



**MINUTES OF PUBLIC MEETING  
BRECKSVILLE CHARTER REVIEW COMMISSION  
BRECKSVILLE CITY HALL  
FEBRUARY 6, 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, Vida-Clough

**Absent:** None

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

**APPROVAL OF JANUARY 28, 2023 CHARTER REVIEW COMMISSION MEETING MINUTES**

Chairman Skaljac asked for comments regarding the minutes of the January 4, 2023 meeting. Hearing none, Chairman Skaljac moved to approve the minutes, seconded by Bender.

**ROLL CALL:**

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

Nays: None

**MOTION CARRIED**

**CHAIRPERSONS COMMENTS**

Chairperson Skaljac began by stating the Commission is down to seven topics to discuss. He said by the end of the night he would like the Commission to be able to give Law Director Matty direction on what issues to begin drafting sample wording for to see what those topics could look like in legislation form. He said hopefully, if all goes as planned, at the next meeting they can vote for what topics to move forward and begin the next steps beyond that. Chairperson Skaljac said the items on the agenda are no longer listed by order, but listed by the ranking from the previous meeting from most important to least important.

**ARTICLE VI: SECTION 4 - EXPENDITURE LIMITS**

Chairperson Skaljac said it was pretty unanimous the Commission wanted to increase this limit to somewhere between \$6,000.00 and \$10,000.00. He also brought up the suggestion that was brought forward regarding Consumer Price Index. He reminded the Commission the limit has not been increased since 2003, and the current limit is \$3,000.00, and again, this is the amount that can be spent before requiring Council approval.

Chairperson Skaljac asked if Mayor Hruby had any comment. Mayor Hruby said it works well at \$3,000.00, however, he understands the importance of the consideration this Commission is giving to this topic. He said by raising the limit it will lower the amount of agenda items brought to Council, however, he believes the way to keep Council involved is to give them a lower expenditure level than other cities. He understands an adjustment is needed due to the times and



the rising cost of items. He reminded the Commission there is also an internal limit of \$500.00 before the Department Head requires Mayors authorization. He said with this change the Administration can leave it at \$500.00 or up it to \$1,000.00.

Mrs. Mansfield asked if the Commission should be removing a dollar amount and letting Council set that. She said instead of always circling around what dollar amount is appropriate. Chairperson Skaljac said he thinks by taking the dollar amount away completely, people could think that is more likely to be abused, and believes a dollar amount should be stated.

Mrs. Gawlik asked Council President Redinger if Council had a number that they would recommend or felt comfortable with. Council President Redinger said the feedback she has received from Council members is that they are comfortable with the range that the Commission is discussing of \$6,000 to \$10,000. She said Council likes to see what is going on at all levels, but they would be comfortable with the range the Commission is discussing. Mr. Bender said he does not believe the Commission is doing this for Council, it was his understanding this was more for the Departments. He gave the example of if a police car or fire vehicle needs a repair, the current amount is so low, they have to wait for a Council meeting to receive approval before they can get it fixed, so by raising the limit, it would allow for those immediate needs. He believes this shows an inefficiency that they can fix. He said although both chiefs referenced \$6,000 to \$10,000, he thinks \$10,000 might get a little push back from the residents. He thinks \$6,000 is a good number. Mrs. Bartos agreed that \$6,000 is a good number. Mr. Berlin asked the members of Council and the Mayor if there was a pitfall or something the Commission would be missing if they recommended moving the limit to \$6,000. The Mayor responded not if they moved it to a number like what they are discussing. He agrees that if they move it to a large number like \$10,000 to \$15,000, they might, and they would definitely get push back from the electorate. Law Director Matty agreed and said Brecksville has always been very conservative on their checks and balances, especially when it comes to finances. He said other communities have limits of \$25,000 to \$50,000. He said if they stay under that \$10,000 they will still be “Brecksville”, and the Directors who are purchasing items for the City will still be required to get quotes and they will still have oversight.

Mrs. Vida-Clough asked if they increased the limit, would there still be the opportunity for Council to view the lower limit items, just not have to approve them so there is still that oversight. Chairperson Skaljac said in his experience as Council, this Mayor always kept Council aware of the lower items he had to approve through reports and or just as an FYI.

Chairperson Skaljac asked the Commission if everyone would feel comfortable recommending \$6,000 for the new limit. All responded “yes. He then asked the Law Director to prepare draft legislation to reflect the \$6,000 limit for the next meeting.

Mr. Bender said for one last thing, he liked the CPI idea but thought to keep it simple for voters.

