



TO: Council Member Anders Ibsen
FROM: Board of Ethics, City of Tacoma
SUBJECT: Advisory Opinion
DATE: January 9, 2019

Procedural History

1. On December 6, 2018, Council Member Anders Ibsen received an email from a constituent named Betsy Perdue asking that he recuse himself of any vote regarding lifting restrictions on Detached Accessory Dwelling Units (hereafter referred to as "DADU") due to an alleged conflict of interest (See Exhibit 1).
2. On December 7, 2018, Council Member Ibsen provided Exhibit 1 and requested that the Board of Ethics issue an advisory opinion as to the alleged conflict of interest based upon that email.
3. On January 9, 2019 a Board of Ethics meeting was convened to address Council Member Anders Ibsen's request for an advisory opinion based on Exhibit 1.

Facts Known to Ethics Board

1. Council Member Anders Ibsen's professional occupation is real estate agent.

Conclusions

1. The Board of Ethics has the authority to provide a response to a request from City officials and employees for an opinion regarding prospective conduct per Tacoma Municipal Code 1.46.045(E).
2. The Ethics Code does not require that Council Members refrain from participating in legislation simply by virtue of it being related to their profession.
3. A Council Member's requirement to abstain from participating in such legislation and/or disclose the extent of a potential conflict of interest would depend upon the facts and circumstances.
4. There was no specific allegation made regarding any specific property or client that Council Member Ibsen is connected to that would create an actual conflict of interest.

5. Based only on the facts provided to the Board of Ethics in Exhibit 1, this Board determines there is no ethical requirement for Council Member Ibsen to recuse himself of a vote regarding land use and/or zoning related legislation solely due to his occupation as a real estate agent.
6. Whether Council Member Ibsen would be required to abstain from participating in such legislation and/or disclose the extent of a potential conflict of interest would depend upon the facts and circumstances.
7. If Council Member Ibsen has any future concerns regarding how his actual business interests may be a conflict of interest with his work on the Council, he is invited to provide additional information and request an additional opinion which can be evaluated at that time.



Ohad Lowy, Acting Chair, Board of Ethics

Exhibit 1

From: ibeadit <betsyperdue@icloud.com>
Sent: Thursday, December 6, 2018 9:06:17 AM
To: Ibsen, Anders
Subject: DADU Restrictions

Anders

Monday I learned of a Facebook post where you stated that you are in favor of lifting some of the restrictions around DADUs. Your constituents in the West End submitted a letter to the City Planning Commission, with copies to Mayor Woodard, city Council members, and City Manager Elizabeth Pauli, in opposition of removal of at least two of the restrictions. If you do not have a copy of the letter, I can forward a copy for your review.

First, without exception, we oppose lifting the owner occupancy restriction. To protect our property values it is imperative that an owner live in at least one of the buildings on a single lot. To negate this restriction would allow houses to be purchased with the sole purpose of turning the properties into rentals. If the property owners lived out of state, management and maintenance of the property could result in less than desirable environments in our family neighborhoods.

Also, removing the building restrictions currently in place could have a detrimental effect. Currently, the code requires that the second structure adhere to strict size and style guidelines. This is important to maintain a semblance of continuity and also be visually appealing.

Finally, I feel very strongly that your vote in favor of the restrictions removal constitutes a clear conflict of interest. As a real estate agent it potentially would be very much to your advantage to sell to anyone in order to further your career.

I hope that you will reconsider your position. If you have any questions or would like to discuss please contact me via return email.

Betsy Perdue