

City of Langley, Washington

Ethics Training and Advisory Board

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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
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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.

