CITY OF LANGLEY DRAFT COUNCIL AGENDA
April 17, 2017 5:30 PM

1. CALL TO ORDER
   a. Flag Salute
   b. Roll Call

2. APPROVAL OF AGENDA

3. CONSENT AGENDA (See below)
   a. Approval of council meeting minutes of 4-3-17 ......................................................... 1-3
   b. Approval of claims warrants Nos. __ in the amount of $34,077.64 ................................. 4-10
   c. Approval of payroll warrants Nos. 35748-35768 (3/15/17) in the amount of $47,186.58 and Nos. 35802-35830 (3/31/17) in the amount of $92,037.77 ...................................................... 11-12
   d. Liquor Licenses – Kalakala Co. – renewal ................................................................. 13

4. RECOGNITION/APPRECIATION
   Drew Kampion

5. COMMISSION AND BOARD REPORTS
   Michael Nortier – Island Transit

6. CITIZEN COMMENTS *

7. UNFINISHED BUSINESS
   a. Acceptance of Ethics Advisory Opinion #4 ................................................................. 14-16
   b. Comp Plan update

8. STAFF REPORTS
   a. Community Planning
   b. Public Works
   c. Police
   d. Finance

9. MAYOR’S REPORT

10. NEW BUSINESS
    a. *Discussion of Attorney advice re draft ordinance re city policy with respect to immigration enforcement, equal Protection, and equal provision of city services regardless of Immigration status (*tentative, not ready yet at time of packet preparation*)

11. COUNCIL REPORTS

12. DISCUSSION ITEMS

13. ADJOURNMENT

* Citizen Comments: We welcome comments on subjects of concern or interest that are not on the agenda. Please state your name and address so this can be recorded, and limit your comments to 5 minutes. Questions will be answered immediately if the answer is brief, and the information is available. Otherwise, answers will be provided as soon as possible. Thank you for participating! If reasonable accommodation of a disability is needed please contact Debbie Mahler at (360) 221-4246 at least 48 hours prior to this meeting.
Langley City Council Meeting Minutes
April 3, 2017

Mayor Callison called the meeting to order at 5:30 PM. Present were City Council Members Rene Neff, Bruce Allen, Ursula Shoudy, Dominique Emerson and Thomas Gill. Also present were Stan Berryman, Public Works Director; Brigid Reynolds, Community Planning Director; Dave Marks, Chief of Police and Debbie Mahler, Finance Director/Clerk. Mayor Callison led the flag salute.

**MOTION:** To approve the agenda as amended. Motion - Allen, 2nd - Shoudy. Motion carried. Setting notice for water conservation hearing was added to the consent agenda.

**MOTION:** To approve the consent agenda as amended. Motion - Allen, 2nd - Neff. Motion was approved.

CONSENT AGENDA

Approval of council meeting minutes of 3-20-17
Approval of claims warrants and EFTs in the amount of $43,642.78
Confirmation of the Mayor’s appointment of Dominique Emerson to the Fairgrounds Advisory Committee
Water Use Efficiency Goal hearing setting

RECOGNITION AND APPRECIATION

Mayor Callison recognized Michaleen McGarry for her service as Chamber Executive Director and her direct impact on tourism in the City.

COMMISSION AND BOARD REPORTS

*Langley Library report.* Vicky Welfare, Librarian reported that 2017 Whidbey Reads, which encourages all to read the same book starts Monday evening with tattoo history and henna tattoos and on Tuesday with the book “Trails of the Mountain Loop Scenic Highway.” “PoetryMusic, Where Music and Words Meet” is Friday April 21st. Walt Blackford of PSE will have a presentation on the 27th entitled Staying Empowered: Electric Safety and Emergency Preparedness. All Mondays in April are “Bunny Mondays.”

*Design Review Board semi-annual report.* Bob Dalton said Brigid is a great guide for the board. They now have full board membership.

