

**Birmingham City Commission
Special Meeting Minutes
Workshop
Monday, February 14, 2022
6:30 p.m.**

Vimeo Link: <https://vimeo.com/event/3470/videos/669681851/>

Workshop Session

This will be considered a workshop session of the City Commission. No formal actions will be taken. The purpose of this workshop is to participate in a discussion regarding a Code of Conduct for the City.

I. Call to Order

Therese Longe, Mayor

II. Roll Call

Alexandria Bingham, City Clerk, called the roll.

Present: Mayor Longe
Mayor Pro Tem Boutros
Commissioner Haig
Commissioner Host
Commissioner McLain (arrived 6:42 p.m.)
Commissioner Schafer

Absent: Commissioner Baller

Administration: City Manager Markus, City Clerk Bingham, Assistant City Manager Ecker, City Attorney Kucharek

III. Presentation & Discussion

The Mayor provided the opening remarks.

CM Markus introduced the item. ACM Ecker and CM Markus presented the item.

Commissioners McLain, Haig, and Schafer agreed that having a code of conduct to set baseline expectations would be useful and appropriate.

Mayor Pro Tem Boutros said he felt that many of the expectations of a code of conduct should be common sense, but said he was willing to participate in creating a code of conduct if the Commission agreed it was necessary.

Commissioner Host said he liked the concepts of a point of personal privilege, of addressing conflicts-of-interest,

and of assessing Staff time. He said he would like the public and Ethics Board to weigh in on developing a code of conduct.

Commissioner Haig said he would be working with his employer's HR department for insight and advice regarding developing a code of conduct. He said that his HR Director strongly recommended that the Ethics Board be a part of every discussion regarding developing a code of conduct moving forward. He said the code of conduct should also apply to the public and the Staff.

CA Kucharek noted that the Commission could not use a code of conduct to curtail the public's first amendment right to speak against their government in any way. She noted that the only way to limit public speech is if it rises to the level of disorderly.

The Mayor said that the Commission should be careful that a code of conduct not interfere with the City's extant charter or ethics ordinance. She said that if the code of conduct is to apply to the public and Staff, the Commission will need feedback from both parties. She noted that the present Commission should remain aware that the code of conduct they develop will be binding on future Commissions unless it is repealed. The Mayor advised that the code of conduct avoid being overly prescriptive or punitive, and that it also avoid encouraging one person to turn against another. She stated that 'repercussions or potential harm' are legally difficult to describe. She noted that the code of conduct could be aspirational or punitive, and that aspirational would be more a more noble approach. She said that managing the scope and balance of the code of conduct would be important.

CM Markus concurred that aspirational codes of conduct are better than punitive ones. He said it might be appropriate to address conduct during campaigns, since the people one campaigns against may end up being one's colleagues once the campaign finishes.

Commissioner Haig suggested that uncivil discourse can result in dangerous real-world consequences.

IV. Public Comment

Lewis Meldman spoke in support of the Commission developing a code of conduct.

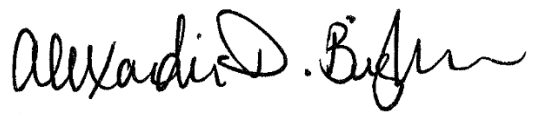
David Bloom said conduct issues of individual Commissioners should have been directly addressed by other Commissioners earlier on. He also raised concerns about Chris Longe's communications.

Joan Heinicke spoke about the benefits of parliamentary procedure for maintaining civil discourse and noted that the Commission has access to local resources on parliamentary procedure.

Diane Smith said she wants there to be specific consequences for ad hominem attacks from this point forward.

V. Adjourn

Mayor Longe adjourned the meeting at 7:33 p.m.

A handwritten signature in black ink that reads "Alexandria Bingham". The signature is written in a cursive style with a large initial 'A' and a long, sweeping tail.

Alexandria Bingham

City Clerk

A handwritten signature in black ink that reads "Laura Eichenhorn". The signature is written in a cursive style with a large initial 'L' and a long, sweeping tail.

Laura Eichenhorn

City Transcriptionist