

City of Langley, Washington

Ethics Training and Advisory Board

Chairman
Bob Frause

Members
Sharon Betcher
Monica Guzman
Fred Herzon

Ethics Advisory Opinion #1

Sanctuary City Status

December 15, 2016

INTRODUCTION

At the request of Mayor Tim Callison, the City of Langley Ethics Training and Advisory Board provides the following Advisory Opinion regarding the ethics of declaring the City of Langley a Sanctuary City.

It is the understanding of the Ethics Board that the definition of a Sanctuary City is generally accepted as outlined in the definition below. Our advisory opinion is based on this definition.

Definition: *A Sanctuary City is a city in the United States or Canada that has adopted a policy of protecting undocumented immigrants by not prosecuting them solely for violating federal immigration laws in the country in which they are now living illegally.* https://en.wikipedia.org/wiki/Sanctuary_city

FOCUS OF OPINION

The focus of the following advisory opinion will be two fold:

- A. Does the City of Langley Code of Ethics ethically permit the city to declare the City of Langley a Sanctuary City?
- B. What unethical occurrences may arise if the City of Langley were to declare Sanctuary City status?

OPINION

- A. It is the opinion of the Ethics Board that the City of Langley's current Code of Ethics does not ethically prevent the City from declaring Sanctuary City status. Various, the declaration of sanctuary appears congruent with the ethos of the code.

Support for this opinion resides in the **Code's Preamble, Values Statement and Code Principle (F.), and especially (F.1), Workplace Harassment and Discrimination**, which states "*The city seeks to be a workplace, a political organism and civic arena in which persons can appropriately expect to work and to live free from discrimination and unlawful harassment. As such:*

1. *Officials, employees, consultants, volunteers and vendors shall not use their position to harass, intimidate or discriminate against any co-worker or member of the public based*

upon a person's sex, sexual identity, race, nationality, age, appearance, religious or ideological beliefs."

- B. It is also the opinion of the Ethics Board that the declaration of sanctuary could result in several ethical quandaries. Such ethically questionable scenarios include the following:
1. Actions taken to sanctuary persons may put Langley police officers or other public officials in conflict with their own official ethical codes of conduct or the laws that they are sworn to uphold if the City declares Langley a Sanctuary City. **Code Principle (A.)**, Conflicts of Interest, states in part, "*Conflicts of interest, in which a person has a duty to more than one person or organization, could bring about actions or decisions by Langley officials, employees, consultants, volunteers and vendors that are not in the best interest of the city, its residents and entities.*"
 2. Actions in opposition to **Code Principle (B.)**, especially **(B.3)**, regarding Confidentiality and **Principle (E.8) regarding "Disclosure,"** may be unethical. Officials, employees, consultants, vendors and volunteers cannot for ethical reasons suppress information once it is in the public domain. Although these Ethics Code principles do not require any official, employee, consultant, volunteer or vendor to ask anything other than what is required by law, they do mandate officials, employees, contractors, volunteers and vendors to disclose what is known.

RECOMMENDATION

Based on the above Advisory Opinion, it is the recommendation of the Langley Ethics and Advisory Board that the Mayor and City Council temporarily table a decision to declare Langley a Sanctuary City in favor of adopting one of two ethically prudent alternative options. These options would in effect reinforce the values and principles of a Sanctuary City but limit the City's ethical exposure. Further, this action would put the City in a position to consider at a later date actual legal sanctuary status; or in other words, to "step up its resolve" if future conditions were such that the legal specifications of sanctuary (as e.g., noncompliance with Immigration & Customs Enforcement requests to hold undocumented immigrants), were deemed a necessary next step.

It is our conclusion and recommendation that, by reaffirming the set of principles and values that are already part of the current Code of Ethics (see Preamble, Values and Code Principle F.1), it allows the city to take a progressive position on human rights without jeopardizing the city officials, employees, consultants, volunteers, vendors and citizens. Both of our suggested options would contain the same language but each would be administered in a different way.

Option 1 - We believe that the Mayor could issue an **Executive Order** stating the City's intent with regard to affirming the City's ethical principles and values, already approved in the Code of Ethics by the City Council, without directly declaring Langley a Sanctuary City.

Option 2 – The Langley City Council could also use the same language as proposed for the Executive Order, but pass a **Resolution** affirming the same.

Note:

- An *Ordinance* is a municipal law, which may be amended or repealed by adoption of another ordinance. Except in cases of emergency, an ordinance as passed by the City Council, takes effect five days after its publication in the city's official newspaper.
- A *Resolution* may be used to express City Council policy, direct administrative or legal action, or to make a public statement from Council. A *motion* is used by the Council to indicate approval or denial of a procedural action
- An *Executive Order* may be used by the Mayor to express City policy, direct administrative or legal action, or to make a public statement. No action is required by the City Council
- A *Proclamation* may be used to call attention to certain events or causes when such statements may positively impact the community and convey an affirmative message to city residents. A Proclamation takes the form of a public statement made by the City Council.

Respectfully submitted:

Date: December 15, 2016

City of Langley Ethics Training and Advisory Board

Bob Frause, Chairman; Sharon Betcher, Monica Guzman, Fred Herzon



City of
Langley Washington

RESOLUTION # xxx or EXECUTIVE ORDER #xxxxx
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STATEMENT OF PRINCIPLES AND VALUES

WHEREAS, we are agents of the collective will in whom the residents of the City of Langley, Washington have put its trust and confidence. And, as public officials, employees, consultants and volunteers who are entrusted with and responsible for the property, resources and reputation of the City, be it

RESOLVED, we are obligated to make decisions and implement policies free of coercive or other improper influences. and be it

FURTHER RESOLVED, we are advocates for our constituents and recognize the diverse lives and livelihoods that reside together in our village, and be it

FURTHER RESOLVED, we are committed to generating a place of hospitality for diverse sexual, economic, ethnic and religious expressions of self and family. We refuse the mental habit of casting difference in negative value, and be it

FURTHER RESOLVED, we speak generously of and build trust between City officials and staff, whether volunteers or employees, and every citizen in our community, and be it

FURTHER RESOLVED, we use our positions in the best interests of the City rather than for personal interests, whether they be our own interests or those of our family, friends, or business associates, and be it

FURTHER RESOLVED, we do not treat any citizen preferentially. To perpetuate public trust we avoid even the appearance of impropriety, and be it

FURTHER RESOLVED, we acknowledge our obligation to the city of Langley's five core values of **Stewardship, Transparency, Fairness, Diligence and Integrity**, which structure ethical practice and interaction between City officials, employees, consultant, volunteers and the Langley residents they represent, and be it

FURTHER RESOLVED, as stewards of our shared commons, we honor the history, culture and future of the citizens who call our community home. We yield our own private interests to act wholeheartedly on behalf of the greater civic environment, and be it (**Stewardship**)

FURTHER RESOLVED, 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, and be it **(Transparency)**

FURTHER RESOLVED, 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, and be it **(Fairness)**

FURTHER RESOLVED, 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, and be it **(Diligence)**

FURTHER RESOLVED, 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. **(Integrity)**, and be it

FINALLY RESOLVED, we have existed a one of Washington State's great cities for more than 100 years and we will continue to move forward together in the best interests of all.

Adopted This Day xxxxxxxxxxxxxx, 2016 by the City Council of Langley, WA 98260

(Signatures)

Note: Extracted word-for-word from the City of Langley Code of Ethics (Preamble and Values). Added the official resolution language with a few tie in sentences. Doesn't say sanctuary city anywhere but the principles are still there. Something I am sure both sides of this issue can agree on.