

**CITY OF BIRMINGHAM  
BOARD OF ETHICS MINUTES  
FEBRUARY 12, 2016 – 3:00 PM  
151 MARTIN, BIRMINGHAM  
CONFERENCE ROOM 202**

**I. CALL TO ORDER**

Sophie Fierro-Share, Chairperson, called the meeting to order at 3:05 PM.

**II. ROLL CALL**

Present: Ms. Fierro-Share  
Mr. Robb  
Mr. Schrot

Absent: None

Administration: City Attorney Currier, Clerk Pierce

**III. APPROVAL OF MINUTES**

**MOTION:** Motion by Schrot, seconded by Robb:  
To approve the minutes of December 1, 2015 as amended.

**VOTE:** Yeas, 3  
Nays, None  
Absent, None

**IV. UNFINISHED BUSINESS**

**A. Review of Draft Opinion Advisory Opinion Request:**

**1. 2015-06 Advisory Opinion: City Commission referred question of September 21, 2015**

The Board discussed the draft opinion and made several minor revisions to the draft opinion.

**MOTION:** Motion by Robb, seconded by Schrot:  
To accept the advisory opinion as corrected.

**VOTE:** Yeas, 3  
Nays, None  
Absent, None

**V. NEW BUSINESS**

**A. Review of Draft Opinion Advisory Opinion Request:**

**1. 2015-07 Advisory Opinion: City Commission referred question of October 12, 2015**

The Board discussed the draft opinion. It was noted that this situation is an example of how the Board can deal with matters in an advisory nature.

**MOTION:** Motion by Robb, seconded by Schrot:  
To accept advisory opinion.

**VOTE:** Yeas, 3

Nays, None  
Absent, None

**B. Review of Ethics Ordinance (Chapter 2, Article IX)**

Ms. Fierro-Share discussed the words "morality" and "above reproach" used in Section 2.321. She suggested language be used that is more realistic and humane.

Mr. Robb commented that this section is aspirational and does not define the conduct. Mr. Currier questioned whose morals would be the standard. Mr. Schrot commented that morality cannot be legislated. He expressed support of a change to "ethical conduct".

The Board discussed whether moral conduct could be defined. Mr. Currier suggested this is a worthwhile discussion to hold with the City Commission. Ms. Fierro-Share commented that there is a distinct definition between morality and ethics. She stated that morality should not belong in the ethics ordinance as it is not within the Boards purview. By clarifying the language, it will clearly define the Boards limitations and tasks.

The Board recessed at 4:25 PM and reconvened at 4:30 PM.

In response to a question from City Manager Valentine, Mr. Schrot explained that the Board is contemplating making a recommendation to the City Commission to modify the ordinance as it relates to this provision to eliminate "morality" and substitute "ethical conduct" and remove "in both their official and private affairs". Mr. Robb noted that it is a conflict in the ordinance and would be difficult to apply.

Mr. Valentine explained that the intent of the ordinance is to ensure public trust. To remove that language does not change the intent.

The board agreed that Mr. Robb will write a letter to the Commission regarding the proposed change.

**VI. PUBLIC COMMENT**

**VII. ADJOURN**

The meeting adjourned at 5:15 PM.

Laura M. Pierce  
City Clerk