

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. 78-2020**  
**Sponsored by: Mr. Griffin**

**TITLE: PROPOSED CHARTER AMENDMENT**  
**OTHER COMMISSIONS OR BOARDS**

**AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON REGARDING THE ELIMINATION OF SEVERAL BOARDS THAT ARE NO LONGER RELEVANT TO THE CURRENT OPERATION OF THE CITY, 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 6.04 "Other Commissions or Boards" of the Charter be amended, with the language to be deleted shown in ~~strikethrough~~ and the language to be added shown in **bold**, which reads as follows:

**SECTION 6.04. OTHER COMMISSIONS OR BOARDS**

~~(a) Board of Health. There is hereby established a Board of Health which shall consist of a total of seven (7) members, five (5) citizen members who shall be electors of the City holding no other public office or appointment, the Mayor, and a member of Council selected annually by Council from its committee having responsibility for health matters. Five (5) members shall be appointed by the Mayor with confirmation by the majority of Council to serve without compensation for a period of five (5) years from the date of appointment, except that of those first appointed one (1) shall serve for five (5) years, one (1) for four (4) years, one (1) for three (3) years, one (1) for two (2) years, and one (1) for one (1) year, and thereafter one (1) shall be appointed each year. A majority of the members of the Board shall constitute a quorum. The Mayor shall be President of the Board by virtue of his office.~~

~~The Board, in conformance with Section 3709.05 of the Ohio Revised Code, or otherwise by provisions of this Charter or general law, shall make all necessary rules and regulations for safeguarding the public health, and shall enforce all health and sanitary regulations.~~

~~(b)~~ (a) Civil Service Commission. There shall be a Civil Service Commission as provided in Chapter 124 of the Ohio Revised Code or otherwise by general law, except that the Mayor shall appoint each member of the Civil Service Commission, with confirmation by a majority of Council.

The Civil Service Commission shall have the authority to limit application to the position of Chief and Deputy Chief in the Fire and Police Service to applicants who possess at least one (1) year of departmental experience in the City of Barberton above the rank of firefighter or patrolman. When less than two (2) applicants with the above qualification have applied for the position of Chief or Deputy Chief in the Fire or Police Service, the Civil Service Commission shall have the authority to advertise and receive qualified applicants from outside the service of the City.

(1) The Civil Service Commission, may adopt rules and regulations that establish standards, examinations, rules and credits, and procedures for appointments and promotions within the Civil Service Commission that differ from those established by the Ohio Revised Code provided such rules and regulations are approved by Council.

~~(c) -- The Plumbing, Electrical, Warm Air Heating, and Air Pollution Control Advisory Boards, Community Action Council, Traffic Safety, and Boxing and Wrestling Commissions, Civil Defense and Metropolitan Regional Transit Authority, hereto established by ordinance of the Council, shall continue to operate under, and to have the functions, powers and duties set forth in the provisions of existing ordinances of the Council applicable thereto, except that the Mayor shall appoint each member of these Boards, with confirmation by a majority of Council, subject to the right of the Council to amend or repeal any or all of such provisions by later ordinance at any time, and to transfer, reassign or delegate such functions, powers and duties, or any part thereof, to another officer, individual, board, or commission.~~

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

**YES    NO    Shall Section 6.04 of the Charter be amended to eliminate the Board of Health?**

**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