

ORDINANCE NO. 46-2026

**TITLE: AMEND BARBERTON CHARTER
ARTICLE 4 AND ARTICLE 6
SECTION 4.03 AND SECTION 6.03
PARKS AND RECREATION COMMISSION**

AN ORDINANCE AMENDING BARBERTON CHARTER ARTICLE 4 SECTION 4.02 TO INSERT THE PARKS AND RECREATION DEPARTMENT UNDER THE SERVICE DIRECTOR AND ARTICLE 6 SECTION 6.03 TO ELIMINATE THE PARKS AND RECREATION COMMISSION.

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

SECTION 1. That Article 4 Section 4.02 and Article 6 Section 6.03 “Parks and Recreation Commission” shall be amended to reflect a change in wording, by showing the following additions in **bold** print and deletions with ~~strike through~~.

SECTION 4.02 DEPARTMENT OF PUBLIC SERVICE.

There shall be a Director of Public Service who shall be the head of the Department of Public Service. He shall be appointed by and shall serve at the pleasure of the Mayor. The Director of Public Service shall have charge of all public works and improvements and the construction thereof, and of all engineering and inspection in connection therewith. He shall be charged with the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges; of water mains, pumps, systems, pipes, purification and filtration plants, and the water distribution system; of sewers, sewage systems, drains, ditches, culverts, streams, watercourses; and of all public buildings and other public places belonging to the Municipality or dedicated to public use, including oversight of information technology (IT) used in all public buildings and other public places belonging to the Municipality. He shall manage and control market houses, sewage treatment plants, waterworks, and all public utilities of the Municipality supported in whole or in part by taxation, and shall enforce all the obligations of privately owned or operated public utilities enforceable by the Municipality. He shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for public work; the cleaning, resurfacing, repairing, sprinkling and lighting of streets and public places; the collection and disposal of waste and the preservation of all property belonging to the Municipality and pertaining to the functions thereof. He shall perform such other duties, consistent with his office, as may be required by this Charter, by ordinance, or as directed by the Mayor.

- (a) Qualifications. The Director of Public Service shall have the following minimum qualifications: a Bachelor’s degree in management, public administration, or related discipline and shall have a minimum of five (5) years operating, managing, and/or administrating municipal public works and equivalent. The Director of Public Service shall be selected on the basis of their administrative and executive qualifications.
- (b) Division of Engineering. There shall be within the Department of Public Service a Division of Engineering under the direction of the City Engineer who shall be a registered State of Ohio professional civil engineer, and who shall be appointed by the Mayor and shall be under the supervision of the Director of Public Service. He shall carry out the duties of City Engineer as provided by ordinance or, if not by ordinance, as provided by general law. This shall be an unclassified position.
- (c) Division of Utilities. There shall be within the Department of Public Service a Division of Utilities under the direction of a Superintendent of Utilities, who shall be appointed by the Mayor and shall be under the supervision of the Director of Public Service. He shall carry out the duties of a Superintendent of Utilities as provided by ordinance or, if not by ordinance, as provided by general law. This shall be an unclassified position.

To be eligible for appointment, the applicant must hold a college degree in science or engineering with broad experience in operation and maintenance of waterworks and wastewater works. Courses in chemistry and sanitary engineering are desirable, together with management ability.

- (d) **Division of Parks and Recreation.** There shall be within the Department of Public Service a Parks and Recreation Department under the direction of a Director of Parks and Recreation who shall be appointed by the Director of Public Service. The Director of Parks and Recreation is a classified position.

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 and Three (3) members~~ and 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.~~

~~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.~~

Powers and Duties. The Parks and Recreation Board shall advise with respect to the acquisition, development, maintenance, and operation of the parks and recreational facilities of the City. The Board shall solicit input from, provide assistance to, and cooperate with civic, historical, and youth athletic organizations in providing these services and facilities.

The Parks and Recreation Board shall serve in an advisory capacity to both the Mayor and Council. The Parks and Recreation Board shall develop a plan to provide for the parks and recreational needs of the community and shall oversee implementation of that plan.

The Board has no power to commit the expenditure of public moneys except as expressly provided for by Council. The authority to purchase, sell, lease, dispose of, or accept as donations, any property or moneys resides in Council.

~~Council shall be required to provide an estimate of appropriate moneys for parks and recreation to the Board no later than November 15 of the year prior to the year for which moneys are to be appropriated. It shall be the duty of the Parks and Recreation Board to develop an annual plan for the most effective and beneficial use of the moneys so appropriated.~~

(c) Qualifications for Director. ~~The Director of Parks and Recreation should may have the following minimum qualifications at the time of his the 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. The Director of Parks and Recreation shall be appointed by the Mayor in accordance with the Civil Service provisions of this Charter.~~

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed April 13, 2026

Clerk of Council

President of Council

Approved _____ 2026

Mayor