



**MINUTES OF PUBLIC MEETING
BRECKSVILLE CHARTER REVIEW COMMISSION
BRECKSVILLE CITY HALL
FEBRUARY 27, 2023**

The Charter Review Commission was **CALLED TO ORDER** by Chairperson Skaljac at 6:30pm.

Following the **PLEDGE OF ALLEGIANCE**, Commission Members answered to **ROLL CALL** as follows:

Present: Bartos, Bender, Berlin, Gawlik, Lesh, Mansfield, Schirch, Skaljac

Absent: Vida-Clough

Others: Commission Alternate Holub, Council President Laura Redinger, Council Representative Beth Savage, Law Director Dave Matty, Mayor Jerry Hruby.

APPROVAL OF FEBRUARY 6, 2023 CHARTER REVIEW COMMISSION MEETING MINUTES

Chairman Skaljac asked for comments regarding the minutes of the February 6, 2023 meeting. Hearing none, Chairman Skaljac moved to approve the minutes, seconded by Schirch.

ROLL CALL:

Ayes: Bartos, Bender, Berlin, Gawlik, Lesh, Mansfield, Schirch, Skaljac

Nays: None

MOTION CARRIED

CHAIRPERSONS COMMENTS

Chairperson Skaljac began by stating the Law Director had prepared some sample Ordinance language for the five potential topics and he was hoping for this evening to review, and if need to, discuss each one of them and if there is nothing that anybody needs edited or has any issues with they can look to move to vote on those items and whether the Commission wants to approve those Ordinances to go then on to City Council and then on to the electorate to be placed on the ballot.

He reminded the Commission they agreed to six affirmative votes necessary to pass and there is only eight of them tonight, so they would require six of the eight present to vote yes to pass the Ordinance on to Council.

He said the last item on the agenda is to discuss further and give the Law Director some guidance on preparing language for a draft Ordinance in regards to Article XII: Gender Neutral/Typo Corrections for the entire Charter.

Chairperson Skaljac reminded the Commission the meeting dates for the month of March are March 14th and March 22nd, both at 6:30 p.m.

He told the Commission to review the previous pamphlet that was sent out to residents regarding the proposed Charter Amendments. He recommended following that format and maybe putting together a small subcommittee to assist in publishing that and presenting it to the Commission for approval.



ARTICLE VI: SECTION 4 - EXPENDITURE LIMITS

Chairperson Skaljac informed the Commission the Ordinance presented is pretty standard format. They can read where the Law Director has crossed out a line and put the new proposed language in bold. He said those words would be the only thing that would change. , and in this case they would be recommending a change in the expenditure limit from \$3,000.00 to \$6,000.00.

He asked if the Commission had any questions. Mr. Bender asked if there was supposed to be a question mark at the end of section two. Chairperson Skaljac responded yes, that is the ballot language so they are asking the electorate.

Chairperson Skaljac recommended reviewing each piece of legislation, asking questions, or getting clarification, then circling back to vote.

ARTICLE III: MAYOR RESIDENCY REQUIREMENTS

Chairperson Skaljac said this suggested amendment is in regards to changing the residency requirement of the Mayor from two years to four years. He said they can see the Law Director has updated that language as well as updated this particular section with gender neutral language. The Law Director explained to the Chairperson that under Article XII, Section 5 of the current Charter requires all new amendments to contain gender neutral wording, giving the Law Director the authority to make those changes.

He asked if anyone had any questions regarding this piece of draft legislation. Mr. Schirch said, regarding gender neutral language, he thought they would be using gender neutral pronouns as opposed to titles like “they” or “them”. Law Director Matty responded that it is recommended to use the position title rather than the phrase “he or she” because in today’s world that might not cover everyone.

Mr. Schirch said this would be something that they can circle back to when discussing new legislation for typos and gender neutral language and how it will be handled.

ARTICLE VI: ROLE IN CONTRACTS PURCHASING DIRECTOR AND

Chairperson Skaljac said once again the Law Director only added the word “purchasing” to specify the types of contracts, and updated gender neutral language. He asked if anyone had any questions. Hearing none they moved on.

