

DATE: JULY 15, 2013

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
TONY M, TOWNSEND, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

** Amended **
ORDINANCE NO. 73 - 2013

BY: PARKS AND RECREATION COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 163 "RECREATION BOARD" of the Codified Ordinances of the City of Massillon, by repealing existing Subsections 163.03 "POWERS AND DUTIES", 163.04 "PARK AND RECREATION DEPARTMENT" and creating a new Subsection 163.06 "GOLF ADVISORY COMMITTEE OF THE LEGENDS OF MASSILLON GOLF CLUB", and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

Existing Chapter 163 "RECREATION BOARD" is hereby amended by repealing existing Subsections 163.03 "POWERS AND DUTIES", 163.04 "PARK AND RECREATION DEPARTMENT" and enacting new Subsections 163.03 "POWERS AND DUTIES", 163.04 "PARK AND RECREATION DEPARTMENT" and enacting a new 163.06 "GOLF ADVISORY COMMITTEE OF THE LEGENDS OF MASSILLON GOLF CLUB" of the Codified Ordinances of the City of Massillon. Said newly enacted Subsections shall read as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Section 2:

The Clerk of Council is authorized to correct any typographical errors discovered herein during or after the pendency or passage of this ordinance. The Clerk of Council is further authorized, in conjunction with the Law Department and the Council President to correct any ministerial or de minimis errors that do not substantially alter the intended results or numerical total sums of this ordinance, during or after the pendency or passage of this ordinance. Corrected copies are to be sent to all official recipients.

Section 3:

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 21st DAY OF October, 2013

APPROVED: Mary Beth Bailey
MARY BETH BAILEY, CLERK OF COUNCIL

Tony M. Townsend
TONY M. TOWNSEND, PRESIDENT

APPROVED: _____

KATHY CATAZARO-PERRY, MAYOR

Reconsidered on November 18th 2013 to override
Mayor's veto. Passed 8-yes, 1-No.

163.03 POWERS AND DUTIES.

The Recreation Board shall have the power to equip with nonpermanent personal property and the power to operate playgrounds, play fields, gymnasiums, swimming pools and other recreation centers, including but not limited to, the Massillon Recreation Center, the Senior Citizens Center and the Legends of Massillon Golf Club.

The **Recreation** Board shall generally act in an advisory capacity, making recommendations to the (Parks and Recreation Director) and to Council concerning the development, maintenance and operation of playgrounds, recreational facilities, and programs for the City, including fees and rates thereof. The **Parks and Recreation** Board shall also have those powers and perform those duties as Council may provide by ordinance or resolution, including, specifically, the following powers and duties:

- (a) To analyze community needs in the **parks and recreation** area, and recommend such programs, activities, and improvements as might be deemed necessary to the **Parks and Recreation** Director and Council.
- (b) To plan for both long-range and short-range expansions and changes in **parks, park** facilities, and **recreation** facilities and make such recommendations to the Director and Council.
- (c) To recommend rules and regulations governing the use of **parks and recreation** facilities such as: closing hours, restrictions on use, and guidelines for use of **parks and recreation** facilities, subject to the approval by legislation of Council.
- (d) To recommend rates and fees for the municipal golf course and other City **parks and recreation** facilities, and to recommend rates and fees for other recreational activities, all subject to approval by legislation of Council.
- (e) To monitor the quality of **parks** and recreational service provided to the public for the purpose of advising the **Parks and Recreation** Director and Council of existing problems, needs and potential areas of improvement.
- (f) To assist the **Parks and Recreation** Director in coordinating City recreational policy with other area organizations, both public and private.

(g) To receive and review the draft of an annual budget for **parks** and recreational purposes, and to pass on to Council their recommendations for any additions, deletions, or other changes in the draft the Board feels are necessary or desirable, to be passed on or prior to January 1, to Council for consideration.

(h) To review and make recommendations to the **Parks and Recreation** Director and Council concerning the need for capital outlays, or the acquisition of major pieces of equipment in the area of **parks and recreation**.

