

City of Langley, Washington

Ethics Training and Advisory Board

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Bob French

Ethics Advisory Opinion #3

Alleged Unethical Conduct by City Officials at February 21, 2017 City Council Meeting

Introduction

At the request of Langley citizen, Mr. Eric Hood, the City of Langley Ethics Training and Advisory Board has been asked to provide an ethics advisory opinion regarding alleged unethical conduct by City officials including Mayor Tim Callison, Councilmember Bruce Allen and the entire City Council, at the February 21, 2107 City Council Meeting.

Mr. Hood's allegations specifically reference Mayor Callison and Councilmember Allen's lack of adherence to Langley Municipal Code, Sections 2.06.090 (C) and (N) (Meetings – Conduct); Mayor Callison's lack of adherence to Section 2.06.230 (Public Hearings); and the entire City Council lack of adherence to Section 2.06.220 (Ordinances and Resolutions).

Additionally, Mr. Hood alleges that conduct by Mayor Callison and Councilmember Allen "violated" Langley Ethics Code Values and Roberts Rules of Order.

Focus of Opinion

The focus of this advisory opinion considers the following:

1. Ethical conduct surrounding allegations regarding Langley Municipal Code, Sections 2.06.090 (C) and (N) (Meetings – Conduct); Section 2.06.220 (Ordinances and Resolutions) and Section 2.06.230 (Public Hearings)
2. Ethical conduct regarding Mayor Callison's alleged "violation" of Langley's Ethical Values.
3. Ethical conduct regarding alleged improper procedures in the conduct of the City Council meeting.

Opinion

1. It is the opinion of the Ethics Board that Mayor Callison and Councilmember Allen's alleged lack of adherence to Langley Municipal Code, Sections 2.06.090 (C) and (N) (Meetings – Conduct); Mayor Callison's alleged lack of adherence to Section 2.06.230 (Public Hearings); and the entire City Council's alleged lack of adherence to Section 2.06.220 (Ordinances and Resolutions) are not the within the purview of the City of Langley's Code of Ethics and therefore considerations regarding proper ethical conduct in all instances cited above do not apply.
2. It is the opinion of the Ethics Board that the February 21, 2017 City Council Meeting conduct of Mayor Callison was inconsistent with foundational aspirations* of the Code, but those actions are not considered unethical per se. We acknowledge the actions of Mayor Callison for recognizing those inconsistencies and offering his apology at the above referenced meeting. And, we also call attention to Section 2.06.090 of the Langley Municipal Code (Meeting -- Conduct) and suggest its timely review by all officials, employees, consultants, volunteers, vendors and citizens conducting business with and/or on behalf of the City.

** It is important to recognize that the Code's Preamble, Purpose and Value statements provide the foundational aspirations for the Code's Principles of Conduct and subsequently all ethical actions by City officials, employees, consultants, volunteers and vendors. Those covered by the Code are encouraged to conduct themselves in the most professional manner possible. Mistakes are not de facto unethical, but it is imperative to recognize mistakes and take corrective action immediately. Actions specifically in opposition to the six principles of conduct (Conflict of Interest, Confidentiality, Improper Influence, Misuse of Public Resources, Representation of Private Interests and Workplace Harassment and Discrimination) are the only actions that will be considered for ethical misconduct.*

3. It is the opinion of the Ethics Board that alleged improper meeting governance procedures including misuse of Roberts Rules of Order are not within the purview of the City of Langley's Code of Ethics and therefore considerations regarding proper ethical conduct do not apply.

Respectfully submitted,

March 27, 2017

City of Langley Ethics Training and Advisory Board



Bob Frause <bfrause@frause.com>

Fw: complaint

1 message

Eric Hood <ericfence@yahoo.com>

Tue, Feb 28, 2017 at 12:20 PM

Reply-To: Eric Hood <ericfence@yahoo.com>

To: Debbie Mahler <clerk@langleywa.org>, Robert French <ka7woc1@gmail.com>, "ethics@langleywa.org" <ethics@langleywa.org>

Ms Mahler,
Please present the following to the ethics board.

To the Ethics Board,

During the public comment session at the last city council meeting, nearly every person who attempted to speak was interrupted by either the mayor or Council members. Most notably, Mayor Callison angrily interrupted a woman who commented about his absence from a separate meeting, Bruce Allen dismissively referred to a comment as "crap," and another woman who questioned the City's transparency was interrupted by multiple board members.

When I attempted to speak, Mr. Callison first demanded (he did not request) that I stand, and then demanded (again, he did not request) I speak into the microphone. While his demands may have accorded with code, they were obviously prejudicial since he did not make similar demands of others he called on to speak.

With regard to the above conduct, please reference:

SEE 2.06.090 section C which refers to audience members being "heard" -- i.e., discussion or interruption or shaming of speech is clearly not authorized, and section N, "No member of the city council or mayor shall use any impertinent, degrading or slanderous language as to any other member of the council, mayor or member of the public."

And see

2.06.230 Public hearings.

"any public hearing all persons who have signed in and wish to be heard shall be heard." Note that the elective sign-in provision was apparently waived by at the referenced meeting. The interruption of public speakers by council members and mayor ensured that speakers were not fully heard.

Such intentionally intimidating conduct on the part of mayor and council members clearly violates the City's "Values" code, likely violates Roberts Rules of Order, and most importantly, chills speech.

In addition, with respect to the actions regarding the Sanctuary City ordinance which was apparently changed to an inclusive city resolution, please determine whether the City properly followed code, particularly with regard to the resolution, which appeared to have been created during the meeting.

Ordinances and Resolutions.

- a. All proposed ordinances and resolutions shall be reviewed by the city attorney to see that they are in correct form prior to the final passage. All accompanying documents shall

be available at a previous council meeting before the ordinances and resolutions can be passed;

2.06.220 Ordinances and resolutions.

All proposed ordinances and resolutions shall be available to the council and to the public in written form five days before a regular council meeting.

Please consider this a complaint for you to investigate and resolve. An inspection of the audio recording of the meeting may assist your investigation. Please let me know if you need further information to process this complaint.

Eric Hood
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