

# MERCER ISLAND REPORTER

## NEWS

### Council voted to find Mayor in violation of code of ethics

Aug. 20 council meeting held executive session, investigative review of Mayor’s email.

By [Natalie DeFord](#) • September 18, 2019 1:30 am



Mercer Island City Hall. File photo

At the Aug. 20 regular meeting, the Mercer Island City Council unanimously voted to find Mayor Debbie Bertlin in violation of the city’s code of ethics, which was adopted in 2018, for using city email to conduct her personal campaign business.

Bertlin denies intentionally aiding her campaign.

After a long meeting of conducting regular business, the council went into executive session at 11:07 p.m. to discuss pending or potential litigation with legal counsel, and to receive and evaluate complaints or charges brought against a public officer or employee. The session lasted about one hour, and the council took action following the session.

The council voted to find that Bertlin violated [MICC 2.60.020](#), the city’s code of ethics, and RCW 42.17A.555. The council also voted to authorize Deputy Mayor Salim Nice to send a letter to the council reminding her of her obligation as a city official to comply with MICC 2.60.020.

RCW 42.17A.555 states that “no elective official nor any employee of his or her office or any person employed by any public office or agency may use or authorize the use of any of the resources of the office, directly or indirectly, for the purpose of assisting a campaign.”

Nice read the letter aloud, which said that, as outlined in the code of ethics, the investigative group (deputy mayor, city manager and city attorney) had investigated a code of ethics violation complaint filed on July 9 by Mercer Island resident [John Zwingle](#).





The complaint requested, “an investigation of Mayor Bertlin’s violation [of] RCW 42.17A.555 and city guidelines for her admitted use of city email account for her campaign activities.”

The investigative group reviewed a June 30 email Bertlin sent with her city account to interim city manager Jessi Bon and assistant to the city manager Ali Spietz. After receiving questions from the *Mercer Island Reporter* for an [article about candidates](#) heading into the primary election, Bertlin requested information previously given at an event she had missed.

That email said, “Primary candidates have been asked, ‘How do you plan to better involve residents in the decision making process within the city?’ (responses due July 3) You mentioned that you spoke to the city’s limitations [with regard to] NextDoor at the candidates’ orientation. Would you please provide the same response to me in writing? Unfortunately I wasn’t there and want to be sure anything I might write represents the city’s position. Thanks.”

Nice’s letter to Bertlin said, “As a councilmember, you are an elected official. A city email account is a facility of a public agency according to guidelines issued by the [Public Disclosure Commission] for local government agencies. Lastly, based on a reasonable reading of the email, its purpose was intended to ‘assist a campaign’” [Top 10 Plays of the Day, 11/05/2023](#) ×

finds that there was a violation of MICC 2.60.020, specifically the requirement that a city official comply with the provisions of this letter reminding you of your obligation as a city official to comply with the

“Given that the financial impact of the email on the city is negligible, and it does not serve the public interest in any material way or worked to the political or economic benefit of the city, the council decided to take no further action.”

The letter also noted that the council’s finding of violation is specifically limited to the city’s code of ethics, because they do not have jurisdiction to find an official in violation of state law for purposes of prosecution, civil remedies or sanctions.

After the letter , Bertlin addressed the complaint and resulting council action.

“Thank you to everybody. Obviously this was uncomfortable, but I appreciate the due process that was given,” Bertlin said. “...I will just tell you that there was no intent on my part to aid the campaign. In fact, in general my principle is to run as much through my city email account as possible so as to maintain that level of transparency, further confirming also that the email was not sent through a city computer or a city phone.”

“So thank you for that. I also asked for this information and I just want to emphasize that in the spirit of ensuring that I was representing the city’s official positions as had already been presented to the council candidates at the council candidate orientation that I was unable to attend,” she said. “So, again, I accept it, I appreciate the letter, and duly noted. Thank you.”

The meeting then adjourned at 12:12 a.m.

When asked for further comment, Bertlin later told the *Reporter*, “It is my hope that going forward in the campaign all candidates and community members will focus on topics and issues that will notably impact the Island and bring us closer together as individuals and a community. I am committed to continuing to focus on substantive issues in a respectful and constructive manner.”



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Debbie Bertlin is running for Mercer Island City Council Position No. 7. Photo c

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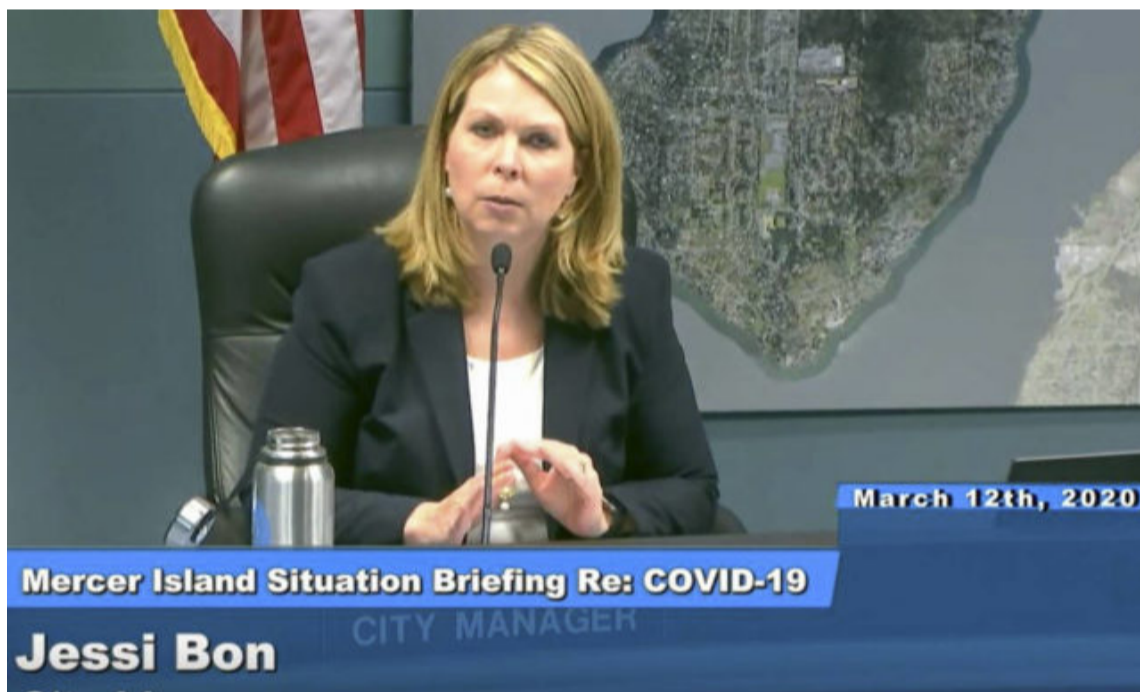
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By Soyun Chow

November 3, 2023 5:30 pm



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