

Ethics Board Operating Rules

Revised 4/11/08

1. **Purpose.** The Ethics Board is governed by a set of rules adopted by the members and approved by a resolution of the City Council. These rules work within the confines of the governing legislation for the ethics program, and are required for the board to perform its normal duties and operate in an efficient, effective, and consistent manner. The operating rules are also intended to provide transparency to the public on the workings of this body.
2. **Documentation.** This document is intended to serve as a record of operating rules derived from Ethics Board meetings, and includes explicit procedures as well as precedents derived from advisory opinions and other activities of the Board. It will be updated, as necessary, and successive versions will be adopted by the Ethics Board.
3. **Operating Rules.**
 - 3.1 **Chair.** Members of the Ethics Board will elect a chairperson. The Chair will serve for one year and may be re-elected for a second year. Responsibilities of the Chair include: presiding over meetings of the Board, organization of the meeting agenda, distributing work of the Board to individual members, communication with City staff, and designating a substitute chair in the event of absence.
 - 3.2 **Meetings.** Regular meetings of the Ethics Board will be on the second Monday of each month at 7:00 PM. In the event of a holiday, the meeting will be held on the third Monday of the month. Schedule changes may be made at the discretion of the members.
 - 3.2.1 **Open public meetings.** The Ethics Board is subject to the Open Public Meetings Act. Meetings are open to the public and will include a period for public comment.
 - 3.2.2 **Meeting Quorum.** A meeting attended by a majority of the members of the Ethics Board constitutes a quorum.
 - 3.2.3 **Attendance by telephone.** Board members may participate by telephone if unable to attend in person and effective two-way communication can be established.
 - 3.2.4 **Meeting Minutes.** Minutes will be recorded by city staff and provided to Board members in advance of the next meeting, where they will be reviewed, revised as necessary and approved. Meeting minutes will be posted on the Ethics Board website.
 - 3.2.5 **Communication by email.** Consistent with compliance with the requirement for open public meetings, Ethics Board members will avoid discussing substantive board issues by email. Informational communication is permitted, for example: meeting dates, draft minutes, agenda items, requests for advisory opinions and other draft documents supplied in advance of discussion in an open meeting. An exception to this rule is communication between two members working as a subcommittee on Ethics Board matters, where they do not constitute a quorum subject to the open public meeting requirement.

3.3 Communication with the Public. The Ethics Board's website will be used as a primary means of communication. Information posted will include relevant legislation, meeting schedules, operating rules, procedures and request forms for advisory opinions, published advisory opinions, and copies of educational materials produced by the Ethics Board. In addition, copies of advisory opinions will be filed in a notebook kept for public viewing by the City Clerk. In the event that the Board is required to comment publicly, the chair or member designated by the chair will speak for the Board. Board members will not comment on pending advisory opinions except at Board meetings.

3.4 Disclosure. The Ethics Board intends to be a model for transparency and ethical conduct in City affairs. Board members will disclose significant relationships with the City of Bainbridge Island or with elected officials or others subject to the Board's jurisdiction, including all situations that could potentially constitute a conflict of interest, or be perceived as a conflict of interest by the public. Disclosures will be an agenda item at each meeting of the Ethics Board. Potential conflicts will be managed by recusal or other means agreed by the Board.

4. Advisory Opinions

4.1 Request for advisory opinion. Request forms for advisory opinions are available from the City Clerk or may be downloaded from the Ethics Board's website. Only written requests will be considered. Requests will be submitted to the City Clerk.

4.2 Identification of requestor and subject. The City Clerk will redact the name of the individual submitting the opinion prior to forwarding the request to the Ethics Board. In acting on a request, the members of the Ethics Board are not made aware of the identity of the requesting individual or elected official in question. The situation described in the request for advisory opinion, deliberation of the Ethics Board, as well as the advisory opinion itself are all available to the public, as required by the Open Public Meetings Act. It is acknowledged that in some cases confidentiality may be breached by the specific information disclosed during the advisory opinion process.

4.3 Assignment to Ethics Board member. The Chair will assign each request to a Board member, who will summarize relevant information and lead the discussion at the Board meeting.

4.4 Jurisdiction. The Ethics Board will determine whether the request lies within the Board's jurisdiction.

4.5 Consideration of Facts. The Ethics Board is not empowered to investigate the veracity of facts contained in the requests for advisory opinion. Opinions will be based on "facts as stated" in the request. In some cases, individuals requesting the advisory opinion may be invited to submit additional facts.

- 4.6 **Advisory opinion.** The designated Board member will draft advisory opinions and the final text will be approved by a majority of the Board members present. Dissenting views will be recorded.
- 4.7 **Publication.** The Chair will forward the advisory opinion to the City Clerk for publication within six weeks after receiving the request, unless circumstances require an extension. The opinion, along with the request, will be posted on the Ethics Board's website and will be on file for public access with the City Clerk.
- 4.8 **Response to Citizens.** A copy of the advisory opinion will be forwarded by the City Clerk to the individual requesting the opinion.
5. **Request for Waiver.** Elected officials may seek a waiver for specific rules outlined in the Ethics Program.
 - 5.1 **Written Request.** The elected official will submit a written request for waiver to the City Clerk, who will forward it to the Ethics Board.
 - 5.2 **Assignment to Ethics Board Member.** The Chair will assign each request to a Board member, who will develop relevant background information and lead the discussion at the board meeting.
 - 5.3 **Board Decision.** The request for waiver will be considered in an open public meeting of the Ethics Board, which is empowered to grant the waiver "if it finds that the waiver will serve the best interests of the City and its citizens."
 - 5.4 **Publication.** Requests for waivers and action by the Board will be published as in Section 4.7 within six weeks. Dissenting opinions will be recorded.
6. **Other Requests.** Other citizen inquiries and suggestions will be discussed by the Ethics Board and recorded in meeting minutes. Citizens will receive a reply.