

RULES GOVERNING THE COUNCIL OF THE CITY OF BARBERTON

PURPOSE

The purpose of the rules is to enable City Council to deliberate in a prompt and efficient manner upon ordinances, resolutions, and any other questions brought before Council in which it has an interest.

The rules are to be used to carry out the intentions of the majority of Council.

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COUNCIL RULES – CITY OF BARBERTON

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SECTION 1 - ORGANIZATION AND SET-UP

RULE 101 Organizational Meeting. At the Organizational Meeting of Council, as provided in Section 5.04 of the Charter, any Council shall elect a Vice President, Clerk of Council (Clerk) and adopt its rules and regulations.

RULE 102 Call to Order. The Council President, or in his/her absence, the Vice President shall, at the time appointed for Council to meet, take the chair and immediately call Council to order. In the absence of the Vice President, the Clerk shall call Council to order and a Vice President shall be elected by a majority vote for that meeting only. The roll shall be called and the Clerk shall enter on the minutes the names of the Members of Council (Members) present at each meeting. In the absence of a quorum at the hour appointed for the meeting, the Members present may, by a majority vote, recess for a period not to exceed one (1) hour. The term "Presiding Officer," as used in these Council Rules, shall include the Council President, Vice President and a temporary Vice President as provided in this Rule.

RULE 103 Meeting – Times. The hour of the Regular and Committee of the Whole meetings shall be at the conclusion of individual Committee meetings. The Presiding Officer may delay the start of the meeting if necessary or to allow for a scheduled Public Hearing.

RULE 104 Meeting – Days. The Regular Meeting of Council shall be held on the second and fourth Monday of each month in the Council Chambers on the Second Floor of the City Building. The Committee of the Whole Meeting shall be held on the first and third Monday of each month in the same location. If there are five (5) Mondays in any month, there will be no Council meeting on the fifth Monday. If any Council meeting falls on a Monday that is a holiday observed by the City, Council shall meet on the following Tuesday at the same time. If the President chooses to combine a Committee of the Whole Meeting and Regular Legislative Meeting, the Committee of the Whole Meeting shall follow the Regular Legislative Meeting, and Council shall not vote on the requested legislation until the next scheduled Regular Legislative Session.

Regular Meeting, Committee of the Whole Meetings and Special Meetings shall be open to the public.

RULE 105 Meeting – Recess. Council may be on recess during the month of August.

RULE 106 Meeting Frequency / Special Meeting. Council shall not be required to hold more than one (1) regular meeting each week. The Mayor, Council President, or any three (3) Members may call special meetings with at least a twelve (12) hours' notice to each Member, served personally, or left at his/her residence or usual place of business.

It shall be the duty of the Clerk to ensure special meeting notices are received by each Member, along with any necessary materials pertaining to such a meeting. In the absence of the Clerk, the Council President shall assume this duty.

RULE 107 Appoint Committees / Define Committees. It shall be the duty of the Council President at the Organizational Meeting of Council (see Section 5.04 of the Charter), to appoint Committee membership. The Finance and Personnel Committee shall have at least four (4) members, one of which shall be the Council President, and all other Committees shall have at least three (3) members. The first Member listed of the committee shall be the chairperson for a two (2) year term.

The Committees shall be:

1. Finance & Personnel
2. Rules, Marketing & Development
3. Streets, Sidewalks & Lighting
4. City Properties, Parks & Recreation
5. Planning, Annexation & Codes
6. Environment Health & Social Services
7. City Utilities
8. Public Welfare & Safety

A description of each Committee's responsibilities is attached to these Rules as an exhibit. Each Member shall chair one (1) of the Committees. Each Member shall serve on at least two (2) other Committees other than the Committee he/she chairs. Where there is a conflict of what Committee is to receive an assignment, that conflict will be resolved by the Council President.

