



CITY OF MASSILLION

BOARD OF CONTROL POLICY and PROCEDURE

About the Board of Control

The City of Massillon Board of Control oversees the procurement of contracts, purchases, services, and competitive bidding for City expenditures.

OHIO REVISED CODE (O.R.C.)

O.R.C 733.21 Board of Control.

The Mayor, Director of public service, and the Director of public safety constitute the board of control of a city. The Mayor shall be ex officio president. The board shall keep a record of its proceedings. All votes shall be yeas and nays and entered on the record, and the vote of a majority of all the members of the board shall be necessary to adopt any question, motion, or order.

City of Massillon Policy and Procedure

This policy and procedure sets forth clear requirements for City departments to follow when seeking out products, services, and project resources in support of their operations. These regulations help to ensure a thorough decision-making process for larger purchases, maintaining fiscal responsibility and transparency while maximizing value for the City and our taxpayers.

O.R.C. 733.22 Approval of Contracts.

..... no contract, or expenditure in the department of public service or the department of public safety, in excess of five thousand dollars (\$5,000), shall be awarded except on the approval of the board of control of the city, which board shall direct the director of the appropriate department to enter into the contract.....

- If the contract, project, service, or product is:
 - For **streets, sewers, engineering, utilities, public works, parks, etc.** (Public Service), or
 - For **police, fire, safety, health**, etc. (Public Safety), ([Ohio Laws](#))
- And the amount is **more than \$5,000**,
- Then **Board of Control must vote to approve it** before the Safety Service director signs a contract.

O.R.C. 9.17 Competitive bidding threshold amount.

(A) The amount for purposes of a provision of the Revised Code that references this section shall be as follows: (1) Beginning on the effective date of this section (Oct. 3, 2023) through calendar year 2024, seventy-five thousand dollars (\$75,000); (2) For each calendar year thereafter, the amount for the previous calendar year increased by three percent as determined and published by the director of commerce.

- If an expenditure in the Service Department **exceeds the 9.17 threshold** (75k in 2024, 77,250 in 2025, and adjusted yearly),
 - Council must **authorize it by ordinance** first, and
 - It must be awarded by **competitive bidding** to the lowest and best bidder (unless using certain state purchasing programs). ([Ohio Laws](#))

In practice that means:

1. **Council:** passes an ordinance authorizing the project/purchase and its budget.
2. **Service/Safety Department:** advertises, receives bids, evaluates the bids. (See O.R.C. 735.06 for bid opening rules.) ([Ohio Laws](#))
3. **Board of Control:** formally awards the contract (for Service/Safety) and directs the director to sign.

The City **board of control should be seeing at least:**

- **All Public Service and Public Safety contracts greater than > \$5,000**, including:
 - Construction contracts (streets, sewers, etc.)
 - Professional services (engineering, design, inspection, consulting) in those departments
 - Large purchases (vehicles, equipment, software, etc. for those departments)

Even if a contract is **below the bid threshold** (no formal bidding required), if it's **over \$5,000**, it still has to go through Board of Control for approval under 733.22.

Other types of items that often go to Board of Control:

These are partly state law and partly local policy:

- Sales of surplus municipal personal property
 - O.R.C. 721.15 requires certain sales to be done by ordinance and approved by the "board or officer having supervision or management of that property" once the value hits certain thresholds. ([Ohio Laws](#))
 - Many cities route those through Board of Control when the property belongs to Service or Safety.
- Settlement of claims, small legal agreements, etc.
 - O.R.C. does not specifically say "Board of Control must approve settlements," but some cities (via ordinance) require Law Department and Board of Control approval for settlements above certain dollar amounts to direct the funds to pertinent accounts receivable.
- Purchases below the bid threshold but above an internal threshold
 - O.R.C. only forces the board of control to approve contracts over \$5k in Service/Safety. Cities can choose to send *additional*/items to Board of Control as a control/oversight measure (for example, "all contracts over \$10k citywide"), but they can't choose to send fewer Service/Safety contracts than state law requires.

Massillon Codified Ordinances – Ch. 147 "Board of Control" is a cross-reference placeholder with no detail, composition relies on O.R.C. ([American Legal Publishing](#))

Meetings

The Board of Control meets on the First and Third Tuesday following the regular Council meetings at 10:30 a.m. All requests should be submitted at least one full day prior to the Board of Control meeting and should be submitted in memo form to the Safety Service Director's Office. **A review/approval by the Board of Control is required to make any decision that involves an expenditure of \$5,000.00 or more.** If you do not supply the information needed, the Board of Control will not be able to act for your particular item and it may be tabled until the next meeting, which means a two-week delay on your project/service/purchase.

