

**ITEMS TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, JANUARY 16, 2024**

I. ROLL CALL OF MEMBERS:

II. PLEDGE OF ALLEGIANCE:

III. DISCUSSION:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR REQUESTS FOR QUALIFICATIONS (RFQ) FOR AN ENERGY EFFICIENCY PROJECT AND DECLARING AN EMERGENCY.
(Requested by Councilman Troyer) - PER COUNCIL PRESIDENT SALVATORE

2. COUNCIL AUDIO ADJUSTMENTS TO UPDATE LIVESTREAM AND EQUIPMENT - PER COUNCIL PRESIDENT SALVATORE.

Note: EXECUTIVE SESSION - PER COUNCIL PRESIDENT SALVATORE.

IV. ADJOURNMENT:

**ITEM TO BE CONSIDERED
AT THE CAUCUS PRIOR TO THE COUNCIL MEETING
TO BE HELD ON TUESDAY, JANUARY 16, 2024**

The meeting was called to order by Council President Salvatore at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

TROYER, ROBERTS, DUFOUR, POINDEXTER,

Councilmembers Mencini and McCorkle arrived after roll call was taken. Also in attendance were Mayor Orcutt, Law Director Horvath, Recreation Center Program Coordinator Morgano, Finance Director McGann, Safety Director Sensel, Service Director Beyer and Engineer Piatak.

DISCUSSION:

1. AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR REQUESTS FOR QUALIFICATIONS (RFQ) FOR AN ENERGY EFFICIENCY PROJECT AND DECLARING AN EMERGENCY.
(Requested by Councilman Troyer).

Mr. Troyer thanked Mayor Orcutt for the newspaper advertisement and overview received. Which method or section of Ohio Revised Code (ORC) 717.02 C-1 is being used.

Mayor Orcutt responded prior to submitting this there were questions on how the process was being done; the law department provided information and guidelines to do this in the proper way. Looking at the newspaper notice of intent the legislative authority i.e. City Council must publish a notice in the newspaper. This legislation to be approved by Council gives the authority to put this out for advertising. Also, we will be very open during this process of how it will be done and who will chair the committee. If that is to be put into the RFQ I have a few suggestions where that could go. The persons mentioned at last week's meeting could be put in there and would like to add another name for an odd-number of five (5). The Director of Public Works would chair that committee and the members would be the City Engineer, Building Commissioner and City Council must have a part of that, for full transparency, and think that Councilman Scott has extensive project-management experience and an outside person, Ted Hurst. These people would be utilized to do the scoring sheet to evaluate the proposals as a team. Once that is done the intent is to bring another piece of legislation for Council to sign off on for everything that happens along this process. If ORC 717.02 is used there will be several pieces of legislation to be passed authorizing the city to move forward. For purposes to make Council more comfortable there are suggestions that will be able to have security and in the list of qualifications received a couple of suggestions I would like to make. There are four (4) that we would want to make this change. That

Discussion: cont.

would be on page one (1); page three (3) page six (6) and page 14. Page one (1) Section One - third paragraph state qualification will be evaluated according to criteria outlined in section three (3). The city will select the best respondent with a letter of intent, after Council's approval. Page three (3) under Standard Contract information first sentence talks about a letter of intent where contractors are signed and approved by both parties, after City Council's approval. Page six (6) first paragraph-first sentence putting in after Council's approval and on page 14 last paragraph adding after approval of City Council. Those are suggestions to make everyone comfortable; also if the names of the committee are to be listed I would suggest on page (5) Evaluation and Section Procedures could add names of committee members at the end of the paragraph. When this selection process goes through, including Council's approval, another piece will be brought forward to City Council to move forward.

Mr. Troyer reiterated which method is being used in ORC 717.02 and read ORC 717.02 (C)(1) A Municipal corporation desiring to implement energy conservation measures may proceed under any of the following methods:

Mayor Orcutt stated that was a big topic with the city a few years ago as stated in 'A' Procure the energy conservation measures in any manner authorized by the Municipal Corporations Charter, Ordinances of any other existing authority i.e. City Council must publish a notice in the newspaper of general circulation in the municipal corporation, once a week for two (2) consecutive weeks. If we were to utilize that and that is the intent and the legislation in front of City Council, we are asking to approve that.

