but if there are no benefits to be derived from the action/decision, then there is likely not a conflict of interest.

This framework provides guidelines for those serving to use their judgment as to when to disclose a conflict of interest. Given that this is a small community, and many can draw some connection to a decision, a council or committee member should look at how these criteria apply to their specific situation. A helpful tool is to consider the "appearance of a conflict" when considering a disclosure. Could the citizens of the island view a decision as having the appearance of a conflict?

Process:

The above may seem complicated and possibly difficult to apply. However, it is really rather simple. When in doubt, disclose promptly.

Consider your own situation and how it may be affected by the decision in which you are participating. Is your situation any different than any other citizen of the island? If there is any way, based on the conditions discussed above, in which the answer is "yes," then you should disclose this situation to the council or committee, explaining your circumstances. This disclosure must be done at the outset of a relevant discussion in order to serve the concerns about transparency. The option then is for the council or the committee to weigh in with whether they feel that your participation in the discussion and decision could be seen as bringing an unfair bias to the decision due to a conflict of interest (or even an appearance of a conflict). The council or the committee may choose to have you recuse yourself from the discussion and/or the vote. A key part of this process is to disclose, rather than to withhold and possibly taint the decision.

Advisory Opinion:

The council member submitting this request seeks advice regarding a vote in favor of a resolution before the City Council which lowered speed limits on certain 35 mile per hour streets, including the street adjacent to his property. In this request for an opinion, inasmuch as many neighborhood streets were affected by the decision (and not just one adjacent to where the council member owned property), the test of particularity indicates that a vote on this matter does not amount to a conflict of interest, and any benefit derived from the decision is shared so widely as to be negligible.

From: [Ethics Board](#)
To: [Brian Strully](#); [Ingrid Billies](#); [Maradel Gale](#); [Scott Wilder](#); [Joe Deets](#); [Suzanne Keel-Eckmann](#)
Subject: FW: Request for Opinion: Resolution 2018-23
Date: Thursday, December 27, 2018 9:20:00 AM
Attachments: [Exhibit A Resolution 2018-23.pdf](#)
[Resolution No. 2018-23 - RLS Edits 1 .pdf](#)

From: Kelly Jahraus <kjahraus@bainbridgewa.gov>
Sent: Friday, December 21, 2018 1:29 PM
To: Ethics Board <ethicsboard@bainbridgewa.gov>
Cc: Christine Brown <cbrown@bainbridgewa.gov>; Ron Peltier <rpeltier@bainbridgewa.gov>
Subject: FW: Request for Opinion: Resolution 2018-23

Please see attached and below from Councilmember Peltier.

KELLY JAHRAUS



DEPUTY CITY CLERK/RECORDS MGMT COORDINATOR

Executive Department

www.bainbridgewa.gov

206.780.8604

From: Ron Peltier <rpeltier@bainbridgewa.gov>
Sent: Friday, December 21, 2018 1:28 PM
To: Christine Brown <cbrown@bainbridgewa.gov>
Cc: Kelly Jahraus <kjahraus@bainbridgewa.gov>
Subject: Request for Opinion: Resolution 2018-23

Hi Christine,

Please forward this request for an advisory opinion to the COBI Ethics Board.

Thanks,

Ron Peltier

To the City of Bainbridge Island Ethics Board,

I am requesting an advisory determination from the Ethics Board regarding my participation in advocating and voting for Resolution 2018-23, which was approved by the Bainbridge Island City Council on September 11, 2018.

Background information

Resolution 2018-23 lowered speed limits on neighborhood streets in Winslow, including Lovell Avenue. The Resolution, and Attachment A showing a map of the streets effected, is attached. As you know, I own a house on Lovell Avenue.

Advisory determination requested

I am specifically asking whether, in your opinion, my participation, as a member of the COBI City Council, in advocating for and voting in favor of Resolution 2018-23, which lowered speed limits on neighborhood streets in Winslow to 20mph, including on Lovell Avenue, where I own a house, constitutes a conflict of interest.

Thank you for your time and service and I look forward to your advisory opinion.

Best Regards,

Ron Peltier

Bainbridge Island City Council

Position 1, At Large

rpeltier@bainbridgewa.gov

(206) 842-4798

RESOLUTION NO. 2018-23

A RESOLUTION of the City Council of Bainbridge Island, Washington, reducing speed limits to 20-mph and authorizing sign modifications for certain roadways on Bainbridge Island.

WHEREAS, the City Council and City staff receive numerous requests each year to evaluate speed limits on Bainbridge Island roads; and

WHEREAS, the Multi-Modal Transportation Advisory Committee has proposed that the City adopt 20-mph speed limits for local access streets in Downtown Bainbridge Island/Winslow with predominantly residential uses to enhance safety for non-motorized transportation modes. Local access streets with predominantly commercial uses and mixed commercial and residential uses would remain posted at 25-mph; and

WHEREAS, the City has experimented with setting a 20-mph speed limit on Grow Avenue NW from Winslow Way W to Wyatt Way NW and the response has been favorable from the community; and

WHEREAS, the City Council has considered public comment and concurs with the recommendations; and

WHEREAS, the City Council is authorized to establish speed limits in accordance with Chapter 308-330.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND DOES RESOLVE AS FOLLOWS:

Section 1. In accordance with the Washington Model Traffic Ordinance, Chapter 308-330 WAC, adopted by reference via BIMC 10.04.010, and the Manual on Uniform Traffic Control Devices (MUTCD), the City Council establishes a 20-mph speed limit for the public local access roadways shown in the map attached as Exhibit A and incorporated herein by this reference.

PASSED by the City Council this ____ day of _____, 2018.

APPROVED by the Mayor this ____ day of _____, 2018.

By: _____
Kol Medina, Mayor

ATTEST/AUTHENTICATE:

By: _____
Christine Brown, City Clerk

FILED WITH THE CITY CLERK: August 17, 2018
PASSED BY THE CITY COUNCIL: , 2018
RESOLUTION NO. 2018-23

Case # 2018-07

Date Filed: 21 December 2018

Requested by: Councilmember Peltier

Subject: When Might I Have a Conflict of Interest and What Do I Do About It?

Date Issued: 15 April 2019

This advisory opinion issued under the authority granted to the Bainbridge Island Ethics Board, per Article III, Section F of the Ethics Program.

Findings:

This advisory opinion has been written in response to requests for clarification on conflicts of interest. In this opinion we suggest the process for determining and disclosing a potential conflict of interest and lay out some guidelines around conflicts of interest for city council members and city committee members, with the understanding that every situation is different and that we continue to rely on the best judgment of individuals. Hence, this opinion offers a framework and not specific guidelines.

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Bainbridge Island is a small community, and much of the work we entrust to our elected and appointed committees will involve decisions that impact everyone, hence it may be challenging

to understand when there is a conflict of interest. Furthermore, decisions involving parts of the community or island often require participation and representation from affected citizens.

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1. **Benefit:** Benefit, in the case of a conflict of interest, stems from the potential personal returns derived from a decision. Benefit may be seen as a potential incentive for an action. In the context of this framework, the expectation is that committee members are acting with the intent to represent the larger community, or the affected group, impartially and without the intent of personal benefit. So, the first question should be: could it appear that I have a potential benefit (monetary or otherwise) associated with the action at hand? If such a benefit can be defined, then look at:
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The above may seem complicated and possibly difficult to apply. However, it is really rather simple. When in doubt, disclose promptly.

Consider your own situation and how it may be affected by the decision in which you are participating. Is your situation any different than any other citizen of the island? If there is any way, based on the conditions discussed above, in which the answer is "yes," then you should disclose this situation to the council or committee, explaining your circumstances. This disclosure must be done at the outset of a relevant discussion in order to serve the concerns

about transparency. The option then is for the council or the committee to weigh in with whether they feel that your participation in the discussion and decision could be seen as bringing an unfair bias to the decision due to a conflict of interest (or even an appearance of a conflict). The council or the committee may choose to have you recuse yourself from the discussion and/or the vote. A key part of this process is to disclose, rather than to withhold and possibly taint the decision.

Advisory Opinion:

The councilmember submitting this request seeks advice regarding a vote in favor of a resolution before the City Council which lowered speed limits on neighborhood streets throughout Winslow. The councilmember owns a house on one of the streets where the speed limit was lowered. Please note that this advisory opinion does not change the opinion issued in 2018-04, which dealt tangentially with a similar matter. In the current request, inasmuch as many neighborhood streets were affected by the decision (and not just one where the council member owned property), the test of particularity indicates that a vote on this matter does not amount to a conflict of interest, and any benefit derived from the decision is shared so widely as to be negligible.

From: [Ethics Board](#)
To: [Brian Strully](#); [Ingrid Billies](#); [Maradel Gale](#); [Scott Wilder](#); [Joe Deets](#); [Suzanne Keel-Eckmann](#)
Subject: FW: Request for Formal Advisory Opinion, Ethics Board
Date: Thursday, December 27, 2018 9:18:00 AM
Attachments: [image002.jpg](#)

From: Kelly Jahraus <kjahraus@bainbridgewa.gov>
Sent: Friday, December 21, 2018 10:01 AM
To: Ethics Board <ethicsboard@bainbridgewa.gov>
Cc: Rasham Nassar <rnassar@bainbridgewa.gov>; Christine Brown <cbrown@bainbridgewa.gov>
Subject: FW: Request for Formal Advisory Opinion, Ethics Board

Good morning, please see below from Councilmember Nassar.

KELLY JAHRAUS



DEPUTY CITY CLERK/RECORDS MGMT COORDINATOR
Executive Department
www.bainbridgewa.gov
206.780.8604

----- Original message -----

From: Rasham Nassar <rnassar@bainbridgewa.gov>
Date: 12/20/18 10:51 AM (GMT-08:00)
To: Christine Brown <cbrown@bainbridgewa.gov>
Cc: Ron Peltier <rpeltier@bainbridgewa.gov>, Kol Medina <kmedina@bainbridgewa.gov>, Morgan Smith <msmith@bainbridgewa.gov>
Subject: re: Request for Formal Advisory Opinion, Ethics Board

Christine,

Please forward this formal request for an Advisory Opinion to the Ethics Board. Thank you, and happy holidays! Rasham

To the Ethics Board;

I'd like to request a formal Advisory Opinion on whether the following would be considered a violation of the city's Code of Ethics or might constitute a Conflict of Interest:

I own a 6-acre farm property on Bainbridge Island which is encumbered by critical areas and critical area setbacks, and which includes grandfathered agricultural and residential uses. The historically disturbed areas, which include the farmland, the primary residence, primary and secondary driveways, yard, and storage shed/well pumphouse, currently fall within current critical area buffers– the lot was developed in 1910 and was purchased by my husband and I in 2014. Over the years, including since our purchase date in fall of 2014, critical area setbacks have grown to include much, if not all, of our nearly 6 acre farm.

My husband is also currently working through the permitting process with members of the planning department to obtain an after-the-fact building permit for repairs to the historic and unrecorded storage shed/well pumphouse located in the critical area buffer, work undertaken due to tree fall in the winter of 2014, completed in January of 2015.

My inquiry pertains as to whether participation in council discussion of land use regulations constitutes a conflict of interest for members of council who own private property containing grandfathered non-conforming uses, and/or members of council with active applications for new and/or after-the-fact building permits. More specifically – does the fact that I jointly own property containing critical areas, wetland/stream buffers and grandfathered uses create a conflict for my participation in land use decisions in general, and also which include possible legislative actions for critical areas/buffers? In the opinion of the Ethics Board, have I committed a Conflict of Interest or Ethics Code violation anytime during this year’s council discussions and actions related to Land Use?

I’ll note that the highly controversial update to the Critical Areas Ordinance, which introduced the ARPA requirement for new development, does not weaken development restrictions but improves aquifer protection unanimously across all Bainbridge Island properties (outside of the Shoreline jurisdiction). My interest in bringing this before the Ethics Board is to continue the discussion of what constitutes a Conflict of Interest and what may result in a violation of the city’s Code of Ethics for members of council, specifically pertaining to the personal property assets of council members. As a side note, as we head into the New Year, I would hope my colleagues would support the council working with the Ethics Board to improve upon our current Ethics Program, yet another avenue with which to promote public trust and transparency in local government.

If members of the Ethics Board have any questions, would like further clarification or require any additional information please don’t hesitate to contact me.

I thank you for your consideration of this request for an advisory opinion, and look forward to hearing your response.

Happy Holidays!

Rasham Nassar
Bainbridge Island City Council
Position 5, Central Ward
rnassar@bainbridgewa.gov
(206) 300-6181

Facebook: <https://www.facebook.com/RashamNassarBainbridgeIslandCityCouncil/>

City of Bainbridge Island Ethics Board

Case # 2018-06

Date Filed: 20 December 2018

Requested by Rasham Nassar

Date Issued: 15 April 2019

This advisory opinion is issued under the authority granted to the Bainbridge Island Ethics Board, per Article III, Section F of the Ethics Program.

Discussion:

This advisory opinion has been written in response to a request for clarification on conflicts of interest. In this opinion we suggest the process for determining and disclosing a potential conflict of interest and lay out some guidelines around conflicts of interest for City Councilmembers and City Committee Members, with the understanding that every situation is different and that we continue to rely on the best judgment of individuals. Hence, this opinion offers a framework and not specific guidelines.

The intent behind conflict of interest disclosures is to ensure that a government body and the community it represents understands situations where an elected or appointed member faces potential personal benefit from actions or decisions made when acting in their official capacity. In reporting known or potential conflicts of interest, a member is allowing the governing body to understand and determine the extent of this risk. Such a process mitigates concerns the community may have around the intent of a decision and builds trust with the community the governing body represents. As stated in other advisory opinions, trust is hard to earn and easy to lose. Thus, the spirit of this framework is to help council and committee members err on the side of transparency and building trust.

At the core of a conflict of interest is the potential for personal benefit. Personal benefit can take many forms, but we generally associate it with monetary benefit which can be most easily identified. An example commonly cited would be a decision where a council or committee member benefits monetarily from an award for city business. Beyond this example, which shows clear direct benefit, one can point to other situations where benefit can come in the form of favorable treatment through a city regulation, zoning changes, or local improvement projects. In these examples, a council or committee member may benefit from a change that positively impacts the value of their property.

Bainbridge Island is a small community, and much of the work we entrust to our elected and appointed committees will involve decisions that impact everyone, hence it may be challenging to understand when there is a conflict of interest. Furthermore, decisions involving parts of the community or island often require participation and representation from affected citizens.

When determining whether a committee member should disclose a potential or apparent conflict of interest, the following criteria should be taken into consideration:

1. **Benefit:** Benefit, in the case of a conflict of interest, stems from the potential personal returns derived from a decision. Benefit may be seen as a potential incentive for an action. In the context of this framework, the expectation is that committee members

are acting with the intent to represent the larger community, or the affected group, impartially and without the intent of personal benefit. So, the first question should be: could it appear that I have a potential benefit (monetary or otherwise) associated with the action at hand? If such a benefit can be defined, then look at:

- 2. Particularity:** As a community we all have a link to the island which does not require further clarification or declaration. However, in some cases the impact of the decision is closer to the decision-maker. When a policy decision benefits one or a small group of citizens, with less or no benefit going to the larger community, there is the potential for conflict of interest. This means that there is a further connection, such as in the case of a decision having a direct impact on a council or committee person's personal property, business, or locality which is narrower than the island and neighborhood they represent. Again, the benefit need not be monetary. Many decisions may appear to be related to a small group of people, but if there are no benefits to be derived from the action/decision, then there is likely not a conflict of interest.

This framework provides guidelines for those serving to use their judgment as to when to disclose a conflict of interest. Given that this is a small community, and many can draw some connection to a decision, a Council or Committee Member should look at how these criteria apply to their specific situation. A helpful tool is to consider the "appearance of a conflict" when considering a disclosure. Could the citizens of the island view a decision as having the appearance of a conflict?

Process:

The above may seem complicated and possibly difficult to apply. However, it is really rather simple. When in doubt, disclose promptly.

Consider your own situation and how it may be affected by the decision in which you are participating. Is your situation any different than any other citizen of the island? If there is any way, based on the conditions discussed above, in which the answer is "yes," then you should disclose this situation to the council or committee, explaining your circumstances. This disclosure must be done at the outset of a relevant discussion in order to serve the concerns about transparency. The option then is for the council or the committee to weigh in with whether they feel that your participation in the discussion and decision could be seen as bringing an unfair bias to the decision due to a conflict of interest (or even an appearance of a conflict). The council or the committee may choose to have you recuse yourself from the discussion and/or the vote. A key part of this process is to disclose, rather than to withhold and possibly taint the decision.

Specific Issues in this request for Advisory Opinion:

The key to understanding the situation in this request is found in the last paragraph immediately above. While the requestor posed the question in terms of owning private property with grandfathered non-conforming uses, critical area, wetland and stream buffers, and having active applications for new or after-the-fact building permits, that is NOT the issue in this case. Here, the situation is one of being in violation of land use codes and under enforcement orders, which is very different from most people on

City of Bainbridge Island Ethics Board

the island, and certainly different from other members of City Council. Further, minimizing the extent of violations worsens the visuals of the situation.

Additionally, it needs to be pointed out that this advisory opinion was deferred until the City Code Enforcement determination was issued, as the Ethics Board was aware that the request on its face did not address fully the matters on which the opinion would be based.

Advisory Opinion:

The way to deal with this issue would have been:

- to disclose the fact that there were anomalies being assessed by the City Code Enforcement Officer based on a citizen report,
- that these issues were likely significant,
- and that as a result, the City Councilmember should have **recused herself from voting** on matters of land use and zoning.

The matter of **ability to discuss** these land use and zoning issues would then have been determined after discussion and decision by the remaining members of the City Council. Uppermost in this process should have been their desire to uphold the fairness of decision-making, including the “appearance of fairness” which is the basis for the development of trust in the community.



CITY OF
BAINBRIDGE ISLAND

Office of the City Attorney
City Attorney Statement

Date: April 17, 2019
To: General Public
From: Joe Levan, City Attorney
Re: Ethics Board Advisory Opinion # 2018-06 (Issued 4/15/19)

I am issuing this City Attorney Statement to avoid any misunderstanding that could occur due to an Advisory Opinion issued by the City of Bainbridge Island Ethics Board. The Advisory Opinion at issue, [Advisory Opinion # 2018-06](#) (“AO 2018-06”), is dated 4/15/19 and was provided by the Ethics Board to the City Clerk on 4/16/19.

AO 2018-06 relates to a request for an Advisory Opinion that was made by Bainbridge Councilmember Rasham Nassar. The specific request is set forth in an [email](#) that Councilmember Nassar sent to the Ethics Board. In sum, the request relates to whether Councilmember Nassar’s participation in City Council consideration of land use regulations would constitute a conflict of interest in the context of her ownership of real property on the island which contains critical areas and wetland buffers, and where she participated in Council discussions and voted on land use regulations that would apply to her property, as well as to many other properties.

This City Attorney Statement is necessitated by incorrect legal conclusions reached in AO 2018-06, as well as a factual description that is incomplete and may be misleading.

Regarding the incorrect legal conclusions, AO 2018-06 reaches specific conclusions that are contrary to state law related to what is permissible for Councilmembers, and are contrary to legal advice that the City Attorney has provided to Councilmembers (including Councilmember Nassar). In addition, AO 2018-06 describes general principles but it does not specify a requirement in the City’s Ethics Program that has been violated by Councilmember Nassar’s actions.

In relevant part, AO 2018-06 broadly concludes that “... the City Councilmember should have **recused herself from voting** on matters of land use and zoning.” (Emphasis in original.) AO 2018-06 refers to “appearance of fairness” as a basis for reaching this conclusion.

