

**ORDINANCE NO. 57-2015**

**TITLE: BARBERTON COMMUNITY FOUNDATION**

**AN ORDINANCE AMENDING THE ARTICLES OF INCORPORATION AND THE CODE OF REGULATIONS OF THE BARBERTON COMMUNITY FOUNDATION.**

**WHEREAS,** The Articles of Incorporation and the Code of Regulations of the Barberton Community Foundation may be amended by an affirmative vote of seventy five percent (75%) of the Members of both the Board of Trustees of the Barberton Community Foundation and the City Council; and

**WHEREAS,** The Barberton Health District merged with the Summit County Health Department under Mayor Genet and no longer exists.

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

**SECTION 1.** That the Articles of Incorporation and the Code of Regulations of the Barberton Community Foundation, Third Section, be amended by showing said amendments with a ~~striketrough~~:

The corporation is organized and shall be operated exclusively for charitable, educational, public health, public recreation or other public purpose by conducting or supporting activities and facilities exclusively for the benefit of the City of Barberton, Ohio (the "City), the Barberton City School District (the "School District"), ~~the Barberton City Health District (the "Health District")~~ and the citizens of Barberton, by carrying out the charitable, educational, public health, public recreation or other public purposes of the City or the School District ~~or the Health District~~, or by lessening the burdens of government of the City; and the School District ~~and the Health District~~, including, but not limited to, programs, services, building, equipment and other facilities for the promotion of the education, health, safety, recreation, cultural enrichment and welfare of the citizens of Barberton and providing through the resources of the Corporation for any permanent improvement that the City, or the School District, ~~or the Health District~~ is authorized to provide from public funds. The City, and the School District ~~and the Health District~~ are governmental units described in Sections 170 (c) (1) and 170 (b) (1) (A) (v) or the Internal Revenue Code of 1986, as amended (Hereinafter the "Code"). If ~~all~~ both cease to be so described, the Corporation shall be operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of, one or more "qualified organizations" as shall be selected by the Board of Trustees of the Corporation. An organization is a "qualified organization" for purpose of these Articles only if it is described in Section 501(c) (3) and Sections 509 (a) (1) or (2) of the Code or is a governmental unit described in Sections 170 (c) (1) and 170 (b) (1) (A) (v).

Solely for the above purposes, the Corporation is empowered to exercise all rights and powers conferred by the laws of the State of Ohio upon nonprofit charitable corporations, including, but without limitation thereon, the right and power to receive gifts, devises, bequests and contributions outright, in trust or in any other form, and to use, apply, invest and reinvest the principal and/or income therefrom or to distribute the same for the above purposes.

**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 \_\_\_\_\_ 2015

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved \_\_\_\_\_ 2015

\_\_\_\_\_  
Mayor