

**CITY OF BIRMINGHAM
BOARD OF ETHICS MINUTES
SEPTEMBER 1, 2020
151 MARTIN, BIRMINGHAM
MEETING ID: 996 5685 2194**

I. CALL TO ORDER

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

II. ROLL CALL

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

Absent: None

Also Present: Donna M. Klein, Complainant
Sheldon Klein, Husband and Counsel for the Complainant¹
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

A. Approval of Board of Ethics meeting minutes of June 19, 2019

MOTION: Motion by Mr, Schrot, seconded by Chairperson Robb:
To approve the minutes of June 19, 2019 as submitted.

VOTE: Yeas, 3
Nays, 0

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

A. ETHICS COMPLAINT HEARING

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

Chairman Robb opened explaining the process to all involved. The board would determine if the ~~respondents~~ respondent's² conduct as alleged in the complaint or demonstrated in the hearing conforms or is in breach of the Code of Ethics. The board would make a decision upon the vote of the board members based on the evidence in the³ record and the controlling law. The board would then issue a written opinion after this meeting. He added that he wanted everyone to understand that the board has not discussed the matter

¹ As corrected September 11, 2020.

² As corrected September 11, 2020.

³ As amended September 11, 2020.

or communicated amongst themselves about this case. It must be discussed only in a public meeting.

Chairman Robb administered oaths in the event that there is testimony; Ms. Klein and Commissioner Baller both affirmed the oath.

The documents presented for this proceeding were listed as follows:

- Complaint, enclosure letter, and exhibit dated July 27, 2020 submitted by Ms. Klein
- Email dated July 28, 2020 @ 4:46 p.m. from City Clerk Designee Bingham to Commissioner Baller forwarding the complaint submitted by Ms. Klein with a copy of the City's Ethics Ordinance and the Board of Ethics Procedural role.
- Email dated July 29, 2020 @ 9:45 a.m. from City Clerk Designee Bingham to Commissioner Baller giving notice of the hearing.
- Email dated July 29, 2020 @ 9:47 a.m. from Commissioner Baller to City Clerk Designee Bingham acknowledging the notice.
- Email dated July 29, 2020 @ 11:52 a.m. from Commissioner Baller to City Clerk Designee Bingham, City Manager Valentine, and Acting City Clerk Arft asking that the Board of Ethics issue a summary decision under Rule 304 of the Procedural Rules on the grounds that the Board of Ethics lacks jurisdiction over the subject matter, and the complaint on its face fails to demonstrate any violation of the Ethics Ordinance.
- Email dated August 4, 2020 @ 3:52 p.m. from City Manager Valentine to Commissioner Baller affirming that the Board of Ethics cannot reach a decision without holding a meeting to consider the complaint, due to the Board of Ethics being subject to the Open Meetings Act.
- Commissioner Baller's answer to the complaint as respondent, motion for summary decisions, and exhibits dated August 24, 2020 submitted by Mr. Erard, counsel for Commissioner Baller.
- Email dated August 27, 2020 @ 6:54 a.m. from Mr. Erard to Ms. Klein (complainant) requesting her to agree to waive oral hearings on this matter and attaching a stipulation to the effect.
- Email dated August 27, 2020 @ 11:57 a.m. from Ms. Klein to City Clerk Designee Bingham and City Manager Valentine objecting to Mr. Erard's email to her which violated the enclosure letter to the complaint not to be contacted. She also stated intention not to waive oral argument.
- Letter dated August 27, 2020 from Ms. Klein to City Clerk Designee Bingham attaching two enclosure letters:
 - August 27, 2020 to City Clerk Designee Bingham in response to Commissioner Baller's answer and motion submitted on behalf of Ms. Klein by her husband Mr. Sheldon Klein (an attorney).
 - August 27, 2020 to City Clerk Designee Bingham from Ms. Klein reiterating her objection to Commissioner Baller's lawyer wrote to her.

Chairperson Robb asked if there were any additional documents that either party wishes to submit.

1. Ms. Klein did not have additional documents.
2. Commissioner Baller's counsel, Mr. Erard, presented ~~several~~ five⁴ documents to be used upon examination. He emailed these documents labeled Respondent's Exhibits A-E, respectively to City Clerk Designee Bingham who forwarded them to the Ethics Board and Ms. Klein, complainant, during the hearing.

⁴ As corrected September 11, 2020.