SECTION 2 – ORDER

RULE 201 Order in Council – General. No person shall be allowed to have a seat in Council or be permitted in the area forward of the railing in Council Chambers except the Mayor, Finance Director, Law Director, members of City Administration and members of the press. Any person who violates Rule 201 may be ordered removed by a majority vote of Council or by the Presiding Officer. Removal from Council Chambers shall be done by the Barberton Police Department.

RULE 202 Order in Council - Addressing Council.

A. Regular Meeting. A person may only address Council regarding any ordinance or resolution that is being considered at a Regular Meeting. Such statement shall be no longer than five (5) minutes unless permitted by the Presiding Officer.

B. Committee of the Whole Meeting. A person may address Council regarding issues of a general nature. Such statement shall be no longer than five (5) minutes unless permitted by the Presiding Officer.

C. City Administration. Members may, at any meeting, direct questions to elected officials and administrators for informational purposes and the elected official/administrator shall respond to the best of their ability.

D. Refusal to Speak. A person shall not be refused permission to speak to Council except:

1. by a majority vote of the Members; or,
2. by the Presiding Officer.

E. Debate. Neither a person addressing Council, as set forth in sub-sections A nor B herein, nor a Member, shall engage in debate with one another unless permitted by the Presiding Officer.

F. Communication to Council

1. A person or entity may communicate to Council in Writing, by electronic mail or by voice and /or video recording. In order for such communication to be considered received for the most recent Monday Meeting, the communication must be:
 - a. received by noon (12:00 pm) on Monday;
 - b. included in the person's name and address
 - c. be no longer than 350 words in length or three (3) minutes
2. Upon receipt, the Presiding Officer shall determine to whom the communication shall be directed, i.e. the Committee Chair or Council Clerk; whether it shall be Read/played at the committee of the Whole or a Regular Meeting; or, whether it shall be read at the committee meeting.
3. The Presiding Officer may disqualify any communication that does not meet the criteria set forth in Rule 202(F)(1) or that contains obscene or profane language.

RULE 203 Order in Council

- A. Decorum. The authority to preserve decorum shall be at the Presiding Officer's sole discretion. The Presiding Officer shall decide all questions of order, subject to an appeal by any Member to Council. In the case of an appeal being taken, the question shall be: "Shall the decision of the Presiding Officer stand as the decision of Council?" During such an appeal, the Presiding Officer shall retain the chair until the question is disposed of and may speak on the question. In any case in which a Member violates the Rules of Council, the Presiding Officer, or any other Member, may call such Member to order in which such case the Member called to order shall take his/her seat unless permitted to explain. Members shall not be permitted to leave Council Chambers without permission of the Presiding Officer. If a Member leaves Council Chambers without the permission of the Presiding Officer, it shall count as an absence.

1. Members of Council shall keep their desk clear of obstructions that impeded the view from the public or any attendees of a Council meeting unless approved by the Presiding Officer prior to any session.
2. Any member of Council, when abstaining from a vote, shall explain the reason for abstaining.

B. Language and Attire.

1. Usage of profane or vulgar language by Members, City Administration, or any person present shall be prohibited. Such action shall be disciplined by the Presiding Officer at their discretion, including but not limited to censure, expulsion from the meeting, or any other decision the Presiding Officer deems appropriate.
2. In-person meetings, Members shall dress in professional business attire and conduct themselves in a professional manner.

C. Usage of Electronic Devices.

1. The use of any electronic device other than those issued by the City shall be prohibited for the member and those authorized by Rule 201 when inside the area forward of the railing during any meeting of the Councilmembers including recess.

A member or those authorized by Rule 201 may request of the Presiding Officer at any meeting to reference another device for any discussion.

2. The Presiding Officer shall instruct Members and those authorized by Rule 201 to refrain from use.

RULE 204 Recognition to Speak – Committee of the Whole. When a Member desires to speak at a Committee of the Whole Meeting, such Member shall raise his/her hand and wait to be recognized by the Presiding Officer. The Member may remain seated or rise to address the Presiding Officer, Council and/or City Administration. While a Member is speaking no person shall interrupt except with the permission of that Member. No Member shall speak more than twice on any question or longer than five (5) minutes each time without the consent of the Presiding Officer.