Presumably, the reference to “appearance of fairness” is in reference to the appearance of fairness doctrine, which is based on Washington state law. However, AO 2018-06 does not recognize that the appearance of fairness doctrine does not require Councilmembers to recuse themselves from voting on the type of land use regulations at issue in AO 2018-06 because those regulations are regarded as area-wide regulations and the act of voting on them by Councilmembers is legislative in nature. In contrast, the appearance of fairness doctrine applies to a different type of activity, referred to as “quasi-judicial” matters. See, e.g., Chapter 42.36 RCW. Contrary to what is indicated in AO 2018-06, state law appearance of fairness requirements did not, and do not, require Councilmember Nassar to recuse herself from voting on the land use regulations at issue.

An additional incorrect legal conclusion is the statement that the “**ability to discuss** these land use and zoning decisions would then have been determined after discussion and decision by the remaining members of the City Council.” (Emphasis in original.) Regarding such legislative matters to which the appearance of fairness doctrine does not apply, Councilmembers do not have the authority, as implied by AO 2018-06, to exclude another Councilmember from participating in such legislative matters.

Regarding the potentially misleading portion of the factual description, AO 2018-06 states, in relevant part, that AO 2018-06 “was deferred until the City Code Enforcement determination was issued,” As a factual matter, the City’s code enforcement action related to Councilmember Nassar’s property is an ongoing matter for which the City is in the process of determining the extent of any violations and is working with the property owners to achieve compliance, consistent with the City’s code enforcement process more generally. At this point, a final determination has not been reached related to what will constitute full compliance.

**ETHICS COMPLAINT
CITY OF BAINBRIDGE ISLAND**

TO: City Clerk

SUBMITTED BY: Name: Bonnie McBryan
Address: [REDACTED], Bainbridge Island
Telephone #: [REDACTED]

Ethics Complaints concern the actions of individuals in relation to the City of Bainbridge Island Ethics Code.

1. Does the situation for which you are making a complaint involve: (please circle one)
 - a. An Elected Official
 - b. A Member of a City Committee or Commission
 - c. A Major Contractor with the City
 - d. A City Employee

2. Please describe the facts that constitute the violation(s) of the Code of Ethics.

This Ethics Complaint concerns Councilmember Ron Peltier who engaged in borderline defamation of me during and following the August 14th City Council meeting. After I presented public comments at the start of the meeting, Mr. Peltier ended the meeting with a lengthy demeaning, and *televised* commentary — during which he called me a liar not once, not twice: Councilmember Peltier ***called me a liar seven times!***

Several days later, Councilmember Peltier raised the bar and sent a memo to 150+ Island residents. In his message, Mr. Peltier called me ***mean-spirited and vindictive***. To make matters worse, he doubled down on his earlier accusations that I am a liar. Mr. Peltier then encouraged people to share his message with others.

3. Section(s) and subsection(s) of the Code of Ethics that are alleged to have been or would be violated [optional]: _____

4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: **October 1, 2018** Place: **Bainbridge Island, Washington**



Signature

Parameters of Complaint

I am focusing this ethics complaint on a series of public tirades against a business owner and resident of Bainbridge Island. Here are the accusations on which I seek your advisory opinion:

1. **Councilmember Peltier's three-minute tirade during a televised and recorded** City Council meeting on August 14th, against me — a voter and member of the Island community, who stepped up to the microphone to present public comments.

*"That is **an absolute lie and Bonnie knows it**. She's just personally attacking me. She doesn't like me. We have a history that goes back aways. And I feel that she felt empowered to attack me because she saw the most prominent person in the City attack me and blame me for the fact that he's resigning. And then also saw his wife, posting on Facebook." **Exhibit 2.***

2. **Mr. Peltier's written condemnation, distributed to 150+ Island neighbors.** This widely distributed letter presents unfounded accusations against me. This was retaliation and meant to damage my reputation in our Island community.

*"Last Tuesday night a citizen got up to comment and launched into **an attack on me** that was inspired by her intense dislike of me due to the moratorium and having been emboldened by the comments of our city manager in an article in the Kitsap Sun where he labeled me as a bully." **Exhibit 3.***

3. **A history of antagonistic references to me in correspondence** distributed by Mr. Peltier. The Councilman's frustration and anger toward me seems to be based upon my involvement in a building project application and public testimony about the City Moratorium. His personalized and negative feelings were inappropriately repeated in correspondence about the Councilman's ethics complaint against our former City Manager.

*"We would have stopped the SPR, however, if three members of the city council hadn't insisted on exempting SPRs that had scheduled a pre ap meeting prior to the effective date of the moratorium. **That happened because Bonnie McBryan complained about her and her husband's mini hotel project down by the Fairbanks building on S. Madison that would have been held up and her life savings supposedly put in jeopardy, and losing sleep, etc.** **Exhibit 4.***

*"At tonight's council meeting a woman who knows his wife (referring to our City Manager) got up and **accused me**, a liaison to the Design Review Board, of imposing conditions on development proposals, including her's. I couldn't do that if I wanted. **It was completely made up.**" **Exhibit 5.***

I am asking the Ethics Board to consider whether Mr. Peltier’s commentary, multiple points during a Council meeting and in widely distributed correspondence, is ***inappropriate conduct by a City Council member***, aimed toward a member of the Bainbridge Island community.

The appeal I made to City Council, at the August 14th meeting, is an appropriate request of the Ethics Committee today.

“I am asking you to assess whether your [fellow] council member’s words and his actions are simple breaches of etiquette — or of ethics.” Exhibit 6.

Background Information and Attached Exhibits

The first element of my complaint is on record, in the video from the August 14th meeting. It is accessed at <http://www.ci.bainbridge-isl.wa.us/1101/City-Council-Agendas>. I have included transcripts and specific video time markers in the attachments.

The exhibits explain and document all three elements of my complaint. Relevant detail and background information is presented in Exhibit 1. I apologize for the number and length — but they are integral to my complaint and provide examples of correspondence that continues to impact my life on the Island.

List of Exhibits

- Exhibit 1: Background Narrative — including Design Review Board
- Exhibit 2: Comments by Councilmember Ron Peltier during “Good of the Order”
- Exhibit 3: Email Letter from Councilmember Peltier, August 18, 2018
- Exhibit 4: Councilmember Peltier’s Letter to ten constituents and councilmembers
- Exhibit 5: Councilmember Peltier’s Letter to ICMA
- Exhibit 6: Transcript of Comments during Public Hearing by Bonnie McBryan on August 14, 2018; Transcript of response from Councilmember Peltier
- Exhibit 7: Copy of Article from a local newspaper, the [Kitsap Sun](#)
- Exhibit 8: Email Message dated August 10, 2018, Councilmember Nassar to Mayor Kol Medina, cc: Councilmember Peltier
- Exhibit 9: Memo to Bonnie McBryan from Councilmember Ron Peltier, Concerning increased role of Design Review Board
- Exhibit 10. Transcript of Mr. Peltier’s Comments, City Council Meeting February 15th
- Exhibit 11: Illustrative documentation of tarnished reputation

Issue #1. Derogatory tirade by Councilmember Ron Peltier

Near the end of the August 14th City Council meeting, Mr. Peltier made repetitive demeaning comments about me. In a three-minute tirade, Mr. Peltier called me out by name — **calling me a liar seven distinct times**. His full comments are transcribed in Exhibit 2. Here are the highlights:

*“ At the beginning of the meeting Bonnie McBryan got up and **attacked me**. She **lied** about things.”*

*“ I wanna explain what she said. She said I put conditions on the Rolling Bay remodel. That they can’t use bricks on their new building. **That’s a total lie and she knows it**. But she felt empowered that she could get away with **lying** about me.”*

*“ She’s just personally **attacking** me. **She doesn’t like me**. We have a history that goes back aways.”*

*“ So I’m kinda pissed off and I’m not going to just take it and have people **lie** about me.” **Exhibit 2**.*

With his angry rant Councilmember Peltier stated that I had “attacked” him five times. He labelled me a “liar” vehemently and repeatedly.

The indisputable fact is that Mr. Peltier’s repeated use of the word “liar” twists and misrepresents what I said and who I am. *Mr. Peltier knows that I spoke truthfully*. Other than cursory interactions, during the amendment of the Moratorium, *I don’t have a history with the Councilmember*. When intentionally false statements of fact are made in public, repeated seven times, presented on television broadcasts, and accessible on the COBI website — they are borderline defamation.¹

Here are the facts: I made a request that City Council assess the allegations in the Kitsap Sun article. These allegations were made by the former City Manager — not by me — and they raised the issue of whether Mr. Peltier is a bully.

*“ Schulze also pointed to criticisms of city projects from a vocal group of ‘armchair quarterbacks’ and conflicts with **Councilman Ron Peltier** as contributing reasons for his departure. **“Ron has been difficult,” Schulze said. “He’s a bully and everything is a second-guess and a battle.” Exhibit 7.***

It should have been no surprise to City Council that someone in our community would address the article during Public Comments. Council members exchanged email

¹According to the U.S. Supreme Court, calling somebody a liar can be defamatory if the call is provably false. *Milkovich v. Lorain Journal Co.*, 497 U.S. 1, 21-22 (1990). That’s precisely the case here. As I discuss later in this complaint, Mr. Peltier’s claim that I lied during the August 14 Council meeting is provably false -- because I never made the statement that he described as a lie.

messages in advance of this Council meeting and an Executive Session was added — to discuss the importance of the newspaper report. Mr. Peltier was already preparing to submit an ethics complaint to the ICMA. He had even arranged for printed copies of the ICMA Code of Ethics to distribute at the Executive Session. Here is a quote from one of the requests for the Executive Session, from Councilmember Nassar.

I wanted to request that we hold an executive session prior to the start of our council meeting this Tuesday to discuss this matter without the city manager present. ... the article has stirred much heated discussion and controversy in the community and I believe it is incumbent upon us to address and respond to this news as soon as possible – in a mature, professional, proactive, and responsible way. Exhibit 8.

Mr. Peltier claims that I accused him, personally, of strapping our project with conditions. However, **I was specific** in saying that:

“The committee he works with has added conditions to our property.” Exhibit 6.

A complete transcription of my public comments are attached in Exhibit 6.

I don’t believe Councilmember Peltier personally added any conditions and I did not say that he did.

Additional information about the **Design Review Board** is in the Background provided in Exhibit 1. Exhibits 9 and 10 provide documentation supporting my assertion: the Councilmember initiated conversation with the DRB, was directly involved in strengthening the role of this committee, and addressed that in a City Council meeting.

Councilmember Peltier didn’t reveal *the truth* about what I said. He replaced my words and inserted a personal interpretation that misquotes and misrepresents me. *The Councilmember put words in my mouth and tried to pass them off as coming from me.*

Issue #2. Written tirades in follow-up letters to 150+ Island residents

On August 18th, just a few days after the City Council meeting, Councilmember Peltier hit below the belt. Were it not for this letter I would have ignored Mr. Peltier’s late-night rant at the end of a Council meeting. If he had written his letter to a couple of close friends I might have dismissed it.

However, *this elected official sent a recriminatory letter to his distribution list of at least 125 Island residents. Separately, he sent another 25 letters to individual members of our Island community — including current and former members of City Council. Mr. Peltier encouraged the recipients to further share his editorial commentary with others. Here are highlights from his most widely distributed memo:*

“Last Tuesday night a citizen got up to comment and launched into an attack on me that was inspired by her intense dislike of me due to the moratorium ...

You don't let people get up and bash other people. In this case lying about someone to cast them in the worst light possible ...

Please feel free to share the transcript. While we don't like to think about it there are mean spirited and vindictive people in our community who will misrepresent the truth if it suits their purposes.” Exhibit 3.

Mr. Peltier’s letters present new and unfounded accusations against me. Just days after my public comments, I am described as having an *intense dislike* of Mr. Peltier. He humiliates me and turns my honest concerns into “bashing” him, lying about him, and casting him *in the worst light possible*. The Councilmember labeled me mean-spirited, vindictive, and misrepresenting the truth. *The letter was obviously meant to damage my reputation in our Island community.*

Writing and distributing this letter lies somewhere between political editorial reflecting person opinion — and malicious gossip. The passive-aggressive role of both is to enhance power or prestige — especially if one claims to be a victim. When a gossip spins a story about a person, facts are set aside. The truth can be twisted, slanted, and misrepresented. Story-telling serves a coercive role — revealing for others what is socially acceptable — and what is not — by drawing attention and anger toward an intended target. Regardless of which analogy is appropriate, *the Councilmember’s intent was retaliation, belittling of my concerns, and the deliberate attribution of some really nasty traits to me personally.*

Issue #3. A history of Questionable, Antagonistic References

When I became aware of Councilmember Peltier’s retaliatory memo, I initiated a public records request of his recent communications. I looked back two weeks before the August 14th Council meeting and I looked forward to see two weeks of responses to his messages about me. I was surprised at Mr. Peltier’s reference to his having ***a long history*** with me. I wanted to see who had received that memo — and whether the Councilmember might actually have some longer standing resentment toward me.

As I went back in time, to August 1st, I began to understand that the Councilmember had already laid groundwork to discredit me. In fact, as Island voters contacted him with worries and frustrations about tree removal and the new developments on Madison Avenue, the Councilmember had a ready response: he reported that ***he could have stopped those developments ... except for me.***

“ ... because Bonnie McBryan complained about her and her husband's mini hotel project down by the Fairbanks building on S. Madison that would have been held up and her life savings supposedly put in jeopardy, and losing sleep, etc.” Exhibit 9.

I also found that Councilmember Peltier used my public comments, and his “story” about them, as rationale for his ethics complaint against our former City Manager. Mr. Peltier’s first letter to the ICMA is presented in attached. Here is part of what he had to say:

“One of the effects of Doug, a very prominent member of the community, labeling me as “bully” and blaming me for his resignation, was to give permission to others to impugn my character. This has been happening on facebook over the past several days with Doug’s wife participating.

At tonight’s council meeting a woman who knows his wife got up and accused me, a liaison to the Design Review Board, of imposing conditions on development proposals, including her’s. I couldn’t do that if I wanted. It was completely made up.

*I believe that Doug’s example of name calling in the newspaper article, and vague accusations, played a role in the personal attack on me by providing permission from a person in a position of authority. While present at the meeting, Mr. Schulze made no attempt as a friend of his wife’s **proceeded to lie about me shamelessly.**” Exhibit 10.*

The Cumulative Impact

Sometimes the cumulative impact of an individual’s actions are much greater than the simple sum of their individual acts. In this case, Mr. Peltier’s public comments and letters seem part of a **personal campaign to discredit and retaliate against Bonnie McBryan**. The impacts have spiraled for me individually and for the community at large. The significance for me is **a widely tarnished reputation**. I’ve attached illustrative documentation of the results in Exhibit 11.

Now that I have read 25+ direct responses to Mr. Peltier’s letter I am quite sad. His constituents took his words as facts — feeding back to him his assertions that I had “attacked” him and that I was “vindictive.” Fellow Islanders used Mr. Peltier’s verbiage about the City Manager — accusing me of *name-calling*. And though I made no mention of the Moratorium in my comments, Mr. Peltier did — and the blame that the Councilman placed on me, personally, for allowing other projects to move forward appears again and again. There were no immediate messages to Councilman Peltier, concerning my comments, until after his letter was distributed. Mr. Peltier has successfully built his story about me and shared it with my neighbors and my friends. My professional friendships, my good name with current and former City Council members, and my future ability to participate in public affairs have been compromised.

As a community, we all observed a Council member’s **rebuke and retaliation** toward a citizen who spoke up during a City Council meeting. Island citizens are now on notice about what to expect if we cite negative newspaper reports or ruffle a councilmember’s feathers. We can expect to be shouted down, repeatedly called out as “liars” and

otherwise discouraged from participating in city affairs. This intimidation is meant to quash public discourse.

I am filing this complaint because because a councilmember's actions are extraordinary! My complaint is not about policy disagreements. Its not about whether I like or dislike the councilmember. The Councilmember could have responded to me, and approached his constituents, with very different messages. **He repeatedly chose borderline defamation.**

In my opinion, all City Council members should have felt obligated to interrupt the Councilman as **he blasted me** at the end of the meeting. By allowing Mr. Peltier to rant against me, City Council tacitly approved of his commentary — **seven times he called me a liar**. They allowed his use of the "Good of the Order" period of the agenda for an angry tirade against a citizen, for intimidation toward any future commenter, and for the individual Councilmember to put his own spin on my words.

I absolutely deny Mr. Peltier's repeated statements that I lied to City Council. I believe that repeatedly labeling me as a liar is character assassination. That this appears to have been condoned by the Mayor and uninterrupted by other city council members is alarming.

This problem is not going to fix itself.

*I am asking you, as members of the COBI Ethics Board to address Ron Peltier's use of confrontation and intimidation toward a citizen and member of the public. The record of Mr. Peltier's verbal and written tirades, in reaction to my comments on August 14th, presents evidence of the **bullying tactics** about which I echoed concern.*

*This complaint asks for your opinion and advice on Ron Peltier's conduct in televised commentary, in repeated references to me in his written correspondence, and in the wide distribution of his written condemnation of me. Do these actions demonstrate the **ethical integrity, honesty, civility and respect** that our community should expect of our elected officials? Are these actions that we would honor if exhibited by any employee, committee member, or elected official associated with our City?*

My complaint asks: When is a public official allowed to undertake a multi-media effort to demean and demonize a citizen? If our City's Values, Ethics Program, and Governance Manual are not applicable then why do we have them?

Exhibit 1: Background on Ethics Complaint

Kitsap Sun Article

In August of this year the Kitsap Sun published an article titled “**Bainbridge Island City Manager has had enough**”. The article was published in print and online editions. It highlighted our City Manager’s reasons for leaving employment with COBI and called out City Council Member Ron Peltier as a “bully.” The article can be reviewed in Exhibit 7.

Comments during Public Comment Period, August 14, 2018

A week later, at the first City Council meeting after the **Kitsap Sun** publication, I spoke during the Public Comment period at the start of the business meeting. I stepped up to the microphone with two intentions: first, to thank our City Manager for years of service to the Island; second, to express concern about the allegations highlighted in the article.

“Like many others, though, I am pretty concerned that Doug’s resignation came, at least in part, because of a council member behaving as a bully. I don’t want to be mean-spirited here. But it seems that somebody in the public needs to stand up and address this issue.” Exhibit 6.

After my comments Councilmember Peltier responded with his own. Transcripts of both are presented in Exhibit 6. I understand Mr. Peltier’s initial reaction to my reference to the Kitsap Sun article. Anyone who is publicly criticized should cringe; being labelled, even **allegedly**, as **a bully**, by a news source, especially given our national concern about bullying, is demoralizing. That characterization, though, did not originate with me.

Comments During Public Hearing

Later in the same Council meeting, a Public Hearing was undertaken on Ordinance 2018-25, **Emergency Ordinance Relating to Heritage Tree Preservation**. My husband, Cihan Anisoglu, had signed up to speak but had to leave the City Council meeting. I asked to speak for him and my comments begin at Video Time Marker 1:12:54 of the August 14th meeting.

As the record shows, Councilmember Peltier countered my comments with an immediate and abject denial. Councilmember Blossom corrected him.

Background on Proposal to Develop Property on South Madison

The final words that I spoke during the Public Comments part of the August 14th meeting relate to my involvement in a proposed building on South Madison. My husband, Cihan Anisoglu and I own and operate The Eagle Harbor Inn. We built this small hotel 14 years ago. For the past few years, we have dreamt of expanding our business to a vacant lot on Madison Avenue South. We purchased the property two years ago, with partners, and submitted our development proposal to COBI on October 1, 2017.

Our building project became familiar to City Council members after the passage of the City’s development Moratorium. My husband and I spoke at several Council meetings and met with

several Council members to talk about the moratorium's likely impact. Eventually, City Council agreed that our project, and others, would be exempted.

Councilmember Peltier initially opposed amending the Moratorium to exempt our project. However, he drafted and introduced the amendment that would allow our project to proceed. We expressed our gratitude to Mr. Peltier and to the other City Council members who unanimously agreed to this exemption.