1. Respondent's Exhibit A: Emailed from mserard@gmail.com to abingham@bhamgov.org on September 1, 2020.
2. Respondent's Exhibit B: Emailed from mserard@gmail.com to abingham@bhamgov.org on September 1, 2020.
3. Respondent's Exhibit C: Emailed from mserard@gmail.com to abingham@bhamgov.org on September 1, 2020.
4. Respondent's Exhibit D: Emailed from mserard@gmail.com to abingham@bhamgov.org on September 1, 2020.
5. Respondent's Exhibit E: Emailed from mserard@gmail.com to abingham@bhamgov.org on September 1, 2020.⁵

Discussion with respect to Jurisdiction Consideration of Respondant's Motion for Summary Decision with respect to Jurisdiction⁶

Chairperson Robb pointed out that there were motions pending and proposed to offer the parties an opportunity to comment on the question of jurisdiction only. There were no objections by the board.

- Mr. Erard, counsel for Commissioner Baller, commented that his interpretation of Rule 321 does not support this action as an ethics violation; and further stated that the Ethics Ordinance is not the only remedy for improper conduct.
- Mr. Klein, counsel for the complainant, commented that his interpretation of the ordinance does give the Ethics Board jurisdiction over this matter. He went on to say that Commissioner Baller's conduct was not private. The communications were on official letterhead from Commissioner Clinton Baller's, Commissioner Clinton Baller's Facebook account, and Commissioner Clinton Baller's Newsletter. While he has a personal Facebook account, he did not use it in this matter.

Chairperson Robb suggested that Mr. Klein may have been referencing an outdated ethics ordinance, and called for discussion.

Chairperson Robb expressed that the Longe case, cited in previous comments, does not stand for the proposition that the relevant prohibitions of the ordinance apply solely to official conduct. There was no evidence that Mr. Longe used his official office for personal gain. It was noted that while Mr. Longe was behind the campaign communications, they were sent out through a constituted political action committee and did not identify Mr. Longe in person. In an earlier decision, 2004-2, private conduct of the respondent was reviewed and found to be a conflict of interest with his official duties. A more recent decision, 2009-2, was an advisory opinion that held that the Code of Ethics prohibited City Officials from using one's title to advocate in a document a personal political position unrelated to the City Board. Regarding comments on Section 2-323, he did not see it restricted by the amendment to Section 2-321. He would vote to deny motion for summary decision for jurisdiction.

Ms. Fiero-Share supported denying the motion for summary decision for jurisdiction.

Mr. Schrot concurred with Chairperson Robb with respect to Complaint 2007-05, the representation in the answer and motion that the rule is limited to the context of official acts was misquoted. The focus of the ordinance as it relates to official conduct is that

⁵ As amended on September 11, 2020

⁶ As amended on September 11, 2020

which pertains to Section 2-321; the change from morality to ethical conduct was intended for the context of official acts. The issue of jurisdiction is not yet ~~relevant~~ resolved⁷ because there is still question as to whether it is private conduct. He went on to note that Section 2-322 of the ordinance addresses City Officials and ~~is subject to this~~ this matter is subject to this Board's⁸ jurisdiction.

MOTION: Motion by Chairman Robb, seconded by Ms. Fierro-Share:
To deny the motion for summary decision as to jurisdiction.

ROLL CALL VOTE: Yeas, Chairperson Robb
 Ms. Fierro-Share
 Mr. Schrot
 Nays, None

~~Discussion with respect to violation of the Code of Ethics. Consideration of Respondent's Motion for Summary Decision as to whether the Complaint Sufficiently Demonstrates a Violation~~⁹

Chairman Robb invited the parties to comment on how they interpreted the committee expressly acting to confine the scope of Section 2-321 of the Ethics Ordinance to official action.

Mr. Erard commented that the amendment made three changes to the original ordinance:

1. Replaced the term Morality with Ethical Conduct.
2. Removed language stating private affairs.
3. Asserted the term ~~official conduct~~ "official conduct"¹⁰ in the provision relative to the avoidance of conduct that would be disrespectful for a City Official, employees, and the institution.

The minutes attached to ~~as~~¹¹ Exhibit C is informative of legislative intent and he did not see the respondent's acts as a violation of the Code of Ethics.

Mr. Klein commented on the updated Code of Ethics as opposed to the one posted on the website, and agreed that it is hard to reconcile behavior to official acts. He noted that Mr. Erard conceded that the ordinance is not limited to official acts, and by the respondent communicating by publicly identifying himself as a Commissioner is implying an official act.

