

LOM:raf
06/23/2020

Presented by: Mr. Megyes
Mrs. Debevec
Mr. Heitic
Mr. Greer
Mrs. Angeloff
Mr. Griffin
Mr. Jaber
Mrs. Coburn
Mrs. Frey

ORDINANCE NO. 77-2020
Sponsored by: Mr. Griffin

TITLE: PROPOSED CHARTER AMENDMENT
PARKS AND RECREATION COMMISSION / DIRECTOR

AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON REGARDING THE APPOINTMENT OF THE DIRECTOR OF PARKS AND RECREATION, AND FOR GIVING NOTICE THEREOF, AND DECLARING AN EMERGENCY.

WHEREAS, the voters of the City of Barberton at the general election held in this City on November 6, 1973, adopted by a majority vote the Barberton City Charter; and

WHEREAS, pursuant to Section 12.02 of this Charter, a Charter Review Commission was duly appointed and submitted the following recommendation to Council; and

WHEREAS, pursuant to Section 12.01 of this Charter, Council may, by a 2/3's affirmative vote, submit any proposed amendment(s) to this Charter to the electors in accordance with the provisions of the Constitution and laws of Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That in accordance with Section 12.02 of the Barberton City Charter, the Council hereby directs the Summit County Board of Elections that certain proposed Charter amendments be placed before the electors of the City of Barberton at the general election to be held on November 3, 2020, and that the proposed amendments be stated on the ballot as follows:

1. That Section 6.03(b), "Parks and Recreation Commission – Powers and Duties," of the Charter regarding the Parks and Recreation Commission and the Director of Parks and Recreation be amended, with the language to be deleted shown in ~~striketrough~~ and the language to be added shown in **bold**, which reads as follows:

SECTION 6.03. PARKS AND RECREATION COMMISSION

(a) Membership and Organization. There is hereby established a Parks and Recreation Commission which shall consist of five (5) members who are electors of the City, holding no other public office. Three (3) members shall be appointed by the Mayor, with confirmation by the majority of Council, to serve without compensation for the term of five (5) years, except that of original appointments for terms beginning on January 1, 1974, one (1) shall be appointed for a term of one (1) year, one (1) for a term of three (3) years, and one (1) for a term of five (5) years. The remaining two (2) members of the Parks and Recreation Commission shall be appointed by the Barberton Board of Education with the confirmation of a majority of Council, and shall consist of one (1) member of the Board of Education, with the remaining member being a person appointed by the Board of Education, and shall serve without compensation for the terms of five (5) years, except that of the original appointments for terms beginning on January 1, 1974,

one (1) shall be for a term of two (2) years and one (1) for a term of four (4) years. In any case where the Board of Education shall fail within sixty (60) days to make the appointments or to fill a vacancy on the Commission, the Mayor shall make the appointments with confirmation by Council. The Board of Park Commissioners heretofore existing shall be abolished on the effective date of this Charter.

The Mayor and one member of Council selected annually by the Council shall be ex officio members of the Parks and Recreation Commission and shall have all of the powers, duties, and rights of the other members, except they shall have no voting rights on issues before the Commission.

The Parks and Recreation Commission shall meet at least monthly and shall elect a chairman and a secretary at its first meeting each year for a one-year period. Vacancies on the Commission shall be filled in the same manner as original appointments. Meetings shall be open to the public and a record shall be kept showing the vote of each member on each question.

(b) Powers and Duties. The Parks and Recreation Commission shall ~~appoint a Director, and if deemed necessary, an Assistant Director, and such other employees as are necessary for the execution of its duties, and it shall~~ control, equip and manage parks, playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers, and any lands or buildings owned or used by the City for park or recreation purposes. The Commission shall also have the authority to establish fees and charges relative to operation of various programs and to expend funds received from sources other than Municipal funds.

There shall be a Director of Parks and Recreation who shall be the head of the Department of Parks and Recreation. He/she shall be appointed by and shall serve at the pleasure of the Mayor. ~~The Director and Assistant Director shall serve at the pleasure of the Parks and Recreation Commission. These shall be unclassified positions. Such other full-time employees as authorized by the Commission shall be certified and classified under Civil Service rules and regulations.~~

(c) Qualifications for Director. The Director of Parks and Recreation should have the following minimum qualifications at the time of his original appointment to the position of Director: Bachelor degree in Park and Recreation Administration, Recreation Administration, or Park Management, and certification as a Parks and Recreation Administrator by the Ohio Parks and Recreation Association. In the event such certifications are revised or discontinued, the Commission shall designate or provide for equivalent certifications.

That the ballot language for the election of the above-proposed amendments shall be as follows:

YES NO Shall Section 6.03(b) of the Charter be amended to eliminate the authority for the Parks and Recreation Commission to hire the Director of Parks, Assistant Director of Parks and any other employees?

SECTION 2. That the Clerk of this Council is hereby directed to immediately forward a certified copy of this ordinance to the Summit County Board of Elections.

SECTION 3. That the Summit County Board of Elections shall cause notice of the election to be held on November 3, 2020, on the question of the proposed amendments of the Charter of the City of Barberton to be given in the manner provided by law and shall prepare ballots and otherwise conduct and supervise such election and canvas and certify the results thereof in the manner provided by law.

SECTION 4. That the Clerk of this Council is hereby directed to either (1) cause copies of the proposed Charter amendments to be printed or otherwise legibly reproduced and to cause copies of said proposed Charter amendments to be mailed to each elector of this City whose name appears on the registration books of the last general election held in this City, as provided by Article XVIII, Section 8 of the Constitution of the State of Ohio or (2) publish the full text of these proposed Charter Amendments in accordance with Ohio Revised Code Section 731.211.

SECTION 5. That there is hereby appropriated from the general fund a sufficient sum of money to pay the costs of carrying out the authorization and directions of this ordinance.

SECTION 6. That this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare, and for the reason that it concerns the efficient operation of the City because of the necessity of filing a certified copy of this ordinance with the Board of Elections by a certain date, and it shall, therefore, be in full force and effect immediately upon its passage and approval by the Mayor.

Passed _____ 2020

Clerk of Council

President of Council

Approved _____ 2020

Mayor