I include this history to clarify my reference to our project during my public comments and because Councilmember Peltier asserted that the Moratorium had caused me to dislike him. Quite simply that is untrue.

Design Review Committee Background

The Design Review Board (DRB) is established by COBI ordinance and code as an *advisory* committee. The DRB's review of projects is currently limited to determining whether a proposed development complies with the adopted Design Guidelines in our city code.

Recently however, the DRB began reviewing additional characteristics and details of development projects. Whereas the DRB previously limited their reviews to a checklist of the items specifically included in the City Design Guidelines, in reviewing our project, the DRB expanded their review to include random design features of our building. DRB *adopted for our building project a list of "recommendations" with a separate list of "conditions of recommendation for approval". "Condition" as defined in the dictionary is "a state of affairs that must exist or be brought about before something else is possible or permitted."*

Here are the recommendations and conditions adopted at the April 23rd Meeting of the Board.

*DRB Recommendation: *Condition of recommendation*

- *Green Screen over brick for ivy to grow up to protect the mortar*
- *Consideration for a lift or elevator from basement parking to units*
- *Look into the Fair Housing Act and how the project meets the requirements**
- *Move bedroom window on lower level over to the right so the bed isn't right up against the window and create more of a secluded area for the bed**
- *Check the grade next to the handicap parking spot*
- *More street trees in front of the blank walls*
- *Prepare a landscape plan for DRB review**
- *Add additional windows to the master bedroom of the southeast facing the harbor**
- *Discuss with neighboring property if you can move the handicap parking spot north*
- *Paint color to be more creamy than white*
- *Confirm code requirement for square footage vs. number of exits required*
- *Bring color and building material samples for DRB review before project is built**

At the following DRB meeting, as I referenced in my public comments, the same committee imposed again a "condition" — for the approval of a building at Bay Hay and Feed.

Councilmember Peltier is the Council liaison to the DRB. He has been the primary advocate for expanding functions for DRB and was in attendance for the two reviews I cited; *he knows, or should have known, that I was speaking truthfully.*

Mr. Peltier had conveyed to me in written correspondence, earlier this year that he had talked with the Chair of DRB about expanding the importance of the committee's reviews. That same evening he addressed the role of the DRB during the process of amending the moratorium. Documentation of both appear in Exhibits 9 and 10.

*"The DRB Chair believes we can address design guideline issues with those SPR and CUPs in the pipeline **with a heightened sense of importance in how they are reviewed and permitted.**" Exhibit 9.*

*"I spoke to the Chair of the DRB about this [language to amend the moratorium to exclude projects already submitted to COBI] ... He suggested a path forward. ... There might be **some heightened scrutiny.**" Exhibit 10.*

I attended the February 15th Council meeting. Knowing that our project would soon be before the DRB, I was on high alert for impacts on our project. I acknowledge that, while nervously addressing the Council on August 14th, I didn't correctly recall Councilmember Peltier's exact statement, from the Dias. However, I had heard and understood from his email message and his comments at the meeting that a compromise had been reached — with Councilmember Peltier's oversight. Mr. Peltier drafted the amendment for our project. It would be exempted from the moratorium, but, with the Councilmember's full knowledge it would be subject to a more stringent review process than it would have received without the moratorium.

Please take note that this complaint is not directed at the Design Review Board. The many *recommendations* offered by the DRB on the Madison Project are appreciated. My architect husband enjoyed hearing the observations and suggestions from the committee — but we are unlikely to comply with all of the "recommendations" and the "conditions" imposed.

Exhibit 2. Councilmember Ron Peltier's Comments presented during the agenda item named "For The Good of the Order" on August 14, 2018

Video Time Marker 4:32:32

*Yes I have something for the Good of the Order. At the beginning of the meeting Bonnie McBryan got up and attacked me. She lied about things. I think she felt permitted to do that, by the City Manager's comments in the Sun article, in which he labeled me as a bully and the reason that he has resigned. To have one of the most prominent people in the city basically make a slur toward a council member, without any details as to what it means, in my mind gave permission to **someone like Bonnie McBryan to get up and lie about me.***

*I wanna explain what she said. She said I put conditions on the Rolling Bay remodel. That they can't use bricks on their new building. **That's a total lie and she knows it.** But she felt empowered that she could get away with **lying** about me.*

What really happened in that meeting, and I don't influence the conditions or the recommendations that the committee, or the Board, the DRB makes for projects. The Chair said he didn't like the idea of bricks because it wasn't consistent with the rest of the architecture there. It wasn't a mandatory requirement. And in fact Howie Block, who was there at the meeting, was fine with it because it would save him money. I had nothing to do with it.

The second one is that she said I had placed conditions on her project down here on South Madison.

***That is an absolute lie and Bonnie knows it.** She's just **personally attacking** me. **She doesn't like me.** We have a history that goes back away. And I feel that she felt empowered to **attack me** because she saw the most prominent person in the City attack me and blame me for the fact that he's resigning. And then also saw his wife, posting on Facebook.*

So, I just want to put you all on notice that I am considering filing an ethics complaint with the ICMA because I feel that the City Manager has violated the code of ethics of the ICMA.

*And, I'm not going to tolerate **being attacked.** I mean, have you ever seen that happen to somebody where they are **attacked**, at the beginning of a meeting, and have **lies** told about them. Really, Joe? You've had lies told about you? I don't think so. So I'm kinda pissed off and **I'm not going to just take it and have people lie about me.***

Exhibit 3. Councilmember Ron Peltier's Email Distribution to 130+ recipients, August 18, 2018

Ron Peltier <rpeltier@bainbridgewa.gov>

Subject: McBryan Comments

To: List of 120+ recipients removed by Bonnie McBryan

Hi All,

I apologize for not using Bcc but I'm not allowed to at this time due to requirements of the public records act. If you reply to this please don't reply all.

Last Tuesday night a citizen got up to comment and ***launched into an attack on me that was inspired by her intense dislike of me due to the moratorium*** and having been emboldened by the comments of our city manager in an article in the Kitsap Sun where he labeled me as a "bully". A friend has transcribed the comments, which include the Mayor, so you can read them in their entirety.

What disappoints me the most when reading the transcript is to hear the Mayor say that he appreciates what's being said. Maybe so but the role of a Mayor is to maintain a respectful environment. That's what I did as Deputy Mayor. ***You don't let people get up and bash other people, in this case lying about someone to cast them in the worst light possible.***

Please feel free to share the transcript. While we don't like to think about it ***there are mean spirited and vindictive people in our community who will misrepresent the truth if it suits their purposes.***

Best Regards,

Ron Peltier

Attached: Transcript of comments

Exhibit 4: Related Email Messaging from Ron Peltier

To: Olaf Ribeiro;

Cc: Christina Doherty; Charles Schmid; Ce Perkins; DOUGLAS A RAUH; Charlotte Rovelstad; Lisa Neal; Mary Clare Kersten; Rasham Nassar; Jon Quitslund; Mack Pearl

Subject: Re: Tree removal on Madison Ave. On Wed, Aug 1, 2018 at 6:52 PM,

Olaf,

I've know this was in the works and dreading when the demo and clearing would begin.

Some background on the two developments associated with the clearing on Madison. Both projects are owned by *the Ohrts, who are California developers who spotted BI as a place to loot and pillage*. They are also doing the two subdivisions between Weaver and Finch.

Of the two developments associated with the clearing on Madison, one is a subdivision that submitted in December just before the moratorium was enacted, the second (where the Sakuma house was demolished) is a Site Plan Review (SPR). There was no way we could have stopped the subdivision, as they got their application in before the moratorium (and subdivisions vest).

We would have stopped the SPR, however, if three members of the city council hadn't insisted on exempting SPRs that had scheduled a pre ap meeting prior to the effective date of the moratorium.

That happened because Bonnie McBryan complained about her and her husband's mini hotel project down by the Fairbanks building on S. Madison that would have been held up and her life savings supposedly put in jeopardy, and losing sleep, etc.

One council member's response was "we don't want to hurt anybody", so he and two others insisted on the exemption for site plans that had scheduled a pre ap meeting. I mentioned the project at the Vet Clinic (old Sakuma property), and that it had been panned by the DRB. There was absolutely nothing more I believe I could have done and it makes me sick. The moratorium, as it was, was hanging by a thread with Michael Scott, who initially voted for it, coming out against it.

Ultimately the DRB recommended against the SPR at the old Sakuma Property and the Planning Commission recommended approval.

The council members who supported a version of the moratorium that would have stopped the SPR at the old Sakuma property were: Rasham, Kol, and me. Sarah had recused herself from the discussion and the other three would only support continuing the moratorium if it exempted SPRs that had scheduled a pre ap prior to the effective date of the moratorium. A short sighted approach, intended not to hurt anyone, has hurt a lot of people who see our Island's special character slipping away.

Best Regards,

Ron

Exhibit 5: Email Message from Councilmember Peltier to ICMA

Ron Peltier <rpeltier@bainbridgewa.gov>

Ethics Complaint

To: "mperego@icma.org" <mperego@icma.org>

Cc: Rasham Nassar <rnassar@bainbridgewa.gov>

Hi Martha,

I'm a city council member in the City of Bainbridge Island in Washington State. I want to file an ethics complaint against our City Manager, Doug Schulze. Doug resigned last week and had choice words to say about me and the rest of the city council in a newspaper article. You can read that article at the link below.

Though Mr. Schulze had plenty of opportunities to share his concerns with us as a group in a constructive way, he chose not to. One of the effects of Doug, a very prominent member of the community, labeling me as "bully" and blaming me for his resignation, was to give permission to others to impugn my character. This has been happening on facebook over the past several days with Doug's wife participating.

At tonight's council meeting a woman who knows his wife got up and accused me, a liaison to the Design Review Board, of imposing conditions on development proposals, including her's. I couldn't do that if I wanted. It was completely made up.

I believe that Doug's example of name calling in the newspaper article, and vague accusations, played a role in the personal attack on me by providing permission from a person in a position of authority. While present at the meeting, Mr. Schulze made no attempt as a friend of his wife's proceeded to lie about me shamelessly.

Please let me know the next steps in filing a formal complaint.

Thanks,

Ron Peltier

**Exhibit 6: Transcript of Public Comments by Bonnie McBryan on August 14, 2018
Transcript of direct response from Councilmember Ron Peltier**

Video Time Marker of 3:24

I wanted to speak up this evening about the Kitsap Sun's article and the resignation of our City Manager, Doug Schulze.

I believe that our community has been really lucky to have Mr. Schulze serving our Island. I want to publicly thank him for the work that he and his rather extraordinary staff have done for six years. Geez, we don't always agree Doug and I— but Doug, Doug treats people with undeviating respect and kindness. I've worked for quite a few cities in my years in the public sector and I have found that his knowledge and skills are top notch. He has really engaged in our community and volunteered for so many events — I am just sorry to see this genuinely friendly and caring man leave our Island.

*Like many others, though, I am pretty concerned that Doug's resignation came, at least in part, because of a council member behaving as a bully. I don't want to be mean-spirited here. But it seems that somebody in the public needs to stand up and address this issue. There are a lot of different adjectives that have been applied to Ron's comments and behavior here on City Council, in his written responses to members of the community, and at public hearings. But now that the call has been made, about bullying tactics, it is up to you, as our elected officials, to really dig into this **allegation**. You need to look at public opinion you need to look at social media and the stories, the anecdotes that people are posting there, you need to read Ron's messages to his followers and at his responses to constituents.*

Interrupted by Mayor relative to maintaining decorum.

I am asking you to assess whether your fellow council member's words and his actions are simple breaches of etiquette — or of ethics.

I do want to add another concern to your considerations. You probably recall that my husband and I have been trying to build on our property on Madison Avenue South. A few months ago Mr. Peltier announced at a council meeting, that he has instructed city advisory committees to tighten the review process for building approvals. That means that the committee he works with has added conditions to our project and others. For example Bay Hay and Feed has just been told that they cannot put brick on on their building.

Stopped by the clock.

Video Time Marker of 7:15.

I think that if your going to make accusations, if anyone wants to make accusations, I think you need to substantiate them. Give an example. You claim that I directed a committee to impose conditions on somebody. That is absolutely false. If you're going to make accusations, you need to substantiate those, be specific, give an example. Getting up here and making accusations about things I've said and done ...

I stepped back to the microphone at Video Time Marker 7:50 to say:

My request is that your fellow councilmembers consider whether your behavior is ethical or not. This is intimidation, that's sad.

Exhibit 7. Article in Kitsap Sun

Fed up, Bainbridge Island City Manager Doug Schulze leaving for a job in California.

Nathan Pilling, Kitsap Sun Published 7:49 p.m. PT Aug. 8, 2018

BAINBRIDGE ISLAND – Bainbridge Island City Manager Doug Schulze is leaving the post he's held with the city since 2012 for a city manager job in California, citing problems with the island's City Council along with community criticism and negativity as his reasons for looking for a new job.

Schulze confirmed to the Kitsap Sun that he is stepping down to become the city manager for the city of Banning, which sits about 80 miles east of Los Angeles astride Interstate 10. His last official day with the city will be Oct. 2.

"When I became City Manager for the City of Bainbridge Island, I fully intended for this to be the last stop of my career," Schulze wrote in his resignation letter submitted to council members on Friday. "Bainbridge Island is a fantastic place to live and I have built personal and professional relationships with many people. However, I have determined that it is best for this City Council to hire a city manager that will be a better fit for the direction it is moving."

A frustrated city manager

In an interview, Schulze detailed a variety of frustrations he's had over the last few months, including council members giving greater weight to the opinions of members of the public than to recommendations from city staff, short-sighted thinking on projects like the Sound to Olympics Trail pedestrian bridge and a lack of focus on priorities from City Council, he said.

"If you listened to council meetings, there's rarely a meeting that goes by that we don't have a new topic or new issue brought forward for the council to consider or for staff to work on," he said. "If you look at our work plan ... for a city our size, our work plan is ridiculously long. We're a pretty lean organization. We don't have any staff waiting for new projects. Their plates are full. Each time a new idea is brought up, it means something else doesn't get done in the timely manner we had planned."

Schulze lamented what he sees as City Council members – "essentially volunteers" – becoming involved in decisions he feels should be left to professionals. He cited examples such as the council ending the Sound to Olympics pedestrian bridge proposal — a project that he feels the city will have to do someday – and rejecting \$2 million in grant funding the city had won for it. Or, a new proposal being considered by the council that would shift authority for some land-use reviews and permits from the city's hearing examiner and planning department director to the City Council.

"There's a reason for the past 20 years that cities have moved away from that format to the hearing examiner process, because a hearing examiner's a trained expert, typically an attorney, that has land-use expertise and understands how to create a record," Schulze said. "The council doesn't have the time to do that."

Schulze also pointed to criticisms of city projects from a vocal group of "armchair quarterbacks" and **conflicts with Councilman Ron Peltier** as contributing reasons for his departure. "**Ron has been difficult,**" Schulze said. "**He's a bully and everything is a second-guess and a battle.**"

“The negativity is really what has weighed on me, to the point where I realized I’m losing passion for the job, because everything is so hard to do, whether it’s a project like Waterfront Park or the city dock or widening shoulders on a road.”

“It’s just not something I want to be a part of,” Schulze said. “I want to be a part of positive community building.”

Peltier fired back in an interview, saying that while he wishes Schulze well, he hasn’t been satisfied with his job performance and that he sees the split as a fresh start for both parties.

“I think he’s right, I think he isn’t a good fit for where we want to go,” Peltier said. “That sums it up, and I think it’s a great opportunity to find someone who is a good fit and complement to where the community and the City Council is going.”

A steady hand

Schulze leaves with an eye to put his stamp on a city going through some of the instability Bainbridge experienced when he came onboard. Banning has had 11 individuals doing its city manager work over the last 11 years, he said. At one point the city’s police chief served in the role but then recently resigned both positions. In recent years grand juries have investigated ethics questions and “handshake deals” done by city officials.

Schulze said it’s the type of job he’s been attracted to in his career, one with an opportunity to be a steady hand.

Despite the difficulties on Bainbridge, Schulze has a few highlights he’s proud of in his nearly six years with the city: improving an aging city sewer system in Eagle Harbor, completing a renovation of Waterfront Park, replacing the city’s dock there and opening the first segment of the Sound to Olympics Trail along Highway 305, he said.

He’ll miss Bainbridge Island, he said, but it had become clear it was time for him to move on.

“The island is a wonderful place to live,” he said. “The talent that’s here, we’ve made some really good friends here on the island.”

What’s next?

The city will likely begin a search for Schulze’s replacement soon, and Deputy City Manager Morgan Smith will be a natural choice to serve in an interim role. Smith previously served in that position before Schulze was hired in 2012 and has been with the city since 2010. In recent years, she’s overseen the city’s biggest project: moving to find a new home for its police department and municipal court facility.

Councilman Matthew Tirman said he expected that the council would begin discussing a process for finding Schulze’s replacement at its next meeting.

“In terms of priorities, (hiring a new city manager) becomes priority No. 2 or 3, aside from getting the police station project sorted and funded and moved on,” Tirman said. “The priorities definitely change now.”

Deputy Mayor Joe Deets said he’s been pleased with Schulze’s work and said he was sorry to see him go.

“Doug was a professional city manager of the highest caliber,” Deets said. “It’ll be difficult for us to find a replacement at his level.”

Exhibit 8: Email Message from Rasham Nassar to Mayor Medina

From: "Rasham Nassar" <rnassar@bainbridgewa.gov>
Subject: re: phone call
Date: Aug 11, 2018 at 4:14:07 PM
To: "Kol Medina" <kmedina@bainbridgewa.gov>
CC: "Ron Peltier" <rpeltier@bainbridgewa.gov>, "Matthew Tirman" <mtirman@bainbridgewa.gov>

Hi Kol,

Hope you had a lovely vacation! I left you a voicemail earlier today – in light of the fact that you are probably very busy catching up with council business I'll just go ahead and share my thoughts in email.

As you've probably by now read the Kitsap Sun article about Doug's resignation, I wanted to request that we hold an executive session prior to the start of our council meeting this Tuesday to discuss this matter without the city manager present. If you have time for a call sometime tomorrow I'd appreciate an opportunity to share my thoughts/concerns in greater detail with you ahead of Tuesday. Maybe you're planning an email to council which might address some of these concerns? I am eager to hear your perspective/take on the matter, as ***the article has stirred much heated discussion and controversy in the community and I believe it is incumbent upon us to address and respond to this news as soon as possible – in a mature, professional, proactive, and responsible way.***

If I haven't said it already I very much appreciate your service to our community, and your time and commitment as mayor on the city council. I am looking ahead with positivity and optimism and gratitude, holding the sincere hope that we can get through this and be better for it.

Thanks!

Rasham Nassar
Bainbridge Island City Council

Position 5, Central Ward
rnassar@bainbridgewa.gov
(206) 300-6181

**Exhibit 9: Memo to Bonnie McBryan from Councilmember Ron Peltier,
Concerning increased role of Design Review Board**

Ron Peltier <rpeltier@bainbridgewa.gov>

Re: Proposed Moratorium Amendment

To: Bonnie Anisoglu [REDACTED] > Cc: Rasham Nassar
<rnassar@bainbridgewa.gov>, cihan anisoglu [REDACTED] >

On Feb 14, 2018, at 8:06 PM, Ron Peltier <rpeltier@bainbridgewa.gov> wrote:

Bonnie,

I had a conversation today with the Chair of the DRB regarding Major Site Plans and Conditional Use Permits. I explained to him the current debate regarding Site Plans and Conditional Uses per the moratorium. He advise the best way to address those in the moratorium is to allow all Site Plans and Conditional Use Permit proposals that initiated the City's land use review process before the effective date of the moratorium to continue through the process, whether they were complete applications or not. I'm preparing a motion to that effect for Thursday night's meeting.