Mr. Erard pointed out that official action is defined by the code and is not up to interpretation. He went on to express that official acts are limited to the exercise of discretionary authority and the use of title of office does not constitute official action.

Chairman Robb noted that in viewing Section 2-321 of the ordinance, it is his view that the first clause of the second paragraph is not limited to official conduct. The complaint and documents on file sufficiently allege that Commissioner Baller's conduct was

⁷ As amended September 11, 2020.

⁸ As amended September 11, 2020.

⁹ As amended September 11, 2020.

¹⁰ As corrected September 11, 2020.

¹¹ As corrected September 11,2020.

disrespectful, some words were untrue, and there may be a question about if the untruths were material. He further noted that there ~~is~~ are¹² sufficient allegations to deny a motion for summary decision as to whether the complaint demonstrates a violation of the Ethics Code. While not suggesting that the board ~~determines~~ has determined¹³ that there was a violation, but there is enough to continue the hearing.

Ms. Fierro-Share agreed that the allegations are worth looking into carefully due to Commissioner Baller using his title in the communications.

Mr. Schrot explained the process in laymen terms to clarify that the board is not voting one way or another at this point, they are just opening the proceedings to hear more facts. The motion identifies two sections of the code but the facts address other sections. The complaint on its face demonstrates an argument for a Code of Ethics violation.

MOTION: Motion by Mr. Schrot, seconded by Ms. Fierro-Share:
To deny the motion for summary decision as to whether the complaint sufficiently demonstrates a violation.

ROLL CALL VOTE: Yeas, Chairman Robb
Ms. Fierro-Share
Mr. Schrot
Nays, None

~~**Discussion with respect to genuine issue of material fact. Consideration of Respondent's Motion for Summary Decision for lack of a genuine issue of material fact.**~~¹⁴

MOTION: Motion by Chairman Robb, seconded by Mr. Schrot:
To deny the motion for summary decision for a genuine issue of material fact.

ROLL CALL VOTE: Yeas, Chairman Robb
Ms. Fierro-Share
Mr. Schrot
Nays, None

Hearing of the Complaint

Ms. Klein, complainant, presented her complaint against Commissioner Baller.

Mr. Baller pointed out the difficulty for him and Mr. Erard to consult in the Zoom environment.

Chairman Robb recessed to accommodate consultation between Mr. Baller and his representation as needed.

Mr. Erard, representative for the respondent, examined the complainant.

¹² As corrected September 11, 2020.

¹³ As corrected September 11, 2020.

¹⁴ As corrected September 11, 2020.

Chairman Robb recessed briefly at 3:45 p.m. and reconvened at 3:50 p.m.

Ms. Fierro-Share asked Ms. Klein if there are ways to communicate on Next Door outside of the public forum, if yes, did she and Mr. Baller ever try to have a discussion outside of the public postings. She further asked if there had been any attempt recently to resolve their issues privately.

Ms. Klein affirmed that there is a way to have private discussions in the Next door app, that she and Mr. Baller had used it in the past. She went on to say that there were no recent attempts on her part because of the bullying behavior displayed by Mr. Baller toward her.

Mr. Schrot referenced allegations of ~~several Facebook post~~ Facebook posts allegedly¹⁵ critical of the complainant and asked if there were any other posts that she knew of that were allegedly¹⁶ critical of her.

Ms. Klein replied "no".

Mr. Erard presented the response, on behalf of Commissioner Baller, to Ms. Klein's complaint.

Mr. Schrot asked the following:

- What is the political disagreement that he referred to in the response?
- ~~What party was in favor?~~¹⁷
- What public forum is in play in this case?
- In terms of Facebook, who owns and controls the account in question?
- With respect to the newsletter, explain how it is used, maintained, and is it a public forum?
- What was the purpose, in this case, of posting on Facebook and publishing in the newsletter?
- If Commissioner Baller is aware of any guidelines or policies for appointed or elected officials using social media in the City of Birmingham.

Mr. Erard replied that the Commissioner Baller targeted the Next Door platform for criticism, more than Ms. Klein specifically, due to capricious censorship of community discussions that does not respect first amendment values deemed important in a public forum. Both parties were in favor of the censorship. In the governmental sense, yes. Facebook is a free internet service not subject to campaign finance regulation, unless using to purchase ads. During Commissioner Baller's election campaign, it was solely used as a campaign account. Upon being elected, it was converted into a candidate page to the extent that he runs for reelection; it maintains continuity of a political publication. The newsletter is an email compiled of writings by Commissioner Baller related to current events in Birmingham and other issues.