RULE 205 Recognition to Speak – Regular Meeting. When a Member desires to speak at a Regular meeting, such Member shall raise his/her hand and wait to be recognized by the Presiding Officer. While a Member is speaking no person shall interrupt except with the permission of that Member. No Member shall speak more than twice on any question or longer than five (5) minutes each time without the consent of the Presiding Officer.

RULE 206 Order of Business – Regular Meeting. The business of Council at Regular Meetings shall be transacted in the following manner:

- Call to Order: By the Presiding Officer
- Pledge: By the Presiding Officer
- Invocation: By a Member in rotation
- First: Roll Call
- Second: Approval of Minutes and Acceptance of the Finance Report (if applicable)
- Third: Petitions and Claims
- Fourth: Reports upon Matters Requested in the order of their standing on the calendar
- Fifth: Citizens Addressing Council
- Sixth: First Reading of Ordinances and Resolutions
- Seventh: Second Reading of Ordinances and Resolutions

- Eighth: Third Reading of Ordinances and Resolutions
- Ninth: Appointments
- Tenth: Miscellaneous and Unfinished Business
- Eleventh: Communications from the Mayor
- Twelfth: Adjourn Meeting

RULE 207 Order – Threatening Person Removed. Any person who, at any meeting of Council, including Committee meetings, threatens a Member or any person present or threatens damage to property within this municipality may be charged criminally and may be ordered removed by a majority vote of Council or by the Presiding Officer. Removal from Council Chambers shall be done by the Barberton Police Department.

SECTION 3 – REQUEST FOR LEGISLATION

RULE 301 Requests for Legislation from Members or City Administration

A. Letter. A Member or City Administrator requesting legislation shall submit a letter to the Chair of the appropriate Committee with copies to each Committee member, Council President and the Clerk. A request that includes any matter set forth in Rule 401(B) shall also be submitted to the Chair of the Finance & Personnel Committee. If such Member or City Administrator is uncertain as to which Committee the request should be directed, they should consult with the Council President.

B. Drafts. The Clerk shall prepare drafts of all requested legislation and review the same with the Law Director. The Clerk shall distribute copies of all the requests for legislation and the drafts of the same to all Members. Drafts to other elected officials, City Administration and media representatives shall be either copies or by email, as requested.

RULE 302 Matters Requested

A. Report on Matters Requested. The Clerk shall make a report on all requests for legislation and any other pertinent written communication and distribute such report to Member, Mayor, Finance Director, Law Director and Service Director. The report shall include the assigned Committee, the title/description of the legislation and the date of the request. The date of the request shall be the date of the letter. If no date appears on the letter, the date shall be the date of receipt of the letter by the Council President.

B. Removal from Matters Requested. Any request remaining on the Matters Requested report list for one (1) year without action shall be removed. Once removed, such request may not be re-introduced until:

1. at least two (2) weeks have passed and it must be substantially changed or modified; and,
2. new legislation is requested.

All items listed on the Matters Requested List at the end of a Legislative Session will be automatically removed. The Legislative Session is a two (2) year term.

C. Timeliness. No Chair of a Committee shall call for any legislation:

1. unless the letter, as provided in Rule 301 (A) is received by 12:01 PM, ten (10) days prior to the Committee of the Whole Meeting in which such legislation may be called for; and,
2. the majority of the Members of that Committee vote to call for the legislation.

The Committee may suspend the requirements of Rule 301(E) by majority vote. If the Committee suspends the requirements, the Chair shall announce the vote of suspension when calling for the legislation during either the Committee of the Whole or Regular Meeting.

RULE 303 Communications to Council

Communications received by the Clerk may be read at Council meetings, forwarded to the appropriate Member and/or forwarded to the City Administration. If the Clerk is unsure who should receive any communication, it shall be reported to the Council President to determine.