(i) To recommend the purchase, lease, sale, or exchange of real or personal property in the name of the City, which is no longer needed for recreational purposes, within or outside the City, subject to approval of Council.

(j) The Board shall devise and recommend for adoption by the City a recreational program for children, young people, and men and women in all walks of life; offer leadership in coordinating and correlating all recreational activities to the maximum benefit of the citizens of the City; and cooperate and coordinate the building of the total community recreational program into and around the public and private organizations concerned with public welfare, education, and family relations.

(k) The board members may serve two consecutive terms on the board and then must be off the board for one or more terms before being at minimum five years before be eligible for reappointed to the board.

163.04 PARK AND RECREATION DEPARTMENT

The **Parks and Recreation Department** shall be headed by the Director of **Parks and Recreation**. No person shall be appointed Director of **Park and Recreation** unless they have been actively engaged on a full-time basis as a Director or similar level in **Parks and Recreation** activities for a minimum period of ten (10) years or more prior to his/her appointment. In addition, an individual appointed to the position of Director of **Parks and Recreation** must have at least a Bachelor's Degree in **Parks Administration**, **Public Administration**, **Sports Management** or similar degree from an accredited institution of higher learning, plus have supervised a minimum of twenty-five (25) employees at one time. A Master's Degree in **Park or Recreation Administration** or **Public Administration** is preferred.

The Parks and **Recreation** Director shall be appointed by the Recreation Board subject to the approval of a majority of the members of Council, with tenure of office during good behavior and efficient service. The Recreation Board may remove the Director for cause and with the consent of five members of Council. However, the Director shall be given the right to be heard at an official meeting of Council before its consent to his or her removal is given. The **Recreation** Board shall interview and submit a list of candidates to Council, with its recommendations, out of which they may make the appointment

The Director of **Parks and Recreation** shall have charge of the **Park and Recreation Department**.

The Director of **Parks and Recreation** shall have the control and management of **parks, park** entrances, parkways, children's playgrounds, public **recreation** facilities, gymnasiums, swimming pools, playfields, or indoor recreational centers, and any lands or buildings set aside for **park** or recreational use by the public, and the acquisition, construction, repair, and maintenance thereof. The Director shall create and supervise all Recreational Programs for the City of Massillon. The Director shall exercise exclusively all the powers and perform all the duties, in regard to such property, vested in and imposed upon the Director of Public Service by the statutes of the State of Ohio. The Director of **Parks and Recreation** shall have the responsibility for expenditures of all monies appropriated by the legislative authority of the City in the **Parks Fund** or received from any other source for the purchase, acquisition, improvement, maintenance, equipment, or enjoyment of all property under his/her control, but no liability shall be incurred or expenditure made unless the money required therefore is in the Treasury to the credit of the **Park and Recreation** Fund and not appropriated for any other purpose.

The Director of **Parks and Recreation** may employ recreational supervisors, engineers, clerks, and other necessary employees for carrying into effect the purposes of the Department's creation, and the Council shall fix the compensation and term of service of such employees within its appropriation.

The Director of **Parks and Recreation**, in letting of contracts, shall be governed by the bidding procedures of the City of Massillon.

ADMINISTRATION Budget. The annual budget for **parks** and recreational purposes and all **parks** and **recreation** policy as approved by Council shall be administered by the **Parks and Recreation** Director.

163.06 GOLF ADVISORY COMMITTEE OF THE LEGENDS OF MASSILLON GOLF CLUB.

There is hereby established a Golf Advisory Committee of the Legends of Massillon Golf Club which shall be composed of five members, who are not required to be members of the Golf Club, but who shall be residents of the City and appointed to three-year terms, such terms to be staggered originally for periods of one, two and three years. The Committee shall be appointed by the Parks and Recreation Director. A member of the Recreation Board, the Legends of Massillon Golf Superintendent, or his/her designee and the Chair Person of the Massillon City Council Parks and Recreation Committee shall serve on the Committee but act without vote. Such Committee shall have no official status with the City, and Committee members shall not be entitled to any compensation from the City. The duties of the Committee shall be to regularly meet with the Legends of Massillon Golf Club members and golfing public to have an understanding of the concerns and recommendations of the members and the public regarding the operation and maintenance of the Legends of Massillon Golf Club. The Committee shall incorporate those concerns and recommendations into regular communications with the Legends of Massillon Golf Superintendent, the Parks and Recreation Director and the Parks and Recreation Board, with such communications to include the expertise of the Committee as it provides such recommendations.

