



**MINUTES OF PUBLIC MEETING
BRECKSVILLE CHARTER REVIEW COMMISSION
BRECKSVILLE CITY HALL
SEPTEMBER 27, 2022**

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

Following the **PLEDGE OF ALLEGIANCE**, Mayor Hruby administered the **OATH OF OFFICE** to all Commission Members.

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 Laura Redinger, Council Representative Beth Savage, Commission Alternate Rob Holub, Council Vice President Dominic Caruso, Council Member Daryl Kingston, Council Member Ann Koepke.

NOMINATION OF CHAIRPERSON:

Mayor Hruby asked for nominations from the Commission for a Chairperson. Berlin nominated Skaljac, seconded by Gawlik. Mayor Hruby asked for any other nominations. Hearing none, a motion to close nominations was made by Skaljac, and seconded by Bender

ROLL CALL:

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

Nays: None

MOTION CARRIED

Motion by Bender, seconded by Lesh, to elect Skaljac as Chairperson for the 2023 Charter Review Commission.

ROLL CALL:

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

Nays: None

MOTION CARRIED

Chairperson Skaljac thanked the members of the Commission, stating he believes they will all enjoy, throughout the next several months and meetings, learning how our City government is run.

NOMINATION OF VICE-CHAIRPERSON:

Skaljac asked for nominations from the Commission for a Vice Chairperson. Berlin nominated Bender, seconded by Skaljac. Skaljac asked for any other nominations. Hearing none, a motion to close nominations was made by Skaljac, and seconded by Berlin.

ROLL CALL:

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

Nays: None

MOTION CARRIED



Motion by Skaljac, seconded by Gawlik, to elect Bender as Vice Chairperson for the 2023 Charter Review Commission.

ROLL CALL:

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

Nays: None

MOTION CARRIED

NOMINATION OF SECRETARY:

Skaljac asked for nominations from the Commission for a Secretary. Berlin nominated Schirch, seconded by Skaljac. Skaljac asked for any other nominations. Hearing none, a motion to close nominations was made by Skaljac, and seconded by Berlin.

ROLL CALL:

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

Nays: None

MOTION CARRIED

Motion by Skaljac, seconded by Bender, to elect Schirch as Vice Secretary for the Charter Review Commission.

ROLL CALL:

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

Nays: None

MOTION CARRIED

INTRODUCTION AND CHARTER REVIEW PROCESS:

Chairperson Skaljac invited Mayor Hruby to present the Introduction of the Charter Review Process to the Commission. Mayor Hruby informed the Commission this process began in 1956. The current Commission was presented with a book filled with the current Charter, and all previous Charter Review Commissions since 1956. He said the Charter is the frame work of the City government. Everything relates back to the Charter in one way or another. Departments are created through the Charter as well as job descriptions and duties. The Charter directs the government on how to govern. He asked Commission members to not take themselves too seriously, but take the responsibility very seriously. He explained that each Charter Review Commission has handled their duties a little different, they did not seem to model themselves after one or another. They did their own thing, and this Commission should too. The requirements of the Commission is to put together their recommendations to City Council to place on the November election 2023 ballot. Council does not have the authority, per the current Charter, to revise, change, or reject anything this Commission submits. City Council is required to place these recommendations on the ballot. Law Director Matty will explain that process in detail. The Commission is required to publish a booklet that will be submitted and mailed to the electorate with all the recommended changes and exact ballot language. Mayor Hruby informed the Council they are not required to make changes, only if they believe there are changes to be made.

Mayor Hruby stated Councilperson Beth Savage is Chair of the Legislation Committee on City Council and will be present to help the Commission with any legislation as well as with Law Director Dave Matty. City Council President Laura Redinger will be present to answer any questions from City Council. Mayor Hruby said that three Council Members were present in the audience and they will be present at future meetings as well because they like to hear firsthand the



Commissions deliberation and what comments are put before the Commission. He stated the public will be present to submit their recommendations, already the Commission has a document that was prepared by a resident with recommendations.

