

LOM/sem
07-26-10

Presented by: Mr. Maurer
Mr. Judge
Mr. Soyars
Mr. Suboticki
Mr. Lysenko
Mr. Wagner
Mr. Megyes
Mr. Avant
Mr. Anderson

ORDINANCE NO. 110-2010
Sponsored by: Mr. Lysenko

**TITLE: PROPOSED CHARTER AMENDMENT –
CONFLICT OF INTEREST**

AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON TO AMEND SECTION 11.07, “CONFLICT OF INTEREST,” TO BE IN COMPLIANCE WITH THE LAWS OF THE STATE OF OHIO, 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 2, 2010, and that the proposed amendments be stated on the ballot as follows:

That Section 11.07, “Conflict of Interest,” of the Charter be amended in order to comply with State Law, with the language to be deleted shown in ~~strikethrough~~ and the language to be added shown in **bold**, and which reads as follows:

SECTION 11.07. CONFLICT OF INTEREST.

~~No member of Council or any officer or employee of the Municipality, elective or otherwise, shall have any financial interest, direct or indirect, in any contract with or sale to the Municipality of any materials, supplies, or services, or any land or interest in land, or any financial interest, direct or indirect, in any contract with, or expenditure of money by, the Municipality other than his fixed compensation and expenses of travel. Any person who wrongfully and willfully violates this section is guilty of malfeasance in office and shall thereafter be ineligible to hold office in the Municipality, in addition to other penalties provided by law. Any contract or agreement made in violation of this section shall be voidable at the option of Council.~~

The standards of ethical conduct and avoidance of conflicts of interest for all elected and appointed officers, officials, and employees of the City shall be those established by the general laws of the State of Ohio.

The civil and criminal penalties imposed for violations of such standards shall be in accordance with the general laws of the State of Ohio.

The ballot language for the election of the above-proposed amendment shall be as follows:

YES NO Shall Section 11.07 of the Charter be amended whereby the standards of ethical conduct and avoidance of conflicts of interest and any civil and criminal penalties are governed by the laws of the State of Ohio?

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 2, 2010, 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 _____, 2010

Clerk of Council

President of Council

Approved _____, 2010

Mayor