



**MINUTES OF PUBLIC MEETING
BRECKSVILLE CHARTER REVIEW COMMISSION
BRECKSVILLE CITY HALL
OCTOBER 25, 2022**

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

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

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

Absent: None

Others: Mayor Hruby, Law Director Matty, Council President L. Redinger, Council Representative B. Savage, Commission Alternate R. Holub, Councilmember B. Stucky, Council Clerk T. Tabor, Service Director L. Starosta, Service Director R. Weidig.

APPROVAL OF MINUTES:

Chairman Skaljac asked for comments regarding the minutes of the October 5, 2022 meeting. Mr. Bender asked that Mr. Holub's statement, Section 4. B. be amended to read "Mr. Holub said a (2) year residency requirement does not allow enough time..."

Chairman Skaljac, moved to approve the minutes, seconded by Schirch

ROLL CALL:

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

Nays: None

MOTION CARRIED

Chairperson Skaljac said the Commission is meeting in Council Chambers as the sound system in the community room is in need of repair. Commission members received written comments and information from Councilmembers and Department Directors this evening. Law Director Matty has information on questions we asked previously.

Chairperson Skaljac said the Commission has invited City Directors to provide information or comments regarding the Charter as it relates to their position.

Article V Section 1. General Provisions

Ms. Lesh asked how the adding or abolishing a position is made aware to the public. Mayor Hruby responded that the public is made aware of changes by public notices, agendas, city website, news articles and elections when the Charter is amended, the issues are placed on the ballot for the electorate to decide. Mayor Hruby said Council has not abolished a committee in many years. The Telecommunication Commission was formerly known as Cable TV Committee. Council created



the Human Services Advisory Board and the Recreation Commission. Council has the authority to add or remove.

Chairman Skaljac said at the 2013 Charter Review the previous finance director was considering the removal of language that the Finance Director could also hold the position of Council Clerk. Mayor Hruby said at the time the Charter was written the position of Finance Director and Assistant Finance Director were both part-time positions.

Finance Director Starosta said the positions of Finance Director and Council Clerk have both become full time positions. Chairman Skaljac asked if it would make sense to remove that language from the Charter.

Mr. Berlin asked if the Commission is responsible for cleaning up the Charter or changing the Charter. Chairman Skaljac said the Commission can come back to that issue.

Section 2. Finance Director - Laura Starosta

Finance Director Starosta said the Finance Department has four employees, Finance Director, Assistant Finance Director Supervisor of payroll and personnel and a finance clerk. The Finance Director and Assistant Director are appointed and report directly to City Council. The Finance Director also serves as a financial advisor to City Council and the Mayor. Finance Director Starosta said the Service Director and Finance Director assist the Mayor in preparing the budget. Finance Director Starosta said the majority of legislation requested by the Finance Department relates to the budget, medical benefits and contracts that relate to the Finance Department. The Finance Director also serves as a voting member and Treasurer/Secretary to the Community Improvement Corporation and the Records Commission. The Assistant Finance Director is working as project manager for the implementation of the ERP software system. Finance Director Starosta said the Finance Department takes pride in performing our work accurately, honestly, and efficiently. Finance Director Starosta said the Department continually strives to cross train employees on functions. So, we're never at a default if someone needs to be out of the office or god forbid an emergency happens and they can't make it in to process payroll. Employees to make sure the tasks can still be completed. Finance Director Starosta said the Commission asked if we had any concerns with the Charter or if day-to-day practices align with the charter and Finance Director Starosta said she didn't have any specific feedback for the commission on those items. Finance Director Starosta said she polled the staff in her office to see if they noted anything.

