

City of Langley, Washington

Ethics Training and Advisory Board

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City of Langley Ethics Training and Advisory Board A Two-Year Community Report July 2017

Codes of ethics and ethical reflection have in the past decade become a tool for community guidance and intervention for citizen oversight, and a reflective guide for public servants seeking to act with discretion and integrity in living out their public office.

In 2014, the City of Langley itself, at the urging of and with the expertise of an ad hoc citizen group, chose to establish a code of ethics, which defined the obligations, responsibilities and behaviors expected of its elected officials, employees, consultants, volunteers as well as vendors doing business with the city. In 2015, then Mayor Fred McCarthy and the city council appointed its first Ethics Board to manage that Ethics Code. As we evaluate our progress over the past two years, we wanted to do so in an open and transparent fashion so that Langley citizens may better understand the current Code and the role of the Board.

Initially, the Ethics Board was charged with undertaking a review of the code and establishing regular training. The board's initial review included discussion of the foundational aspirations of the initial Code. This resulted in the enumeration of specific values and decided principles of conduct. While the initial articulation of the city's ethics code included the provision to punish ethical violations, the Board, after much thought and discussion, decided to eliminate the punitive provisions of the Code and to shift the work of the Board towards a more educational and aspirational process.

The Board's suggested revisions were adopted by the City Council April 18, 2016, and recently amended April 3, 2017. The Board now oversees the training of the city's elected and volunteer officials and, when requested, advises the council regarding behavior brought to our attention by citizens.

The Preamble, Purpose and Value statements provide the foundational aspirations for the Code's Principals of Conduct—Conflict of Interest,

Confidentiality, Improper Influence, Misuse of Public Resources, Representation of Private Interests and Workplace Harassment and Discrimination. Only misbehavior in regard to these six principles may be said to be “unethical” and can be brought before the Board for review. Consequent to review by the Board, our Advisory Opinions are submitted to the City Council, who retains authority in regard to dealing with ethical misconduct.

So, why this shift away from a citizen oversight board with punitive capacities towards the expression of a board with educational and advisory capacities? Not only did the Board discern that a climate built around ethics as grounding citizen trust require something more aspirational and educational in nature, the Board discovered that holding the power of punishment left both citizens and the City in legally problematic territory. Because the Ethics Board too must comply with the state’s Open Meeting Act, ethical complaints could not be dealt with in a confidential fashion—a scenario that could potentially damage the reputation of both the accused and accuser. Second, the Board has not been granted powers of discovery—that is, investigative powers by which we might arrive at the facts in any particular situation.

Since adopting the revised Code of Ethics, the Board has conducted five training sessions for public officials, employees and volunteers. We have also issued four Advisory Opinions, which can be found on the Ethics Board’s City webpage. Those opinions were requested—one by the mayor and others by citizens and a city employee—in response to various situations occurring within the City’s deliberations regarding declaring itself a sanctuary city. In all cases the Ethics Board found no ethical improprieties, but did suggest that some actions of individuals were not in keeping with the aspirational foundations of the code.

Even as we continue to refine our training materials and review our fact-finding procedures for offering advisories, we celebrate the completion of two phases of living into the citizens’ call for living with a Code of Ethics so as to promote civic trust and well-being—namely, the revision of the code itself and completion of the first phase of training. In revising the initial Ethics Code, we have clearly enumerated the values and aspirations guiding civic behavior. We have explicitly enumerated the Principles of Ethical Conduct to which we hold all of our elected and appointed civic leaders. And as earlier noted, the Board has carried out training of all of those leaders as well as initiated a process whereby we support the work of the City Council, in the form of offering upon request non-legally binding Advisory Opinion requests. (see Addendum)

If you would like more information on the Langley Code of Ethics or duties of the Ethics Training and Advisory Board, you may write to the Board at ethics@langleywa.gov. Or plan to attend one of our meetings. All meetings of the board are open to the public and there is a fifteen-minute period for public comment at the beginning of each meeting. For accurate meeting schedule, times and agenda please see the Langley website for more information.

Respectfully submitted July, 2017,

Bob Frause, Chairman
Sharon Betcher
Monica Guzman
Fred Herzon
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ADDENDUM

City of Langley Ethics Advisory Opinions are non-legally binding opinions and educational in nature only. They may not be used as defense against a legal challenge to the situations described in the advisory opinion. The process for requesting an advisory opinion of the ethics training and advisory board follows:

- 1. Informal discussions with members of the ethics board regarding ethical dilemmas will not be entertained.*
- 2. Advisory opinions will only be rendered after a written request is sent to the city clerk. The request must not only cite the activity in question, but specific provisions in the principles of conduct (Section 1.25.050), which are relevant to the ethical dilemma in question.*
- 3. All requests for advisory opinions will be forwarded by the city clerk to the ethics and training advisory board for their review and opinion.*
- 4. For each request, a draft opinion will be rendered in less than 30 days and will be based on the circumstance of the ethical dilemma in relation to the current code of ethics (this chapter).*
- 5. All draft advisory opinions rendered by the ethics board will be forwarded to the city council for review, comment and final acceptance.*
- 6. All advisory opinions will become a matter of public record and may be used as instructional case studies to emphasize various principles of the code of ethics. (Ord. 1028 § 2, 2016).*