The DRB Chair believes we can address design guideline issues with those SPR and CUPs in the pipeline with a heightened sense of importance in how they are reviewed and permitted.

I believe this would allow your SPR to proceed unabated, so **is that proposed language something you can support?** If so I hope you will convey that to other members of Council.

Thanks,
Ron Peltier

Exhibit 10. Transcript of Councilmember Peltier's Comments at City Council Meeting February 15, 2018

Audio Recording Time Marker 7:15

I spoke to somebody on — actually the Chair of the Design Review Board. He suggested a path forward, that we allow all major site plans and conditional uses that have already initiated the process to continue through the process.

When asked how this would impact the DRB Mr. Peltier continued:

Recording Time Marker 12:00

Their role wouldn't change. There might be some heightened scrutiny as projects go through the Design Review Board.

Exhibit 11: Documenting Impacts

August 19, 2018

To: Bonnie McBryan

From: Kate Gormley

Dear Bonnie,

I watched the City Council meeting of the other night, and was so upset and saddened by your unkind words about Ron Peltier. We have known Ron for many years, and strongly supported his candidacy. ***Ron's intention for the building moratorium was not to cause trouble for you, but to slow down the massive subdivision construction, and clear-cutting on the island. For you to repeat the ridiculous assertions of the outgoing City Manager was cruel and uncalled for.***

I really hate how contentious, divisive and mean-spirited this island has gotten. I'm sure we are all feeling the horrors of the national situation, but we shouldn't let it spill over into our personal emotions and our local politics. I feel that there is a concerted effort by certain groups to smear Ron for their own purposes. Please don't you add fuel to that fire.

Bonnie, I have always liked and respected for all you and your husband do for this community.

Best,

Kate

Please note that I didn't mention the moratorium in my comments; Councilmember Peltier asserted in his letter to constituents that I harbored "intense dislike" of him because of the moratorium.

5645445From:

"Tami Meader" [REDACTED] >

Subject:

Last nights meeting.

Date:

Aug 16, 2018 at 7:31:27 AM

To:

"kmedina@bainbridgewa.gov" <kmedina@bainbridgewa.gov>, "sarah blossom" <sblossom@bainbridgewa.gov>, "mtirman@bainbridgewa.gov" <mtirman@bainbridgewa.gov>, "rnassar@bainbridgewa.gov" <rnassar@bainbridgewa.gov>, "jdeets@bainbridgewa.gov" <jdeets@bainbridgewa.gov>, "lschneider@bainbridgewa.gov" <lschneider@bainbridgewa.gov>, "Ron Peltier" <rpeltier@bainbridgewa.gov>

Dear Kol and Council,

I was taken aback last night at how the council meeting was handled. You allowed Ms. McBryan to disparage your fellow council-person Peltier, on your turf and, in a very public way.

How would you have felt if this had been you last night knowing what was being said was not factual?? I'm sure not very good. Kol, you let her continue enough to get her point across even though it is obviously personal for her. I would like to know your thoughts here.

I once reminded council person Tollefson of some disparaging remarks he made to someone in a public email. He recognized his mistake, apologized and met with the person to discuss their differences.

*Recently Ms. McBryan was **practically hysterical** in front of the council explaining the 'world will end' if shovels don't hit the earth by August for her building project. I believe the moratorium was changed so she could save her "life's savings" invested into a new Inn thus allowing 2 other large scale developments in under the wire to develop in Winslow.yay.*

By the way I don't see any shovels yet on the property in mid-August.

If you go on Facebook (which I avoid as much as possible) you will see she's been on a rampage against Ron after the newly resigned city manager's article to the press. It was fuel for the fire. This is sad and so political.

I apologize for being so harsh, it doesn't seem like you have things figured out. I'm sure you will correct me if I'm wrong.

Sincerely,
Tami Meader

Comments to COBI Ethics Board
RE: McBryan Complaint
November 14, 2018
Ron Peltier, COBI City Council Member

RESPONSE TO BONNIE MCBRYAN ETHICS COMPLAINT

There's a lot going on in Bonnie McBryan's October 1st ethics complaint against me. I'm going to keep my comments regarding her complaint fairly short and to the point.

Did Bonnie intentionally misrepresent the truth in comments at the 8/14/18 city council meeting?

When Bonnie got up to speak at the beginning our 8/14 council meeting she read from a prepared statement on a piece of paper. She started out by complimenting our departing city manager, Doug Schulze, and lamenting his imminent departure. She then took a quote from Doug's newspaper interview, where he describes me as difficult and a "bully":

"Like many others though I'm pretty concerned that Doug's resignation came at least in part because of a councilmember behaving as a bully. I don't want to be mean-spirited here, but it seems that somebody from the public needs to stand up and address this issue.

There are a lot of adjectives, a lot of different adjectives that have been applied to Ron's comments and behavior here, in city council, in his written responses to members of the community at public hearings, etc. But now the call has been made about bullying tactics. It's up to you as our elected officials to really dig into this allegation. You need to look at public opinion. You need to look at social media and the stories, the anecdotes that people are posting there. You need to read his messages both to his followers and to those with whom he disagrees. You need to—"

After being temporarily interrupted by Mayor Medina, Bonnie continues with one last statement about me:

"A few months ago Mr. Peltier announced at a council meeting that he has instructed city advisory committees to tighten the review process for building approvals. That means that the committee he works with has added conditions to our building and to others. For example Bay Hay & Feed has just been told that they cannot put brick on the exterior of their building. They have to follow the directions of this committee and use wood."

That last statement by Bonnie went beyond name-calling and innuendo: it was a blatant misrepresentation of the truth intended to impugn my character. In her complaint, though, Bonnie has cited comments I made in an email and at a council meeting in an attempt to prove that she was correct. On February 14th I wrote in an email:

“The DRB Chair believes we can address design guideline issues with those SPR and CUPs in the pipeline with a heightened sense of importance in how they are reviewed and permitted.”

On February 15th I made the following comment at a city council meeting during a discussion on the building moratorium. It was mainly in response to the heart rending pleadings of Bonnie as to how the moratorium was putting her life savings in jeopardy and making it impossible for her to sleep at night. Because two of my colleagues were swayed by Bonnie’s sad tale, it had become politically necessary to provide a loophole that addressed Bonnie’s situation in order to prevent the moratorium from being gutted. Here I am commenting on how to possibly create that loophole:

“I spoke to somebody on — actually the Chair of the Design Review Board. He suggested a path forward, that we allow all major site plans and conditional uses that have already initiated the process to continue through the process.”

When asked by a colleague how this might effect the role of the DRB I answered:

“Their role wouldn’t change. There might be some heightened scrutiny as projects go through the Design Review Board.”

When you look at those statements do you see evidence that I “*instructed city advisory committees to tighten the review process for building approvals*”? To be clear, that is something I couldn’t do, even if I wanted. If you have any doubts about the facts as they relate to Bonnie’s claim you can ask members of the Design Review Board or City Council.

More misrepresentation of the truth in her complaint to the Ethics Board

On page 5 of Bonnie’s complaint she attempts to retroactively edit what she said on 8/14:

“Mr. Peltier claims that I accused him, personally, of strapping our project with conditions. However, *I was specific* in saying that:

“The committee he works with has added conditions to our property.” **Exhibit 6.**

Well, that is not exactly what Bonnie said. She has left out the first three words of the sentence as spoken at the 8/14 meeting (“*That means that..*”): three words that connect that sentence with the one before to convey a clear meaning. Here is the correct version of the sentence cited above by Bonnie, with the three words added (you can confirm this is the correct version by looking at Exhibit 6 in Bonnie’s complaint):

“That means that the committee he works with has added conditions to our building and to others.”

It’s an extension of the sentence that came before it. Here they are together:

“A few months ago Mr. Peltier announced at a council meeting that he has instructed city advisory committees to tighten the review process for building approvals. That means that the committee he works with has added conditions to our building and to others.”

The intended meaning of what Bonnie actually said is pretty clear: that I instructed city committees to tighten the review process for development and that resulted in additional conditions being added to hers and others projects. That is just not true, and by the fact that Bonnie has attempted to misrepresent what she actually said, I think she knows it's not true.

A pattern of not telling the truth

Not only did Bonnie blatantly misrepresent the truth during her comments at the 8/14 city council meeting: she has gone to further misrepresent the truth in her ethics complaint by misrepresenting what she actually said. There's a clear pattern here, and it's not one that reflects a deep commitment to telling the truth.

Was my response to Bonnie in keeping with our ethics code?

I believe I had a right to defend myself against what I perceived to be a personal attack in which Bonnie used name-calling, innuendo, and misrepresentations of the truth to impugn my character. However, I do believe I could have been more restrained and measured in how I responded.

City of Bainbridge Island
Ethics Board
Advisory Opinion

Case # 2018-05

Date Filed: 1 October 2018

Complainant: Bonnie McBryan

Respondent: Ron Peltier, Council Member

Advisory Opinion issued per COBI Code of Ethics Article III, Section F

The purposes of Article I, the Core Values section of the City of Bainbridge Island Ethics Program, are set out in the preamble:

“The City of Bainbridge Island has adopted the following Core Values and Ethics Principles to promote and maintain the highest standards of personal and professional conduct among all the people who comprise the City’s government. The optimal operation of democratic government requires that all of its decision-makers be fair and accountable to the people they serve.”

In addition to the COBI stated reasons, it is clear from materials related to municipal government, such as the America Society of Public Administrators (ASPA) Code of Ethicsⁱ, that there are further purposes, among them:

1. To advance the public interest
2. To promote democratic participation
3. To strengthen social equity
4. To demonstrate personal integrity

The efficacy of government and its ability to deliver on the needs of the community is founded in the trust that a community has in that body. Trust is hard to earn and very easy to lose. It can be difficult to define tightly what behavior reflects the Core Values, and we do not propose a static definition of this behavior, yet instead we look towards what promotes trust and what erodes it. In an article by Williamsⁱⁱ, the matter of civility in political discourse is examined.

“[H]ow do we define civility? Especially if we accept the notion that it cannot be static – as technology and innovation are constantly redefining the means and manner in which we communicate. In this sense civility is a lot like obscenity, at least in the way the late Supreme Court Justice Potter Stewart chose to define it in his famous opinion in *Jacobellis v. Ohio* (1964), ‘I know it when I see it.’”

We can look towards rules of etiquette established by governing bodies to provide greater definition. The U.S. House of Representatives Republicans’ rules of decorum include several categories of unacceptable speechⁱⁱⁱ:

- Defaming or degrading the [House] – in our case, the City
- Criticism of personal conduct
- Impugning the motives of another member
- Charging falsehood or deception
- Claiming lack of intelligence or knowledge

While not as precisely articulated, the City of Bainbridge Island Ethics Board believes our Code of Ethics Core Values were promulgated to engender trust by the public in our city government. The First Amendment protects speech, including that of elected officials, however “it does not remove the individuals’ responsibility to be respectful in their use of language. With a far greater means of amplifying their message, elected officials have an even greater responsibility to be judicious in their communication respecting the rules of . . . civil discourse for the benefit” of the council and the community.^{iv} In other words, elected officials are held to a higher standard when acting in their official capacity than their constituents who do not purport to represent the community. This is with the intent to engender trust in government and the representatives who are elected.

The Ethics Board recognizes that people are human, and mistakes and misjudgments will be made. Where the Ethics Board has a responsibility, it is to recognize the problematic actions, particularly when they seem to become a pattern of behavior that causes citizen concern and thus weaken the public trust. The role of the Ethics Board is to educate when we observe inappropriate behavior, or it is called to our attention, and to recommend behavior that comports with our shared values and principles, while understanding there is not

a static definition of acceptable behavior. In issuing this advisory opinion, we are guided by other democratic bodies which deal with similar issues of behavior.

In developing an Advisory Opinion in this Article I complaint, the initial complaint and response were reviewed. This Advisory Opinion stems from that considered review.

In the McBryan Article I complaint filed with the Ethics Board, the following behavior has been cited.

- A) During public comment on August 14, 2018 before Council, responding vehemently to citizen comments, and further returning to the exchange at the end of the same meeting to expound upon his comments. Calling a citizen's comments "lies" does not promote open public discourse.**

Recommendation regarding conduct of City Council member: While there are times when an official may feel verbally attacked by a member of the public, responding in anger is not appropriate in any circumstance, particularly using highly derogatory terms. In such a situation, the responsible and ethical behavior is to refrain from engaging in the conversation as that only escalates it. The role of serving the public calls for a more mature response, which in this case is no response at all, or to offer a constructive response and establish a culture of open discourse. Otherwise such action degrades trust in government and unchecked, can lead to rapid erosion of all trust built over time, especially in highly public forums. The action complained of also conveys a perception that the city council is not open to feedback and criticism, thereby stemming the ability for citizenry to participate in the democratic process.

Recommendation regarding conduct of Mayor/Chair: It must be pointed out that there is a role for the presiding officer in these public situations – the Mayor or Chair needs to be alert to potentially inflammatory comments by the public and remind the commenter of the need to be respectful. We realize comments may arise without warning, but when they are recognized, the Mayor or another Council member should call a halt to proceedings and publicly acknowledge the error in conduct. More importantly, allowing a Council member to engage in an extended angry discourse is not acceptable.

B) Publishing an email to numerous selected community residents, again accusing the citizen of lying and encouraging wide distribution of the email by recipients.

Recommendation: This action appears retaliatory and harassing in response to the initial citizen comments made in public. Using a city email account to broadcast a council member's dislike of public comments clearly fails any test of respectful communication. This is unacceptable.

C) A public records request provided emails which were included with the complaint. In reviewing these, a further concern is raised with regard to language used by the Council member. In writing of a development on the island, the Council member referred to a developer of property as "California developers who spotted BI as a place to loot and pillage." [August 1, 2018 email to Olaf Ribeiro and assorted citizens]

Recommendation: Attitudes toward development on the island may engender strong responses. It is not appropriate for a city official to refer to people exercising their right to develop their land according to the city's zoning code as people "looting and pillaging." Nor would this be appropriate language to use for any part of the population exercising their rights as citizens. It also impugns the motives of citizens and makes claims of falsehood and deception. This is inflammatory language and is unacceptable, and further erodes trust of government in the eyes of citizens.

ⁱ Practices to Promote the ASPA Code of Ethics, approved 3/16/13.

ⁱⁱ Williams, Yohuru, "A Matter of Integrity: Civility and Political Discourse." Insights on Law and Society, 13 Winter 2013

ⁱⁱⁱ Williams, *ibid*, p. 4

^{iv} Williams, *ibid.*, p. 5

ETHICS COMPLAINT
CITY OF BAINBRIDGE ISLAND

TO: City Clerk

SUBMITTED BY: Name:

CHARLES MCDERMOTT

Address:

[REDACTED]

[REDACTED]

Telephone No.:

[REDACTED]

Ethics Complaints concern the actions of individuals in relation to the City of Bainbridge Island Ethics Code.

1. Does the situation for which you are making a complaint involve: (please circle one)

- a. An Elected Official
- b. A Member of a City Committee or Commission
- c. A Major Contractor with the City
- d. A City Employee

2. Please describe the facts that constitute the violation(s) of the Code of Ethics. (If necessary, please attach additional pages for description)

SEE ATTACHED WORD DOC.

3. Section(s) and subsection(s) of the Code of Ethics that are alleged to have been or would be violated [optional]: _____

4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: 9 18 Place: WINSTON, BI, WA

[Signature]

Signature

12 September 2018

Ethics Complaint Regarding a Bainbridge Island Elected Official

Background: Soon after election to City Council, Rasham Nassar took on the Grow Avenue resident's long-requested drive to reduce the speed limit from 25 to 20 MPH, the length of Grow Avenue from the High School south all the way down to Winslow Way West. From an early Grow resident meeting of approximately 20-25 people at Grow resident Demi Allen's home, a committee of about 6 Grow residents was formed to address the Grow Avenue speeding issue. We named our representative committee the "Slow On Grow" (SOG) Committee and worked for about a year and a half to touch all the bases recommended to us over that period by various City representatives, community activists and City Council members to achieve our goal. After meeting with Rasham a couple times to bring her up to speed, Patty Lyman, another Grow Ave resident, and I, who were chosen to represent the 6-resident 'SOG' Committee, agreed to join Rasham in a meeting at City Hall to discuss again getting 20 MPH done. In this meeting the 3 of us were joined by Councilman Ron Peltier who Rasham had brought in to assist her, the new council person, in navigating the council process.

In the little conference room just down from Doug Schulze's office, Patty Lyman and I articulated our case to Rasham once again and to Ron so that he could be brought up to speed regarding the preceding months of our due-diligence work. This work included many meetings formulating a 3-step plan to reduce the rate of speed, amount and type of traffic on Grow, avenues such as presenting our case in 2-3 Multi Modal meetings, many days of door to door circulation of a 114 signature Grow resident petition for 20 MPH on Grow (as well as Speed Tables and Radar Speed Signs) which was suggested by COBI's Chris Hammer to me, individual meetings with other council members prior to the election, and so forth. I had also met with Kol Medina during his community office hours at Thuy's a few months prior looking for advice regarding best procedural steps to accomplish 20 MPH on Grow Ave. Patty Lyman had also had conversations in the preceding months with other council members on the issue.

As we reviewed our efforts with Ron and Rasham, stating that our goal had long been 20 MPH *the entire length of Grow Avenue*, and that it was implicit in our drive to get it done, Ron's basic position was this: I can help you, but I want 20 MPH on Lovell, too.

This took me back and I asked Ron repeatedly, why (is suddenly) Lovell too, being thrown into the mix? I was pretty upset after all the hoops we jumped thru, to finally get Grow finally teed-up, which included Grow residents' desire documented as well, to have Ron, seemingly under the guise of helping Rasham navigate procedure and helping the community, casually want to 'throw in' a neighboring street too.

I asked Ron, "Why Lovell?" and basically said, "You have to do your due diligence, Ron as we did; get neighborhood buy-in via petition," and so forth—just as we were told by Chris Hammer as the best course of action to insure it is the goal of the majority of residents. "Don't try to simply piggyback on our work--and perhaps even hold up our 1-2 years of diligent set-up, for a neighboring street (Lovell) which has not advocated for

itself, as we have so publicly. “And why Lovell?” I continued to ask him this a couple times because I could see he was trying to ignore my question. At first Patty, sitting to my left, across the table from Ron, sort of motioned to me to let it go, but I don’t know if she—or Rasham either—clued in to my continued push at my end of the small table, seated next to Ron: “Why Lovell, Ron?” Ron’s rationale was “Because if you drop *Upper Grow*--in particular-- to 20 MPH, all Upper Grow traffic will then move over to Lovell,” he said. (to speed on Lovell,) I replied in some manner suggesting this sounded implausible, if not a bit ridiculous: “Do you have any data or evidence of this occurring there, or anywhere?” Pressed again, finally, Ron said, “I have a home on Lovell.” I got a pit in my stomach. Small-town, old-boy politics at its worst, I thought. I honestly couldn’t believe this crap went on, on BI. Naïve? I guess so, but I believe in integrity—*especially* from elected officials. The kicker came next: When I pressed him further asking how he could do this (to us—and ostensibly *for* the Grow Avenue residents) he said, to the effect: “Hey, I’m a Councilman,” with an uncomfortable smile.

...Sometime later, in a Tuesday night Council Meeting, the Grow 20 MPH initiative came up for a council vote. When Rasham requested I come up and speak to it I broadly explained from the podium that I was unhappy and uncomfortable with the “deal” that had to be made to secure our request. And while I was thankful we were in the position to have at least part of Grow speed limit dropped to 20 MPH, I said I was “probably shooting myself in the foot” by explaining how upset Upper Grow residents would be upon hearing what was referred to as a “compromise” we could accept getting at least *lower Grow* done, thanks to Councilmen Peltier. As you no doubt can confirm on the video of the proceedings, Ron explained this lower Grow to 20 MPH ‘compromise’ was being done as a sort of pilot test, to ‘see if it actually slows lower Grow speeds and if so Upper Grow could be added later to the initiative. I can’t be certain, but I think something was said about the desire to have Lovell speed dropped to 20 also, (pending “results” or efficacy of the lower Grow “test”) at a future date.