City of Massillon Board of Control Process

requires you provide the following information:

1) If said request concerns a purchase/service/materials, the following information should be supplied:

- Any Ordinance numbers and dates pertaining to purchase
- Name and address of vendor(s)
- Amount of purchase
- Appropriation of funds – Account number and account name the purchase will be paid from and the Ordinance Number and date that approves the appropriation, if applicable
- Bid opening date, if applicable
- Date of delivery, time of set-up, if any
- Terms
- Copy of state purchasing list, if applicable
- Any special comments that need to be noted
- Sole source procurement: refers to those purchases where there's only one supplier that provides the specific product. Usually these are unique products that you cannot find anywhere but only thru one supplier/manufacturer.
- Quotes require a "Scope of Work": Itemized list of services/products/materials.
Obtain Three (3) quotes and shall be turned in to the Safety-Service Director's office before the Board of Control meeting. If three quotes cannot be obtained, the Director of Public Safety and Service, or their designee, shall document such reasons for the record in meeting documents.

2) If said request concerns a contract, the following information should be supplied:

- Project Name
- Ordinance Number and date to authorize the advertisement & bid
- Ordinance Number and date to enter into contract
- Bid opening date, if applicable
- Who the contract is being awarded to along with their address
(Per the O.R.C. 307.90, the lowest and best bidder is to be awarded the contract. If the lowest bidder has not been deemed to be the best, provide an explanation with supporting documentation in how that decision was determined. The Board will take all information into account when actually awarding the contract)
- Amount of contract
- Appropriation of Funds - Account number and account name the contract will be paid from and the Ordinance Number and date that approved the appropriation.
(The Ohio Revised Code precludes the signing of a contract without the money being appropriated)
- Starting and completion dates along with any penalty
- Bid tabulation sheet
- Any special comments that need to be noted
- The actual bids are also to be turned into the Safety-Service Director's office before the Board of Control meeting

3) If said request concerns a Contract Change on an existing contract, the following information should be supplied:

- Project Name
- Name and address of contractor
- Description of or reason for change
- Amount of original contract
- Amount of addition/deletion to contract
- Amount of Time Extension if warranted

- Amount of the revised contract
- Ordinance Number and date entered into contract
- Funding source (account number and account name)

*** The Parks & Recreation Department shall include the date the Park & Rec Board approved the contract/purchase/service, if applicable**

Day-to-day

Putting it all together, a clean ORC-compliant Board of Control process for the City of Massillon looks like this:

1. Board makeup
 - Voting members: Mayor, Service Director, Safety Director (or the positions Massillon uses that legally fill those roles).
 - Others (Public, Budget Director, Law Director, Engineer, secretary, etc.) can sit in, advise, and prepare items but does not change the statutory membership.
2. Meetings
 - City currently meets 1st and 3rd Tuesdays at 10:30 a.m. by local practice. ([City of Massillon](#))
 - O.R.C. does not set frequency; it only requires meeting minutes and roll-call votes.
3. What is on the agenda
 - All Service and Safety, purchases, contracts, etc., Greater than > \$5,000.
 - All contract change orders on Service public-improvement contracts.
 - Any other items local ordinance or policy says must come to the board (property sales, settlements, other departmental contracts, etc.).
4. How the board acts
 - Staff prepares a short write-up: purpose, vendor, amount, funding source, whether it's bid/quote/state term, etc.
 - At the meeting, the board:
 - Hears a quick explanation,
 - Asks questions,
 - Takes a roll-call vote (yea/nay from each member),
 - Records the vote and action clearly in the minutes.
 - If approved, the board's action is what legally authorizes the director to sign the procurement/contract/service order/change order.

Core Board of Control structure & contracts

- **O.R.C. 733.21 – Board of control**
 - Says who is on the board, that the mayor is president, and that they must keep roll-call votes and minutes. ([Ohio Laws](#))
- **O.R.C. 733.22 – Approval of contracts**
 - Any public service or public safety contract **over \$5,000** must be approved by the board; board orders the director to enter into the contract; board members prepare department budget estimates. ([Ohio Laws](#))

Public improvement contracts under the Service Department

- **O.R.C. 735.05 – Contracts, materials, and labor**
 - Sets the rule that expenditures above the R.C. 9.17 amount require a **council ordinance** and formal competitive bidding. ([Ohio Laws](#))
- **O.R.C. 735.06 – Proceedings on opening bids**
 - Requirements for how bids are opened and read. ([Ohio Laws](#))

- **O.R.C. 735.07 – Contract alterations or modifications**
 - Any change order on these contracts must be in writing and **approved by Board of Control** or the contractor can't be paid for the extra work. ([Ohio Laws](#))
 -

Related general provisions

- **O.R.C. 9.17 – Competitive bidding threshold amount**
 - Sets the dollar amount that 735.05 and other sections refer to (75k in 2024; 77,250 in 2025; adjusted 3% annually). ([Ohio Laws](#))
- **O.R.C. 715.01–715.03 – General powers of municipal corporations**
 - Background authority for cities to buy, contract, etc., by ordinance/resolution. ([Ohio Laws](#))
- **O.R.C. 721.15 – Sale of municipal property**
 - How surplus city property is sold and when approval/ordinance is required. ([Ohio Laws](#))
- **O.R.C. 307.90 – Contract award - preferences**
 - Awarding to Lowest and Best bidder. ([Ohio Laws](#))