CITIZEN COMMENTS

Dennis Reynolds, minister of Unitarian Church shared a letter drafted by a group of clergy on the Island regarding immigrants and refugees. He read his letter out loud. Will Collins said that he heard the Chief’s concerns regarding his oath of office and a sanctuary ordinance. He talked about a statement he read from the Sheriff’s and Police Chief’s Association stating that immigrants need to feel safe to report crime and that local law enforcement cannot legally enforce federal immigration laws: federal immigration detainers violate the constitution because they are not criminal warrants. John Graham, Fiske Road told a story about police activity on his road, and reiterated how important it is that police not be seen as deputies of ICE, as
it will scare people and they won’t cooperate. Clinton thanked Council for their deliberations on the inclusive city issue.

Fred Lundahl, a merchant on First Street, stated that he had the biggest month of sales ever and appreciated Michaleen McGarry and Robin Black for their work at the Chamber.

MAYOR’S REPORT

Mayor Callison reported that the Council of Governments meeting on March 22nd was cancelled, but he attended the IRTPO and Law and Justice meetings that day. On March 28th he attended the County Commissioners meeting where the transfer of the Fairgrounds to the Port of South Whidbey was finalized.

UNFINISHED BUSINESS

MOTION: To accept Ethics Advisory Opinion #3. Motion - Gill, 2nd - Allen. Motion was unanimously approved.

MOTION: To adopt Ordinance 1035 amending LMC 1.25 Code of Ethics (as amended). Motion - Allen, 2nd - Gill.

MOTION: To remove the words “or a fine” in 1.25.020 in Ordinance 1035. Motion - Gill, 2nd - Emerson. Both motions passed with all in favor.

NEW BUSINESS

Discussion of setting business license revocation hearing. Debbie Mahler explained that one business in the City has not paid their business license renewals for 2016 and 2017. They were sent multiple billings and reminders and a letter giving them until March 20th to pay or make arrangements. They have not responded in any way. Per LMC 5.04.080, the next step is for the Council to set a hearing to revoke or suspend their license and order them to cease doing business within the city.

MOTION: To set a hearing on this matter. Motion – Neff, 2nd – Emerson. Passed without opposition.

MOTION: To set the hearing for May First. Motion Emerson, 2nd – Shoudy. Motion carried with all in favor.

MOTION: To send notice of the hearing to the business by certified letter with return receipt. Motion - Gill, 2nd – Allen. Motion was unanimously approved.

MOTION: To waive the two reading requirement and approve Resolution 786 Authorizing an Interlocal Agreement with other municipalities in Skagit County, Whatcom and Island Counties, and agreeing to participate as a member of a regional consortium for funding to
address homelessness and affordable homes. Motion - Neff, 2nd - Allen. Motion was unanimously approved.

COUNCIL REPORTS

Thomas Gill reported that the Substance Abuse Coalition will have their meeting at the end of the month. Bruce Allen reported that the HUB is open during spring break. 43 kids attended the HUB in one day and they are hoping to keep it open this summer. Rene Neff reported that the Cemetery Board is trying to figure out how to get more into the cemetery business, and discussing dog waste issues, garbage disposal, and hiring or contracting a cemetery position. They will bring a recommendation to council in the future. The Neff family has a new baby today! Mayor Callison thanked the Council and told them how much he appreciates their hard work.

Meeting was adjourned at 6:48 PM.

Respectfully submitted,

Debbie L. Mahler, Director of Finance/Clerk
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2017 - April - 4/11/17

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2017 - April - 4/11/17

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City of Langley, Washington
Ethics Training and Advisory Board

Chairman
Bob Frause

Members
Sharon Betcher
Monica Guzman
Fred Herzon
Bob French

Ethics Advisory Opinion #4

Alleged Unethical Conduct by Mayor Callison in Relation to The South Whidbey Record

Introduction

The City of Langley Ethics Training and Advisory Board has been asked by Langley citizen Sharon Emerson to provide an advisory opinion regarding alleged unethical conduct by Mayor Tim Callison in his interactions with The South Whidbey Record, at several points during March 2017.

Ms. Emerson raises concerns regarding two specific behaviors undertaken by Mayor Callison: 1) Mayor Callison’s request that The South Whidbey Record contact him only through city channels and not at his personal cell number (This was publicly reported by The Record on March 11, 2017, i.e., “Mayor of Langley puts price on freedom of the press”); and 2) Mayor Callison’s invoicing of The South Whidbey Record for the fees charged to the city by the city attorney when responding to a reporter’s investigative call. The invoice was forwarded by Mayor Callison to The Record on March 9, 2017.

