

## CITY OF WICKLIFFE CHARTER REVIEW COMMISSION

TUESDAY, APRIL 29, 2008

### Meeting Minutes

The Wickliffe Charter Review Commission held its meeting on Tuesday, April 29, 2008 in Council Chambers. The meeting was called to order at 7:10 p.m. by Chairperson Cindy Marino.

Commission Members present: Cindy Marino, James Schall, Nancy Cole, Don Contenza, Ron Ely, Joe Oboczky, and Mary Ann Surtz. Also in attendance was Bill Gargiulo. Judy Powers and Cookie LoSchiavo were absent.

Cindy Marino asked if there were any additions or corrections to the minutes from the April 8 meeting. A motion was made by Jim Schall to accept the minutes as published; Joe Oboczky seconded. All were in favor.

The meeting began with Bill Gargiulo addressing the questions from the previous meeting that the Commission had asked him. He had a handout that was copied and later mailed to the Commission members. In answer to the question about whether or not it was legal for the city to shorten the advertisements for Public Bidding, Mr. Gargiulo said the problem is that Wickliffe's Charter tracks the Ohio Revised Code; he referred to the section in the ORC 735.05 Contracts, Material and Labor states that when an item is over \$25,000 the expenditure must first be authorized and directed by ordinance of the City. The Director must make a contract with the lowest and best bidder after advertisements for not less than 2 nor more than 4 consecutive weeks in a local newspaper. Cindy Marino mentioned that they never specify. Mr. Gargiulo noted that he also checked the section for Villages and it states exactly the same thing. He also looked in the supplement to the ORC for 2008 and it still has the newspaper in there. Joe Oboczky asked if we need to have all of the legal terms posted in the newspaper as opposed to just saying that Wickliffe is looking for a new concession stand, for example and if interested to go the City of Wickliffe website [www.cityofwickliffe.com](http://www.cityofwickliffe.com) for complete information. Mr. Gargiulo said he believes that all information regarding the contract and all of the details must be in the paper. Cindy asked if the ORC actually says that or is it just practice. Mr. Gargiulo stated that the contract form has to be in the paper which includes all of the detail. Joe says that it says lowest bidder and he is not hearing anything as to what information must be listed in the newspaper. Joe clarified that what the Commission is proposing is that instead of putting all of the information in the newspaper they would put the city website link in the newspaper for the contractors to get all of the actual details pertaining to the contract. Mr. Gargiulo believes this would be a real challenge because some of the details can be 40 pages. He said if we start making abrupt changes and someone loses out on a bid the City would be open to a lawsuit. He does agree that there may be ways to shorten the

advertisement. Cindy Marino thinks that the first city to make this change is going to be scared; but she thinks that this is going to be the way to go in the future and she would hate to have to wait ten years (until the next Charter Review Commission) to make this change. Bill Gargiulo thinks that the Commission should invite Pete Formica (CT Consultants) to come to the next meeting to explain this bid process and he would have better information. Mr. Gargiulo said for bids under \$10,000 the city sends out a letter to all the Wickliffe businesses asking them if they want to receive the information. Every business receives a letter and about 60% respond and that if the City is buying something that they sell, they would like to know. The service department always does Wickliffe business first because they don't have to go to the bidding process. (attachment)

Questions #2 was regarding Article VI The Civil Service. The Commission is considering a request by Ray Sack to include the Building Commissioner position under Civil Service. We are asking whether it is legal to do this and if so, would Mr. Sack need to take a Civil Service examination. When Ray Sack told Mr. Gargiulo that he was going to ask the Commission to do this, he asked Mr. Gargiulo to write up something to this effect. (attached). He noted that Sections 1,2, 4 and 5 would all remain unchanged. He would remove the words "other than the Division of Police and Division of Fire" from the third sentence of Section 3 Duties. He would then add, "A Civil Service examination shall be required for the Division of Police, the Division of Fire and the Building Commissioner. The current Building Commissioner who has served the City of Wickliffe for more than the last ten years preceding the taking effect of this Charter revision may be retained in that same position without examination." (See attachment from Mr. Gargiulo). So, yes it is legal to make this revision.

Question 3, was regarding Finances and the Appropriation Ordinance in Section 2 of the Charter. This states that Council has 180 days to approve a budget. Mr. Gargiulo said that our charter follows the State of Ohio directives. (See attachment.) He read through the state requirements for a Fiscal Year.

Joe Asked when this commission writes out the recommendations for changes or revisions to the Charter would Mr. Gargiulo write the official changes. Mr. Gargiulo stated he is responsible for making sure everything is in proper order so that it gets on the ballot.

The Commission agreed to table discussion regarding advertising cost and also alternatives for the Public Bidding process until after Pete Formica comes to explain the process and answer any questions. Maria will send a letter to Mr. Formica asking him to attend.

With this, Mr. Gargiulo left the Commission to continue their meeting.

