



**MINUTES OF PUBLIC MEETING  
BRECKSVILLE CHARTER REVIEW COMMISSION  
BRECKSVILLE CITY HALL  
MARCH 22, 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, Mansfield, Schirch, Vida-Clough

**Others:** Commission Alternate Holub, Council Representative Beth Savage

**CHAIRPERSONS COMMENTS**

Vice Chairperson Bender began by reminding the Commission Chairperson Skaljac is out of town and he will be running the meeting. He thanked Mrs. Gawlik and Mr. Schirch for the time put into the booklet and told the Commission that Chairperson Skaljac supplied each of them a copy of his comments regarding the booklet. He recommended they go through them one by one, but first they would discuss further the potential Charter legislation prepared by Law Director Matty regarding Article XII; Section 5- Misspellings, Errors in Grammar, Renumbering upon Codification and Gender Neutral Designations.

**ARTICLE XII: GENDER NEUTRAL/TYPO CORRECTIONS FOR ENTIRE CHARTER**

Vice Chairperson Bender read the legislation as presented and asked the Commission for comments.

Mr. Berlin said it looks like the Law Director took the existing section five and appended what they discussed at the last meeting. He asked if this is the way that they should do it because section B down below talks about gender neutral language, and the previously written section 5 only talked about gender neutral changes, so anything going forward should be gender neutral. He said it didn't address anything in the past and it didn't talk about any changes to syntax, punctuation, or renumbering, and so, as he reads this in its entirety now, it doesn't feel right. Vice Chairperson Bender asked Mr. Berlin what he meant. Mr. Berlin said it says, all legislation, amendments, and ordinance shall henceforth contain gender neutral language following any election at which any amendment blah, blah, blah, and then it goes back down into B below and it says, making language gender neutral. He read "any gender-specific terms shall become gender neutral" and said that the first sentence has nothing to do with A and C. Mr. Berlin continued, saying as he is looking at it, he would want to strike the existing language that's in the current Charter because it's redundant to B below. Vice Chairperson Bender asked Mr. Berlin if it is because it already says gender neutral language in the top part. Mr. Berlin said correct, and what he wondered is should they say that going forward all amendments should be gender neutral as well. He said it is almost a two part thing where the stuff the Commission talked about previously addresses fixing things in the



existing Charter whenever we have an election to vote, whether they be numbering, gender neutral, etcetera, however, we also want to say that going forward, everything should be gender neutral.

Mr. Schirch asked if this is completely replacing the current section 5. Mr. Berlin responded when he started reading it that is what he was thinking, that it should replace, however, he said by just replacing it, it doesn't say going forward, they should make sure that they are addressing gender neutral. He said, for example, say somebody down the road wants to change the Charter and they put in "she", there's nothing that says they can't do that. Mrs. Bartos corrected him saying that first line, "all legislation" does. She said point A is for everything moving forward and then part B is for everything that's backwards that will be corrected. Mr. Berlin said he agrees with that, but because it's all put in one paragraph, it doesn't read real well. Vice Chairperson Bender said he thinks that the functionality of it gets accomplished. He said it might sound a little wonky to anyone who's reading over it with a keen eye like Mr. Berlin. Mr. Berlin said because he has read through it three times, he has changed his opinion on the first one to the second time. Mr. Schirch stated with any amendment, gender neutral phrasing would be caught before it even goes to the ballot.

Mrs. Bartos asked how the Commission would feel about separating the first line and the second into different paragraphs. Mr. Berlin responded that makes it read better for him. Mrs. Bartos said it is two thoughts, moving forward this is always going to be gender neutral, and then next, anything that is already in here, we're going to correct. She said she understood Mr. Berlin and thinks separating it into two paragraphs would alleviate any concerns. Mr. Berlin responded potentially. He said his first concern was it was redundant, then, as he read it three times, he was like, oh, it's necessary to be there. However, I think they should be separated.

Vice Chairperson Bender said Law Director Matty is not here tonight to get his thoughts on this, so he proposed Mrs. Bartos wordsmith those thoughts into an email and send to Law Director Matty and then table this legislation for the next meeting.