The aforementioned questions were directed to Commissioner Baller, and he responded as follows:

¹⁵ As amended on September 11, 2020.

¹⁶ As amended on September 11, 2020.

¹⁷ As corrected on September 11, 2020.

- Facebook is an open forum maintained by the campaign and himself separate from his personal Facebook page. It is public and open to anyone wishing to follow posts.
- The newsletter is an email that goes out from a non-City email address (ballerforbham.com) to subscribers. It is distributed periodically, and represents his opinion on local and national issues.
- The Facebook account and newsletter are not City property.
- In this case, Commissioner Baller thought it was a topic of public interest. He has been a frequent poster on Next Door, a forum where politics are discussed, people sought out his opinion. His removal from the site in 2019 created concern amongst his followers because he was silent. He felt it was of interest to the community why he was removed, and the context. He noted the controversy surrounding Next Door and the management of content.
- Commissioner Baller is not aware of any policies or guidelines for the use of social media by elected or appointed officials in the City of Birmingham. Social media, today, is a public forum for persons to exercise their first amendment rights to free speech.

Ms. Fierro-Share asked the following of Commissioner Baller:

- What was his goal in posting this conflict and opinions about the complainant on social media?
- Due to the capacity of social media platforms to facilitate private comments, did you consider addressing Ms. Klein directly?
- Being a Commissioner since November, why are you using social media as a platform to express yourself?
- Who suggested that your legal fees could be paid by public funds as opposed to private funds?
- Would you have been able to accomplish your goals without mentioning the complainant?
- Was the goal to educate followers and express your concerns about the possibility of having Next Door as an agent of destruction rather than positivity?

Commissioner Baller responded as follows:

- He was posting the facts from his point of view. With regard to Ms. Klein, she reported his posts as inappropriate and he was subsequently removed from the platform. He further stated that he did not implicate Ms. Klein as being responsible for his removal from Next Door, but rather posted that she may have contributed to his removal. He would want to be aware of anyone removed or silenced and the reason why.
- Commissioner Baller denied having a “beef” with Ms. Klein and did not consider privately reaching out to her.
- He acknowledged that he follows politicians all over the state who express themselves on legislative matters presenting themselves by their elected titles; He expressed that this is how things are done today and never thought it would be a problem for him to use his elected title for matters of concern. The City Commission speaks through motions and votes and that no one commissioner speaks for the Commission.
- In response to the issue of legal fees, he said that City Manager Valentine offered to arrange for legal representation; which he declined because it was not official business. He went on to say that, he believes the complaint is frivolous and intended to impact on protected speech. Threats of ethics complaints should not

silence anyone. He went on to say that, it is the City's duty to defend against such complaints and protect officials' right to speak out.

- He considered Ms. Klein's social media practices in expressing her opinions and chose to mention her; and does not think it is relevant.
- Commissioner Baller agreed that his purpose was to educate followers and express his concern about Next Door ~~being an agent of destruction~~.¹⁸

Ms. Fierro-Share clarified that the Ethics Board is not designed to silence public speech; it is in place to examine serious complaints that are submitted. She further advised Commissioner Baller that by using Ms. Klein's name, he made it look more personal than he is suggesting.

Chairperson Robb followed up on Ms. Fierro-Share line of questioning to Commissioner Baller, asking:

- If you are making comments out of concern for how Next Door is managed, how do you justify the language of your post and how is the complainant's name relevant?
- In light of the leads and moderators operating from authority, is the issue that Next Door allows that type of power?
- Did he ever report the complainant to Next Door, or address her directly.
- In light of the privacy provisions on Next Door, how did you get the list of leads or moderators who voted for your removal from the platform.
- On what grounds are you refusing to answer the aforementioned question, on privilege?
- Due to the allegation of acting disrespectfully, and citing information that is limited to a certain group of people per Next Door policies, could be a violation of the ethics ordinance; therefore establishing relevance. Again, who is the source and did you initiate the contact?

