

**City of Birmingham
Board of Ethics Minutes
April 18, 2023
151 Martin, Birmingham**

I. CALL TO ORDER

Chair Robb called the meeting to order at 1:00 p.m.

II. ROLL CALL

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

Absent: None

Staff: City Manager Markus; City Clerk Bingham, Assistant City Manager Ecker, City Attorney Kucharek, Deputy City Clerk Woods

III. APPROVAL OF MINUTES

MOTION: Motion by Mr. Schrot, seconded by Ms. Fierro-Share:
To approve the minutes of March 7, 2023 as amended.

VOICE VOTE: Ayes, Chair Robb
Mr. Schrot
Ms. Fierro-Share

Nays, None

The Chair and Mr. Schrot thanked the City Clerk and City Transcriptionist for the minutes.

IV. UNFINISHED BUSINESS

- A. Motion to recommend proposed Ethics Ordinance amendments for consideration by the City Commission

The Chair reviewed the proposed changes and thanked Staff for their work.

The Board noted that while the alternates should rotate between cases, a situation could arise where one alternate may serve on a case, and the next alternate may have a conflict with the timing of the next case. The Board agreed, with the concurrence of the City Attorney, that in such a case it would be permissible for the first alternate to serve on two cases in a row.

Staff noted that the alternates would be encouraged to attend as often as possible, and would only vote when serving in place of an absent regular member.

MOTION: Motion by Mr. Schrot, seconded by Ms. Fierro-Share:
Having reviewed the proposed ordinance to amend part two of the Birmingham City Code, Chapter Two, Administration Article Nine - Ethics, the Birmingham Board of Ethics refers the

proposed ordinance to the Birmingham City Commission with a recommendation that the ordinance be adopted.

VOICE VOTE: Ayes, Chair Robb
 Mr. Schrot
 Ms. Fierro-Share

Nays, None

V. NEW BUSINESS

- A. Review and approval of the draft Advisory Opinion 2023-01 – Requested by City Manager Thomas M. Markus Re. City Commissioner Brad Host
1. Letter from Commissioner Brad Host dated April 12, 2023 regarding the draft opinion

The Chair noted that CM Markus, Commissioner Host, and Commissioner Host's ~~council~~**counsel**¹, Jordan Bolton, were in attendance. He also noted that all Board discussion about draft advisory opinions occur only in open meetings.

MOTION: Motion by Mr. Schrot, seconded by Ms. Fierro-Share:

To ~~admit~~ **receive**¹ the letter from Commissioner Brad Host dated April 12, 2023 regarding the draft opinion.

VOICE VOTE: Ayes, Chair Robb
 Mr. Schrot
 Ms. Fierro-Share

Nays, None

Mr. Schrot and the Chair noted that the motion to ~~admit~~ **receive**¹ the letter did not reopen the record.

The Board discussed updates to the draft opinion. CC Bingham integrated updates into the draft opinion during the discussion. All updates were added by Board consensus.

The following Board comments did not result in immediate revisions to the draft, but were discussed for later revisions:

- On page four, 'refused to identify' should be changed to 'declined to acknowledge';
- A citation should be found for the statement made in the first full paragraph on page five, beginning 'Shortly';
- Support should be found for the excerpt from the draft advisory opinion, as quoted in point five of Commissioner Host's letter, where it was stated that Commissioner Host placed a letter into neighbors' mailboxes; and,
- The text of Section 2-324 (a) (10)(a-b) should be added to the end of the portion beginning 'Furthermore, the Code's conflict of interest section prohibits certain specific conduct' on page 10 of the draft;

¹ As amended at the May 15, 2023 Ethics Board Meeting

- Modifications to 'And he appears to be attempting to make governmental decisions and policy outside proper governmental channels under sections 2-320 (2) and 2-323 (4) of the Code' as written on page 11 should be considered; and,
- Modifications to the opening of section two on page 12 should be considered.

The Board agreed they would reconvene once the revised draft was available.

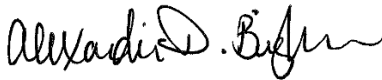
Ms. Fierro-Share said she would wait to read the revisions to the Chair's draft before deciding whether she should draft a separate opinion.

VI. INFORMATION ONLY

VII. PUBLIC COMMENT

VIII. ADJOURN

No further business being evident, the Board moved to adjourn the meeting at 3:38 p.m.



Alexandria Bingham, City Clerk



Laura Eichenhorn, City Transcriptionist