Thanks for your consideration,
Chip McDermott



Comments to COBI Ethics Board
RE: Chip McDermott Complaint
November 14, 2018
By Ron Peltier, COBI City Council Member

RESPONSE TO CHIP MCDERMOTT COMPLAINT

On February 1st I met at City Hall with my colleague, Rasham Nassar, and residents of Grow Avenue, Patty Lyman, and Chip McDermott to discuss long sought after traffic calming measures for Grow Avenue. Mr. McDermott has subsequently filed an ethics complaint against me for what I assume he believes to be a conflict of interest because I own a house on Lovell Avenue and because I insisted that any changes to the speed limit on Upper Grow Avenue should be accompanied by the same changes on Lovell Avenue.

For some additional background, my family has owned a house on Lovell Avenue since 1966. I am very familiar with the traffic issues on Lovell Avenue, which are similar to those on Grow. I currently rent the house to my Son and two or three other young people.

In responding to Mr. McDermott's complaint I am going to focus on three things:

1. A difference in philosophies regarding how decisions should be made by the city council;
2. How Mr. McDermott has characterized my comments and motives; and,
3. The end results.

Conflicting Philosophies

My philosophy, as a member of the city council and member of the community, is that when decisions are made to benefit one neighborhood or part of the Island, all those who would be impacted by the change need to be considered. There are often unintended consequences to the larger community when we simply respond to the interests of one group without considering all those who would be impacted. It doesn't matter if that group, street, or neighborhood lobbying for the changes is more organized: as a council member it's my responsibility to consider everyone.

Mr. McDermott seems to have a more elitist philosophy, which he passionately describes in his response to my comment about the need for Lovell Avenue to be given equal treatment when considering potential changes to the speed limit. From Chip's complaint:

"This took me back and I asked Ron repeatedly, why (is suddenly) Lovell too, being thrown into the mix? I was pretty upset after all the hoops we jumped thru, to finally get Grow finally teed up, which included Grow residents' desire documented as well, to have Ron, seemingly under the guise of helping Rasham navigate procedure and helping the community, casually want to 'throw in' a neighboring street too.

"I asked Ron, "Why Lovell?" and basically said, "You have to do your due diligence, Ron as we did; get neighborhood buy-in via petition," and so forth—just as we were told by Chris Hammer as the best course of action to insure it is the goal of the majority of

residents. “Don’t try to simply piggyback on our work--and perhaps even hold up our 1-2 years of diligent setup, for a neighboring street (Lovell) which has not advocated for itself, as we have so publicly.”

A Twisted Account of our Meeting

Mr. McDermott’s account of our meeting is not accurate. He portrays my initial comment about equal consideration for Lovell Avenue as a sordid attempt at backroom deal making. According to Chip, here’s what I said,

“Ron’s basic position was this: I can help you, but I want 20 MPH on Lovell, too.”

That’s not what I said or how I said it. I simply stated a position that I later explained: lowering the speed limit on Grow, without lowering it on Lovell, would result in more vehicles moving over to Lovell to take advantage of a higher speed limit. I thought it was pretty obvious and didn’t at all expect Mr. McDermott’s angry response. It set an uncomfortable tone for the rest of the meeting.

“I have a house on Lovell”

My point in mentioning that I own a house on Lovell Avenue was to let Chip and Patty know I’m no stranger to the neighborhood. Had it been a more relaxed and amicable meeting I might have taken the time to explain how my family has lived on Lovell Avenue since 1966. I grew up there and walked to High School on Lovell Avenue. That my Father lived in that house until 2015 and my Son now lives there. It wasn’t, however, an amicable meeting at that point and I simply said I owned a house on Lovell just to let them know I had some history in the neighborhood.

Mr. McDermott portrays this exchange as some sort of reluctant admission regarding my real motive for wanting Lovell Avenue to be given equal consideration, going to some length to describe himself prying the truth out of me and then getting a pit in his stomach when he finally exposed “*Small-town, old-boy politics at its worst*”. That is total B.S.

“I’m on the city council”

I may have had an uncomfortable smile on my face when I said this. At that point I was pretty uncomfortable sitting in the same room with Mr. McDermott. It doesn’t change the meaning. As a member of the city council I have a responsibility to consider more than the narrow interests of activists advocating for something to benefit just their neighborhood. I knew that if Chip got what he wanted, special and exclusive treatment for Grow Avenue, because they had done their “due diligence”, that Lovell Avenue would be negatively impacted. It was my way of saying, “you may have been done all of your “due diligence”, and believe that has earned you special consideration, but I’m on the City Council and that’s why I want the folks on Lovell Avenue to be given equal consideration: even though they haven’t organized themselves to advocate for their interests”.

The end result of our meeting

Several days after our meeting with Chip and Patty Rasham and I met with Chris Hammer of COBI Public Works, where we were joined by council colleague Joe Deets. The result was an administrative decision by Public Works to reduce the speed limit on Lower Grow Avenue as discussed at our earlier meeting with Chip and Patty. This was presented to the city council at a meeting, where it was fully supported. In addition, Grow Avenue and other neighborhood streets in Winslow were included in a speed limit study for Island roads. The study later recommend lowering speed limits to 20 mph for neighborhood streets in Winslow. This change included both Grow and Lovell Avenues, giving Lovell the equal consideration it deserved. Council then voted unanimously to approve that recommendation.

While Rasham was most instrumental and getting the speed limit lowered for neighborhood streets I also was supportive of first lowering the speed limit on Lower Grow and later for all the neighborhood streets in Winslow. Rasham and I both advocated for all neighborhood streets to be given equal consideration. There was no special treatment for any street or neighborhood that was more organized or had outdone others by “doing their due diligence.”

City of Bainbridge Island
Ethics Board
Complaint Determination

Case # 2018-04

Date Filed: 14 September 2018

Complainant: Chip McDermott

Respondent: Ron Peltier, Council Member

Chip McDermott (complainant) filed a complaint on September 14, 2018 alleging that Ron Peltier (respondent), a member of the Bainbridge Island City Council, has a conflict of interest because respondent agreed to support complainant's effort to reduce the speed limit on Grow Avenue on the condition that the effort be expanded to include Lovell Avenue, an adjacent street where respondent owns residential property.

Respondent provided the Ethics Board with a response to the complaint on November 14, 2018. In the response, respondent confirms that he owns property on Lovell Avenue but denies that was his motivation for extending the lower speed limit to Lovell.

Conflicts of interest are covered under Article II, Section D, Subsection 1 of the Code of Ethics. The relevant part of the subsection reads:

"...an elected official or member of a City Committee or Commission shall not directly, or indirectly through a subordinate or fellow officer, official or employee, take any direct official action on a matter on behalf of the City if he or she, or a member of the immediate family:

c. Is a party to a contract or the owner of an interest in real or personal property that would be significantly affected by the action."

The Ethics Board has determined that, based on the submissions of the complainant and the respondent, a material violation of the Code of Ethics has likely occurred. As provided for in Article III, Section D, Subsection 6 of the Code of Ethics, the Board will forward this determination to the City Council for review.

Follow up to ethics complaints by City Council is addressed in Article IV, Section A of the Code of Ethics.

Scott Wilder

Chair

City of Bainbridge Island Ethics Board
2018-04 Peltier Determination Remand

I. Summary of Determination

- a. The complainant (Chip McDermott) filed a complaint alleging that Councilmember Ron Peltier (respondent) has a conflict of interest related to speed limits on Grow Avenue and Lovell Avenue. Specifically, complainant notes respondent would support the speed limit reduction on Grow Avenue on the condition that the effort be expanded to Lovell Avenue where respondent owns residential property.

II. Procedural History

- a. Complainant Chip McDermott filed Code of Ethics violation complaint on September 14, 2018
- b. Respondent Councilmember Peltier provided Ethics Board with a response to the complaint on November 14, 2018
- c. The Ethics Board reviewed the complaint and response. On December 17, 2018, the Ethics Board issued a determination that a material violation of the Code of Ethics had likely occurred.
- d. The Ethics Board forwarded this determination to City Council for review on December 19, 2018
- e. City Council considered this complaint during its January 22, 2019 meeting.
- f. City Council's direction on remand to the Ethics Board was to provide more details and/or background on the basis for the determination.

III. Findings and Conclusions:

To address a complaint like this, the board is tasked with determining whether a material violation likely occurred (Article III-D-5-g). Likely, not definitively. The Ethics Board carefully reviewed the complaint and the response.

Councilmember Peltier does not dispute the claim that he agreed to support a lower speed limit on Grow on the condition that the speed limit be similarly lowered on Lovell. He also confirms that he owns real property on Lovell. Those facts are not in dispute. The only thing in dispute is Councilmember Peltier's motivation.

Mr. McDermott claims that Councilmember Peltier's actions were motivated by personal gain and Councilmember Peltier claims he was thinking about the larger community. Other than each person's word, the Board has no evidence to support either claim. Councilmember Peltier's motivation is not a determining factor when considering whether a conflict of interest likely occurred or not.

Conflicts of interest are covered under Article II, Section D, Subsection 1 of the Code of Ethics. The section reads in relevant part, "...an elected official...shall not directly...take any direct official action on a matter on behalf of the City if he or she...is...the owner of an interest in real or personal property that would be significantly affected by the action." The existence of a conflict of interest does not rely on the elected official's motivation or lack thereof.

The questions then become:

1. Did Councilmember Peltier take direct official action? and
2. Would his real property be significantly affected by the action?

For the first question, Article VI of the ethics program provides a definition of "direct official action". In part, it reads: "...**any action** (emphasis added) which involves ...enforcing laws or regulations." Councilmember Peltier met with Mr. McDermott in his official capacity as a member of City Council at City Hall and negotiated terms for his support of a proposed change to the law. The Ethics Board believes this is direct official action.

For the second question, the ethics program does not provide a definition of "significantly affected". However, the Board thought it was clear that Councilmember Peltier's property on Lovell would be more significantly affected than property on any other street.

The Ethics Board is not charged with proving likely ethics violations by clear and convincing evidence. That is the job of City Council (Article IV-A-2). We do, however, have the responsibility to "interpret and apply the Code of Ethics in favor of promoting the City's Core Values and Ethics Principles, protecting the public's interest in full disclosure of conflicts of interest, and promoting ethical behavior." (Article III-A-1). We have done our best to uphold that responsibility in this case.

**ETHICS COMPLAINT
CITY OF BAINBRIDGE ISLAND**

TO: City Clerk

SUBMITTED BY: Name:

DAVID S - JOHNSON

Address:

[REDACTED]

BI, WA 98110

Telephone No.:

[REDACTED]

Ethics Complaints concern the actions of individuals in relation to the City of Bainbridge Island Ethics Code.

1. Does the situation for which you are making a complaint involve: (please circle one)

- a. An Elected Official
- b. A Member of a City Committee or Commission
- c. A Major Contractor with the City
- d. A City Employee

2. Please describe the facts that constitute the violation(s) of the Code of Ethics. (If necessary, please attach additional pages for description)

SEE ATTACHED.

3. Section(s) and subsection(s) of the Code of Ethics that are alleged to have been or would be violated **[optional]**: _____

4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: 9-4-18 Place: BI, WA

[Signature]
Signature

“We will treat one another and the citizens of Bainbridge Island with honesty and integrity, recognizing that the trust that results is hard won and easily lost.”

“...[A]ll those associated with the government of the City of Bainbridge Island will treat each other and the public with respect...”

(City Ethics Program)

ETHICS COMPLAINT AGAINST RON PELTIER

I’m a Bainbridge Island resident and voter. This complaint concerns an unprofessional email that a Council member, Ron Peltier, sent me on March 3, 2017. (*Exhibit 1*)

In his email, Mr. Peltier questioned my motives in communicating with the Council; derided emails and documents I sent to the Council; commanded me to do further research for him; and (writing as a Council member) threatened not to take my position “seriously” unless I did that research. Mr. Peltier thus engaged in bullying behavior — by using his Council authority to compel a constituent to do what he demanded.

The Board has the authority, under the City Ethics Program, to prepare and publish an advisory opinion regarding an ethics matter. The Board should do so now. Mr. Peltier needs to understand that his March email was entirely out of line for a Council member.

My interactions with Mr. Peltier

During 2016 and 2017, the Council considered whether the City should municipalize the electric service that Puget Sound Energy (PSE) provides. Part of the Council’s review involved the sources for PSE’s electricity, including the Colstrip plants in Montana.

On December 9, 2016, Mr. Peltier asked me to “pass information on to us [the Council]” regarding environmental impacts at Colstrip generally, and impacts at plant retention ponds specifically. Mr. Peltier gave no further detail in his request. (*Exhibit 2*)

In response, I emailed the Council later that day and included links to three Colstrip documents: (1) an investigation report that discussed environmental issues; (2) a work plan for evaporation ponds; and (3) a settlement agreement regarding site remediation. I provided contacts for the Montana Environmental Information Center and the Sierra Club. I noted that related information might come out in PSE’s rate case. (*Exhibit 3*)

Mr. Peltier emailed me the same day and thanked me for the materials I provided. He didn't question or otherwise comment on my response. (*Exhibit 4*)

On March 3, 2017, Mr. Peltier asked for "information on groundwater and air pollution" at Colstrip. He didn't identify what detail he wanted and in what form. (*Exhibit 5*)

I replied to Mr. Peltier right away. I told him I'd sent responsive information to him months before, in 2016. (*Exhibit 6*)

I then re-sent the links I'd provided to Mr. Peltier in December. As an additional favor to him, I included testimony that a witness, Ronald Roberts, had filed in PSE's rate case. Mr. Roberts discussed environmental impacts at Colstrip in his testimony. (*Exhibit 7*)

Mr. Peltier emailed me a few minutes later. He lashed out with intemperate and abusive language. This is what he wrote:

- He said it was "disingenuous for you to suggest you are a neutral source of objective information." (My emails linked to a settlement agreement, investigation report, work plan, and testimony, all of which were public records I located on the Web.)
- He said my emails and other materials "seem intent upon denigrating the Island Power campaign and supporting PSE." (I provided facts that spoke for themselves.)
- He further derided these materials — again, materials I sent as a favor to Mr. Peltier — as "legal documents" and "highly technical reports" that I supposedly "buried in fifty other messages." (Mr. Peltier didn't explain why he considered legal documents and technical reports to be deficient *per se*.)
- He claimed the materials I sent "aren't accessible to people with limited time and patience." (Mr. Peltier didn't explain how these materials were any less "accessible" than other documents that come before the Council.)
- He said I "could start by summarizing the environmental impacts of PSE's coal-fired plants, along with links to newspaper and magazine articles, and perhaps some peer reviewed scientific studies." (Mr. Peltier didn't provide this level of granularity at any time before March 3.)
- He said the additional research he wanted me to do "might leave me more inclined to take your comments seriously." (The threat, of course, was that Mr. Peltier would disregard my position — on a key City issue — unless I did what he demanded.)

The Ethics Program required Mr. Peltier to act with integrity, respect, and civility

The Ethics Program includes certain core values that apply to Mr. Peltier as a Council member. Core Value 2 states: “We will treat one another and the citizens of Bainbridge Island with honesty and integrity, recognizing that the trust that results is hard won and easily lost.”

The Ethics Program also includes certain ethics principles that apply to Mr. Peltier as a Council member. Ethics Principle 2 states: “...[A]ll those associated with the government of the City of Bainbridge Island will treat each other and the public with respect...” The same Principle continues: “All those associated with the government of the City of Bainbridge Island shall, in all their interactions, conduct themselves in a manner that demonstrates civility and respect for others.”

Mr. Peltier failed to comply with the Ethics Program

What Mr. Peltier wrote in his March 3 email violated the letter and spirit of the Ethics Program. He wasn’t civil in his discourse. He didn’t show respect for the research I performed as a favor to him. And he didn’t act with honesty and integrity when he falsely characterized the emails I sent, the documents I included, and my motives for sending these materials.

No other Council member acted as Mr. Peltier did. Only Mr. Peltier sent me redundant requests for information about environmental impacts at the Colstrip plants. Only Mr. Peltier claimed I was “disingenuous” after I responded to his redundant requests. Only Mr. Peltier derided the materials I provided. And only Mr. Peltier ordered me to do still more research — in other words, to do his job for him.

Even worse, Mr. Peltier abused his position as a Council member. He threatened not to take my position “seriously” unless I did what he demanded and to his satisfaction. By making this threat, he tried to use his Council position as leverage — to order me around and to bend me to his will. That was insulting. I’m a constituent of Mr. Peltier; I don’t work for him.

Mr. Peltier engaged in classic bullying behavior when he sent his March 3 email. *There’s no place for such behavior in City government.* That’s why the Council adopted the Ethics Program — to show its concern that the public trust is “hard won and easily lost.” Unfortunately, it doesn’t appear that Mr. Peltier read the Program. He didn’t promote the public trust when he sent his email.

The Ethics Board should prepare and publish an advisory opinion

The City states on its Web site that the Board enforces the Ethics Program as to elected officials. Article III (F)(5) in the Program states that the Board may, on its own initiative, prepare and publish an advisory opinion. Section 5 in the Board's Operating Rules confirms that the Board may initiate an advisory opinion on its own initiative.

The Board thus has the authority to prepare and publish an advisory opinion on an ethical matter. The Board should do so now. Mr. Peltier needs to understand that his March 3 email was entirely out of line for a Council member.

Conclusion

I attended a Central Ward meeting on May 7, 2016. At the meeting, Mr. Peltier said he wanted to promote a, quote, "vibrant democracy" on the island. A vibrant democracy is not promoted, however, when Mr. Peltier abuses and bullies his fellow islanders. That behavior — that lack of civility and respect — is antithetical to the City's values and principles.

Regrettably, I'm not alone in my experience with Mr. Peltier. Other citizens have called him out for his behavior. Most notably, the City Manager himself described Mr. Peltier as a bully. *No other Council member has been so described.*

The voters will review Mr. Peltier's behavior at next year's election. They'll decide whether he should serve another term on the Council. Until then, he needs to understand that it's *unacceptable for a Council member to abuse and bully people.* We deserve better than that.



David S. Johnson

[REDACTED]
Bainbridge Island, WA 98110

[REDACTED]
[REDACTED] (home)

[REDACTED] (mobile)

Ron Peltier <rpeltier@bainbridgewa.gov>

3/3/2017 4:51 PM

Information Regarding the Adverse Impact of PSE's Coal Plants

To dave [REDACTED] > Copy Sally Adams <[REDACTED]> •
Russ Berg <[REDACTED]> • Jane Lindley <[REDACTED]> • Erika Shriner <[REDACTED]> •
Randal Samstag <[REDACTED]> • Steve Johnson Personal <[REDACTED]> •
Ted Jones <[REDACTED]>

Mr. Johnson,

This is in regards to information you've sent to the City Council that supposedly sheds light on the adverse environmental impacts of PSE's coal fired plants.

The message you sent a few months ago, and a couple today, with legal documents and links to highly technical reports, is buried in fifty other messages you have sent to us that seem intent upon denigrating the Island Power campaign and supporting PSE. That's okay but I think it's disingenuous for you to suggest you are a neutral source of objective information.

If you want to appear objective on the issue of public power, and PSE, you could provide information pertaining to the adverse environmental impacts of PSE's coal fired plants in a way that is accessible to people with limited time and patience for wading through legal and other technical documents.

You could start by summarizing the environmental impacts of PSE's coal fired plants, along with links to newspaper and magazine articles, and perhaps some peer reviewed scientific studies. That might leave me more inclined to take your comments seriously

Ron Peltier

From: dave [REDACTED] >
Sent: Friday, March 3, 2017 4:20 PM
To: Ron Peltier
Subject: Fwd: The hydropower system's impact on protected species (cont.)