Mayor Hruby reminded the Commission they are not being compensated for being a member of the Commission, and are here to do what they believe is right for the City, not individually. He said that normally the Mayor is to appoint all members, however, since he has been involved, he asks each member of City Council to nominate someone and he, then nominates the rest. He thanked them for their willingness to serve. There will be a permanent record of this meeting, the meeting is being streamed to the public live and will be on the City's Facebook page as well as the minutes from the meeting.

He informed the Commission they are to complete their work within nine months. The last Commission realized the deadline requirements to place something on the ballot was moved back two months, taking that two months out of the process. Therefore, one of their recommendations that passed was to start the process in September of the previous year.

Mayor Hruby said over the years the most common things to come before the Charter Review Commission is term limits, spending caps, creation of departments, mandatory referral, procedures of Boards and Commissions, and wording. He informed the Commission they can call the Mayor before them, City Council, Board and Commission Chairs, and Department Heads, to ask questions regarding suggested revisions. He reminded the Commission not everyone is going to agree with the Commission from Departments or from the public. One thing we preach in this government is respect for each other, sometimes people are going to have a good idea and sometimes people's ideas are not what is best for the City. This Commission's job is to figure that out and be respectful. He recommends the Commission go home and read the book that was given to them, look through the past procedures and what was done. The Mayor said if a resident contacts someone in the Commission regarding a thought or idea, they need to let the Chair know and or the rest of the Commission. We want to make sure the residents are being heard, however, they should not be in a position to influence you or pressure you into making a decision one way or another. The Mayor said again, to just make sure they are doing what they believe is right for the whole City.

The Mayor said it is a great process, however, from time to time a meeting might have to be missed. He introduced Mr. Holub and explained his position as an alternate for the Commission. Mr. Holub will step in if a current member can no longer serve. He is permitted to take part in all discussions and be active but cannot vote. Mayor stated that Skaljac has previously served as City Councilman from 2006 to 2018 and as President from 2012 to 2018 which included working on the 2013 Charter Review process as Council's representative and why he was asked to participate again, to give his knowledge of the process and help the Commission as they move through.

The Mayor thanked the Commission again. Skaljac reiterated to the Commission that the Mayor and Law Director will continue to attend meetings and will be available to ask questions as they go through this process.

LAW DIRECTOR COMMENTS:

Chairperson Skaljac invited Law Director Matty to present his comments regarding the process to the Commission. Law Director Matty proceeded to give the Commission a little bit of background on himself. He has been in the practice of Municipal Law for forty-two years. He has been the Law Director at Rocky River, Solon, Bratenahl, and Brecksville. He also represents



Chagrin Valley Dispatch Regional Council of Governments. He has advised six Charter Review Commissions, this being the second in Brecksville. He explained their charge is very important. The municipal level of government does more for residents than State and Federal government. The City of Brecksville has Ordinances that are passed by City Council, the Charter is only a few pages but one hundred times more important because it is the resident's way of saying this is how our local government will be. He gave an example that in Brecksville the Law Director, Finance Director and City Engineer are appointed by City Council. In other communities those positions are either appointed by a mayor or an elected office. He advised the members read the Charter, and if there is something they don't understand, he gave them his cell phone number to call him. He informed the Commission they can talk to him directly, outside of the meeting, if they need to. He cautioned them that in the State of Ohio you cannot conduct Commission business by e-mail, text, telephone, or make arrangements to talk privately. All business needs to be discussed in the public forum. The Ohio Sunshine Laws that make you follow certain rules when you meet, also make you follow certain rules with your private devices. Anything that you do on your private devices that concerns your duty with this Commission becomes public record and you must save it. Under Ohio Law, residents can request these documents. His advice is to use public forum for discussion. If you do not produce something they request there is a fine, court costs and possible attorney fees. He again suggested to the members to only discuss business in a public forum.