Ms. Emerson alleges that the mayor’s actions were retaliatory, following upon an editorial challenge posed by The Record to the mayor, i.e., “Shame on Who?” in the February 25, 2017 edition. Ms. Emerson, in addition, asks the Ethics Board to consider Mayor Callison’s alleged actions as failing to evidence the values of Stewardship, Transparency and Fairness as spelled out in the Preamble to the City’s Ethics Code (1.24.030 Values).

Focus of Opinion

The focus of this advisory opinion considers the following:

1. Ethical conduct of Mayor Callison in requesting that city business be conducted through his city office and phone.

2. Ethical conduct of Mayor Callison in submitting an invoice from the city attorney to The South Whidbey Record.
Opinion

1. It is the opinion of the Ethics Board that Mayor Callison was within his rights to direct work related concerns through his city office and phone. This should not necessarily be viewed as a “failure to yield his private interests to the greater civic environment,” even as it admittedly represents a change of practice (Mayor Callison had previously been receiving press contact on his personal phone). Amidst a phase in the city’s life when considering inclusive/sanctuary city resolutions, around which citizens’ tensions have run high, his decision might represent an appropriate move to develop work-life balance.

2. It is the opinion of the Ethics Board that Mayor Callison’s action of turning over to The Record an invoice for attorney’s fees submitted to the city for a conversation between a reporter and the attorney was misdirected. As Mayor Callison himself reports, the city treasurer appropriately flagged the unexpected charge against budget posted by the City Attorney. Rather than addressing the attorney, however, Mayor Callison forwarded the bill to The Record. Mayor Callison’s attention-getting tactic (as he himself has called it), when directing the bill to The Record, has come under criticism by citizens as well as the media.

The Ethics Board cannot conclude that the action taken by the mayor when forwarding the invoice to The Record was, as Ms. Emerson alleges, “retaliatory,” since the action could also be read, even if the action was not wholly considered in relation to the press, as protecting the resources of the city (See 1.25.050 Principle of Conduct D, Misuse of Public Resources, “...elected officials...recognize their responsibility to conserve and/or judiciously deploy public resources...”). While the mayor’s action was not the model of open communication and transparency to which our city aspires, behavior inconsistent with the foundational aspirations of the Code is not considered unethical.

It is important to recognize that the Code’s Preamble, Purpose and Value statements provide the foundational aspirations for the Code’s Principals of Conduct. 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 are considered for ethical misconduct.

Since the exchange with The Record, the mayor has publicly apologized for his misdirection of the issue, which was, in best practice, taken up with the City Attorney. We acknowledge his moral reflection on his own behavior and his apology directed both to citizens and the media.

Respectfully Submitted,
Ethics Training and Advisory Board
April 10, 2017
Request for Advisory Opinion from the Ethics Board

Date: March 12, 2017

From: Sharon Emerson
PO Box 648
Langley WA 98260
360-929-1007
sharonremerson@gmail.com

I request an Advisory Opinion from the Ethics Board about the ethics of the mayor retaliating against the South Whidbey Record because of unfavorable coverage of him in the Record. These retaliatory acts were:

- Instructing the Record to only contact him through city hall and to stop using his personal cell phone number.
- Sending the Record an invoice for attorney’s time spent sending an email to the Record.

I am wondering if these actions would violate Section 1.25.030 Values, specifically:

- Stewardship: “As stewards of our shared commons, ... We yield our own private interests to act wholeheartedly on behalf of the greater civic environment.”
  The Mayor failed to yield his own private interests to act wholeheartedly on behalf of the greater civic environment in these matters.
- 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 ... openness…”
  The mayor’s actions did not support the goal of transparency in city government.
- Fairness: “All individuals and ideas are welcome and treated equitably and without prejudice. We strive to achieve a fair distribution of benefits, resources and burdens to all those that we represent.”
  The mayor’s action amounted to treating the Record unfairly and with prejudice. For example,
  - Prior to 3/9/17, was any other party instructed to only contact the mayor through City Hall? If so, who, why and when.
  - Prior to 3/9/17, was any other party invoiced for time spent getting information from a city employee or representative? If so, who, why and when

Thank you for your attention to this matter.