From: Ron Peltier
To: daves [REDACTED]
Sent: Friday, December 9, 2016 8:49:49 PM
Subject: Re: The hydropower system's impact on protected species (cont.)

Thank you, David.
Ron Peltier

From: daves [REDACTED] >
Sent: Friday, December 9, 2016 8:44:26 PM
To: Council
Cc: Doug Schulze
Subject: The hydropower system's impact on protected species (cont.)

170

- EXHIBIT 1 -

Ron Peltier <rpeltier@bainbridgewa.gov>

12/9/2016 11:27 AM

Re: The hydropower system's impact on protected species (cont.)

To daves [REDACTED]

Dave,

Thanks for the information regarding the adverse impact of dams. Can you pass information on to us regarding the environmental impacts to the area in and around Colstrip Montana from the coal fired electric plants as well? I understand that the large retention ponds have polluted groundwater. Is that true?

Thanks,
Ron Peltier

From: daves [REDACTED]

Sent: Thursday, December 8, 2016 11:11:16 AM

To: Council

Cc: Doug Schulze

Subject: The hydropower system's impact on protected species (cont.)

Dear Councilmembers,

Island Power posted an article on Facebook after I submitted my comments yesterday. The article claims that the billions of dollars spent on the hydropower system are "paying off." The article suggests that the endangered and threatened species are doing just fine.

Judge Simon stated, however: "These efforts have already cost billions of dollars, yet they are failing. Many populations of the listed species continue to be in a perilous state." (*NWF v. NMFS*, Case No. 3:01-cv-00640-SI, Opinion and Order at 18-19 (D. Or. May 4, 2016).

And Judge Redden stated: "As I have previously found, there is ample evidence in the record that indicates that the operation of the FCRPS causes substantial harm to listed salmonids...NOAA Fisheries acknowledges that the existence and operation of the dams account for most of the mortality of juveniles migrating through the FCRPS. As in the past, I find that irreparable harm will result to listed species as a result of the operation of the FCRPS." (*NWF v. NMFS*, 839 F. Supp. 2d 1117, 1131 (D. Or. 2011)).

Does the City really want to embrace an energy source that causes substantial and irreparable harm to protected species?

David S. Johnson

From: dave [REDACTED]
To: Council

171

- EXHIBIT 2 -

daves

12/9/2016 8:44 PM

The hydropower system's impact on protected species (cont.)

To Council <council@bainbridgewa.gov> Copy Doug Schulze <dschulze@bainbridgewa.gov>

Dear Councilmembers,

Ron Peltier asked me if I could provide the Council with information concerning the Colstrip environmental impacts (see below).

I've attached links to three documents. The first is the WUTC's February 2016 investigation report on Colstrip, which I provided to you once before. The second is a July 2016 work plan that Geosyntec prepared for Talen Energy concerning remediation at the Colstrip 1 and 2 evaporation ponds site. The third is a July 2016 settlement agreement that addressed remediation at Colstrip 3 and 4.

I don't have the settlement agreement in which PSE and Talen committed to close Colstrip 1 and 2 by July 2022. You might be able to obtain this agreement by contacting Anne Hedges with the Montana Environmental Information Center (406-443-2520, ahedges@meic.org), Bill Arthur with the Sierra Club's Beyond Coal campaign (206-954-9826, Bill.Arthur@sierraclub.org) or Doug Howell with the same campaign (206-450-6654, Doug.Howell@sierraclub.org).

Other relevant information may come out in PSE's January 17 rate filing and during the WUTC's review of that filing.

<https://www.utc.wa.gov/regulatedIndustries/utilities/Documents/Colstrip%20Investigation%20Report%20UE-151500.pdf>

<http://deq.mt.gov/Portals/112/DEQAdmin/MFS/Colstrip/Remedy%20Evaluation%20Work%20Plan%20-%20SOEP%20STEP.pdf?ver=2016-08-17-095656-370>

<http://earthjustice.org/sites/default/files/files/16-07-21-ExA-AOC-Settlement.pdf>

Also attached are links to three documents that I referenced in this week's comments. You can read for yourselves what Earthjustice, Judge Redden, and Judge Simon said about the FCRPS and its impact on endangered and threatened species.

<http://earthjustice.org/features/what-you-need-to-know-about-dams-salmon#>

<http://www.leagle.com/decision/In%20Adv%20FDCO%20120923-000297/NATIONAL%20WILDLIFE%20FED.%20v.%20NATL.%20MARINE%20FISHERIES>

<http://earthjustice.org/sites/default/files/files/1404%202065%20Opinion%20and%20Order.pdf>

David S. Johnson

Ron Peltier <rpeltier@bainbridgewa.gov>

12/9/2016 8:49 PM

Re: The hydropower system's impact on protected species (cont.)

To davesj711@comcast.net <davesj711@comcast.net>

Thank you, David.
Ron Peltier

From: daves [REDACTED] >
Sent: Friday, December 9, 2016 8:44:26 PM
To: Council
Cc: Doug Schulze
Subject: The hydropower system's impact on protected species (cont.)

Dear Councilmembers,

Ron Peltier asked me if I could provide the Council with information concerning the Colstrip environmental impacts (see below).

I've attached links to three documents. The first is the WUTC's February 2016 investigation report on Colstrip, which I provided to you once before. The second is a July 2016 work plan that Geosyntec prepared for Talen Energy concerning remediation at the Colstrip 1 and 2 evaporation ponds site. The third is a July 2016 settlement agreement that addressed remediation at Colstrip 3 and 4.

I don't have the settlement agreement in which PSE and Talen committed to close Colstrip 1 and 2 by July 2022. You might be able to obtain this agreement by contacting Anne Hedges with the Montana Environmental Information Center (406-443-2520, ahedges@meic.org), Bill Arthur with the Sierra Club's Beyond Coal campaign (206-954-9826, Bill.Arthur@sierraclub.org) or Doug Howell with the same campaign (206-450-6654, Doug.Howell@sierraclub.org).

Other relevant information may come out in PSE's January 17 rate filing and during the WUTC's review of that filing.

<https://www.utc.wa.gov/regulatedIndustries/utilities/Documents/Colstrip%20Investigation%20Report%20UE-151500.pdf>

<http://deq.mt.gov/Portals/112/DEQAdmin/MFS/Colstrip/Remedy%20Evaluation%20Work%20Plan%20-%20SOEP%20STEP.pdf?ver=2016-08-17-095656-370>

<http://earthjustice.org/sites/default/files/files/16-07-21-ExA-AOC-Settlement.pdf>

Also attached are links to three documents that I referenced in this week's comments. You can read for yourselves what Earthjustice, Judge Redden, and Judge Simon said about the FCRPS and its impact on endangered and threatened species.

<http://earthjustice.org/features/what-you-need-to-know-about-dams-salmon#>

<http://www.leagle.com/decision/In%20Adv%20FDCO%20120923-000297>

173

- EXHIBIT 4 -

Ron Peltier <rpeltier@bainbridgewa.gov>

3/3/2017 4:10 PM

Re: Island Power's mistaken "Bill Comparison" (cont.)

To dave [REDACTED] >

Dave,
I would be helpful if you could provide us with information on groundwater and air pollution caused by PSE's coal fired plants in Colstrip Montana.
Ron Peltier

From: dave [REDACTED]
Sent: Friday, March 3, 2017 4:07:49 PM
To: Council
Cc: Doug Schulze
Subject: Island Power's mistaken "Bill Comparison" (cont.)

Dear Councilmembers,

In my message below, I noted Hittle's and EES's use of 1,000 kWh/mo. for average residential electric consumption. I also noted that this figure conforms to the EIA's 2015 estimate for Washington residential usage (964 kWh/mo.).

There's another data point that's relevant. Hittle states in its draft study for COBI, at page 39: "On average, PSE's residential customers used 10,470 kilowatt-hours (kWh) during 2015..." This works out to 872.5 kWh/mo.

Again, there's no basis for the inflated 1,500 kWh/mo. figure that Island Power uses in its "Bill Comparison."

David Johnson

From: dave [REDACTED]
To: Council
Cc: Doug Schulze
Sent: Tuesday, February 28, 2017 11:37:38 AM
Subject: Island Power's mistaken "Bill Comparison"

Dear Councilmembers,

Island Power claims in a recent ad that PSE is "making a fortune" by selling electricity to Islanders at a "premium price." Island Power is wrong.

In its draft study for COBI, the Hittle firm compared monthly charges for Western Washington electric utilities (<http://www.bainbridgewa.gov/DocumentCenter/View/7983>). Hittle assumed 1,000 kWh/mo. for residential usage. Using this metric, Hittle concluded that PSE's charges fall right in the middle of the utility range (see Table 10 at p. 52).

174

- EXHIBIT 5 -

Ron Peltier <rpeltier@bainbridgewa.gov>

3/3/2017 4:18 PM

Re: Island Power's mistaken "Bill Comparison" (cont.)

To dave [REDACTED] >

I don't remember that. Will check all your emails to see what you sent earlier.

From: dave [REDACTED] >
Sent: Friday, March 3, 2017 4:17:27 PM
To: Ron Peltier
Subject: Re: Island Power's mistaken "Bill Comparison" (cont.)

I did so last year. Didn't you read it?

From: Ron Peltier
To: dave [REDACTED]
Sent: Friday, March 3, 2017 4:10:07 PM
Subject: Re: Island Power's mistaken "Bill Comparison" (cont.)

Dave,
I would be helpful if you could provide us with information on groundwater and air pollution caused by PSE's coal fired plants in Colstrip Montana.
Ron Peltier

From: dave [REDACTED] >
Sent: Friday, March 3, 2017 4:07:49 PM
To: Council
Cc: Doug Schulze
Subject: Island Power's mistaken "Bill Comparison" (cont.)

Dear Councilmembers,

In my message below, I noted Hittle's and EES's use of 1,000 kWh/mo. for average residential electric consumption. I also noted that this figure conforms to the EIA's 2015 estimate for Washington residential usage (964 kWh/mo.).

There's another data point that's relevant. Hittle states in its draft study for COBI, at page 39: "On average, PSE's residential customers used 10,470 kilowatt-hours (kWh) during 2015..." This works out to 872.5 kWh/mo.

Again, there's no basis for the inflated 1,500 kWh/mo. figure that Island Power uses in its "Bill Comparison."

David Johnson

175

- EXHIBIT 6 -

Ron Peltier <rpeltier@bainbridgewa.gov>

3/3/2017 4:40 PM

Re: Colstrip testimony

To dave [REDACTED]

More highly technical documents that take hours to wade through.

From: dave [REDACTED]
Sent: Friday, March 3, 2017 4:37:05 PM
To: Ron Peltier
Cc: Council
Subject: Colstrip testimony

From: Ron Peltier
To: dave [REDACTED]
Sent: Friday, March 3, 2017 4:18:36 PM
Subject: Re: Island Power's mistaken "Bill Comparison" (cont.)

I don't remember that. Will check all your emails to see what you sent earlier.

From: dave [REDACTED]
Sent: Friday, March 3, 2017 4:17:27 PM
To: Ron Peltier
Subject: Re: Island Power's mistaken "Bill Comparison" (cont.)

I did so last year. Didn't you read it?

From: Ron Peltier
To: dave [REDACTED]
Sent: Friday, March 3, 2017 4:10:07 PM
Subject: Re: Island Power's mistaken "Bill Comparison" (cont.)

Dave,
 I would be helpful if you could provide us with information on groundwater and air pollution caused by PSE's coal fired plants in Colstrip Montana.
 Ron Peltier

From: dave [REDACTED]
Sent: Friday, March 3, 2017 4:07:49 PM
To: Council
Cc: Doug Schulze
Subject: Island Power's mistaken "Bill Comparison" (cont.)

Dear Councilmembers,

- EXHIBIT 7 -

Comments to COBI Ethics Board
RE: David Johnson Complaints
November 14, 2018
By Ron Peltier, COBI City Council Member

RESPONSE TO DAVID JOHNSON COMPLAINT

The email that is the subject of Mr. Johnson's complaint was sent to him on March 3rd of 2017. That he finally decided to file a complaint over a year later, I believe, is the result of our former city manager referring to me as a bully in an August 8th, 2018 newspaper interview shortly after he resigned as our city manager. Even before his resignation Doug Schulze's wife, Lisa, began posting comments on Facebook blaming me for their imminent departure from the Island. David Johnson commented in those threads. Below are his comments from a Bainbridge Islanders Facebook thread shortly after Doug Schulze's Kitsap Sun interview was published.

David Johnson: *"Debbie, you overlook what Doug said about the CC in general and Ron Peltier in particular. When a key CC member is "difficult" and a "bully," as Ron is, it's tough for a city manager to do his or her job."*

David Johnson: *"Doug calls CC member Ron Peltier" difficult" and a "bully." I completely agree. It's unfortunate for BI that this man sits on the CC."*

David Johnson: *"Contrarians don't have to be bullies. Also, I've had personal experience with Ron — his arrogance toward constituents is truly breathtaking."*

David Johnson: *"My "trigger point" is when a CC member, in writing (and copied to the entire CC), belittles me as a constituent, asks that I do his research for him, and says that he will "take me seriously" (a direct quote) if and only if I do what he wants. Ron did all of that and more."*

David Johnson: *"Ron wasn't elected to be a jerk."*

Some background

As the debate over possibly creating a municipal electric utility on Bainbridge Island heated up (*the Island Power issue*) in 2016, the city council began receiving frequent emails from David Johnson. Between April 27, 2016 and May 9, 2018 we received 106 messages from Mr. Johnson. Most of them were very technical and in most cases they appeared to reasonably accurate but from a particular point of view. Basically, Mr. Johnson struck me as someone artfully advocating for one side, Puget Sound Energy, by including some criticism of PSE in his communications but overall presenting information and arguments favorable to PSE. What was telling to me were a couple of omissions by Mr. Johnson.

Colstrip plants 2 & 3

PSE's coal fired plants operating in Colstrip, Montana, are at the heart of environmental concerns regarding the way they generate electricity. This was a major part of Island Power's argument for a municipal electric utility that could get us off coal. About 30% of the electricity Bainbridge Island receives from PSE comes from those coal fired Plants. PSE owns a share in all of them, with plants 1 & 2 being the oldest, and worst polluters,

and plants 3 & 4 being newer and more capable of continuing to generate electricity and profits for PSE.

Early on I notice that Mr. Johnson's frequent emails focused on the planned decommissioning of Colstrip plants 1 & 2 and seemed to ignore the existence of two other plants: the new #3 & 4 plants. That struck me as understandable for someone who might be an advocate for PSE as the older plants, 1 & 2, are really at the end of their useful life, while plants 3 & 4, the ones never mentioned by Mr. Johnson, were not. After pressing him on the newer plants, he finally acknowledged their existence, arguing that it wasn't politically feasible to even talk about closing them. In a 4/29/16 email he explained why:

"There's a political dimension to 3 and 4 as I discussed in my April 22 email to Island Power. Nobody in the region is advocating early closure of these units -- not the Washington Legislature, not Gov. Inslee, not the WUTC, and not the energy/environmental groups. So, if the City takes a stance on municipal power that is premised on continued generation from 3 and 4, rather than what happens with 1 and 2, then it will go out on a political limb without any natural allies. Such a position will be harder to justify, economically, environmentally, and politically, and harder to explain to island residents."

Possible refund related Jefferson County's purchase of PSE assets

I personally wondered why a supposedly objective person, who called himself an environmentalist, thought it best not to discuss half of PSE's coal fired generating plants in Colstrip, Montana. There was another issue Mr. Johnson was commenting on, though, that also struck me as disingenuous: the issue of whether or not the recent forced sale by PSE of its infrastructure to Jefferson County, allowing them to create a publicly owned electric utility, had resulted in a partial refund of the sale price. Mr. Johnson repeatedly argued that there was no refund, which is technically true, and chose not to clarify why there was confusion over this. On May 16th of 2016 he finally used his expertise to make his point clear:

"In fact, PSE did not overcharge for the assets. As I discussed in previous messages, the WUTC reviewed the price that Jefferson PUD paid and determined that it was appropriate and a fair market value for the assets. The WUTC commended PSE for the price it negotiated."

As to the alleged refund: The Council member may be referring to the gain on sale, i.e., the difference between the sale price and the assets' net present value (NPV). The WUTC allocated most of this difference to PSE's ratepayers by giving them a credit to their electric bills. PSE's ownership, in turn, recovered the assets' NPV as well as a small portion of the gain on sale (to reward the utility for negotiating a favorable price). In this way, the WUTC ensured that the sale benefited both ratepayers and shareholders."

Mr. Johnson could have cleared up the confusion over PSE refunding excess net gains on its net present value, as opposed to refunding ratepayers for simply overcharging in the

sale to Jefferson County infrastructure, but he chose to let that issue drag out. He chose to let it drag out in spite of several emails where he discusses the issue and had an opportunity to clarify what had happened in regards to the payment. It appeared to me that he was intentionally confusing the issue to make the Island Power folks look bad. Whether or not Mr. Johnson was working for PSE on the Island Power issue, it was sure starting to sound to me like he was. With that in mind I sent the following email to Mr. Johnson on 5/16/16:

“David,

There is some wrong information here, specifically regarding the cost of acquiring the electric infrastructure from PSE in Jefferson County. They were overcharged by PSE and forced to refund some of that \$103 million price back to rate payers.

With all due respect, you sound like you are working for PSE.

Ron”

Before going any further, I want to make it clear I was just being honest with Mr. Johnson. The phrase, “with all due respect” was really meant as a neutral turn of phrase. In response to the comment, however, Mr. Johnson filed an ethics complaint on 5/12/16, arguing that the phrase, “*with all due respect*” was intended to be disparaging, and hence in violation of Article I of our Ethics Program. As proof he writes:

“One Web site says that this phrase “allows a subtle disrespect, cloaked in courtesy.” (<http://grammarist.com/phrase/with-all-due-respect/>) Another Web site says that this phrase has become associated “more with insult” than with respectful deference.” (<http://www.dailywritingtips.com/with-all-due-respect/>)”

MY 3/3/17 EMAIL TO MR JOHNSON

By the time I sent my 3/3/17 email to Mr. Johnson, the object of his most recent complaint, I will admit I’d had a low opinion of Mr. Johnson. I perceived him as pretending to be a completely objective interested party while obviously couching everything he wrote to best support PSE’s continued operations on Bainbridge Island. Yes, he had sent some documents and links to documents, what he refers to as a “favor”, but these were mostly legal documents that I felt took more time to read than they were worth. Could I have been more polite to Mr. Johnson in how I describe my frustration and opinion of him? Sure. I’ll admit, though, that the memory of Mr. Johnson filing an ethics complaint over the phrase, “with all due respect” still lingered in my mind.

Mr. Johnson’s complaint

According to Mr. Johnson I’m guilty of the following:

“ Mr. Peltier questioned my motives in communicating with the Council; derided emails and documents I sent to the Council; commanded me to do further research for him; and (writing as a Council member) threatened not to take my position "seriously" unless I did that research. Mr.

Peltier thus engaged in bullying behavior - by using his Council authority to compel a constituent to do what he demanded.”

Here’s the 3/3/17 email at issue in Mr. Johnson’s complaint:

“Mr. Johnson,

This is in regards to information you've sent to the City Council that supposedly sheds light on the adverse environmental impacts of PSE's coal fired plants.

The message you sent a few months ago, and a couple today, with legal documents and links to highly technical reports, is buried in fifty other messages you have sent to us that seem intent upon denigrating the Island Power campaign and supporting PSE. That's okay but I think it's disingenuous for you to suggest you are a neutral source of objective information.

If you want to appear objective on the issue of public power, and PSE, you could provide information pertaining to the adverse environmental impacts of PSE's coal fired plants in a way that is accessible to people with limited time and patience for wading through legal and other technical documents.