Mr. Matty stated this process you are going to go through is the eighth time the Charter will be looked at and due to changes in society and changes in processes, there may be changes needed, and there may not be any changes needed. However, he said, the sooner the Commission can get the requested changes to him, if there are any, the sooner he can begin drafting the language. Part of his responsibility is to determine the legality of the ideas put forth. If there is something illegal he will explain why. If it is not illegal, the Law Director will put in words what the Commission would like amended. The ideas need to be formulated in writing by May. By Ordinance City Council will have to pass on the revisions. Those will be sent then to the Board of Elections between one hundred and twenty days before an election up to sixty days before an election. The Board of Elections will ask the Law Director for language that the electorate will see on the ballot. The Board of Elections will review it, then the Secretary of State. If the ballot passes by a majority, it becomes part of the Charter. Council can by action submit a Charter Amendment that they wish, or a resident through the process of Initiative Petition can submit an amendment for vote. Matty told the members as they read through the Charter, any sections can be changed and wording can be altered as long as it is legal.

Matty told the Commission as they go forward they have to determine how they are going to vote and the rules for their Commission. He explained they are a voting body of nine, five is the typical number for a quorum to take action. A majority vote is one way they can choose to vote for a Charter Amendment to go to Council, there is a two-thirds vote which would be six out of nine, and there is a super majority which would be seven out of nine. He informed them that each meeting must have an agenda, the Chair typically sets the agenda. If you want other information on other cities and their Charters, Matty asked that they e-mail him. He then reiterated to not do Commission business with other members.

Berlin asked if residents wanted to send something to a Commission member, if they could set up a singular e-mail address so that they could all see it and it would be brought to the Commission. Matty's suggestion is if a Commission member receives correspondence from a resident regarding the Charter Review, that e-mail be directly sent to Kristen. Kristen has a City



e-mail address and could circulate to all members. Then the City would retain a copy. Mayor Hruby suggested Commission members refer residents to information@brecksville.oh.us. It is a City e-mail that could collect all documents and then be forwarded to the Commission members. We can explore if the City can set up a charterreview@brecksville.oh.us account. Bender agreed with having an alternate e-mail address. He stated he has his work e-mail that he is currently using that has strong filters. He would hate to see an e-mail from a resident not go through because it went to junk or spam mail, or was unable to be delivered for any reason. Skaljac suggest all e-mails could come to the chairperson also. He is fine with that. Mayor Hruby said we will look into this and a recommendation will be made to the Commission.

The Mayor said something he forgot to mention is that in 2023 the residents will be voting for Mayor and Council representation. The media could use this Commission for political purposes. He encouraged them not to get involved in the politics.

Gawlik stated that one way the School Board goes about responding to e-mails is by only one person responding, she would recommend this. That way if she gets an e-mail and forwards it directly, and does not respond, the resident will get a response from one person. Skaljac agreed and he should respond and speak for the Commission as far as e-mails or media requests. This is how he handled it with City Council and then residents are getting one voice, you are not getting different comments. Berlin stated the group should, if they do get an e-mail, not respond with things like “that is a great idea” just say something along the lines of your information has been received. Skaljac agreed. Matty said yes, anything sent do not discuss, bring to the public forum meeting, but acknowledge them. As the Chairman stated, it works well to have one spokesperson.

Matty told the Commission, the other items that need to be determined here tonight is, are they going to want to hear from City officials, and they will need notification of that, and are you going to have time in your meetings for residents, and how much time will you give them. He said if they need documentation for any issue to contact him. He suggests the Commission start a log of issues brought to the Commission and pick a certain point in time to start voting to see if they want those issues put in writing. He told them that does not mean those issues are going to the ballot, but you may want to see what those issues could look like as a change in the Charter.

Mayor Hruby asked Matty for direction on a scenario. He said for example Mrs. Jones calls and asks a member to come by their house, they have a few neighbors together, they want to propose those ideas to them and maybe a few other members. Matty instructed the members if this is to happen you must tell them they need to come to a public meeting to present. The legal reason for this is if you set a private meeting as a Commission member to discussion Commission topics, think something is a good idea, come to Matty to draft legislation, the end result nullifies the idea and cannot be part of the Charter Amendments. From the beginning to the end, anything done by the Commission has to be done in a public meeting. Matty reminded the Commission this is long term. Another Commission will not review the Charter for ten years. A Charter Amendment is not to deal with something just today, it could last for the rest of this community’s life time.