No anonymous communications, written or electronically recorded, shall be read or played at Council meetings unless approved by a majority of Council. All appropriately signed correspondence addressed to Council shall be read aloud at any Council meeting by the Clerk unless the communication contains content of a personal nature.

RULE 304 Council Agenda. Council's agenda shall be included in Council's packet on the Friday before the Regular Meeting. Only Members may request that items be placed on the Agenda.

RULE 305 Appointments to Boards and Commissions.

- A. Resume. All of Council shall be provided the completed City of Barberton Boards and Commissions Questionnaire as designed on the City of Barberton official website for any appointment to a vacancy on a Board or Commission.
- B. Timeliness. Council shall consider appointments to all vacancies to Boards and Commissions from October 1 to December 31 of the expiring term year of said vacancy.
 - a. If a vacancy occurs before the term expires, Council shall at any time consider the appointment pursuant to the SECTION 6.07 Charter of the City of Barberton TIME LIMITATIONS FOR APPOINTMENTS TO BOARDS OR COMMISSIONS.

SECTION 4 - COMMITTEE WORK AND MOTIONS

RULE 401 Committee Reports

A. The Chair of each Committee shall report at the Committee of the Whole Meeting, all information regarding any issue presented to that Committee. Such report may include recommendations upon requests for legislation. Nothing in this Rule shall prevent the introduction of a report from any member in the minority of the Committee's vote on legislation.

1. In the event that the Committee Meetings are held in Council Chambers, prior to the beginning of each Committee Meeting, the Presiding Officer shall announce the Members of the committee and state other Members may be excused from Council Chambers.
2. Upon the conclusion of all Committee Meetings, if such meetings are held in Council Chambers, the Chair of each Committee shall decide if a full Committee report is necessary.

B. The Chair of each Committee shall consider each request for legislation and vote on whether to forward such request for Council to consider. The Chair shall also refer any request for legislation to the Chair of Finance and Personnel Committee that involves the following matters:

1. Appropriations: when the City Administration receives unplanned funds (ex. grants or program income from CDBG); the budget for such matter is fully expended and more funds are needed; or, an emergency occurs and funds are not available in the current budget.
2. Transfers: a request from City Administration for a budget transfer to move money from one appropriation to another within a specific department's budget or to

transfer all or part of a fund balance between funds (ex. transferring money from the Income Tax Fund to the General Fund).

3. Borrowing Money: when City Administration requests to enter in a lease purchase agreement or to issue debt for bonds or notes.
4. Bargaining Unit Agreements/Salary Ordinances: when City Administration requests approval for bargaining unit agreements or matters regarding the salary of non-bargaining employees.

Both Committees shall consider the request simultaneously. However, if the originating Committee does not forward the request to the Council, the Finance & Personnel Committee shall not consider the request for legislation.

C. The following requests shall be assigned to the Finance and Personnel Committee:

1. Authorization of Finance Director to Pay Invoices: when City Administration incurs an invoice in excess of three thousand dollars (\$3,000.00) dated before a Purchase Order.
2. Creating a New Fund: when City Administration requests to create a new account.
3. Creation of a new position in the Non-Bargaining Pay Plan or a new position in the Miscellaneous Employee ordinance.
4. Hiring of a new employee above the midpoint in the Non-Bargaining Pay Plan.

RULE 402 Legislation and Delivery of Materials

All Committee recommendations and all matters pertaining to the legislative functions of Council shall be introduced by Committees and Members in the form of an ordinance or resolution, as the subject matter may require. No Chair of a Committee shall bring to Council any legislation without the approval of the majority of the Committee.

All legislation shall be ready for distribution to Members no later than 4:00 PM on the Friday prior to any Council meeting.

RULE 403 Time Limit for Legislation in Committee

All requests for legislation, as set forth in Rule 301, shall be voted on promptly. No Chairperson shall hold any proposed legislation in Committee for more than sixty (60) days after referral to the Committee, as set forth in Rule 301. "Hold" is defined as the Committee taking no action on the request or if any vote results in a tie.