Commissioner Baller answered as follows:

- Pertaining to the use of the complainant's name, he went on to say that, the Next Door platform is nothing without people who populate the platform.
- He asserted that he named the complainant because she is an actor on the site, a well-known frequent poster; others often have criticized her for over reporting users of the site, and felt it was relevant to name the complainant.
- He did not report the complainant nor did he address her personally.
- He acknowledged that it is a personal issue.
- He refused to provide his sources with respect to private forums between leads and moderators on Next Door due to the threat of retaliation and the lack of relevance.
- He declined the line of questioning.

Chairperson Robb addressed Mr. Erard, representative for the respondent as follows:

- With respect to dissemination of private information, the respondent expressed that it was of public interest, and holding himself out as a City official is not official action any more than a tweet from President Trump is reflective of the government's position on issues. Are you suggesting that what the President Trump tweets is not his view as official policy?

¹⁸ As amended September 11, 2020.

Mr. Erard responded as follows:

- A reasonable person would not view tweets from the President Trump as the view of the United States. An elected official's personal views are not necessarily the views of the institution that they represent.

Chairman Robb continued with questions for the respondent:

- Are you aware that the board of ethics heard and made a decision on a complaint on point with this complaint?
- Are you aware that you can approach the ethics board for guidance?

Commissioner Baller answered as follows:

- He denied being aware of the previous case and is aware that he can go to the ethics board for guidance.

Ms. Klein asked Commissioner Baller did he change the Facebook banner reading that it was a campaign page to read that the page was about a politician, if not, who made the change.

Commissioner Baller denied knowing anything about the page other than making posts and that the page is in his sole control.

Commissioner Baller expressed that everything he presented in his writings are factual and if it was his opinion, it too was based in fact. He offered to substantiate the facts with documents. In contrast, the complainant submitted few documents and facts to substantiate the assertions prescribed in the complaint.

Commissioner Baller acknowledged that the complainant might be offended but asserted that it is not his job to avoid offending people, nor is it unethical to offend others. Concerning an apology, he would be happy to apologize and publish the apology. However, he expressed no remorse for his postings that in his opinion was in the public's interest.

SUMMATIONS:

Mr. Erard, representative for the respondent, expressed that in determining an incident of libel is a matter of objective fact that the claimant has outside influence on Next Door. Based on her testimony, she was unable to name others that have the same ability of having two accounts that enables one to make double reports and exercise the power of other leads. It is objectively true and fair to say that some may view the complainant as being more active than other leads. He went on to assert that an imbalance of power does not exist. There are two well-known individuals in the community with a history of interjecting themselves into controversies. The complainant also has a history of with other posters. The criticism was proportionate to the degree that the claimant received it. It was not severe, ~~nor were there homonyms~~ there was nothing ad hominem¹⁹, in fact there were no substantive falsehoods or deliberate efforts to malign her beyond making a point about the illustration of what the Next Door platform allows and was fair game. Generally, an elected official mildly criticizing a prominent community resident who is not ~~an elected is never okay~~ elected: Is it okay or not?²⁰ Is it a judgement call, and if so,

¹⁹ As corrected on September 11, 2020.

²⁰ As corrected on September 11, 2020.

who makes the judgement? Voters make the judgement. The claimant could make an oppositional stance toward the respondent's campaign, if desired, and possibly could have a greater platform than the respondent due to community connections. The requisite elements of libel have not been satisfied and is ultimately a voter question.

Mr. Baller asserted that everyone is focusing on the claimants feelings; as someone with a constant involvement in psychotherapy, he respects her feeling. He went on to express that he wonders if the feelings of the people who the claimant scolds on Next Door are considered, especially his feeling of being banned from Next Door. He declared that he would not bring a case based on his feelings.

Mr. Klein made the following comments:

- The Kleins own two properties in Birmingham and are active in both neighborhoods.
- If the Ethics Code said that politicians should not commit civil torts, then he would understand this legalistic argument; but not in a complaint for an ethics violation.
- He defied anyone to read his posts and not be able to identify the claimant and believe that she did something wrong.
- The complainant was approached, on a social occasion, about the respondent's post. The respondent has a voice in the community and people follow his voice.
- The notion that the claimant is a prominent member of the community or a public figure does not pass muster. Her prominence is due to the respondent holding her out for public humiliation via his communications and publications.
- Next Door is not a platform for vigorous exchanges of public opinions on matters of political importance.
- Next Door permanently removed the respondent from the platform due to his own conduct and not because of the complainant's actions.
- The constitutional arguments is whether the respondent violated the code of ethics. He pointed out that if it were a private citizen in question; it would be different from an individual under the guise of an elected official making character assertion about another individual.