Berlin asked Matty what the Commission members should do to suggest an agenda item. Matty responded send it to Kristen, Kristen will document it and then send to all members. That way all members will see it at the same time and it will go under miscellaneous on the agenda, or unless the Chairperson decides for it to go somewhere else. This is also good for record keeping, it could be requested a year after the Commission is done then Kristen, or the City would have it.

Bender asked for clarification if the Commission members see each other out and about, for example he saw Skaljac at a game over the weekend, as long as they are not discussing



Commission topics, is it correct that they can communicate. Matty responded absolutely, anything unrelated to the Charter Review is acceptable. He said someone might see him talking to Greg and they might make an assumption that you were talking about the Commission when you were really talking about sports, this might happen, but it can be explained away.

Bender asked regarding the next election in 2023, electing officials such as the Mayor and Council members, if what they place on the ballot for Charter Amendments such as term limits or residency requirements, will that effect this election. Matty responded if that amendment passes it would be going forward, not impacting this election.

Skaljac asked what the date deadline is to have the suggested amendments submitted. Matty responded in May. Council needs to read the legislation three times, the deadline for submission is normally the first week in August, so to follow these rules, amendments need to be to Matty by the end of April beginning of May so this Commission can approve it before the first reading of Council needs to take place. Gawlik asked during the three readings, if there is a public outcry to not have something on the ballot can the Commission change their minds. Matty responded no, once it goes to Council it is done. The Mayor stated the Commission might get a public outcry either way, but that is what elections are for.

Skaljac asked Matty when it comes to the election, it is just simple majority. Matty responded that is correct. Berlin asked if previous Commissions had some recommended changes voted on in January then some in March, or is it more all at once. Skaljac said from his experience, there is one item that went through various changes, but most were decided on at the end. He said by the time interviews are completed and you start narrowing down your topics you are in January or February then giving Matty the ones to write up we would be voting in March and April.

Mayor Hruby informed the Commission that they have a budget that is to be used for putting together a booklet to be mailed to the electorate outlining the suggested amendments and will show the exact ballot language. The Commission is also required to hold a final public meeting announcing the decisions prior to the publication going out.

Matty said he has always tried to act in the best interest of the City, if each Commission member acts in the best interest of the City, they will do fine.

SCHEDULEING OF FUTURE MEETINGS:

Skaljac passed out a list of dates that everyone is available based on what was submitted. He recommends setting the first few meetings. October 5th, October 25th, November 2nd, and November 29th. He also recommends setting up a few Saturday morning meetings some time to allow residents who may not be able to come in the evenings. Everyone agreed.

CHAIRPERSON'S COMMENTS:

Skaljac told the Commission there are a few things in his notes that they will have to vote on before leaving tonight that will set the ground rules. He said going forward he asks that the Commission conducts themselves respectfully, they are a team. There are going to be different personalities and different backgrounds, he just asks that they be mindful of that and respect each other. He recommended everyone to go to a City Council and Council Committee meeting to see how the process works. He suggests all media requests go through him, and asked if anyone wants to do it differently. The Commission agreed one voice is best.

Skaljac reiterated to not conduct Commission business outside of the public meeting forum. Send any correspondence to either Kristen or himself. He recommends all to review the Charter



before the next meeting and come with any questions or comments. He also recommends reading through at least the last two Charter Reviews. You will see how the meetings were handled, topics that came up, pros and cons of those topics, and a lot of other good material.