Mr. Berlin asked if everyone agrees with him, or has any comments. Mrs. Gawlik said she believes they are correctly interpreting the first sentence is prospective changes to the Charter and all of our laws, and the following part is only to correct the past, existing errors or mistakes that are created, then the striking of "and any amendments to the Charter shall henceforth be gender neutral" language should not, because if that's prospective then that needs to be gender neutral as well. She said the retrospective part is fine but they shouldn't be striking out "any amendments to the Charter should be". Mr. Berlin said he would agree with that statement. Mrs. Gawlik said she thinks they might not be correct in their interpretation. Mrs. Mansfield said it refers to henceforth which is future.

Mrs. Bartos said she sees what they are saying and if they are all having some confusion in this, she thinks that they need to wordsmith it a little bit better, and she does not feel comfortable sending it to the voting population if they are having an issue interpreting what it says. Mrs. Gawlik agreed.

Vice Chairperson Bender said he wonders if the Law Director is somewhat restricted in what he writes or found it more advantageous to kind of show it in this manner, because it pulls directly from what's already in the Charter. Mrs. Gawlik agreed that they are speculating what the Law Director is trying to do here, and they will continue to spin their wheels trying to guess so they should just ask for a rewrite or clarity. All members agreed.

Mr. Schirch said the basis for the Law Director writing it the way he did is not particularly relevant as far as how they want the Charter to read and how they want the voters to interpret it.



Vice Chairperson Bender motioned, seconded by Gawlik, to table the proposed legislation for Article XII, Section 5.

**ROLL CALL:**

Ayes: Bartos, Bender, Berlin, Gawlik, Lesh, Mansfield, Schirch, Vida-Clough

Nays: None

**MOTION CARRIED**

**DISCUSSION OF VOTER BOOKLET**

Vice Chairperson Bender moved on to the discussion and review of the draft information booklet to residents. He reminded the Commission this booklet is planned to be mailed out by September 1, 2023, and it will detail and explain the rationale behind the different Charter Amendment recommendations. He said the best thing to do is go through one by one and see if there's any edit suggestions. He said he will read each one with Chairperson Skaljac's edits.

He read the first proposed amendment language. "Shall Article VI, Section 4. of the Charter of the City of Brecksville be amended to provide that no expenditures shall be made or liability incurred in an amount of more than six thousand dollars (\$6,000.00) without prior authorization and approval by Council?"

Vice Chairperson Bender read the draft reason for the recommendation. "The current Charter permits City Department Heads and the Mayor's office to spend up to \$3,000 without prior authorization by Council. This limit was enacted 20 years ago, in 2003. The Charter Commission recommends that a limit of \$6000 is more appropriate in the current environment and allows City Department Heads, Mayor's office and City Council to operate more efficiently. For example, the amendment would allow for emergency repairs estimated to cost less than \$6000 to City vehicles without holding an emergency Council meeting and/or waiting until the next regular Council meeting. This change will not impact accountability or the budgeting process." He said he likes the way it is presented and a concrete example. He asked the Commission for their thoughts.

Mr. Holub said he had a typographical comment that the two 6,000 figures should have a comma there to be consistent with the numbers throughout. Mr. Berlin said in the beginning of the second sentence it says "this limit" and he was wondering if they should have the existing limit written out or "the current limit was enacted 20 years ago". Other members thought it read fine.

Vice Chairperson Bender said he does not know how specific they want to get or how much they want to bring back in the conversations they had with the Department Heads, but he was really drawn to the number 6,000 because both of the chiefs mentioned that number in their proposed range., and it's an exact doubling of the existing limit. Mrs. Gawlik said her only comment is when you look at what the 2013 Charter Review booklet, it is short and concise. She said it is what it currently is, what they propose to change it to and why. Mr. Schirch commented that it is the Charter Review Commission who's actually making the recommendations based on what the Department Heads have said, not necessarily the Department Heads making recommendations to the community. They agreed less is more.

Mrs. Mansfield asked for consistency if they should add in a "City" before Council. She said sometimes it says City Council, sometimes it just says Council. Mrs. Gawlik said to her it is clear they mean City Council, she would leave it just Council but she doesn't care either way. Mr. Holub suggested using City Council first then referring to it as just Council after that, just like saying City of Brecksville first then just City after that.



Mrs. Bartos asked if they should say something about inflation. She said she knows it's kind of implied, but maybe they should be specific. Mr. Schirch said then there might be people who will say \$6,000 is not equal to inflation over the last 20 years, so inflation is not really the reason. Vice Chairperson Bender said that they state the "current environment" in the language, and bringing up that this has been in place for 20 years can draw that conclusion.