PERICLES G. STERGIOS
Massillon Director of Law

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And Prosecutors**
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May 9, 2013

Kathy Catazara-Perry, Mayor
Municipal Government Annex
City Administration Building
151 Lincoln Way, East
Massillon, Ohio 44646

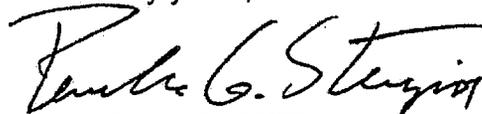
Massillon Board of Parks & Recreation
505 Erie Street, North
Massillon, Ohio 44646

RE: Parks & Recreation Director

With regard to the hiring of the Director of Parks and Recreation, no provisions of the Ohio Revised Code nor the Massillon Codified Ordinances have been amended that are applicable to the situation since the attached opinions were issued in 1997 and 1998. Therefore the opinions attached still stand. When all are read in conjunction with each other it leads to the same conclusion as before, the Director of Parks and Recreation is a department head. Department heads are appointed by the Mayor.

Historically the Board has submitted a recommendation to the Mayor and it appears that the Mayor has always approved or appointed that person. If the Mayor chooses not to hire the person submitted, we should go back to the drawing board and submit again.

Sincerely yours,


PERICLES G. STERGIOS

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OCT 29 2013

mBailey

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Kathy Catazaro-Perry, Mayor

Massillon

City of Champions

October 29, 2013

Honorable Tony Townsend,
President, Massillon City Council
1 James Duncan Plaza
Massillon, Ohio 44646

Council President Townsend,

Please be advised I am vetoing Ordinance 73-2013 which was passed by Massillon City Council on October 21, 2013.

This ordinance creates a management structure which would be an impediment to the future growth and success of our Massillon Parks and Recreation Department.

This ordinance removes the Parks and Recreation Director from day to day administrative oversight. As a result, there would be no external oversight of overtime, scheduling and spending. This ordinance is a recipe for management failure and lacks the accountability required for the department to be successful.

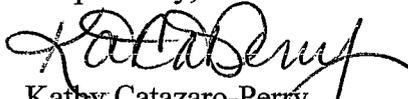
Director Nist, the leader of the Parks and Recreation Department, who would be most affected by this ordinance was never consulted during this process to gain his input, or gauge his concerns resulting from this legislation. It would seem logical that the input of those most affected should have been taken into consideration during the writing and subsequent passage of this ordinance.

The City of Massillon is currently undergoing a performance audit for the Parks and Recreation Department. Before adopting legislation which would dramatically change the management structure of this department, we should wait to see the recommendations for improvement forthcoming from this performance audit before changing the management structure.

Director Nist and I have successfully worked collaboratively on many projects that have improved our system of parks and recreation, including the new walking path at Reservoir and North Sippo Parks, the new playground at North Sippo Park, as well as the improvements occurring at Genshaft Park. The implementation of this ordinance would greatly diminish the collaboration which has positively benefitted Massillon's Parks and Recreation Department.

Instead of implementing the ordinance in question, I would ask that Massillon City Council instead work with Director Nist, the City Administration and the Parks and Recreation Board to seek consensus on legislation which truly moves our parks and recreation department forward, with real input from all involved geared to the benefit of the people of Massillon.

Respectfully,


Kathy Catazaro-Perry
Mayor, City of Massillon

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OCT 29 2013

MB Bailey