

**CITY OF BIRMINGHAM
BOARD OF ETHICS MINUTES
JUNE 19, 2019
151 MARTIN, BIRMINGHAM
CONFERENCE ROOMS 202/203**

I. CALL TO ORDER

Chairperson Robb called the meeting to order at 4:04 p.m.

II. ROLL CALL

Present: Sophie Fierro-Share
James Robb, Chairperson
John Schrot

Absent: None

Also Present: City Manager Joseph A. Valentine, Respondent
Mayor Patty Bordman, Respondent

Administration: City Clerk Mynsberge, City Attorney Currier, City Attorney Ballard

III. APPROVAL OF MINUTES

A. Approval of Board of Ethics meeting minutes of June 12, 2019

MOTION: Motion by Mr. Schrot, seconded by Ms. Fierro-Share:
To approve the minutes of June 12, 2019 as submitted.

VOTE: Yeas, 3
Nays, 0

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

A. CONSIDERATION OF DECISION DRAFTS

1. 2019-03 Complaint: City Manager Joe Valentine, submitted by Clinton Baller.

Chairman Robb opened the floor for discussion and comments on the draft of the written opinion. He thanked everyone for convening to complete the matter before the board expediently in the best interest of the public.

Mr. Schrot complemented Chairman Robb for the job he did in capturing the findings of fact and questions presented in the analysis; he added that his thoughts, conclusions, and decisions are reflected in the opinion.

Ms. Fierro-Share pointed out the complexity of the complaint and again, complemented Chairman Robb on the opinion, and recommended changes that were made to the written decision.

MOTION: Motion by Mr. Schrot, seconded by Ms. Fierro-Share:
To approve, adopt, and sign Opinion 2019-03 as written:

VOTE: Yeas, 3
 Nays, 0

2. 2019-04 Complaint: Mayor Patricia Bordman, submitted by Clinton Baller.

Chairman Robb noted that the cases are related, and opened up the floor for discussion by members of the board.

Ms. Fierro-Share noted Page 2 and Page 4, made suggestions, and changes were made to the written opinion.

Mr. Schrot, again, commended Chairman Robb on the outstanding job he did in capturing content and questions posed in the analysis. He further noted variances on Page 1, Paragraph 1 and 2, relative to Mayor Bordman's name corrected by City Clerk Mynsberge.

City Attorney Currier, suggested verbiage to clarify Page 1 last paragraph. The changes were made to the opinion.

Mayor Bordman, in her statement, clarified points in the written opinion for public understanding:

- The ballot proposal read, "Not to exceed \$57.4 M".
- She added that revenues from the Birmingham Parking Systems would have paid for the bond relieving residents of the tax burden.
- Page 5, the complaint is against an individual as opposed to the "City" because the Ethics Ordinance requires that an individual be named.
- Page 3, she offered that the last paragraph does not apply in this case, and undermines the Ethics Ordinance.

Mayor Bordman stated that Chairman Robb is saying, in his written opinion, if you do not like what I did vote me out of office. My position is not at issue in the complaint but you made it an issue by saying go to the ballot box. There is an implication of recall.

Chairman Robb expressed that his opinion was written to the contrary. I am saying you cannot do this. At the end of the hearing, that is how Mr. Baller boiled it down.

Mr. Schrot expressed that what the mayor said resonated with him in hearing how Mr. Baller tried to frame the issue before the board. He went on to say that, Mr. Baller's issue did not need to be addressed in the penultimate paragraph that begins "Finally". Upon reflection, he added that the last paragraph from the opinion should be excluded.

Ms. Fierro-Share commented that she did not read the opinion in the same way as the Mayor and continued that she was only looking on the surface of the complaint and did not see the broader issue that Mayor Bordman pointed out. She agreed to strike the last paragraph of the body of the opinion.

Chairman Robb stated that in a sense, it is a dictum, statements outside the precise decision to give advice, but it is not necessary for the determination of the case.

Mayor Bordman pointed out that Mr. Baller did not include the City or the other Commissioners who voted in favor of the motion in this complaint.

City Attorney Carrier confirmed there is nothing in the Ethics Ordinance that requires the board to suggest a remedy for the complainant when held against.

Mayor Bordman noted in closing, despite the discussion and other small matters, that the opinion was beautifully written.

MOTION: Motion by Mr. Schrot, seconded by Ms. Fierro-Share:
To adopt opinion as amended via the discussion.

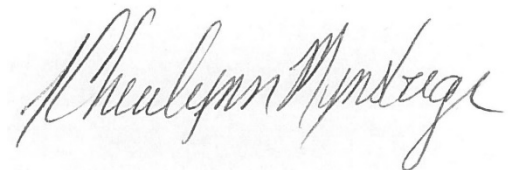
VOTE: Yeas, 3
 Nays, 0

VI. PUBLIC COMMENT

None.

VII. ADJOURN

The meeting was adjourned at 5:10 p.m.



J. Cherilynn Mynsberge, City Clerk
/vc