ARTICLE V: NUMBER OF COUNCIL VOTES TO REMOVE

Chairperson Skaljac reminded the Commission this topic was in regards to the number of votes required by Council to remove a Recreation Commission member to change it from four votes to five to keep it consistent with other requirements for Boards and Commissions. The Law Director has also updated gender neutral language for this section as well. He asked if anyone had any questions. Hearing none they moved on.

ARTICLE VI: LANGUAGE UPDATE SALE OF INVENTORY

Chairperson Skaljac explained this update was merely just adding the words “or Service Director” to go along with how things are currently operating. He asked if anyone had any questions. Hearing none they moved on.

The Commission decided to vote on each piece of draft legislation. Chairperson Skaljac explained the process.



ARTICLE VI: SECTION 4 - EXPENDITURE LIMITS

Motion by Chairperson Skaljac, seconded by Bender to approve the Ordinance providing for the submission to the electors of the City of Brecksville the question of amending Article VI, Section 4 of the Charter entitled “Limitation upon expenditures without prior approval” to raise the limitation amount without prior Council approval for expenditures or liability incurred.

ROLL CALL:

Ayes: Bartos, Bender, Berlin, Gawlik, Lesh, Mansfield, Schirch, Skaljac

Nays: None

MOTION CARRIED

ARTICLE III: MAYOR RESIDENCY REQUIREMENTS

Motion by Chairperson Skaljac, seconded by Berlin to approve the Ordinance providing for the submission to the electors of the City of Brecksville the question of amending Article III, Section 2 of the Charter entitled “Qualifications” to raise the residency requirement to four years for the Mayor.

ROLL CALL:

Ayes: Schirch, Mansfield, Lesh, Gawlik, Berlin, Bender, Bartos, Skaljac

Nays: None

MOTION CARRIED

ARTICLE VI: ROLE IN CONTRACTS PURCHASING DIRECTOR AND

Motion by Chairperson Skaljac, seconded by Bender to approve the Ordinance providing for the submission to the electors of the City of Brecksville the question of amending Article VI, Section 8 of the Charter entitled “Purchasing” to clarify that the Director of Purchasing has responsibility for any Purchasing Contract.

ROLL CALL:

Ayes: Gawlik, Lesh, Mansfield, Schirch, Skaljac, Bartos, Bender, Berlin

Nays: None

MOTION CARRIED

ARTICLE V: NUMBER OF COUNCIL VOTES TO REMOVE

Motion by Chairperson Skaljac, seconded by Bartos to approve the Ordinance providing for the submission to the electors of the City of Brecksville the question of amending Article V, Section 9 of the Charter entitled “Recreation Commission” to allow removal of any member of the Recreation Commission with the approval of five members of Council.

ROLL CALL:

Ayes: Berlin, Bender, Bartos, Gawlik, Lesh, Mansfield, Schirch, Skaljac

Nays: None

MOTION CARRIED

ARTICLE VI: LANGUAGE UPDATE SALE OF INVENTORY

Motion by Chairperson Skaljac, seconded by Lesh to approve the Ordinance providing for the submission to the electors of the City of Brecksville the question of amending Article VI, Section 6 of the Charter entitled “Sale of Municipal Property” to include the Service Director.

ROLL CALL:



Ayes: Schirch, Mansfield, Lesh, Berlin, Bender, Bartos, Gawlik, Skaljac

Nays: None

MOTION CARRIED

ARTICLE XII: GENDER NEUTRAL/TYPO CORRECTIONS FOR ENTIRE CHARTER

Chairperson Skaljac reminded the Commission they all received a document to review that listed other communities and how they handled this topic. He said his opinion is the Commission needs to discuss this in three parts, when, who and what. When would be when would something like this be triggered. He said his opinion after reading some of the other cities is the language that reads upon election at which any amendment to the Charter is adopted. He said who would be who does it and who approves it. He said the two ways he liked was the City of Kent the other was by the City of Stow. Kent has the Clerk of Council starts it and is approved by City Council and the Law Director. He also mentioned when talking of approval by Council, some cities just read approval by Council, some were specific and said how many votes of Council were required to pass. He recommended a majority of Council. Stow was the Law Director makes the changes and City Council approves it. He said for what, it is what are they looking for in making corrections, and he recommended using the example of Trotwood. He said Trotwood listed out the corrections, a. being misspellings and grammar, b. being gender neutral, and c. being renumbering of articles, sections or subsections. He asked everyone for their comments.

