City of Langley, Washington
Ethics Training and Advisory Board

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Ethics Advisory Opinion #2

Uncalled City Council Quorum at Sanctuary City Meeting (February 9, 2017)

Introduction

At the request of Mayor Tim Callison, the City of Langley Ethics Training and Advisory Board has been asked to provide an ethics advisory opinion regarding an alleged uncalled council quorum formed by city Councilmembers Rene Neff, Bruce Allen and Ursula Shoudy at a public meeting of the local Sanctuary City Movement. This concern emerged in a written complaint (email) filed by Chief David Marks, City of Langley Police Department, dated February 14, 2017 (6:12 pm), and directed to Mayor Callison.

Marks' official complaint specifically regards action taken by Councilmember Rene Neff when that unintended and unannounced city council quorum gathered. A non-city sponsored public meeting of the Sanctuary City movement took place on February 9, 2017, at Langley United Methodist Church, Langley, WA. At that meeting, Councilmember Rene Neff spoke, detailing the actions which the city council could take in regards to declaring itself a Sanctuary City and her assessments thereof (On record are Chief Marks' letter, Councilmember Neff's personal statement and media reports). Councilmember Neff's action, given the unofficial quorum, was, Chief Marks contends, in violation of the WA State Open Meetings Act (RCW 42.30).

The ethics board has been asked by Mayor Callison to consider, secondary to the legal matter charged by Marks’ and addressed by the city's legal counsel, “whether there has additionally been conduct that is in opposition to the City’s Ethics Code.” Callison’s request was sent to Ethics Board Chair Bob Frause via email dated Wednesday, February 15, 2017 (9:58 a.m.).

Focus of Opinion

The focus of this advisory opinion considers the following:

1. Ethical reflection as guided by Ethics Code 1.25.050 A1 “Conflict of Interest” on the emergence of an unintended and unannounced council quorum at a public event-- specifically A1, “Officials...shall avoid all actual or perceived conflicts of interest”;

2. Ethical reflection as guided by Ethics Code 1.25.050A3 on the public action of a city council member, in this case, Councilmember Rene Neff, when such a quorum gathered.
Opinion

1. It is the opinion of the Ethics Board that actions taken by Councilmembers Bruce Allen, Ursula Shoudy and Rene Neff—namely, their combined attendance at the public meeting of February 9, 2017—overlooked the possibility that their attendance could be perceived as an illegal quorum. Ethically speaking, in matters where the trust of city residents and the perception of impartiality must be maintained, council members are encouraged to act so as to avoid even the perception of impropriety and/or favoritism in order to uphold the integrity of the city.

Their combined attendance and, hence, quorum at the public meeting appears to have been unintentional; and their desire to hear out their constituency is admirable. Once each of the council members became aware of one another’s presence (as each acknowledge in their personal, written statements requested by the Ethics Board), it was ethically incumbent upon each of them to immediately seek means to resolve the situation and avoid the perception that there may have been a conflict of interest.

Let it be noted, however, that Councilmember Allen, conscious of the council quorum, did take leave of the meeting about one hour into the public event—after the four presenters introduced themselves and prior to the assembly’s invitation to Councilmember Neff to informally address the gathering (per Councilmember Allen’s personal statement as corroborated by Councilmember Shoudy);

2. It is also the opinion of the ethics board that no ethical impropriety was committed by Councilmember Neff because the aggregated quorum of the council had disbursed upon Councilmembers Allen’s decision to leave the meeting (as corroborated by Councilmember Allen’s and Councilmember Shoudy’s statements) before Councilmember Neff addressed Sanctuary City meeting participants.

It should be noted, however, that ethical failure to resolve the aggregated quorum would have left Councilmember Neff in a conflicted position when she was invited by planners of the event to “take the microphone” (Marks’ letter regarding Neff’s action is here corroborated by media photo in South Whidbey Record 2.13.17 showing Neff addressing the assembly). If the council quorum had persisted, the register of Neff’s actions would have moved from a council member addressing her constituency to that of one who may have been or perceived to have been conducting council business. Since the quorum of the council had disbursed, Neff’s address to the assembly was simply an individual council member articulating her political vision.

Respectfully submitted,

February 21, 2017
City of Langley Ethics Training and Advisory Board