Mr. Schirch asked if there is a job description for a Finance Director. Ms. Starosta said it is not required that a Municipal Finance Director to be a CPA, there are other certifications for governmental accountants that go well with the position. Chairman Skaljac said City Council can set the job description, Council will be doing the interviewing and appointing. Mr. Berlin asked who sets the job descriptions and where are they housed. Finance Director Starosta said she has not changed the job descriptions and assumes job descriptions and wages would be discussed with Council. The job descriptions are kept by the Supervisor of Payroll and Personnel and could be modified as needed by a Department Director and approved by the Mayor. Finance Director Starosta said a pay rate would need to be determined and sent to Council for consideration.

Ms. Mansfield asked if Ms. Starosta had any comments regarding spending thresholds. Finance Director Starosta said those controls are in the purchasing department.

Mr. Bender said in a \$55 Million budget with a \$3,000 spending threshold how does that affect the Finance Department. Finance Director Starosta said she received feedback from an external auditor that the City is



more strict than other places. Raising the limits relates to a lack of knowledge with Council.

Chairman Skaljic said a number of Department Directors and a member on the Commission have submitted concerns regarding the Human Resources aspect being handled within the Finance Department. Chairman Skaljic asked if Finance Director Starosta felt it made sense to have Human Resources become it's own department. Chairman Skaljic asked for Finance Director Starosta's opinion on having a Human Resources specialist handling sensitive employee issues. Finance Director Starosta said it could be that there is a payroll person who's only processing a payroll, clicking a button, sending it through. That's not how our department functions currently. The City is self-insured for medical insurance, the city handles all of the workers' comp claims and the management of those. The department consults with the Mayor and at times we need Council's approval of items. Finance Director Starosta said if you had a separate HR department there would be some things that would move out of the Finance Department. Currently, if we need any legal advice or were concerned that we are paying somebody in the military properly, according to the Ohio Revised Code, we're consulting with legal on those items. Finance Director Starosta said the benefit that a separate HR Department is more of the legal aspect but we currently function that way with reaching out to Dave Matty's office.

Mr. Berlin asked how many people does the City of Brecksville employ. Mayor Hruby said 160 full-time and 210 part-time. Mayor Hruby said the majority of the part-time employees are at the Community Center as lifeguards, instructors and seasonal workers. Mr. Berlin said the City is a \$55 million dollar revenue company with 200 employees, a mix of part time and full time. The HR roles fall underneath the finance department which is four people primarily with a financial background. Finance Director Starosta said the Supervisor of Payroll and Personnel does trainings to keep up on items. The City has Magis Advisory Group who helps us as our broker for self insurance, for our claims management. Finance Director Starosta said the City uses a third party for Workers Compensation Administration. There are other resources other than the one person sitting at that desk.

Mr. Berlin asked if an employee has an issue, who do they contact, if they have an issue with a supervisor or feel they are treated unfairly. Finance Director Starosta said she feels everyone would handle that differently whether it's their own supervisor or another supervisor within the same building, you know, that they're aware of. Some people go directly to the Mayor himself if they're under one of the Mayor's departments, the Finance is under Council. Finance Director Starosta said it depends on the comfort level of that employee. Sometimes they come directly to our Supervisor of Payroll and Personnel. Finance Director Starosta said they assist employees that way, to create the conversation for them. Mr. Schirch said it sounds like there is no set protocol, it is falling under a payroll person.

Finance Director Starosta said she does a lot more than personnel.

Mr. Berlin said thinking of the city as a business if someone has an issue, there is no one running human resources (HR) for the city. Mr. Berlin said he views Mayor Hruby as the CEO, the Council, as a Board of Directors, and the accounting and finance department as the Finance Department. Mr. Berlin said he was not aware the City did not have an HR Department. Mr. Bender said some companies align with an employee assistance program. Finance Director Starosta said the City offers an Employee Assistance Service (EAS), referrals can be made through that service. Mayor Hruby said the woman that is handling payroll and personnel is from a human resources background, as was the previous employee in that position. Mayor Hruby said that creating a separate HR Department may be something that Council and the Administration could look at in the future. Mr. Berlin said payroll is a small part of HR. Finance Director Starosta said the position is responsible for pension reporting, union agreements and complying with the codified ordinances.