### **ARTICLE III: MAYOR RESIDENCY REQUIREMENTS**

Chairperson Skaljac reminded the Commission the current residency requirement is at two years and the discussion previously was to increase to four years. He asked if anyone had comments. Mrs. Bartos said she would agree to no more than four years. Mr. Bender and Mr. Berlin agreed to four. Mrs. Gawlik asked if Broadview Heights just increased to four years. All thought it was four, she agreed to four for Brecksville as well. Mrs. Lesh, Mrs. Mansfield, Mr. Schirch and Mrs. Vids-Clough all agreed to four as well.



Chairperson Skaljac asked Law Director Matty to prepare draft legislation reflecting the change from two years to four years for the residence requirement for Mayor.

#### **ARTICLE VI: LANGUAGE UPDATE SALE OF INVENTORY**

Chairperson Skaljac opened the floor to Mayor Hruby to discuss. Mayor Hruby thanked the Commission and complimented them on their dialogue on issues and their service and dedication to the Commission. He said he has heard through the years this Commission is under the Mayor's control and he hopes this Commission now sees that this is not true, the Mayor only has the authorization to appoint, however, he has always had Council recommend a resident to appoint and he then has appointed the remainder. He said he has not contacted and would not contact any member recommending an issue or topic be brought forth or that they vote a certain way. He is here for the Commission if they have questions and to be used as a resource, that is all. He listened to the meeting last week and wanted to clarify a few things. He said originally, the Mayor position was a part-time position. The person that had authority was the Treasurer and the Director of Public Service. He said that stayed that way until the Purchasing Director position was created through the Charter. At that point in time the recommendation was made the Purchasing Director be in charge of selling any municipal property with the permission of City Council. It is part of the administrative process that reviews what needs to be sold, whether it is no longer of use, broken or not of value to fix, or is expired. He said the Service Director was always and has always been a part of the process. He said the Department Heads will look at their equipment and then turn to the Service Department to assist in repairs or moving for sale. The Purchasing Director recommended adding the Service Director to clarify how the process currently goes, however, it is still under the Purchasing Department. He said originally they would take the property down to the Service Department and lay it out to auction off, we have since moved to an on-line process that Kristen manages, called GovDeals. He clarified the City does not sell broken ladders or anything that can be harmful or dangerous to an individual, and we always announce if there is a known defect to an item. He said we do not sell guns, ammunition, vests, or anything that could danger or harm our residents, those items are destroyed. He explained that when these items are sold or destroyed they are then removed from our inventory system so one can go back and see how it was disposed.

Kristen Kouri explained the process of a sale to the Commission. She said they will receive notification from a department that they have an item or items for disposal. She said the items are normally office equipment such as a chair or stapler. She said the items are collected and stored in the Service Garage. She said the Service Department is a huge part of the administration of the sale. She said as part of the Service Department, she itemizes, lots, and pictures the items for sale. She explained for security if there are computers that are outdated and are to be sold, IT comes and removes and destroys the hard drives and someone signs off on destruction letter that they witnessed the destruction. She said it is a lot of paper work and a lot of to-do, but it is done and it is done right. She explained the items are then posted on GovDeals for a minimum of ten days, and then she works with the winning bidder to come and pick up the items. She explained that if there is a large item to be destroyed due to safety, that item goes before Council for approval. Every year the Law Director prepares legislation to authorize the sale of municipal property no longer needed which is what authorizes the sales for the calendar year. She said the \$1,000 limit in the Charter does not need to be changed or removed because it does not hinder or bother the process.



Chairperson Skaljac asked Law Director Matty if the Service Director title should be added to the Charter or does the process still go through the Purchasing Department. Law Director Matty said it is a hybrid process. He said he would recommend adding “and/or the Service Director” to go with the current practices, however, he recommended not worrying about the dollar amount. He said the Charter authorizes under \$1,000.00, the Ordinance covers authorizing anything over that.

Chairperson Skaljac asked the Law Director to prepare draft legislation adding the words “and/or Service Director” to this section.

#### **ARTICLE VI: ROLE IN CONTRACTS PURCHASING DIRECTOR AND ARTICLE V: ROLE IN CONTRACTS –FINANCE DIRECTOR**

Law Director Matty said he had spoken with the Purchasing Director, and her concern regarding contracts is that she is involved in purchasing and purchasing agreements, administering bid items and those agreements. He said if the Commission is going to change section 8 at all, he recommends they look at the line that says the Director of Purchasing is responsible in “any” contract, should be in “any purchasing contract” and should be more limited. He said some of her other suggestions were made just to make the Commission aware of how she currently operates. He said the Service Director should be added to Section 6, but not needed in Section 8.

Mayor Hruby said contracts come out of the Finance Department and the Purchasing Department, and each Department should be responsible for the contract generated from their department. He said the recommendation is for clarification matters only. He said the way it is currently written can seem like the Finance Director does not have the authority or responsibility.