Mrs. Lesh agreed, she likes how Trotwood explained each section and feels using similar language would help the voters understand the goal. Mr. Bender said he like Kirkland, they are short and sweet and he thinks this is a topic we want to be clear on but not overwhelm the voters with language. He does like Trotwood too. He also likes the idea of the Law Director preparing and Council approving by a majority vote. Chairperson Skaljac agreed to the fact the language of Kirkland is very precise and to the point, however, he does not like that City Council can just do it and there is no other check or balance to the correction. Mr. Bender agreed.

Mr. Berlin said he agrees, but also likes how Trotwood broke it out. He said he thinks when is important, and asked if they should initiate the first time to trigger it and go through the Charter to clean up everything. Mr. Holub said he likes Trotwood because it lists everything and would make it less likely to confuse voters. He thinks Kirkland has one big long run on sentence and would be more likely to confuse people. Mrs. Gawlik said she would like to see a combination of Trotwood and Kent. Chairperson Skaljac agreed. Mr. Schirch liked the idea of a hybrid between Trotwood and Kent, and said when it comes to who is doing the changes he said he would like to see someone who is not a lawyer write it as for readability and then have the Law Director review it to make sure there is no substance changes.

Chairperson Skaljac asked if Law Director Matty had any experience with writing these in other communities. Law Director Matty said he has been in charge of reading every word to only being the supervisor. He said with technology, red lining, searching words, etcetera, it is a lot easier than it used to be. Hearing what he has heard, he would suggest the following: In the event that a typographical, grammatical, numerical or organizational sequencing, or other non-substantive error, including absence of gender neutral references, is found to exist in the Charter, and the correction of which will not change the legal intent or purpose of any part of the Charter, then the Clerk of Council, with the approval of Council and the Director of Law shall correct such errors by a majority vote of the entire Council and no further ballot measure would be required.



Or he would recommend with a blend of Kent and Trotwood the following: Following any election at which any amendment to this Charter is adopted, the Clerk of Council, with the approval of Council and the Director of Law, shall, prior to any reprinting of this Charter;

(A) Misspellings and Error in Grammar. Any misspellings and errors of grammar or construction may be corrected upon reprinting of this Charter, provided that no substantive changes to the Charter language are made.

(B) Making Language Gender Neutral. Upon reprinting of this Charter, any gender specific terms shall become gender neutral, provided that no substantive changes to the Charter language are made.

(C) Renumbering upon Codification. Any changes in the numbering of the provisions of this Charter or the cross referencing of provisions of this Charter by the addition or deletion of Articles, Sections, or Subsections may be made upon reprinting of this Charter, provided that no substantive changes to the Charter language are made.

Mrs. Gawlik asked what is meant by the phrase reprinting of this Charter. Law Director Matty said the Charter is reprinted anytime there is an amendment. She asked to be clear, Kirkland does not seem to have a triggering event, it is just when any error is found they are authorized to update, for the second recommendation the triggering event is the passage of an amendment. Law Director Matty said correct. Mrs. Gawlik said the Commission then needs to decide what they would like for the triggering event. Mr. Schirch commented, ideally after this first major overhaul, there should not be any need, they should all be corrected. Mr. Berlin asked if “reprinting” is the correct terminology, and asked about publishing or republishing because printing is a physical act. He said the other question is they can go through the process and clean the whole Charter, but with human error, we could miss something and then in theory have to wait another 10 years before making that correction if no other amendments are passed during that time. He proposed the review be more regular. Mrs. Bartos said if they use the Kirkland language it gives the authority to change the error when one is found. Mr. Berlin recommending have both in the language; in the event an error is found and prior to any reprint/republish. Law Director Matty said yes. Mr. Matty said he will prepare some examples for discussion at the next meeting. Chairperson Skaljac said if they need to piece part the examples together at the next meeting they can.

PUBLIC DISCUSSION AND COMMENTS:

Mayor Hruby thanked the Commission for their hard work and dedication.

Hearing no other requests for PUBLIC DISCUSSION & COMMENT, motion by Skaljac, seconded by Bender to close the meeting at 6:40p.m.

ROLL CALL:

Ayes: Bartos, Bender, Berlin, Gawlik, Lesh, Mansfield, Schirch, Skaljac

Nays: None

MOTION CARRIED

Meeting recorded by Kristen Kouri