A motion was made by Jim Schall to amend the Wickliffe Charter to match the State of Ohio limit of \$25,000 for Public Bids and then follow the State's limit whenever it is changed. Mary Ann Surtz seconded the motion. All were in favor with the exception of Ron Ely. Discussion began.

Joe Oboczky stated that he originally was not in favor of raising this limit to \$25,000, but now he does see that it is advantageous to us. He has doubts about relinquishing control of this dollar amount to the State. His thoughts were to raise it to \$25,000, with anything over \$15,000 having to be approved by Council. Jim Schall believes that they all have to be approved by Council anyway. Mayor Ruffner suggested this type of change when he attended last meeting.

Cindy Marino read from the minutes from last meeting regarding what Mayor Ruffner had to say to the Commission regarding this issue. In fact, this is what Mayor Ruffner and Council President Mr. Margalis agreed would be a way to raise the limit.

Don Contenza would prefer that the Commission just raise the limit rather than follow the State Charter.

Nancy Cole agrees that it would be okay to go with the State limit and add the minimum for Council approval.

Ron Ely's opinion is to go with the State minimum which may automatically incur the inflation factor, but if we want control and lock it at \$25,000 then we will have to vote to continually raise it. That to him is cumbersome. He would hate for the City to be locked up in the logistics of trying to raise the limit again. He thinks maybe we should go with the State.

Joe just believes that when the Charter was written there was a reason that a dollar amount was put into place.

After much discussion, the motion to follow the state charter for \$25,000 for public bidding was voted on with the following results: Ron Ely voted in favor; Marino, Oboczky, Schall, Cole, Contenza, and Surtz were all opposed.

Joe Oboczky asked if it was possible to not have a maximum dollar amount for public bids; for example, state that anything over \$15,000, Council has to approve. With that, nothing has to be advertised and the City could just put the website in the paper because now there is no formal bid needed. Jim Schall is willing to bet that the Public Bidding process would have to abide by the State Charter then.

Another motion was made by Joe Oboczky to raise the limit to \$25,000 with Council approval of anything over \$10,000. Jim Schall seconded. Discussion: Ron Ely stated that he is against this because he thinks, due to inflation, in 2-3 years the limited would have to be raised but this \$25,000 would be tied in the 10 years. More discussion

ensued with Ron Ely saying he is against this. Joe Oboczky is in favor because this is the dollar amount that Mayor Ruffner and Mr. Margalis asked for.

A vote was taken for the motion as stated above: Joe Oboczky in favor; all the rest in attendance were against.

Cindy Marino said that this issue will be discussed at another time. Jim Schall believes that they have a consensus on this issue and it should be voted on. Cindy made a motion to follow the State Charter, currently \$25,000, for the dollar amount for contracts with the stipulation of anything over 50% of the existing state limit needing Council approval. For example, if the State limit is \$25,000 anything over \$12,500 needs Council approval. Jim Schall seconded the motion. All present were in favor; Joe Oboczky was opposed.

The Commission moved on to discuss whether or not they feel the need to pursue changing Council terms to staggered terms. Cindy would like to just leave the terms as is; Jim Schall agreed. Nancy Cole doesn't necessarily agree with these terms but does not feel that she would like it to go to the ballot. All present agreed.

The Group also agreed that the Mayor's need to be a resident of the city for at least 1 year prior to election be removed from consideration. All agreed with this also.

Discussion moved to the Appropriations Section of the Charter where there was a question regarding 180 days for approval of a new budget. After hearing from Mr. Gargiulo tonight, all were satisfied with his explanation.

The issue regarding adding the Building Commissioner as a Civil Servant was discussed. Cindy Marino e-mailed all of the council people asking for their opinions on this subject. The consensus there was "if it ain't broke, don't fix it". The majority of them seemed fine with the way that the Charter is set up regarding this. She received a call from the Civil Service Commission and their opinion was the same. Most cities don't have their Building Commissioner set up as Civil Service. This would protect the Building Commissioner from firing and discipline. Cindy cannot see putting this on the ballot. Joe Oboczky agrees to just leave this as is. Ron Ely can see why Mr. Sack is asking for Civil Service; he believes he deserves the protection and Jim Schall and Mary Ann Surtz agree. Ron also stated that Mayor Ruffner is supportive of placing the Building Commissioner position under Civil Service. Don Contenza noted that Ray/Building Commissioner probably has more contact with the public than any other official. A lot of this is not good contact. Mr. Ely believes that the Civil Service would like to keep him where he is. Everyone does agree that the Commissioner has a tough job.

Joe thinks that an option is to make a motion going forward that the next Building Commissioner be hired under Civil Service although he is not in favor of that either.

The Commission decided to ask the Civil Service to come to the May 13 meeting to discuss this further. Maria will send a letter asking all three members of the Civil Service Commission to attend.

Mary Ann Surtz motioned to adjourn at 8:45 p.m.; Joe Oboczky seconded. All were in favor.

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Maria Matiyasic, Secretary

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Cindy Marino, Chairperson

Next Meeting: April 29, 2008

Notes: Nancy Cole will not be at May 13 meeting.