

January 27, 2020

The Honorable Leslie Schneider
Mayor, City of Bainbridge Island
280 Madison Avenue N
Bainbridge Island, WA 98110

Dear Mayor Schneider

2019 was a sad year for the City of Bainbridge Island, its Ethics Board and its citizens. It was a year with a record number of ethics complaints filed against Councilmembers. During this challenging time for the City, the Ethics Board dedicated time, energy, experience, and, most importantly, reasonableness in interpreting and applying the Code of Ethics. As mandated by the program, we did so 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.

The Council's response was not to address the behaviors leading to these complaints but to challenge the integrity of the Ethics Board, in some cases to attack members of the Ethics Board, and to draft a new Ethics Program that stifles citizen complaints and reduces the role of the Ethics Board to administrative gatekeeper.

In April of 2019, City Council started prohibiting the Ethics Board from hearing any citizen complaints while the Ethics Program was under review. Then, for eight months, City Council deliberated the changes embodied in the "new" program. During this time, the Ethics Board continued to work diligently to improve the processes and overall effectiveness of the Ethics Program. We wrote letters and emails to Council with recommendations and expressions of concern regarding changes being considered. These letters were not acknowledged and perhaps never read. As a result, the "new" program, formally adopted on November 26, 2019, contains changes we cannot support. Specifically:

1. Article I complaints, those dealing with code of conduct issues, are now given only a cursory "threshold determination" by the Ethics Board (basically to weed out spurious complaints) and then referred to an outside mediator. We strenuously object to mandatory mediation for Article I issues since it will have the effect of inhibiting citizen complaints. The mediation process can work well for settling personal conflict or business issues. The issues citizens have presented have not related to personal conflict but rather to Councilmember ethical behavior and conflicts of interest. Mediation also works when there is a balance of power between the parties. But there is no balance of power when a citizen is forced to sit across the table from a Councilmember whose conduct has been grievous enough to warrant a complaint. And, this approach uses taxpayer dollars that might well be spent elsewhere.
2. Article II complaints, those dealing with gifts, conflict of interest, and confidentiality, are also given only a "threshold determination" by the Ethics Board and then referred to an external hearing examiner. Here again, we do not support this approach because it removes local control, reduces transparency, and diminishes accountability. Most importantly, it mutes the voice of the community by jumping over the citizen-based Ethics Board and ceding responsibility to external specialists who don't know Bainbridge Island. And, this approach uses taxpayer dollars that might well be spent elsewhere.

3. The Council's final assault on the Ethics Program is the "sunset provision" which requires City Council to affirmatively renew the program after one year. We believe this gives the Council a simple and silent way to end this inconvenient program by doing nothing. And given the long deliberation taken by City Council to just agree on the current program, we would expect this clause to be imposed.

The Ethics Board is proud of its work. We have rendered fair, objective and thoughtfully reasoned ethical opinions. We have served this City honorably, with courage and dignity. We have diligently and carefully applied the tenets of the previous Ethics Program, serving as a non-judicial body of peers to which citizens can voice their concerns. We believe this new program adopted by City Council is ill-conceived and ill-advised and puts both the citizens and the City at risk. As a result, the signatories below, current members of the Ethics Board, are compelled to resign.

Sincerely,



Suzanne Keel-Eckmann, Chair



Ingrid Billies



Maradel Gale



Brian Strully

cc: Bainbridge Island City Council
Bainbridge Island City Manager
Bainbridge Island City Attorney