

**City of Birmingham
Board of Ethics Minutes
November 21, 2022
151 Martin, Birmingham**

I. CALL TO ORDER

Chair Robb called the meeting to order at 10:00 a.m.

II. ROLL CALL

Present: James Robb, Chair
John Schrot, Board Member
Sophie Fierro-Share, Board Member

Absent: None

Staff: City Clerk Bingham, City Attorney Kucharek

III. APPROVAL OF MINUTES

MOTION: Motion by Chair Robb, seconded by Ms. Fierro-Share:
To approve the minutes of September 22, 2022 as submitted.

VOICE VOTE:	Ayes,	Chair Robb Mr. Schrot Ms. Fierro-Share
	Nays,	None

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

A. Christal Phillips, Executive Director of the Board of Ethics for the City of Detroit – Discussion regarding suggested topics and activities for an Ethics Conference in Downtown Detroit

The Board and Ms. Phillips discussed their respective Boards' work and policies.

The following were listed as potential topics for an Ethics Conference in Detroit:

- How to create an Ethics ordinance;
- Changing community culture to be in alignment with an Ethics ordinance;
- What is the mission of an Ethics Board - proactive or reactive;
- Having a roundtable discussion of what different Ethics Boards finds works or does not work; and,
- When and whether confidentiality and closed sessions are appropriate, especially given FOIA and Open Meetings Act requirements.

The Michigan League of Municipal Clerks, the Birmingham Board of Ethics' training video, and SEMCOG were recommended as potential resources for the Conference.

B. Review of the Ethics Ordinance and Board Rules of Procedure

The Board, Staff, and Ms. Phillips discussed the item.

Thematic discussion points were:

- Each section of the ordinance stands on its own, as well as being part of the overall ordinance;
- The point of the ordinance is to make officials aware of the potential for conflict between one's personal interests and the public interests, and how those interests can sometimes conflict or be entwined;
- References in the ordinance to 'highest standards' or 'above reproach' should be seen as setting aspirations for public officials. ~~These particular phrases, however, are not the parts of the ordinance that public officials might be found in violation of;~~¹
- Some concerns were raised about the subjective judgments ~~judgements~~² required for phrases like 'highest standards' or 'above reproach';
- Whether the ordinance should be treated as a document to be interpreted by the Board rather than changed;
- Section 2-324(a)(6) and Section 2-324(a)(9) may be in conflict;
- Section 2-324(a)(9) could be clarified to indicate that a public official would be expected to recuse from a vote if their interests would be directly affected by a vote, and would be expected to vote if their interests would be indirectly affected by a vote, with the emphasis that they still must act in accordance with 2-324(a)(9)(a-c) and with the rest of the ordinance if they are required to vote due to an indirect interest;
- Section 2-324(a)(9) could also be left as-is because it allows for a public official to vote even if their interests would be directly affected as long as they comply with 2-324(a)(9)(a-c);
- 2-324(a)(9) could also be modified to specify that a vote does not represent a conflict when the decision would impact the public official no differently than it would affect every other citizen;
- It was noted that 2-324(a)(6) references a 'Section 5 B' that no longer exists and should be changed to 'Section 2-326';
- Rewording 2-324(a)(4) should also be considered, since the ordinance in general aims to prevent the appearance of a conflict of interest; and,
- The definition of 'personal interest' in Sec 2-322 could benefit from re-evaluation.

The Board decided that further review would occur at a later date.

VI. PUBLIC COMMENT


VII. ADJOURN

No further business being evident, the Board motioned to adjourn at 12:05 p.m.

¹ As amended at the January 30, 2023 meeting.

² As amended at the January 30, 2023 meeting.

Alexandria Bingham, City Clerk

A handwritten signature in black ink, appearing to read 'Laura Eichenhorn', with a long horizontal flourish extending to the right.

Laura Eichenhorn, City Transcriptionist