

City of Langley, Washington

Ethics Training and Advisory Board

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Ethics Advisory Opinion 0102017

Request Regarding Ethical Actions of Former Langley City Councilmember Rene Neff

Introduction

Former Langley City Councilmember Rene Neff has requested an advisory opinion regarding an action she took while a standing member of the Langley City Council. The action in question was her proposal to allocate a portion of the city's tourism funds to Island Shakespeare Festival (ISF). The proposal in question was made during the city council meeting on October 3, 2016.

Regarding this advisory Mayor Callison, Councilmembers Dominique Emerson and Thomas Gill and former Councilmember Rene Neff responded to the Ethic Board's requests for information.

Focus of Opinion

The focus of this advisory opinion considers the following:

Values

The ethical values considered regarding this advisory are:

1. *Transparency* – In pursuit of transparency we adhere to clear, accurate, honest and open communication principles. All opinions, views and responses are treated with a level of sensitivity that assures both openness and a responsible level of confidentiality.
2. *Diligence* – As public servants, we employ the best skills and care in serving the citizens of our community. It is our duty to leave no stone unturned in the pursuit of actions and decisions that will produce the most desirable results for all.
3. *Integrity* – Our daily actions are based on a solid habit of honesty. We perform our duties in an open and responsible manner. To do otherwise would be a dereliction of our duty and a breach of trust.

Principles of Conduct

1. *1.25.050 A. Conflicts of Interest (Section A1)* -- The advisory request seems to suggest, although no actual section of the Code's Principles of Conduct was cited, ethical misconduct may have occurred when former Councilmember Rene Neff brought forward a funding proposal from the Island Shakespeare Festival (ISF), an organization that she was a board member of, to the city council at the first council meeting in October of 2016.
2. *1.25.050 A. Conflicts of Interest (Section A3)* -- The advisory request seems to suggest, although no actual section of the Code's Principles of Conduct was cited, ethical misconduct may have occurred because the manner in which Ms. Neff recused herself from the request.
3. *1.25.050 A. Conflicts of Interest (Section A5, a, b, c)* -- The advisory request seems to suggest, although no actual section of the Code's Principles of Conduct was cited, failure to fully withdraw from a meeting at which discussion occurred on a request for funding made by Ms. Neff may have constituted ethical misconduct. It also appears that no other board member asked her to withdraw.

Opinion

1. *1.25.050 A. Conflicts of Interest (Section A1)* -- If the information we have reviewed is truthful and accurate, although possibly incomplete, it appears that Ms. Neff's submission of a funding request on behalf of the Island Shakespeare Festival (ISF), may technically suggest ethical misconduct, but the Ethics Board prefers to give Ms. Neff the benefit of the doubt regarding the process of submitting her request. Her good faith actions regarding disclosure of her involvement with ISF, and her well-intentioned recusal, signal that there is no good reason to consider her actions ethically improper.
2. *1.25.050 A. Conflicts of Interest (Section A3, A5 a, b, c)* -- If the information we have reviewed is truthful and accurate, although possibly incomplete, it appears that Ms. Neff's submissions of the funding request on behalf of the Island Shakespeare Festival (ISF), while technically may suggest an ethical misstep, the Ethics Board prefers to give Ms. Neff the benefit of the doubt regarding the sequence and subsequent actions surrounding her recusal. Because of her good faith actions regarding disclosure of her involvement with ISF, and well-intentioned recusal, including not voting on the proposal, the fact that she did not leave the meeting for the duration of the discussion is not sufficient to consider her actions ethically improper.

Advice

1. To avoid the appearance of conflict of interest regarding external and/or community funding requests to the City of Langley, the Ethics Board suggests that no appeals for funds be formally introduced by Langley elected officials. It is suggested that all requests be made to the City directly by the group or organization requesting financial support. All requests should be formally introduced to the council for their review as a matter of administrative funding request procedures.

2. To avoid the appearance of conflict of interest, the Board of Ethics suggests that at the time requests are formally introduced to the City Council for consideration, potential conflicts of interest should be immediately disclosed. Those in conflict should immediately recuse themselves from all discussion and voting as specified in 1.25.050 Section A5 of the Langley Code of Ethics*.

* City Council members who only act in an organizational liaison capacity should disclose that role and should also refrain from advancing funding proposals. But, as we interpret the Code of Ethics, they do not necessarily have to recuse from discussing the proposal or refrain from voting.

Respectfully Submitted,
Ethics Training and Advisory Board
Date: November 14, 2017