You could start by summarizing the environmental impacts of PSE's coal fired plants, along with links to newspaper and magazine articles, and perhaps some peer reviewed scientific studies. That might leave me more inclined to take your comments seriously

Ron Peltier’

To summarize my response to Mr. Johnson’s complaint

I could have chosen my words more carefully in this email: especially considering previous interactions with Mr. Johnson. Instead of writing that he seemed intent upon “denigrating Island Power”, I should have just said he seemed intent upon “marginalizing Island Power”. When I read this message, though, I don’t see demands or threats. I see myself honestly expressing opinions about someone who has sent the city council over 70 emails (at that time) regarding the Island Power issue and who consistently impressed me as somewhat who was advocating for PSE while claiming to be an impartial contributor to the debate. The documents he claimed he provided me as a favor are legal in nature and to me seemed to provide very little insight into the environmental issues, particularly in regards to groundwater pollution in Colstrip Montana that was resulting from the coal plant retention ponds.

As the Ethics Board goes about issuing an opinion on this complaint I hope the Board will consider just how high of a bar we are going to hold elected officials to. Are we going to be allowed to honestly express ourselves to constituents, with some latitude for bluntness, or are we going to feel compelled to withdraw from honest exchanges for fear

of ethics complaints being used by people with extremely sensitive dispositions and an axe to grind? It's a serious question.

City of Bainbridge Island
Ethics Board
Advisory Opinion

Case # 2018-03

Date Filed: 4 September 2018

Complainant: David S. Johnson

Respondent: Ron Peltier, Council Member

Advisory Opinion issued per COBI Code of Ethics Article III, Section F

The purposes of Article I, the Core Values section of the City of Bainbridge Island Ethics Program, are set out in the preamble:

“The City of Bainbridge Island has adopted the following Core Values and Ethics Principles to promote and maintain the highest standards of personal and professional conduct among all the people who comprise the City’s government. The optimal operation of democratic government requires that all of its decision-makers be fair and accountable to the people they serve.”

In addition to the COBI stated reasons, it is clear from materials related to municipal government, such as the America Society of Public Administrators (ASPA) Code of Ethicsⁱ, that there are further purposes, among them:

1. To advance the public interest
2. To promote democratic participation
3. To strengthen social equity
4. To demonstrate personal integrity

The efficacy of government and its ability to deliver on the needs of the community is founded in the trust that a community has in that body. Trust is hard to earn and very easy to lose. It can be difficult to define tightly what behavior reflects the Core Values, and we do not propose a static definition of this behavior, yet instead we look towards what promotes trust and what erodes it. In an article by Williamsⁱⁱ, the matter of civility in political discourse is examined.

“[H]ow do we define civility? Especially if we accept the notion that it cannot be static – as technology and innovation are constantly redefining the means and manner in which we communicate. In this sense civility is a lot like obscenity, at least in the way the late Supreme Court Justice Potter Stewart chose to define it in his famous opinion in *Jacobellis v. Ohio* (1964), ‘I know it when I see it.’”

We can look towards rules of etiquette established by governing bodies to provide greater definition. The U.S. House of Representatives Republicans’ rules of decorum include several categories of unacceptable speechⁱⁱⁱ:

- Defaming or degrading the [House] – in our case, the City
- Criticism of personal conduct
- Impugning the motives of another member
- Charging falsehood or deception
- Claiming lack of intelligence or knowledge

While not as precisely articulated, the City of Bainbridge Island Ethics Board believes our Code of Ethics Core Values were promulgated to engender trust by the public in our city government. The First Amendment protects speech, including that of elected officials, however “it does not remove the individuals’ responsibility to be respectful in their use of language. With a far greater means of amplifying their message, elected officials have an even greater responsibility to be judicious in their communication respecting the rules of . . . civil discourse for the benefit” of the council and the community.^{iv} In other words, elected officials are held to a higher standard when acting in their official capacity than their constituents who do not purport to represent the community. This is with the intent to engender trust in government and the representatives who are elected.

The Ethics Board recognizes that people are human, and mistakes and misjudgments will be made. Where the Ethics Board has a responsibility, it is to recognize the problematic actions, particularly when they seem to become a pattern of behavior that causes citizen concern and thus weaken the public trust. The role of the Ethics Board is to educate when we observe inappropriate behavior, or it is called to our attention, and to recommend behavior that comports with our shared values and principles, while understanding there is not

a static definition of acceptable behavior. In issuing this advisory opinion, we are guided by other democratic bodies which deal with similar issues of behavior.

In developing an Advisory Opinion in this Article I complaint, the initial complaint and response were reviewed. This Advisory Opinion stems from that considered review.

This is an email situation where the language of the City Council member moves beyond a neutral, respectful response to a constituent to something that challenges the boundaries of civil discourse. One method to judge this, post facto, is when citizens go to the trouble of writing and submitting an ethics complaint stimulated by an official communication, as was the case in the Johnson complaint. Skeptics may argue that any citizen can find something about which to take offense, however few are troubled to the point of preparing a complaint, outlining their concern with the behavior and providing supporting documents.

In the instant case, Mr. Peltier articulates doubts about the motives of the citizen communicating with him. This is dangerous territory in any conversation, and particularly so when an elected official responds to a citizen.

Recommendation: As an elected official of the city, the appropriate response to any engagement is to be grateful for efforts of citizens to communicate with their elected officials and thank them for their correspondence. In this instance the council member needs to utilize the previously stated principles and refrain from questioning the motives of citizens.

ⁱ Practices to Promote the ASPA Code of Ethics, approved 3/16/13.

ⁱⁱ Williams, Yohuru, "A Matter of Integrity: Civility and Political Discourse." Insights on Law and Society, 13 Winter 2013

ⁱⁱⁱ Williams, *ibid*, p. 4

^{iv} Williams, *ibid.*, p. 5

ETHICS COMPLAINT
CITY OF BAINBRIDGE ISLAND

TO: City Clerk

SUBMITTED BY: Name:

Frank Gromse

Address:

Bainbridge Is

Telephone No.:

Ethics Complaints concern the actions of individuals in relation to the City of Bainbridge Island Ethics Code.

1. Does the situation for which you are making a complaint involve: (please circle one)

- a. An Elected Official
- b. A Member of a City Committee or Commission
- c. A Major Contractor with the City
- d. A City Employee

2. Please describe the facts that constitute the violation(s) of the Code of Ethics. (If necessary, please attach additional pages for description)

See Attached

3. Section(s) and subsection(s) of the Code of Ethics that are alleged to have been or would be violated [optional]: Article I Section B

4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: 5 Sep 2018 Place: Bainbridge Is
Signature: Francis Gromse

On Tuesday 14 Aug. at a closed door meeting the City Council (CC) voted to remove me from the chairmanship of the ETAC committee. I have no problem with the vote itself. The City Council has the authority to do that. However, I do believe that the process which was followed over almost two months was unethical. Here I am using the following definition:

Ethics are the moral principles that govern a person's behavior in conducting an activity.

With the main ethical principles being:

- Truthfulness and confidentiality.
- Autonomy and informed consent.
- Beneficence.
- Non-maleficence.
- Justice.

I believe that the principles of truthfulness, beneficence and justice have not been followed in this incident.

I believe that this began on 19 June at the CC meeting where the proposal to expand ETAC to 9 people was considered. Prior to the meeting I sent an email with a document (which I have attached to the end of this complaint) to the city council explaining my opposition to the expansion and the addition of Melanie Keenan to ETAC. I did not attend the meeting and assumed that the ETAC CC liaison (Rasham Nassar) would inform me about things occurring at the meeting with respect to ETAC. That did not happen. I had to reach out to her. She informed me that my memo was not well received and that one of the CC members (not identified) was very upset with my email and that he felt that I had been disrespectful to the Mayor. I was puzzled by that comment because I did not see anything in the email which was directed at Kol. However, I did phone Kol to state that I had not in any of my emails intended to disparage him or put him in a bad light. He responded with an email and based on its content I was left with the impression that he was OK with the situation and did not feel disrespected. He did comment that he would have liked to have come to a mutual position where we were able to work together on the expansion of the committee. He also expressed regret that I had stated negative things about Melanie Keenan. Everything I stated in that memo is true and can be verified through court documents, newspaper articles and witness accounts. That is all public information.

The first part of the document I sent to the city council on 19 June addressed optimum group size with references (nothing controversial there). The next part described the scientific expertise on ETAC as it was composed at that point (prior to expansion). Again that is not controversial. The final part addressed Melanie Keenan and how this was not a good addition to the committee. In that part I presented verifiable facts and evidence. I presented the truth.

As I see it the city council is a democratically elected group of community representatives. Any citizen has the right and obligation to communicate with the council when they believe that the council is about to make a mistake. That is what I did. I presented verifiable facts and evidence to show that they were about to make a mistake.

An analogy here is: A man is driving along the side of a river and sees that the railroad bridge spanning the river has failed. He stops his car and gets a flare out of his trunk. He runs up to the railroad tracks. He ignites the flare and waves it over his head while shouting STOP. The

two engineers in the engine cab see him. Don't understand what he is doing but one of them decides that the fellow is standing close enough to the tracks that he could hit him with a piece of fire wood as the train passes by, which is what he does. Thus proving the adage that no good turn goes unpunished.

I told Rasham before the committee vote to expand ETAC that 4 of the 5 ETAC members did not want Melanie on the committee.

The next week someone informed me that the City Council meeting held on 26 June had an item about potentially removing a member of a Committee. I did not attend that meeting nor did I watch it on line. I thought that if something of consequence happened at that meeting which affected ETAC the CC liaison would inform me. When I had not heard anything from her by Thursday morning I sent her an email asking if there was any information she might have to pass on to me. Because of both of our busy schedules we were not able to talk until Sunday 31 June. That phone conversation lasted a couple of minutes during which she implied that there was nothing to pass on.

The next thing of which I am aware happening is the vote on 14 Aug. Now I intuit that this vote means that Rasham (who asked for the vote) is displeased with my behavior in some regard. But I have no details of what she and the CC are displeased with. No one has talked to me about what behaviors and actions which I took were displeasing. No one has talked to me about the consequences of not changing my behavior and the time frame in which I should make those changes. No one has asked me for an explanation of my behaviors and actions. In every incident I can think of I have acted toward the benefit of ETAC, CC and the community.

Specifically:

- A face to face meeting to discuss the issues and objectionable behavior with examples of documents and or events in which those behaviors were exhibited was never held.
- No one has asked me for my explanation of my actions.
- The consequences for not modifying the objectionable behaviors were not described.
- This issue was not documented in writing for the purpose of insuring that everyone understood the matters involved.

Thus because the process leading up to the vote did not include these steps and I therefore contend that the process was unethical. It violated the principles of truthfulness, beneficence and justice.

Truthfulness: is the avoidance of lying, deception, misrepresentation, and non-disclosure in interactions.

In none of the interactions which Rasham and I have had about this has she been forthcoming about the specifics of the city council's opinion of my behavior or her opinion of my behavior. If this happened just once, it could attributed to an over sight or inexperience. However it happened multiple times indicating a pattern. This appears to be deception.

Rasham did tell Kol that she had four conversations with me about my conduct. This did not happen. She and I have spoken about 5 times since the beginning of this year on the telephone. Only two of those conversations have occurred since 19 June. Neither of these conversations described any behavior which was unacceptable to the CC. Rasham has contended that she

said to me that I should leave aside my feelings about Melanie and focus on the work of the committee. That statement is vague and amorphous. If she actually said that, I would have received it as a mild recommendation not as a command.

Of course in this process I have always left aside my feelings and focused on the benefit to the committee. I have presented facts and evidence not feelings. A rational evaluation of the facts leads to the conclusion that Melanie is not a beneficial addition to the committee. Thus, everything I have presented is in support of the committee and promoting a good working environment. Rasham has never asked me for an explanation of my actions rather she has viewed my actions through her own myopic lens of the world. I think that this is the nicest interpretation of what she has done. It could also be interpreted as misrepresentation and deception.

So Rasham has contended that we had conversations about my behaviors. We did not. If by conversations she means stating to me that I should leave my feelings about Melanie aside and focus on the committee's work that is not a conversation. She stated a command disguised as a vague aside. That would be misrepresentation and deception.

Beneficence: taking action to help prevent or remove harms or to simply improve the situation of others.

In none of the interactions between Rasham and myself about this has she stated what behaviors I exhibited were objectionable and that if they were not corrected I would be removed from the chairmanship.

Justice: respect for people's rights:

Discussions were apparently held at the city council about my behaviors but I was not made aware of them and not given the opportunity to rebut them or present an explanation of my actions. This is unjust.

With respect to the City's Code of Ethics, it states that its core values are:

- Integrity
- Equality, Fairness, Mutual Respect
- Responsibility, Stewardship, Recognition

The Complaint:

1. The process followed here has lacked the **value of integrity**. Integrity is defined as the quality of being honest and that is clearly lacking in this process.
2. The process followed here has lacked the **value of fairness**. Fairness is defined as having the attribute of exhibiting just treatment and that is clearly lacking in this process.
3. The process followed here has lacked the **value of equality**. Equality is defined as having the attribute of exhibiting contentiousness to a person's rights and that is clearly lacking in this process.

It is apparent from reading the City's Code of Ethics that the original authors did not envision a situation where an "administrative function" between the city council and the volunteer organization which supports them, would be misused and that the code's core values would be ignored. But that is what has happened. To allow this to prevail will be corrosive to the relationship of the city council and those volunteer organizations. This would be to the detriment of the community.

Please contact me if you have any questions. I have a number of emails and documents which may pertain to the issue. This of course is a guess on my part since I have never been informed what the issue is.

To be clear I am not objecting to the vote that removed me from the chairmanship. I believe that the process followed leading up to the vote over almost a two month period was unethical.

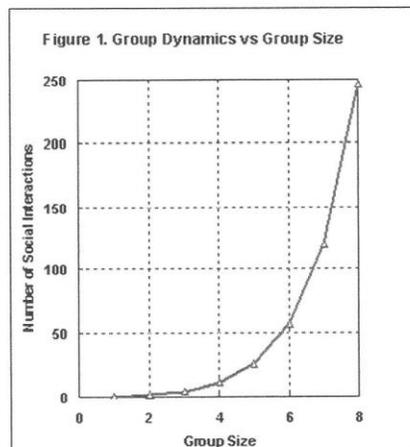
Frank Gremse

Memo to City Council dated 19 June 2018

1.) Optimum Group Size 5 – 7

Part of the recommendation is to increase the ETAC membership from 7 to 9 members. During a brief discussion of this possibility with Rasham Nassar and Kohl Medina, I mentioned that the increase to 9 would increase the complexity of the group potentially making it unproductive. I was basing this opinion on my graduate work in group dynamics which I did at UCLA as part of my MBA. The following is an example of what I am talking about:

According to the book [Decide & Deliver: 5 Steps to Breakthrough Performance in Your Organization](#) (Harvard Business Press) by Marcia W. Blenko, Michael C. Mankins, and Paul Rogers: "Once you've got 7 people in a group, each additional member reduces decision effectiveness by 10%". In this case that would be a decrease of 20%, a significant amount. The following figure indicates why this happens. As the group grows beyond 5 members the social interactions increase as a power function and not linearly. This increase leads to miscommunication or incomplete communication. An enormous amount of time is occupied by the required social interactions such that people begin to take short cuts and simplify their communication or drop communication efforts with some individuals. Then there is the complexity that different personality types communicate in different ways and this happens differently when under stress and not under stress. This leads to miscommunication and misunderstanding which if allowed to fester in the dark results in clichés being formed which then results in failure or law suits.



According to research reported in *Science*, the October 2010 issue by authors Anita Williams Woolley, Christopher F. Chabris, Alex Pentland, Nada Hashmi and Thomas W. Malone:

“The group’s collective intelligence is not strongly correlated with the average or maximum individual intelligence of group members but is correlated with the average social sensitivity of group members, and the equality in the distribution of conversational turn-taking.”

In general, then the optimum group number is 5 but you can go up to 7 if the “average social sensitivity of group members and the equality in the distribution of conversational turn-taking” are held as high values by all group members. The proposal then is to increase the committee to a membership level which research suggests will significantly decrease its functionality.

The recommendation to increase the ETAC size has been put forth by an intelligent person who has no background in managerial science and does not appreciate its implications.

2.) Group dynamics and interpersonal relationships

As stated in the previous section what is critical for a group to function well is that all the members maintain a respectful social sensitivity towards other members and allow each member to speak in a respectful environment. I would term this operating in a collegial environment. One of the proposed members, Melanie Keenan, has a history extending over 10 years of behaving in a rude, uncivil and at times harassing/bullying manner. She has done this enough times in public settings that she is held in low esteem by the island’s scientific community. Another example of her uncivil behavior is the ETAC special meeting on 1 June at which she yelled twice at a ETAC member to forcefully make a point. This was accompanied by a threat (nonsensical but not physical) of consequences if her demands were not met. This occurred days before her interview for ETAC appointment. If the looming interview was not a sufficient deterrent to hold her incivility in check, nothing will. Her inclusion in the committee is likely to render the committee dysfunctional.

3.) Technical composition of the committee

At present ETAC is composed of 5 members: Oceanographer/Marine Environmental Studies, Fisheries Biologist/Aquiculture, Hydrologist/Geohydrologist, Environmental Engineer/soil and groundwater pollution remediation, Geologist/soil and Groundwater Pollution Remediation. The committee (with the exception of Charlie Kratzer who was reapplying and thus could not be asked) ranked the six applicants with respect to the committee’s technical need:

Rank	Technical Expertise	Name
1	Ecology/Hydrology: stream and wetland restoration, estuarine ecology	Casey Schmidt
1	Biology: ecological assessments	Juan Rovalo
1	Hydrology/Geohydrology	Charlie Kratzer

4	Environmental Science/Hydrology: hazardous waste	William Neff
5	Environmental Engineering: remediation	Steve Saepoff
6	Geology/Hydrology: ground water consulting	Melanie Keenan

The committee members believe that the technical expertise which Casey Schmidt, Juana Rovalo and Charlie Kratzer possess represent a beneficial and needed addition to the committee. The other three individuals all have resumes which exhibit technical expertise which is already covered by other committee members. None of the last three applicants (rank 4, 5 & 6) exhibit special expertise in a given area which would recommend them above the first three applicants. That includes experience with groundwater management plans.

4.) Scientific approach To hypothesis presentation

Melanie Keenan has showed on several occasions her penchant for cheery picking data to help her make a point and for sprinkling bits of truth like some seasoning being added to a sausage of conspiracy theory which is then wrapped in a doughy covering of opinion. She does not exhibit consistent rational open minded approach to discussion of issues. Her approach is the antithesis of that.

5.) Animal Abuse

Ok I must have gotten your attention with that title. You could not have been expecting this in a brief discussion on technical expertise. A few years back Melanie and her husband got into a dispute with a couple of their neighbors and in order to intimidate the neighbors they did things like dump garbage on the access road to their neighbors' property, shine klieg lights into their neighbors' homes at night and get 4 goats who they would not feed on the weekends so that the goats would bleat 8 to 10 hours a day. I am not sure that this is abuse but if it isn't then it surely is shitty behavior. And they did it with disdain for the animals. As a result eight of their neighbors joined together in a suit which obtained an injunction against Melanie and her husband to stop the harassment. Normal people do not conduct themselves in this manner.

City of Bainbridge Island
Ethics Board
Advisory Opinion

Case # 2018-02

Date Filed: 4 September 2018

Complainant: Frank Gremse

Respondent: City Council

Advisory Opinion issued per COBI Code of Ethics Article III, Section F

The purposes of Article I, the Core Values section of the City of Bainbridge Island Ethics Program, are set out in the preamble:

“The City of Bainbridge Island has adopted the following Core Values and Ethics Principles to promote and maintain the highest standards of personal and professional conduct among all the people who comprise the City’s government. The optimal operation of democratic government requires that all of its decision-makers be fair and accountable to the people they serve.”