Mr. Berlin said this may be a consideration of Council and not a Charter change. Mayor Hruby said the Director of Purchasing was created when the Purchasing Department was created. Mayor Hruby said Council could create the position without a Charter change.

Mr. Schirch asked how the department audits other departments. Finance Director Starosta said she does internal review by surprise visits to the Community Center, Police Department and other areas that handle funds. Mr. Schirch asked how inventory is handled. Finance Director Starosta said her department handles Capital Assets, items over \$5,000. Mayor Hruby said the Service Department handles inventory, Kristen Kouri works on the inventory for the City.

Mr. Berlin asked if there is turnover in the Department, how does the financial responsibility continue? Finance Director Starosta said she has a binder that documents the procedures for all duties. Mr. Berlin asked why there are appointments and confirmation by the Mayor and some by Council. Chairman Skaljac said the procedures for appointments provide a separation of power and provide checks and balances. Law Director Matty said there are many forms of local governments. Brecksville has a weak Mayor, strong Council form of Government. In some Cities the Mayor appoints all positions. In Brecksville the Law Director, Finance Director and Engineer serve at the pleasure of City Council.

Section 3 Director of Public Safety – Mayor Hruby

Mayor Hruby said the position of Safety Director has been in the Charter since it was adopted. The Safety Director oversees the Fire Department, Police Department and Building Department. The Mayor may also be the Safety Director or he may choose to appoint someone as a Safety Director. The Mayor does not have power over the Departments, the Safety Director does. Mayor Hruby said the Charter in 2003 gave the Safety Director direction over the Fire, Police and Building Departments. City Council has direction over and appointment of the Law Director, Finance Director and Engineer. Mayor Hruby said all of the changes to the Charter regarding the Safety Director took place in 2013. Mr. Bender asked how much time does the Mayor spend between the different departments. Mayor Hruby said it varies and can be seasonal, approximately 60% of the time is Safety Director and 40% as Mayor. Mayor Hruby said until recently the Mayor also handled economic development. A full time Economic Development Director was appointed earlier in 2022.

Mayor Hruby said he has no recommended changes.

Section 4 Director of Public Service – Ron Weidig

Service Director Weidig said the Service Department interacts with most departments on a regular basis. The Service Director is responsible for managing and supervising construction, improvements and maintenance of public works, buildings grounds cemeteries and all other public places in the City. Service Director Weidig said the Director is responsible for resurfacing and repairing and lighting of streets and all other public places and the collection and disposal of wastes. The Service Director attends meetings, interacts with the public, manages the road program, supervises employees, creates annual reports and is responsible for maintaining road salt and brine for the roads and fuel for all city vehicles. Service Director Weidig said he is in charge of the refuse and recycle programs and coordinates with the solid waste district for household hazardous waste. The Service Department is responsible for all aspects of roadway and public land clean-up and necessary repairs. The City has a horticulture department that handles trees and plants in the community. The Service Director oversees the Building Engineering Department and the Housekeeping Department. Service Director Weidig said vehicle and building



maintenance also fall under the responsibility of the Service Director. Service Director Weidig said the Service Department supports all departments in the city and the duties of the Service Department overlap with other departments daily. Service Director has no recommended changes for the Charter.

Section 5. Law Director – David Matty

Law Director Matty said he is appointed by Council and can be removed by Council. The Law Director has the authority to work with the Mayor and with every department director in the city. Purchasing, finance, police, fire, and building and all other directors. Law Director Matty said he is fielding calls, answering e-mails, drafting opinions and letters daily. Law Director Matty said he attends meetings, either in person or phone, every day to assist the City officials with any legal issues and the municipality is his client.

Law Director Matty said the City does not use special counsel other than bond counsel and counsel that we've recently used for Valor Acres as it relates to a financial arrangement called the TIF. But anything else that has an issue related to the law comes to the Law Director. Law Director Matty said a Law Director needs to be timely and responsive to whoever calls him, which is very important to the Mayor and City Council. The City has many agreements that need to be reviewed, Law Director Matty said he reviews and advises necessary corrections. Law Director Matty said the Charter works as it is.