Vice Chairperson Bender said to finalize comments, they are going to move "City" up to that first line, accept all of take all of Chairperson Skaljac's redline comments, and add a comma in the 6,000s. All agreed and they moved on to the next proposed Amendment.

Vice Chairperson Bender read the section as presented, "Shall Article III, Section 2. of the Charter of the City of Brecksville be amended to provide that the Mayor shall have been a qualified elector and a resident in this municipality for at least four (4) years immediately prior to the date of the Mayor's election?"

"The current Charter sets a residency requirement of two years for any Mayoral candidate. In light of the importance of the Mayor's position, the Charter Commission concluded that a residency requirement of four years is more appropriate and will provide future candidates with additional time to learn about our City's government, businesses, residents and overall community culture while also demonstrating a commitment to the City."

Mrs. Mansfield said she liked the draft as is. Mrs. Vida-Clough said it is clear and concise. Vice Chairperson Bender said the only thing that jumped out to him was that Chairperson Skaljac redlined concluded in the next one and put recommended. He asked if they should do the same for this one. All agreed to be consistent.

Vice Chairperson Bender reminded the Commission this is one that they saw in Broadview Heights passed with, he thinks, 71%, so he thinks this will be received by most voters. He said to complete this draft, just the one change to the word recommend. Mr. Berlin also recommended throughout the document, for consistency, there were parenthesis on some numbers with the number written out, and some without, he recommended writing the number then putting it in parenthesis. All agreed.

The Commission moved on to the next draft recommendation. Vice Chairperson Bender read as presented, "Shall Article VI, Section 8. of the Charter of the City of Brecksville be amended to provide that the Director of Purchasing shall have the responsibility to make certain that all terms and conditions imposed in favor of the Municipality or its inhabitants in any purchasing contract to which the Municipality is a party are fully and faithfully kept and performed?"

"The current Charter states that the Purchasing Director has responsibility for all City contracts. In actual practice, the Purchasing Director is only responsible for contracts relating to the purchasing of goods and services. The Charter Review Committee recommends that an amendment specifying that the Purchasing Director is only responsible for "any purchasing contract" is consistent with their actual role."

Mr. Schirch recommended italicizing the word purchasing for emphasis. Vice Chairperson Bender said he believes this is the Commission's communication and is not something that gets approved by the Board of Elections, so, he does not think that they have any restrictions on font.

Mrs. Vida-Clough questioned the wording "in actual practice" and suggested something like "city operations" or "current city operations, the Purchasing Director is only responsible". Mr. Schirch suggested to strike "in actual practice" entirely and say "the Purchasing Director is only



responsible”. Mr. Berlin said one of the things that he thought of when they first brought that up was why they aren’t doing what they were supposed to be doing anyhow. He said there was a disconnect. Mrs. Gawlik said they weren’t saying that they were doing that, they were just saying that the Charter was giving them the authority to do that and that they wanted it to reflect what they were actually doing which was not participating in any other areas of contracts. She said that is why she brought in the “actual practice” part because in reality the Purchasing Director is not involved in any other city contracts. Councilperson Savage said she agreed with Mrs. Gawlik. The Charter was very broad in the job description and this is meant to narrow it to what the position actually does. She said the word “current” to her in the description is right now the Charter reads like this and we’re proposing changing it to that. She thought the description was clear.

Mr. Berlin recommended capitalizing the word “all” in all contracts and adding the word “should” to read the “the Purchasing Director should only be responsible for contracts related to the purchasing of goods and services”. The Commission agreed that is an opinion and should not be included. Vice Chairperson Bender asked if the Commission like the word however added as a bridge. They agreed.

Vice Chairperson Bender read the section as corrected: “The current Charter states that the Purchasing Director has responsibility for all City contracts. However, in practice, the Purchasing Director is only responsible for contracts related to purchasing of goods and services.”

Mrs. Bartos recommended in the last sentence, instead of “is” change it to read “to be consistent with their actual role”. All agreed. Councilperson Savage recommended to change the word “Committee” to Commission”

Vice Chairperson Bender asked if there were any other comments. Hearing none, he moved on.

Vice Chairperson Bender read Article V, section 9 as presented: “Shall Article V, Section 9. of the Charter of the City of Brecksville be amended to provide that any member of the Recreation Commission appointed by the Mayor may be removed for any cause at the direction of the Mayor with the approval of at least five (5) members of City Council?”