Any Member may make a motion to remove the legislation from the Committee if:

1. Sixty (60) days have passed after referral; or,
2. Fourteen (14) days have passed after referral to the Committee and time is of the essence or an emergency exists. The basis for the emergency must be submitted, in writing, to the Clerk and distributed to Members.

Such motion must be seconded and receive a majority vote of the Council present when the motion is made.

RULE 404 Motions Put and Voted

At Regular Meetings, all motions shall be made by the Chair of the Committee and seconded by a member of that Committee. However, if the legislation is a referral from another Committee, the Chair of the referring committee shall second the motion.

Each motion and second are then stated by the Presiding Officer. The Clerk shall call the roll for each vote. The Clerk shall have prepared, for every Regular Meeting, a list for every separate vote where each Member is listed in random order. This will ensure that no Member is called upon to vote in the same order.

Second and third readings of legislation shall be read at consecutive Regular Meetings unless legislation is requested to be held after a vote of the Committee from which it originated.

RULE 405 Motion to Reconsider. A motion to reconsider a vote on any question shall not be in order until one (1) Regular Meeting of Council has intervened. The motion to reconsider shall be made by a member voting with the prevailing side on the original vote.

SECTION 5 - MINUTES

RULE 501 Minutes

The Clerk shall maintain full and accurate minutes of all meetings of Council. This includes Public Hearings, Regular, Committee of the Whole, Special and Committee Meetings.

Minutes of the Regular Meeting, Special Meeting and Public Hearings shall include enough facts and information to permit the public to understand and appreciate the rationale behind Council's decision. Minutes of the Committee of the Whole shall be taken by recording device by the Clerk. Minutes of the Committee Meetings shall be taken by recording device by the Chair.

If Council adjourns to Executive Session, the minutes shall reflect the general subject matter of the executive session via the motion to convene the session for a permissible purpose(s); the time of adjournment; the time that the meeting reconvened; and, the Members present.

All minutes, whether prepared by the Clerk or recorded, shall be available and maintained as provided by the laws of the State of Ohio.

SECTION 6 FILLING VACANCIES

RULE 601 Notice

Section 5.06 of the Charter requires that Council select a new Member, in the event of a vacancy, within thirty (30) days after such vacancy occurs. Such selection requires a majority vote of the remaining Members. Once Council is apprised of a vacancy on Council, the Council President shall instruct the Clerk to place a notice in a newspaper that Council will be accepting resumes for the vacancy. The Clerk shall give at least five (5) days from the date of the notice to submit resumes to the Clerk.

RULE 602 Resumes

After the time for receiving resumes has passed, the Clerk shall distribute the resumes to the Members.

Council shall convene a meeting, with proper notice, to review the resumes and determine which candidates shall be interviewed.

RULE 603 Interviews

Council shall convene a meeting, with proper notice; adjourn into executive session, after motion and vote, to interview each candidate individually for Council. Council may discuss each candidate's qualifications, but no vote shall be taken.

RULE 604 Voting

Council shall convene a meeting, with proper notice, to vote to fill the vacancy. Any Member may, by motion, nominate one (1) of the candidates from the interviews. Such motion requires a second. If the motion receives a second, the Presiding Officer shall call for a roll call vote. If the candidate does not receive a two-thirds of the vote of Members present, another Member may nominate another candidate and the motion/voting shall continue until Council selects a candidate to fill the vacancy. The Council President is permitted to move and vote in this matter.

RULE 605 Failure to Appoint a Successor

In the event that Council fails to select a successor on or before the expiration of thirty (30) days after such vacancy shall have occurred, Council shall be divested of its power to appoint a successor and the Mayor shall appoint the successor.

SECTION 7 – RULES

RULE 701 Amend Rules. These rules may be amended at any Regular Meeting by a two-thirds (2/3) vote of the of all its members present at the Meeting when the motion to amend is made.

RULE 702 Suspension of Rules. These rules may be suspended at any meeting of Council, by a vote of three-fourths (3/4) of all its members present at that meeting when the motion to suspend these rules was made.