Mr. Troyer reiterated which method is being used A, B or C?

Mayor Orcutt responded as stated there are three (3) bullet points with one (1) already mentioned and don't know if that's the answer you would like to hear or if there is some sort of catch to this; and would like to get that out in the open, is this something. Would like to get that out in the open is this something that is going to lead into?

Mr. Troyer responded no, they're pretty much all the same the only difference is procedure (C) being long-winded. Each method goes to the prerogative of the legislation authority not an ADHOC committee; Council should be making all these decisions and think this is Council's duty as legislators.

Mayor Orcutt concurred and stated this piece of legislation allows the city to go out to bid to administer opening doors to people and are having the

Discussion: cont.

legislative branch authorizes through ordinance. Once the selection committee has come up with a selection that will be tied to another piece of legislation to be put before this body. If it's something that you think isn't good, then vote no. Our intentions are to do nothing behind people's back asking for authorization from the legislative body.

Mr. Troyer continued Council received a piece of legislation that is very basic to go out for RFQ's and come back. On page 12 of the overview the city will appoint a selection committee to evaluate each process; should say legislative authority will appoint.

Mayor Orcutt interjected we're trying to work with everyone here and offered suggestions to make that more comfortable for yourself.

Mr. Troyer commented absolutely.

Mayor Orcutt continued the intentions of this administration is doing things correctly, not behind people's backs. After last week's meeting if this is what would make you more comfortable we're coming here with those suggestions. Turning to page 10 pointing out the city I would think that all of us are considered the city; legislative branch and administrative branch. We are putting something together and can attach documentation to the legislation as an exhibit for security.

Mr. Troyer stated that's a good point and it's interesting that the overview received was not attached to the packet and not out in the public. Would like to get this straight and have this done. This law is very, if done right, permissive and am all for this and looking out for the best for the city and residents'. Asking that the legislative authority make those decisions, not an ADHOC committee.

Mayor Orcutt continued every year a budget is passed that certifies compensation for Service Director Beyer, Building Commissioner Monaco and Engineer Piatak stating that these people are confident to do the job and think those are the most qualified people that work for the city and adding someone from City Council is being transparent and bringing another technical expert, Ted Hurst, from the outside of City Hall to take a look. If that is put in here and Council approves that is authorizing that. The first thing mentioned is to have clarity for everyone and points were brought up

Discussion: cont.

for security, in here, we will work with you. There are four (4) different areas suggestions to include 'after Council's approval'. There is one (1) area that the names of the committee should be included if you have any ideas we can sit down in my office to continue to work to make sure this has the clarity that you would like to see.

Mr. Troyer continued would like to see in a few areas anywhere it says 'city add legislative authority, that's how the law reads.

Mr. Poindexter stated to Mr. Troyer's point, on page four (4) of six (6) in ORC 717.02 if going with proposal C 1 B or C 1 C in our methods clearly states that the legislative authority should analyze the RFQ's and select the lowest and/or best bids. So, basically, if one (1) of those two (2) methods are used Council would be the committee that the wants to appoint. My question is, at the last meeting it was mentioned that this isn't something that we're looking to do all at once or finance; might pick a project here, pick a project there or pay out of capital. If that's the case is ORC 717.02 needed in the RFQ or go that route. The Mayor could get bids and the selection committee and bring those findings to Council, at that point.

Mayor Orcutt having ORC 717.02 is not a bad option to have in there, it benefits the city and don't have to do everything done that is found but do obtain all of those documents into the city's possession; know what can be done and utilize them whenever possible. Think this is the proper procedure and the way I look at this when it says legislative authority Council is authorizing the RFQ process to go through. The way I'm looking at this is the legislative authority is authorizing the RFQ process to go through. Think that Council, the legislative authority, is when the administration brings back the proposals to Council.