Ms. Klein asserted that the respondent was removed by his own actions by abusing the site's terms of use and blaming me for his actions. He further attacked ~~my~~ her²¹ character across social media platforms and in publications. Producing evidence to support his argument through screenshots of moderator discussions on this matter is a violation of Next Doors privacy policy. She acknowledged reporting the respondent on several occasions over a year ago, for abusing the site, over posting incessant commentary about the North Old Woodward development plans, which created controversy. This was a time when she moderated a lot because the site was on fire with the controversy created by the respondent. Moderators determine if posts remain in a news feed or taken down. Everyone is encouraged to report violations of use. Actually, the respondent was found public shaming on Next Door by reposting something posted and taken down by another user to show who commented on the post. The instances where the claimant reported the respondent to Next Door for violating terms of use; additionally violating the original posters privacy. The behavior was harmful and outrageous. She reiterated that his privileges would not have been suspended if he had not violated policies of the platform. She contended that he did wrong, is angry about it, and blamed her for his position. The claimant asserted that for 25 years she has lived a quiet, non-controversial life in

²¹ As amended on September 11, 2020.

Birmingham trusting City officials. She never imagined that she would be drawn into harassment of this sort and wonders if his behavior were to be pardoned who would be his next victim. What future fiction would he write about the claimant or her neighbors? Would other commissioners follow suit. Would business owners feel that their confidential information is up for compromise? The respondent is an elected official of Birmingham and agreed to be bound by the Ethics Ordinance including Section 2-231 requiring individuals to safeguard public confidence by being honest, fair, and respectful of all persons. She went on to say he was not fair or respectful in her case. In terms of writing opinions on a privately held discussion forum, there is no free speech. When using social media, one agrees to the corporate terms of use. When a site takes down a post, which violates terms of use, it is not censorship. When a site takes down a user profile for the same, it is enforcing terms of use agreements. She asked the City to hold the respondent accountable for this ethics violation and help correct the embarrassment caused by this violation and insist that the respondent and/or his agents make no contact with the claimant about this incident.

Chairman Robb reiterated that deliberations on these matters are public, and led a discussion on how to proceed ~~at~~ given²² the hour at hand.

Mr. Schrot asked the Chairman with respect to the Weese opinion and the import to this case, should the opinion be reviewed. If so, he would like time to review.

Ms. Fierro-Share expressed that she would like time to review the previous opinion and the comments presented today.

Chairman Robb suggested reconvening Friday, September 11, 2020 at 9:30 a.m. for deliberations.

MOTION: Motion by Chairman Robb, seconded by Mr. Schrot:
To close the record with the option of reopening for scheduled deliberations.

VOTE:	Yeas,	Chairman Robb Mr. Schrot Ms. Fierro-Share
	Nays,	None

Mr. Schrot lead a discussion on the ~~ordinances~~ sections of the ordinance²³ that are in play for this case. He cited the following for application:

- Section 2-320, Paragraph 1
- Section 2-320, Paragraph 2, Item 3
- Section 2-320, last two paragraphs
- Section 2-321, withholding comment until deliberations
- Section 2-322, Official Action – the definition of private gain should be examined
- Section 2-323, Intent of the Code
- Section 2-323, Paragraphs 1 and 5
- Section 2-324, Paragraphs 2 and 8

²² Corrected September 11, 2020.

²³ Corrected September 11, 2020.

Chairperson Robb expressed, with respect to Section 2-321, the point was well taken on behalf of the respondent. He wants to consider how this relates to Section 2-323.

VI. PUBLIC COMMENT

David Bloom, Resident, introduced himself as a co-complainant with Commissioner Baller in a law suit against the City for violations of first amendment rights and won. He went on to say that, Birmingham is special and has rules for good public discourse. He went on to say he was a victim of the complainants vengeance, and interference resulting in being banned from Next Door.

Betty Warner, resident of 30 years, commented that the issue at hand is the respondent using his official title while naming the complainant in a post.

VII. ADJOURN

MOTION: Motion by Chairperson Robb, seconded by Mr. Schrot:
To adjourn the meeting.

The board expressed their gratitude for the presentations by the litigants, their representation, and the civility displayed in the proceedings.

ROLL CALL VOTE: Ayes, Chairperson Robb
Mr. Schrot
Ms. Fierro-Share
Nays, None

Meeting was adjourned at 6:15 p.m.



Alexandria Bingham, City Clerk Designee
/vc