

LOM/raf  
06/08/2015

Presented by: Mr. Maurer  
Mr. Soyars  
Mrs. Debevec  
Mr. Endres  
Mr. Lysenko  
Mr. Wagner  
Mr. Megyes  
Mr. Avant  
Mrs. Frey

**ORDINANCE NO. 78-2015**  
**Sponsored by: Mr. Avant**

**TITLE: PROPOSED CHARTER AMENDMENT –  
COMPENSATION AND BONDS**

**AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON TO PROVIDE FOR THE ADDITION OF ALL ELECTED OFFICIALS, IN ADDITION TO THE MAYOR, TO AFFIX COMPENSATION PRIOR TO ELECTION, 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, 2015, and that the proposed amendments be stated on the ballot as follows:

That Section 5.14, "Compensation and Bonds" of the Charter be amended to provide for the addition of the compensation timeline for all elected officials in addition to the Mayor, with the language to be added shown in **bold**, and which reads as follows:

**SECTION 5.14. COMPENSATION AND BONDS.**

Council shall fix the compensation of the Mayor, and each officer and employee, or members of any board or commission of the Municipality, whether elected or appointed, except as specifically prohibited otherwise in this Charter. In no event shall an elected official be entitled to severance pay.

Not less than one hundred twenty (120) days immediately preceding the date of the next Municipal election, the compensation of the Mayor **and all other elected officials** shall be fixed for the next term and shall not thereafter be changed with respect to such term.

Council may authorize the payment or reimbursement of expenses incurred by any officer or employee, or member of any board or commission of the Municipality, for traveling or other expenses incidental to the authorized furtherance of the interests of the Municipality.

The Mayor, Director of Finance, Director of Public Service and such other officials or employees, or members of boards or commissions as Council may by resolution or ordinance require, shall give bond in such amount and with such surety as may be approved by Council. The premium on such bonds shall be paid by the Municipality. (Nov. 8, 1988; Nov. 7, 1995)

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

**YES NO    Shall Section 5.14 of the Charter be amended to provide for the addition of all elected officials, in addition to the Mayor, to affix compensation prior to election?**

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

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

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

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

\_\_\_\_\_  
Mayor