

**CITY OF BIRMINGHAM
BOARD OF ETHICS MINUTES
NOVEMBER 20, 2020
151 MARTIN, BIRMINGHAM
MEETING ID: 996 5685 2194**

I. CALL TO ORDER

Chairperson Robb called the meeting to order at 1:02 p.m.

II. ROLL CALL

Present: James Robb, Chairperson (located in Birmingham, MI)
John Schrot, Board Member (located in Birmingham, MI)
Sophie Fierro-Share, Board Member (located in Birmingham, MI)

Absent: None

Also Present: Donna M. Klein, Complainant
City Commissioner Clinton Baller, Respondent
Attorney Matt Erard, Counsel for the Respondent

Administration: City Manager Valentine, City Clerk Designee Bingham, City Attorney Kucharek

III. APPROVAL OF MINUTES

Member Schrot thanked the Clerks Office staff for their work on the minutes. He said that on page three, in the last paragraph, second line 'confidents' should be 'confidence'. Page five, last paragraph, third line from the bottom, he asked that a comma be added after the word 'secure', a comma be added after the word 'request', and that 'provide' be added after the word 'or'. On page six, fourth full paragraph, 'by the majority' should be inserted after 'It was determined'.

Chairperson Robb said that page six, second paragraph, 'again agreed' should be changed to 'stated'.

On page six, Member Schrot and Chairperson Robb agreed that 'It was determined that there was no violation of Ethics Ordinance, Section 2-320' should be written in regular type instead of bolded type.

On page six, sixth full paragraph up from the bottom, Member Schrot suggested 'effected the confidence of the City and other individuals but does not believe it has' should be removed and 'not' should be added in place of that segment. In the same paragraph, third line from the end, 'is' should be changed to 'was'.

The Board also made corrections to how the sections of the Ethics ordinance were cited in the minutes. The updated minutes reflect those corrections.

Member Schrot said that on page seven, fifth full paragraph from the bottom, 'him' should be changed to Commissioner Baller. In the same paragraph, last line, 'was not' should be changed to 'did not appear'.

MOTION: Motion by Member Schrot, seconded by Member Fierro-Share:
To approve the minutes of September 11, 2020 as corrected.

ROLL CALL VOTE:	Ayes,	Member Schrot Member Fierro-Share Chairperson Robb
	Nays,	None

IV. UNFINISHED BUSINESS

A. Consideration of the draft opinions for ethics complaint #2020-01

1. 2020-01 Complaint: City Commissioner Clinton Baller, submitted by Donna M. Klein

The Board reviewed Member Schrot's proposed revisions to Member Fierro-Share's opinion.

Member Fierro-Share accepted most of Member Schrot's proposed revisions. She said she wanted to leave 'even if it does' in the discussion of Section 2.320, which Member Schrot assented to.

In the discussion of Section 2.320, Member Schrot and Member Fierro-Share agreed to strike 'I believe that'. They agreed to change 'I' to 'we'. On page seven they agreed not to include Member Schrot's recommended 'there at'. On the same page they agreed to add the word 'personal' before 'Facebook page' for the sake of consistency.

At the bottom of page eight, where it reads 'This is a technical violation', Member Fierro-Share and Member Schrot agreed to add 'In Member Fierro-Share's view' to the beginning of that sentence.

Member Schrot and Chairperson Robb thanked Member Fierro-Share for her work.

City Attorney Kucharek said it would be best for there to be a motion to adopt the majority opinion, and for Member Schrot and Member Fierro-Share to both sign the same hardcopy document which will then be kept as a record by the City.

MOTION: Motion by Member Schrot, seconded by Member Fierro-Share:
To adopt and approve the majority opinion as amended during this meeting.

ROLL CALL VOTE:	Ayes,	Member Schrot Member Fierro-Share
	Nays,	Chairperson Robb

Chairperson Robb said he would submit his signed dissenting opinion to City Clerk Designee Bingham.

Members Schrot and Fierro-Share both complimented Chairperson Robb on the quality of his dissenting opinion despite their disagreement with some of its findings.

V. NEW BUSINESS

A. Selection of new chair

MOTION: Motion by Member Schrot, seconded by Chairperson Robb:
To select Sophie Fierro-Share as the Chair of the Board of Ethics, with her holding of the position to commence at the beginning of the next Board of Ethics meeting.

Member Fierro-Share thanked her colleagues for their kind words regarding her nomination.

ROLL CALL VOTE: Ayes, Member Schrot
 Chairperson Robb
 Member Fierro-Share

 Nays, None

B. Report on consultation with other cities concerning ethics ordinances

Chairman Robb reported on his meeting with the newly formed Grosse Pointe Park Ethics Board, stating that they largely based their ethics ordinance off of Birmingham's. He credited Beier Howlett for their good work on Birmingham's Ethics Ordinance, noting it has served as a model for other communities.

VI. PUBLIC COMMENT

Commissioner Baller said he noted three or four inaccuracies in the written opinions.

Ms. Klein disputed some of the statements made by the Ethics Board Members in their discussion of the case and in their written opinions.

VII. ADJOURN

MOTION: Motion by Member Schrot, seconded by Member Fierro-Share:
To adjourn the meeting.

ROLL CALL VOTE: Ayes, Member Schrot
 Member Fierro-Share
 Chairperson Robb

 Nays, None

The meeting was adjourned at 3:37 p.m.

DRAFT