Chairperson Skaljac clarified saying this recommendation was brought forth to add verbiage for clarification the Purchasing Director section, but also to the Finance Director in Article 5, Section 2, which would be new language.

Law Director Matty said he has a little different approach. He said the Directors in each Department do some of the negotiations for respective contracts, for example the North Royalton Jail contract came from the Police Chief and negotiated the terms and proposed the legislation to Council. He said Council already has the authorization to direct the Finance Director to do additional duties as they see fit. He said his recommendation is the Commission only changes the Purchasing Director section and does not make any change to the Finance Director section in relation to contracts. Mayor Hruby said each contract is reviewed and executed by the Mayor per the Charter. The legislation is authorizing the Mayor, the Mayor then can utilize the Administration by having the Finance Director, Purchasing Director, Clerk of Courts, etc., assist in executing agreement, and keep and oversee the agreement.

Chairperson Skaljac said to paraphrase; the Commission should consider adding verbiage to Article 6 only. Law Director Matty said yes. Chairperson Skaljac said and the needed verbiage for the Finance Director is already there. Law Director Matty said yes.

Chairperson Skaljac asked the Commission if they were all in agreement to have the Law Director prepare draft legislation for adding the word “Purchasing” to contracts and removing the word “any” under Article 6. All Commission members agreed. All agreed to remove the topic of Finance Director role in contracts from their list.

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



Chairperson Skaljac said the Commission briefly discussed this topic at the last meeting, and the document that was prepared by the Law Director that had various communities sample legislation for how they handled this issue and addressing the entire Charter and who had authorization to alter and change without changing the subject. He asked if everyone had the document, not all did. He said the couple that jumped out to him was the City of Kent and Trotwood. He said he thought those both gave the scope of their Commission was looking for, with the proper checks and balances and who would have the authorization to sign off on those. He asked that Kristen resend the document and all members review before the next meeting and they can discuss further. He asked the Law Director to recommend what he thought would fit the City best. Law Director Matty said it is the Commissions discretion about what the process should be. The Charter amendments since 1993 should all be gender neutral, prior are not. He said the question before the Commission is what process they would like to have followed. Some communities use their Clerk of Council, some use Law Director, some use both, and some use Council as the authority and use legislation to authorize the corrections without changing the substance. He said this would be for gender neutral terms and typos.

#### **ARTICLE V: NUMBER OF COUNCIL VOTES TO REMOVE**

Chairperson Skaljac reminded the Commission the current number is four and the previous discussions were to change that number to five to be consistent with the other Boards and Commissions. He asked if there was history for why it was like that, saying he thought it was probably because it was a Mayor's appointed Commission. Mayor Hruby agreed, saying he was just speculating, but thought that might be why, but he agrees with moving to five.

Chairperson Skaljac asked the Commission if they were all still in agreement, all responded yes. He asked the Law Director to prepare draft legislation changing the number of Council votes needed to remove a Recreation Commission member to five.

#### **PUBLIC DISCUSSION AND COMMENTS:**

Mr. Bender asked what everyone thought about the amount of issues being brought forth to the electorate, if it was common to bring a certain amount or if they should only bring a certain amount. Chairperson Skaljac said if they look back, the average is seven or eight issues that are normally brought forward, however, there is not set number.

Chairperson Skaljac said on the topics last week they asked if the current Boards and Commissions on their own could appoint or request an alternate as opposed to putting it in the Charter. Law Director Matty said if they want one they cannot do it on their own, Council could by Ordinance. He said he saw of the discussion about alternates and wanted to clarify that alternates are not meant to be there at all times. Alternates are meant to be called upon when needed. He recommended, if the Commission still wanted to, to include the suggestion in a letter to Council.

There was no request for public comment.

The Commission decided to meet on February 27<sup>th</sup> at 6:00pm to meet before the Recreation Commission at 7:30. They also confirmed Tuesday March 14<sup>th</sup> and Wednesday March 22<sup>nd</sup> at 6:30pm.

Mr. Schirch asked the Mayor, looking at Article V; Section 5; the Charter was amended to say the Law Director serves both the Mayor and Council but is appointed by only Council. He asked the Mayors thoughts on that. Mayor Hruby responded it works well, and the only reason



the wording was changed to add that they work for the Mayor as well as so that any time the Mayor needed the Law Director's advice, it did not need to wait to be approved by Council. Mr. Schirch asked what would happen in the event they do not agree on who the Law Director should be. The Mayor said he believes it is fine and works well the way it is.

Hearing no other requests for PUBLIC DISCUSSION & COMMENT, motion by Skaljac, seconded by Gawlik to close the meeting at 7:42p.m.

**ROLL CALL:**

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

Nays: None

**MOTION CARRIED**

Meeting recorded by Kristen Kouri