Mr. Schirch commented the Charter does not require the law director to have municipal law experience. Law Director Matty said the Municipality may be better served by someone with municipal experience, but if you make that a requirement, you will decrease the list of possible candidates. Mayor Hruby said you limit the candidates for the position if you say municipal experience required. Law Director Matty said a law director may also gain knowledge from other municipal law directors.

Section 6. Council Clerk – Tammy Tabor

Council Clerk Tabor said the Charter requires the Clerk to maintain all records of City Council, minutes, ordinance and resolutions. Council Clerk Tabor said she works with Council President, Mayor and Department Directors to prepare agendas for Council and Council Committee meetings.

Council Clerk Tabor commented that Council meetings are held twice monthly and the only recommendation she would like considered would be a provision for remote meetings. Clerk Tabor said in the event an emergency occurred such as flood, fire, pandemic or any emergency situation that did not allow for meetings to be held at Council Chambers, Council could still meet to conduct business. Clerk Tabor said the Charter would need to allow for remote/virtual meetings and allow Councilmembers to vote electronically. Although not ideal, Clerk Tabor said it would allow for Council to conduct city business in the event meeting in Council Chambers was not possible. Council Clerk Tabor said consideration for Council Committees to be held prior to Council meetings might be something included in the Charter. Mayor Hruby said the Committee meetings allow all of the Councilmembers to attend the committee meetings without having to attend multiple meetings on different days. Council President Redinger said she likes that Committee meetings are all held together, it allows her to attend all of the committee discussions.

Council Clerk Tabor said she also feels, as an employee, the Human Resources Department would better



serve the employees as separate department.

Mr. Schirch asked if the State of Ohio allows remote meetings. Law Director Matty said the State of Ohio allowed remote meetings during the COVID-19 Stay at Home Order. Law Director Matty said he believes a Charter Amendment and not an Ordinance would allow a City to hold remote meetings. The provision would also need to state voting remotely is permitted.

Chairman Skaljac reviewed the discussions today which may be considered at a future meeting. Chairman Skaljac said reviewing the minutes of previous meetings may be helpful.

Article 3. Mayor.

- Mayor Residency: Increase residency requirements from (2) years
- Council Residency: Increase residency requirements form (2) years
- Emergency meetings - remote or virtual possibilities
- General Provisions
- Human Resources- Separate from Finance Director
- Law Director – Experience requirements

Law Director Matty said Council President Redinger found (2) typographical errors in the topics that were discussed this evening. If the Commission chooses to recommend a change that will allow clerical corrections, he will keep these items for future reference.

Law Director Matty clarified definitions he previously addressed Under Black's Law Dictionary:

- Justifiable means rightful, defensible, warranted, or sanctioned by law, that which can be shown to be sustained by law.
- Excuse is a reason alleged for doing or not doing a thing.

Chairman Skaljac suggested a Saturday meeting for residents that may wish to attend. Ms. Gawlik said attending a meeting on Saturday in December is very difficult, for the Commission members and the residents.

Chairman Skaljac discussed future meetings of the Commission. The members agreed on Wednesday, November 2nd, Tuesday, November 29th and Wednesday, December 7th.

Hearing no **OTHER MATTERS DEEMED APPROPRIATE**, motion by Skaljac, seconded by Bartos to close the meeting at 9:00 p.m.

ROLL CALL:

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

Nays: None

MOTION CARRIED



**THE BRECKSVILLE CHARTER REVIEW COMMISSION
MEETING MINUTES OF OCTOBER 25, 2022**

GREGORY SKALJAC, CHAIRPERSON

DANIEL BENDER, VICE CHAIRPERSON

ERIC SCHIRCH, SECRETARY

Meeting recorded by Tammy Tabor