RULE 703 Order of Rules – No Importance. These rules are of equal importance. The numbers on these rules are for convenience purposes only. The number of the rule has no bearing on its stature or importance.

RULE 704 Refer to Robert’s Rules. All questions regarding the governing of Council not provided for in these rules, shall be determined by the Charter of the City of Barberton, the laws of the State of Ohio and the ordinances of the City of Barberton. With respect to parliamentary procedure, the most current version of Robert’s Rules of Order shall be the standard.

RULE 705 Overriding Ruling by President. By three-fourths (3/4) vote of all its Members, Council may override any decision or ruling by the Presiding Officer.

SECTION 8 - COUNCIL MEMBER RESPONSIBILITIES

RULE 801: All members of Council starting a NEW TERM shall attend and complete the Ohio Sunshine Law Training

DESCRIPTION OF COUNCIL COMMITTEES

Finance & Personnel

This Committee is responsible for all legislation involving appropriations, transfers, or expenditure of funds; all budget and pay ordinances; ordinances setting salaries and numbers of employees; and ordinances authorizing contracts with bargaining units.

Council Rules, Marketing & Development

Rules: this Committee has the responsibility to develop rules which govern how council governs and runs itself. When there are questions on the floor, the Presiding Officer may call upon this Committee to resolve disputes of order or disputes concerning how Council is governing itself.

Marketing: this Committee is responsible for the design, coordination, and implementation of a marketing scheme to promote the community. Responsibility includes coordination of efforts between the Barberton Community Development Corporation (BCDC), the Chamber of Commerce, City Administration and other groups interested in providing further economic development within the City.

Development: this Committee is responsible for all financial assistance legislation designed to attract commercial and industrial development, as well as retention of existing business within the City. This includes, but is not limited to, activity of the BCDC, enterprise zone, tax abatement, tax increment financing, distribution of CDBG funds, federal historic rehabilitation tax credits, etc. The Chair of the Councils Rules, Marketing and Development Committee shall serve as a voting member of the Board of the Barberton Community Development Corporation.

Streets, Sidewalks & Lighting

This Committee is responsible for all legislation for all street maintenance and purchase of equipment therefore by bid; legislation dealing with public transportation (buses and cabs) and city-owned parking facilities; and, the development of policies relating to sidewalk, curb, streets and lighting improvements within the City.

City Properties, Parks & Recreation

This Committee is responsible for legislation for acquisition of property, for parks or general municipal functions, excluding downtown redevelopment and for legislation concerning the maintenance of all City buildings and all parks and recreation facilities, excluding utilities. The Chair of the City Properties, Parks and Recreation Committee shall serve as an ex officio member of the City's Parks and Recreation Commission.

Planning, Annexation & Codes

Planning & Codes: this Committee is responsible for all legislation relating to the planning department; zoning changes or zoning text amendments; and, building department operations.

Annexation: this Committee is responsible for all legislation concerning annexation and the establishment of specific objectives and goals to include designation of areas relative to long range plans for commercial, retail, and residential development.

The chair of the Planning, Annexation and Codes Committee shall serve as an ex officio member of the City's Planning Commission.

Environmental Health & Social Services

This Committee is responsible for health department legislation and all matters relating to AMHA housing and all social service agency operations that function within the City.

The Chair of the Environmental Health and Social Services Committee shall serve as a member of the Barberton Board of Health.

Utilities

This Committee is responsible for legislation regarding: water, sewer, and trash; authorizing bids for public works, improvements; for purchase of equipment or materials; setting sewer rates; the method of trash pick-up and payment of said service; the maintenance of City utilities; all matters relating to electric, gas, telephone, and cable public utilities. This Committee is responsible for the establishment of specific objectives in the development of long-range plans for utility improvements, extensions of services provided by the City, and cost containment.

Public Welfare and Safety

This Committee is responsible for legislation regarding the police and fire departments, as well as the City's criminal and traffic Codified Ordinances.