In addition to the COBI stated reasons, it is clear from materials related to municipal government, such as the America Society of Public Administrators (ASPA) Code of Ethicsⁱ, that there are further purposes, among them:

1. To advance the public interest
2. To promote democratic participation
3. To strengthen social equity
4. To demonstrate personal integrity

The efficacy of government and its ability to deliver on the needs of the community is founded in the trust that a community has in that body. Trust is hard to earn and very easy to lose. It can be difficult to define tightly what behavior reflects the Core Values, and we do not propose a static definition of this behavior, yet instead we look towards what promotes trust and what erodes it. In an article by Williamsⁱⁱ, the matter of civility in political discourse is examined. “[H]ow do we define civility? Especially if we accept the notion that it cannot be

static – as technology and innovation are constantly redefining the means and manner in which we communicate. In this sense civility is a lot like obscenity, at least in the way the late Supreme Court Justice Potter Stewart chose to define it in his famous opinion in *Jacobellis v. Ohio* (1964), ‘I know it when I see it.’”

We can look towards rules of etiquette established by governing bodies to provide greater definition. The U.S. House of Representatives Republicans’ rules of decorum include several categories of unacceptable speechⁱⁱⁱ:

- Defaming or degrading the [House] – in our case, the City
- Criticism of personal conduct
- Impugning the motives of another member
- Charging falsehood or deception
- Claiming lack of intelligence or knowledge

While not as precisely articulated, the City of Bainbridge Island Ethics Board believes our Code of Ethics Core Values were promulgated to engender trust by the public in our city government. The First Amendment protects speech, including that of elected officials, however “it does not remove the individuals’ responsibility to be respectful in their use of language. With a far greater means of amplifying their message, elected officials have an even greater responsibility to be judicious in their communication respecting the rules of . . . civil discourse for the benefit” of the council and the community.^{iv} In other words, elected officials are held to a higher standard when acting in their official capacity than their constituents who do not purport to represent the community. This is with the intent to engender trust in government and the representatives who are elected.

The Ethics Board recognizes that people are human, and mistakes and misjudgments will be made. Where the Ethics Board has a responsibility, it is to recognize the problematic actions, particularly when they seem to become a pattern of behavior that causes citizen concern and thus weaken the public trust. The role of the Ethics Board is to educate when we observe inappropriate behavior, or it is called to our attention, and to recommend behavior that comports with our shared values and principles, while understanding there is not

a static definition of acceptable behavior. In issuing this advisory opinion, we are guided by other democratic bodies which deal with similar issues of behavior.

In developing an Advisory Opinion in this Article I complaint, the initial complaint was reviewed. This Advisory Opinion is based on that considered review.

Mr. Gremse's complaint stems from a basic lack of information regarding his status in his position as Chair of the Environmental Technical Advisory Committee (ETAC). This is one of several citizen committees whose members are appointed by City Council to serve a term on the committee. The committee elects their own chair or leader. Such committees generally have a council member who serves as a liaison to the committee, reporting back to City Council on matters being dealt with by the committee. The liaison in this instance is Rasham Nassar.

In the case before the Ethics Board, there was apparently a decision by City Council to expand the membership of the ETAC from five to nine members. As chair of the ETAC, Mr. Gremse offered a memorandum detailing his concerns with expanding the committee and particularly with the addition of one particular proposed member. The committee members had ranked the six prospective committee applicants according to "fit" and needs within the ETAC committee. The memo written by Mr. Gremse detailed the information of concern, including commentary about one applicant in particular, information which was supported by background information.

The ethics problems in this case stem from the lack of information provided to Mr. Gremse by the City Council liaison about concerns with his own behavior, including apparently his comments about one of the applicants. Even upon contact with the council member, no statement was made detailing what behavior of Mr. Gremse was of concern, nor was he given warning that continued such behavior could lead to his removal as chair of ETAC or other sanction. At a City Council meeting, the liaison made a motion to have the City Council remove Mr. Gremse from his position as chair of ETAC. As Mr. Gremse states in his complaint:

"I have no details of what she and the CC are displeased with. No one has talked to me about what behaviors and actions which I took were displeasing. No one has talked to me about the consequences of not changing my behavior and the time frame in which I should make those

changes. No one has asked me for an explanation of my behaviors and actions.” In particular, Mr. Gremse stated that he would have expected a face-to-face meeting to discuss the issues and problematic behavior; that he would have been asked for an explanation of his behavior; that the consequences of his behavior would have been pointed out to him; and that there would have been some documentation in writing regarding the matter at hand.

Further in his complaint, Mr. Gremse indicates that some statements regarding his performance on the ETAC and communication between himself and council member Nassar were not accurate and were misrepresented to other council members. These conversations were characterized by the council liaison as dealing with Mr. Gremse’s performance behavior; Mr. Gremse indicates this was not the case, and that he was given no warning about his behavior nor possible sanctions of it. At no time was Mr. Gremse told that he was risking the role of chair of ETAC by his behavior. The City Council on August 14 voted on and approved the motion of Rasham Nassar to remove Mr. Gremse from the chairmanship of ETAC.

Recommendation: Good citizens willing to serve on city committees are hard to find, given the demands on peoples’ time and the expectations for citizens working on city committees and commissions. These are voluntary positions, some of which take quite a lot of time and effort to fulfill the demands of the position. Nurturance of committee members should be an expectation of city council liaisons in particular, and of all city council members. Since some of these volunteers may not have served in such a capacity prior to their appointment here, there may be some rough edges that need to be smoothed out over time. Committee protocol, understanding of process, boundaries related to the use of city email accounts, expectations of civil behavior are areas where problems could be noted. And when they are, it is incumbent upon the elected official to meet with the committee member and discuss what constitutes appropriate behavior in these situations. In the instant case, it is not clear that such discussions were held. Normal standards of ethical behavior as they relate to respect for citizens, fairness in the application of process, and recognition of the contributions of citizen committee members, may have been disregarded. This can be a problem for the city, as it sends a message to other citizens that their service on a city

committee may subject them to hurtful public rebuke and reprisal without due process – and who wants to set themselves up for that? It is important to coach and educate the people who are appointed to city boards, commissions and committees. The City Council must take steps to establish a better process for dealing with situations such as this – a process that is fair, equitable, transparent, and respectful of the citizens who volunteer for the city.

ⁱ Practices to Promote the ASPA Code of Ethics, approved 3/16/13.

ⁱⁱ Williams, Yohuru, “A Matter of Integrity: Civility and Political Discourse.” Insights on Law and Society, 13 Winter 2013

ⁱⁱⁱ Williams, *ibid*, p. 4

^{iv} Williams, *ibid.*, p. 5

**ETHICS COMPLAINT
CITY OF BAINBRIDGE ISLAND**

TO: City Clerk

SUBMITTED BY: Rasham Nassar, Council Member, Central Ward

Address: 261 Madison Ave S Suite 107

Telephone No.: (206) 909-3207

**Ethics Complaints concern the actions of individuals in relation to the City of Bainbridge
Island Ethics Code.**

1. Does the situation for which you are making a complaint involve: (please circle one)

b. A Member of a City Committee or Commission (Affordable Housing Task Force)

2. Please describe the facts that constitute the violation(s) of the Code of Ethics. (If necessary, please attach additional pages for description)

My concern is that Jonathon Davis, member of the Affordable Housing Task Force, is named as a beneficiary on the Professional Services Agreement between COBI and OPG for the development of the Suzuki property. The AHTF recommended that council adopt the contract proposed by OPG; albeit the most current draft which council approved was not specifically recommended by the committee, they have maintained support of council's decision to engage OPG as the developer of the Suzuki property, whereby OPG names Davis Architects as a subcontractor. The latest contract which council approved at the June 12, 2018 business meeting states \$190,000 fee paid to Davis Architects.

Since stating the appearance of an ethics violation during council discussion at the June 12, 2018 meeting, the AHTF chair, Althea Paulson, supplied me with the following information:

The AHTF made two recommendations concerning the Suzuki project, one in November of 2017 and the other in January of 2018. Mr. Davis was not a member of the AHTF until February 27, 2018. If Ms. Nassar has any substantive input about any conflict of interest involving Mr. Davis, I would appreciate hearing about it.

3. Section(s) and subsection(s) of the Code of Ethics that are alleged to have been or would be violated [optional]: Article II Code of Ethics, Item D. – Conflict of Interest, General

4. I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: 7/10/2018 Place: City Hall

Rasham Nassar

Signature

City of Bainbridge Island Ethics Board

Ethics Complaint 2018-1

Determination

September 17, 2017

Rasham Nassar (complainant) filed a complaint on July 10, 2018 alleging that Jonathan Davis (respondent), a member of the Affordable Housing Task Force (AHTF), has a conflict or perceived conflict of interest because respondent is a named beneficiary on a Professional Services Agreement between COBI and OPG for the development of the Suzuki property and the AHTF recommended that city council adopt the contract proposed by OPG. In the complaint, complainant provided the following response to the allegation from the AHTF chair, Althea Paulson:

“The AHTF made two recommendations concerning the Suzuki project, one in November of 2017 and the other in January of 2018. Mr. Davis was not a member of the AHTF until February 27, 2018. If Ms. Nassar has any substantive input about any conflict of interest involving Mr. Davis, I would appreciate hearing about it.”

Complaint is rebutted by the AHTF chair’s factual assertion that Mr. Davis was not a member of the AHTF at the time the Suzuki contract was recommended to council. Accordingly, the Ethics Board has determined that the complaint lacks reasonable credibility.

Scott Wilder

Chair



CITY OF
BAINBRIDGE ISLAND

City Council Study Session Agenda Bill

MEETING DATE: July 2, 2019

ESTIMATED TIME: 10 Minutes

AGENDA ITEM: (8:40 PM) Future Council Agendas,

STRATEGIC PRIORITY: Good Governance

PRIORITY BASED BUDGETING PROGRAM:

AGENDA CATEGORY: Discussion

PROPOSED BY: Executive

RECOMMENDED MOTION:

Discussion

SUMMARY:

Council will review future Council agendas.

FISCAL IMPACT:

Amount:	
Ongoing Cost:	
One-Time Cost:	
Included in Current Budget?	

BACKGROUND:

ATTACHMENTS:

[City Council Regular Business Meeting July 9, 2019.pdf](#)

[City Council Study Session July 16, 2019.pdf](#)

[City Council Regular Business Meeting July 23, 2019.pdf](#)

FISCAL DETAILS:

Fund Name(s):

Coding:



**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JULY 09, 2019**

**BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON**

AGENDA

- 1. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 6:00 PM**
Deputy Mayor Tirman will leave at 9:00 PM and participate by phone for the remainder of the meeting.
- 2. EXECUTIVE SESSION**
 - 2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency,
30 Minutes

- 3. APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
- 4. PUBLIC COMMENT**
- 5. MAYOR'S REPORT**
- 6. CITY MANAGER'S REPORT**
- 7. UNFINISHED BUSINESS**
 - 7.A Request for Proposals for 2020 Lodging Tax Projects - Executive, 15 Minutes
2020_LTAC_RFP_-for_CC 07092019
LTAC Presentation for CC 9 July 2019
MRSC - Lodging Tax (Hotel-Motel Tax)
 - 7.B (xx) Potential City Proposal for Lodging Tax Advisory Committee (LTAC) Funds - Executive, 15 Minutes
Wayfinding for CC 7_9_19.doc
 - 7.C (X PM) Police and Municipal Court Funding Approach Decisions - Executive, 15 Minutes

- 7.D Ordinance No. 2019-18 Relating to Changes to Water and Sewer Utility Fees - Public Works, 5 Minutes
[FCS Rate Study Page 21.pdf](#)
[Ordinance_No._2019-18_correcting_Ord_2019-14-1.docx](#)
- 7.E (x PM) Review and Assessment of Critical Area Regulations, BIMC Chapter 16.20 - Planning, 15 Minutes
[20190709 CC Staff Memo.docx](#)
[20190509 PC Staff Memo.docx](#)
- 7.F Sustainable Transportation Project Professional Services Agreement - Public Works 15 Minutes
[Sustainable Transportation Plan_PSA Scope of Work_20190626.pdf](#)
[Sustainable Transportation Plan_PSA Budget_20190626.pdf](#)
[CC_Sustainable_Transportation_Proposal_.pdf](#)

8. NEW BUSINESS

- 8.A Interlocal Agreement for Navigator Behavioral Health Support - Police, 10 Minutes
[Navigator Services ILA](#)
[Poulsbo Navigator Policy - Updated 03.01.2019](#)
- 8.B (X PM) Vehicle License Fee Rebate Program - Finance, 15 Minutes
[TBF Rebate Program.docx](#)
[COBI.TBF_RebateProgram-Form.FIN-Draft.pdf](#)
[Resolution 2019 -xx Vehicle Licence Fee Rebate.docx](#)
- 8.C 2019 Chip Seal Project Contract Award - Public Works, 10 Minutes
[2019 Chip Seal Map.pdf](#)
- 8.D Olympic Drive Design Professional Services Agreement Amendment No. 1 - Public Works, 10 Minutes
[Amendment No 1 to PSA Pro Forma.docx](#)
[Exhibit A to Amendment No. 1.pdf](#)
- 8.E Ordinance No. 2019-19 Related to Model Traffic Ordinance Revisions - Public Works, 10 Minutes
[Ordinance No. 2019-19 Model Traffic Ordinance Revisions.docx](#)
- 8.F Municipal Court Lease Extension 10 Minutes
- 8.G (x:xx PM) Biosolids Contract - Public Works, 10 Minutes
[Biosolids RFP](#)
[biosolids memo.docx](#)
[2019_BPI-KC-BI-Contract-060619-1.docx](#)
- 8.H Police Vehicle Procurement - Public Works, 10 Minutes
[POLICE Vehicle DES WA Specifications.pdf](#)
- 8.I Resolution No. 2019-22, Supporting a County-Wide Ban on the Aerial Spray of Glyphosate and Stating the City's Intent to Pursue a Ban on the General Use and Sale of Glyphosate on Bainbridge Island -

Councilmember Nassar, 10 Minutes
Resolution No. 2019-22 Supporting Ban on Aerial Spraying of Glyphosate

9. CITY COUNCIL DISCUSSION

9.A Discussion of Potential Changes to Ethics Program - (Placeholder) 45 Minutes

10. CONSENT AGENDA

10.A Agenda Bill for Consent Agenda 5 Minutes

10.B Accounts Payable and Payroll

10.C City Council Regular Business Meeting Minutes, June 11, 2019

10.D City Council Study Session Minutes, June 18, 2019

10.E (X PM) Water and Sewer Telemetry Upgrade Professional Services Agreement - Public Works, 5 Minutes
Water and Sewer Telemetry Upgrade PSA

11. COMMITTEE REPORTS

11.A Committee Reports 5 Minutes

[Marine Access Committee April 8, 2019 Minutes](#)

[Marine Access Committee May 13, 2019 Minutes](#)

[Utility Advisory Committee May 8, 2019 Minutes](#)

[Utility Advisory Committee May 22, 2019 Minutes](#)

[Utility Advisory Committee June 12, 2019 Minutes](#)

11.B (X PM) Regional Committee Reports by Councilmember Liaisons - Mayor Medina, 10 Minutes

12. FOR THE GOOD OF THE ORDER

13. ADJOURNMENT

GUIDING PRINCIPLES

Guiding Principle #1 - Preserve the special character of the Island, which includes downtown Winslow's small town atmosphere and function, historic buildings, extensive forested areas, meadows, farms, marine views and access, and scenic and winding roads supporting all forms of transportation.

Guiding Principle #2 - Manage the water resources of the Island to protect, restore and maintain their ecological and hydrological functions and to ensure clean and sufficient groundwater for future generations.

Guiding Principle #3 - Foster diversity with a holistic approach to meeting the needs of the Island and the human needs of its residents consistent with the stewardship of our finite environmental resources.

Guiding Principle #4 - Consider the costs and benefits to Island residents and property owners in making land use decisions.

Guiding Principle #5 - The use of land on the Island should be based on the principle that the Island's environmental resources are finite and must be maintained at a sustainable level.

Guiding Principle #6 - Nurture Bainbridge Island as a sustainable community by meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Guiding Principle #7 - Reduce greenhouse gas emissions and increase the Island's climate resilience.

Guiding Principle #8 - Support the Island's Guiding Principles and Policies through the City's organizational and operating budget decisions.



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**CITY OF
BAINBRIDGE ISLAND**

**CITY COUNCIL STUDY SESSION
TUESDAY, JULY 16, 2019**

**BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON**

AGENDA

- 1. CALL TO ORDER / ROLL CALL - 6:00 PM**
- 2. EXECUTIVE SESSION**
 - 2.A Pursuant to RCW 42.30.110(1)(i), to discuss with legal counsel matters relating to litigation or potential litigation to which the city, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency,
30 Minutes
- 3. APPROVAL OF AGENDA/ CONFLICT OF INTEREST DISCLOSURE**

- 4. MAYOR'S REPORT**
- 5. PRESENTATIONS**
- 6. UNFINISHED BUSINESS**
 - 6.A (X PM) Ordinance No. 2019-04, Updating the City's Sign Code - Planning, 45 Minutes
Sign Code Matrix and Definitions of Key Terms
 - 6.B (XX PM) Update on Moratorium - Planning, 10 Minutes
20190625 Moratorium work program status report
Ordinance No. 2019-10 Extending the Development Moratorium
Development Moratorium Summary Effective April 3, 2019
- 7. NEW BUSINESS**
 - 7.A Consider Changes to Annual Funding and Master Lease with Friend of the Farms - Executive, 20 Minutes

- 7.B Consideration of Options Related to Shade Covenant on the Crawford Property - Executive, 30 Minutes

8. CITY COUNCIL DISCUSSION

- 8.A Discussion of Definition of Task Force and Committees in Governance Manual - Councilmember Schneider, 15 Minutes

9. FUTURE COUNCIL AGENDAS

- 9.A Future Council Agendas 10 Minutes

10. FOR THE GOOD OF THE ORDER

11. ADJOURNMENT

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CITY OF
BAINBRIDGE ISLAND

CITY COUNCIL REGULAR BUSINESS MEETING
TUESDAY, JULY 23, 2019

BAINBRIDGE ISLAND CITY HALL
280 MADISON AVENUE N.
BAINBRIDGE ISLAND, WASHINGTON

AGENDA

1. **CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE - 7:00 PM**
Councilmember Nassar will be absent.
2. **APPROVAL OF AGENDA / CONFLICT OF INTEREST DISCLOSURE**
3. **PUBLIC COMMENT**
4. **MAYOR'S REPORT**
5. **CITY MANAGER'S REPORT**
6. **PRESENTATION(S)**
 - 6.A Update from Kitsap Economic Development Association (KEDA), 15 Minutes
7. **PUBLIC HEARING(S)**
8. **UNFINISHED BUSINESS**
 - 8.A (XX PM) Ordinance No. 2019-09 Relating to Accessory Dwelling Units (ADUs) - Planning, 45 Minutes
CC Staff Memo-Affordable Housing Topics
Ordinance 2019-09
City Attorney ADU Memo
Attachment A BIMC 18.09.030.I.5 ADU Use Specific Standards
Tiny Homes Handout from WA Building Officials
MRSC handout on Tiny Home Legislation
9. **NEW BUSINESS**
 - 9.A Request for Proposals for 2020-2021 Cultural Funding Award Cycle - Executive, 15 Minutes

9.B Mid-Year Report on 2019 Workplan Priorities and Comprehensive Plan Implementation 15 Minutes

10. CITY COUNCIL DISCUSSION

11. CONSENT AGENDA

11.A Agenda Bill for Consent Agenda 5 Minutes

11.B Accounts Payable and Payroll

12. COMMITTEE REPORTS

12.A Committee Reports 5 Minutes

13. FOR THE GOOD OF THE ORDER

14. ADJOURNMENT

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