Mr. Poindexter continued Mayor don't disagree with you that ORC 717.02 should be left in there and on the table for whatever path the city decides to go. ORC 717.02 is basically to finance projects that doesn't go against the city's debt. Basically, would incur debt paid from savings not listed on the city's debt portfolio. If ORC 717.02 is used it doesn't say that the legislative authority approves the RFQ's, right off the bat and that's it, it says "the legislative authority shall analyze them and select the lowest and/best bidder or best bids that result in the most energy-savings listed in C 1 (b). C 1 (c) says the legislative authority shall analyze the proposals, vendors' qualifications and select the most qualified vendor so if ORC 717.02 is used should be followed as stated.

Discussion: cont.

Mayor Orcutt concurred and stated the legislative authority is having someone else analyze and bring that proposal to Council. Mayor Orcutt asked if anyone has any issues with Public Works Director, City Engineer or Building Commissioner?

Mr. Poindexter responded no, as one (1) Councilman I don't but ORC 717.02 doesn't say the legislative authority may or could it reads the legislative authority 'shall' analyze and select the lowest and/or best bidder; the word 'shall' means has to be done that way.

Mayor Orcutt stated ORC 717.02 also reads any manner authorized under its Charter, other Ordinances existing authority and asked for the law director's opinion.

Madam Horvath stated obviously, everyone wants to make sure this is done right and these energy conservation measures are complex issues and many Councils' are somewhat hesitant to proceed. These energy conservation matters are complex issues. Traditionally and historically what the city has done is City Council has the authority to delegate the tasks of choosing to the Mayor. The way that delegation is picked by forming a committee and the legislative authority authorizes the Mayor to use that committee method. There are other methods by relying on competitive bidding i.e. rock salt or other service for the city. The whole idea is for administration and legislative authority to work together to come up with the best method possible to try and have people with knowledge on some of these issues to run the RFQ or RFP process. Council would be overseeing by agreeing to oversee these tasks and using their authority to hand that off to the administration. This is drafted as being implemented under ORC 717.02 but doesn't have to be. The administration certainly could proceed by using competitive bidding, being the lowest and/or best bidder as a standard and bring that vendor to Council. Don't see a lot of difference in delegating the committee and the operation selection to the administration; that's exactly what they would be doing if you picked competitive bidding option. Some communities use design professionals, that costs money, and that design professional picks the vendor.

Mr. Dufour stated the only thing touched on as passing this legislation would be delegating our authority to the administration per 717.02.

Madam Horvath responded if that option is chosen.

Discussion: cont.

Mr. Salvatore stated this item is on the Council agenda and have discussion there. Item number two (2) was removed and the Executive Session was moved to the Council agenda prior to adjournment.

2. COUNCIL AUDIO ADJUSTMENTS TO UPDATE LIVESTREAM AND EQUIPMENT. **Removed.**

Note: EXECUTIVE SESSION - COLLECTIVE BARGAINING MATTERS - Mayor Orcutt

Motion by Mr. Troyer, supported by Mr. Mencini, to remove the Executive Session.

ROLL CALL: AYES: Troyer, Mencini, McCorkle, Poindexter, Dufour, Roberts
NAYS: Unanimous.

Motion by Mr. Mencini, supported by Mr. Roberts, to move the Executive Session to the Council agenda, immediately following.

ROLL CALL: AYES: Mencini, Roberts, Dufour, Poindexter, McCorkle
NAYS: None.
ABSTENTION: Troyer

There being no further business to come before this meeting a **motion** by Mr. Dufour, supported by Mr. Roberts, to adjourn.

ROLL CALL: AYES: Dufour, Roberts, Troyer, Poindexter, Mencini, McCorkle
NAYS: Unanimous.

Council President Salvatore declared this meeting adjourned at 7:37 p.m.

RESPECTFULLY SUBMITTED


Carol Johnson
Clerk of Council

APPROVED



THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.