

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. 79-2015**  
**Sponsored by: Mr. Avant**

**TITLE: PROPOSED CHARTER AMENDMENT –  
BOARD OF HEALTH**

**AN ORDINANCE TO PROVIDE FOR AN ELECTION ON A PROPOSED CHARTER AMENDMENT FOR THE CITY OF BARBERTON TO ESTABLISH THE RESPONSIBILITIES OF THE BOARD OF HEALTH, 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 6.04(a), "Other Commissions or Boards – Board of Health," of the Charter regarding the responsibilities of the Board of Health be amended, with the language to be added shown in **bold** and the language to be deleted shown in ~~strikethrough~~, and 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~~ **shall have the ability to make recommendations on public health matters to the Summit County Health District and to the City.**

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

**YES    NO    Shall Section 6.04(a) of the Charter be amended to allow the Board of Health to have the ability to make recommendations on public health matters to the Summit County Health District and to the City?**

**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