Skaljac stated the rules that need to be figured out tonight is how many members make a quorum and how many votes to pass an issue onto the ballot. His suggestion, based on previous years, is five people for a quorum to conduct business and six out of nine votes to pass an issue onto the ballot as opposed to a five – four vote or seven - two. He believes that shows that it is a powerful subject. He asked for comments. Bender stated he agreed with both numbers. Berlin stated he agrees with Skaljac’s reasoning. He does not agree with seven and believes that might be hard then to pass anything on. Skaljac also commented on attendance, stating they will try to make voting meetings work for everyone, but if it does not, and due to a timeline, seven might be hard. Gawlik and Mansfield both suggested seven. Gawlik said she believes a super majority should be had to amend the Charter. Bartos agrees that seven should be required. She also asked if remote meetings are permitted. Matty responded due to Covid they were permitted for a time, but now all business must be conducted in person. Schirch suggests six, to have at least two thirds of the group and believes seven is a little extreme and unreasonable. Berlin stated that if the Commission were actually making the changes he would agree to a super majority, but since they are sending it for a vote, he still believes two-thirds is good. Lesh is leaning towards seven due to the importance of what they are doing. Vida-Clough stated she leans more towards six. Holub stated he is leaning towards six based on some of the things Berlin touched on. These suggestions will be going to the electorate to vote on. Berlin asked what they did in the past. Skaljac responded in 2013 it was six. Matty suggested the members think about this, read the books provided, and vote on this subject at the next meeting. Matty explained that at the next meeting a motion will be needed for a number, when voting, a majority will be needed to pass. So five members will need to vote for whatever number is selected for it to pass. Skaljac stated it has been his experience that most issues will be unanimous in the end, maybe not all, but most. They will talk and debate a lot about each subject. Bartos commented that is why she is leaning more towards seven. She believes the Commission needs to be a united front presenting these amendments to the electorate and Council.

The Commission decided to vote on the quorum rule.

VOTING RULES:

Motion by Skaljac, seconded by Berlin to set the quorum number at five to conduct Charter Review Commission business.

ROLL CALL:

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

Nays: None

MOTION CARRIED

Matty informed the Commission that under the rules of order, if a motion is made and there is no second, the vote dies and the Chair must ask for a different motion. Berlin asked if they could be supplied with an abbreviated version of Robert’s Rules. Kouri is going to try to find and supply them with something.

Skaljac stated that it is his opinion to have on every agenda a section for public input, the question being where to place that. They can put it at the beginning of the meeting, the end of the meeting, or after each topic. His suggestion would be to put it at the end, similar to Council, that way they can finish all of their items then hear from the public. Also does the Commission want



to put a time limit on speakers, he suggests max five minutes per person, and perhaps suggest to people that they have something for the Commission to review beforehand. He asked for comments. Schirch asked if it is possible to have them pre-scheduled so we do not have no one at one meeting and a whole group at the next. Skaljac stated he doesn't think that they can pre-schedule them. They will have agendas posted so people that have things to comment about on those topics will show up to that meeting. Skaljac asked if the Mayor remembered how it was handled at other meetings. The Mayor responded some people would choose to be present at the meeting with written comments in hand, some would come and just start to put their hand up when they wanted to comment on something. He said that they also received letters from people who wanted to comment but did not want to come to the meeting. He commented that might happen more because we are streaming the meetings and people at home may want to just send in an e-mail comment or response. Berlin asked if it would make sense to do a small window after each section that the public could comment on. Bender stated if he were a resident and wanted to talk about term limits, he would want to make his comments while the Commission is discussing the topic and before they vote on anything. Skaljac said he does not see them voting on anything the night that it is discussed and debated. Votes will be several meetings down the road.

Motion by Skaljac, seconded by Lesh to put public comment at the end of every meeting and limit it to five minutes per person.

ROLL CALL:

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

Nays: None

MOTION CARRIED

The last item Skaljac wanted to discuss is how to go through the process. He recommends going section by section and bringing in each member of that section for questions and comments. He suggests sending letters to all parties notifying them and asking for something in writing from them prior to the meeting. The members all agreed.

Skaljac stated before they wrap things up he would like to say one more thing. As they are all going through this, he asks that each member look at the big picture and the future. He asks to take personalities out and look at the overall structure of the documents. Think about what are the potential implications for the future and what is best for the overall City. Matty added to think about in the City of Brecksville, the day to day operations are run by the Mayor and Administration, City Council gives the finances and budget to be able to do that.

Hearing no **OTHER MATTERS DEEMED APPROPRIATE**, motion by Skaljac, seconded by Gawlik to close the meeting at 8:25 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 SEPTEMBER 27, 2023**

GREGORY SKALJAC, CHAIRPERSON

DANIEL BENDER, VICE CHAIRPERSON

ERIC SCHIRCH, SECRETARY

Meeting recorded by Kristen Kouri