“The current Charter requires that only four (4) Council members are necessary to vote for the removal of a Recreation Commission member. The current Charter requires five (5) Council members to vote for the removal of members from the Board of Zoning Appeals, Planning Commission and Civil Service Commission. The Charter Commission recommends this amendment to require that five (5) Council members vote for the removal of a Recreation Commission member in order to make it consistent with the other Boards and Commissions.”

Other than the edit to correct Charter Commission that to be consistent, all approved this section.

Vice Chairperson Bender read the next recommendation as presented: “Shall Article VI, Section 6. of the Charter of the City of Brecksville be amended to provide that at public sale the Service Director may sell personal property not needed for municipal purposes having an estimated value of one thousand dollars (\$1,000.00) or less without prior authorization and approval of Council?”

“Currently, the Charter only permits the Purchasing Director to sell personal property no longer needed for municipal purposes. In practice, much of the City’s inventory is held by, or



passes through, the Service Department and can more easily be disposed of by that department. For this reason, the Charter Review Commission recommends that the Charter be amended to allow both the Service Director and Purchasing Director to sell personal property no longer needed for municipal purposes valued at one thousand dollars (\$1,000.00) or less without prior authorization and approval of Council.”

Vice Chairperson Bender recommended having “City Council” at the end, not just “Council”. Mrs. Mansfield recommended italicizing the word “both” to keep it similar to the other sections and emphasizing the words. They like Chairperson Skaljac’s edits. No other comments, the Commission moved on.

Vice Chairperson Bender read the last recommendation as presented: “Shall Article XII, Section 5. of the Charter of the City of Brecksville be amended to provide that following any election at which any amendment to this Charter is adopted and prior to the reprinting of this Charter, the Clerk of Council, with the majority approval of Council and the Law Director, shall change misspellings, errors in grammar, numbering of provisions of this Charter or the cross referencing of provisions of this Charter upon codification, and gender neutral designations, provided that no substantive changes to the Charter language are made?”

“The current Charter does not permit rearrangement or renumbering of section titles or the correction of typographical and grammatical errors without placing any change on the ballot for voter approval. This amendment would allow for the correction of non-substantive errors in spelling, grammar, numbering or use of language that is not gender-neutral with the approval of Council and the Law Director. The Charter Commission recommends this amendment so that the City may correct any non-substantive inconsistencies and errors that exist without seeking voter approval.”

Mrs. Gawlik said the word “majority” needs to go before “approval of Council. Mr. Schirch recommended in the last line to have it read “without seeking additional voter approval”. Mrs. Mansfield said she understands what Mr. Schirch is saying, however, thinks that it might confuse the voters. Mr. Berlin said he wanted to add the word historical, or legacy, because they are going back to fix non-substantial historical, inconsistencies, and errors to clean up stuff. He said they want to explain they are not seeking voter approval for each individual correction. He is worried about the language “without seeking voter approval”. Mrs. Bartos recommended it read “the Charter Review Commission recommends this amendment so that the City may correct any non-substantive inconsistencies and errors.” All agreed.

Vice Chairperson Bender asked Mr. Berlin if he still wanted the word “previous” added. Mr. Berlin said he thought maybe the word “existing”. Mr. Schirch said he thinks that is understood because if they weren't there, they wouldn't be correcting them. Mr. Berlin said he doesn't think that the voting public understands the amount of these changes that will be done the first time. The Commission agreed it is understood. Mrs. Bartos recommended it read “the correction for non-substantive errors, spelling, grammatical, numbering, and or use of language”. All agreed.

The last item was Chairperson Skaljac recommended in his corrections to have them ordered by Charter and section number. All agreed.

## **PUBLIC DISCUSSION AND COMMENTS:**



Vice Chairperson Bender said the Commission was going to craft a letter to City Council regarding HR. Mrs. Gawlik said Chairperson Skaljac was going to draft something.

Vice Chairperson Bender confirmed the next meeting is April 5th at 6:30.

Hearing no other requests for PUBLIC DISCUSSION & COMMENT, motion by Bender, seconded by Schirch to close the meeting at 7:22p.m.

**ROLL CALL:**

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

Nays: None

**MOTION CARRIED**

Meeting recorded by Kristen Kouri