

AN ORDINANCE
SUBMITTING TO THE ELECTORS OF THE VILLAGE OF
CHAGRIN FALLS A PROPOSAL SUBMITTED BY
INITIATIVE PETITION TO ENACT A RESOLUTION
INDICATING INTENT TO JOIN THE CHAGRIN VALLEY
JOINT RECREATION DISTRICT, AND DECLARING AN
EMERGENCY.

WHEREAS, on June 7, 2013, the Clerk of Council of the Village of Chagrin Falls (the "Clerk") received a certified copy of "A Resolution Indicating Intent to Join the Chagrin Valley Joint Recreation District" (the "Resolution"); and

WHEREAS, on July 26, 2013, a petition (in many parts, collectively the "Petition") for submission of the proposed Resolution was submitted to the Clerk; and

WHEREAS, pursuant to Section 731.28 of the Ohio Revised Code the Clerk held the Petition for ten (10) days and then, on August 6, 2013, submitted the petition, along with a certified copy of the Resolution, to the Cuyahoga County Board of Elections (the "Board") in order to obtain a statement attesting to the number of valid signatures of electors of the Village of Chagrin Falls who signed the Petition; and

WHEREAS, on August 14, 2013, the Board advised the Village that there were two hundred sixteen (216) valid signatures of electors of the Village of Chagrin Falls; and

WHEREAS, Section 731.28 of the Ohio Revised Code provides that in order to be sufficient an initiative must have the "signatures of not less than ten percent of the number of electors who voted for governor at the most recent general election for the office of governor in the municipal corporation;" and

WHEREAS, the number of Chagrin Falls electors who voted for the office of governor at the most recent general election was one thousand eight hundred ninety five (1,895), ten percent (10%) of which is one hundred ninety (190).

WHEREAS, the Petition contains more valid signatures of electors of the Village of Chagrin Fall (216) than ten percent (10%) of the number of electors who voted for governor at the most recent general election for the office of governor in the municipal corporation (190), the petition therefore contains a sufficient number of signatures to require the submission of the initiated resolution to the electors of the Village of Chagrin Falls; and

WHEREAS, this Council is taking this action at the first Council meeting held after being notified by the Board of the number of valid signatures on the Petition; and

WHEREAS, pursuant to Section 731.28 of the Ohio Revised Code the election on the Resolution is to be held at the next general election occurring subsequent to ninety days after the sufficiency and validity of the initiative petition is certified to the Board, which in this instance will be November 4, 2014.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That there be, and hereby is, submitted to a vote of the qualified electors of the Village of Chagrin Falls at the November 4, 2014 general election at the regular places of voting in Chagrin Falls during the regular hours of voting on such date as prescribed by general law the proposal to adopt a Resolution Indicating Intent to Join the Chagrin Valley Joint Recreation District, which resolution shall read and provide as follows:

“A RESOLUTION INDICATING INTENT TO JOIN THE CHAGRIN VALLEY JOINT RECREATION DISTRICT

WHEREAS, the Village of Chagrin Falls believes that a joint recreation district formed pursuant to Ohio Revised Code § 755.14 may be an effective means of a) providing community programming in recreational, social, and athletic areas and b) acquiring property for, constructing, operating and maintaining a recreation center for the benefit of all citizens;

WHEREAS, the Village of Chagrin Falls has determined that it is in the best interest of the residents of the Village of Chagrin Falls, in conjunction with Bainbridge Township and the Village of South Russell to establish a joint recreation district, consisting of all the territory of the Village of Chagrin Falls, the Village of South Russell and Bainbridge Township; and

WHEREAS, the Village of Chagrin Falls believes that it is in the public's interest to obtain board representation on the governing body for such a joint recreation district; and

NOW, THEREFORE, be it resolved that:

Section 1: Contingent upon passage of similar, mirror image resolutions by Bainbridge Township and the Village of South Russell, a joint recreation district, pursuant to Ohio Revised Code §755.14(C) is hereby established which shall be known as the Chagrin Valley Joint Recreation District, the boundaries and territory of which shall consist of all of the territory of the Village of Chagrin Falls, the Village of South Russell and Bainbridge Township.

Section 2: The Chagrin Valley Joint Recreation District shall have all of those powers enumerated under Ohio Revised Code § 755.12 et. seq.

Section 3: The Chagrin Valley Joint Recreation District shall be governed by the Chagrin Valley Joint Recreation District Board of Trustees. The Board of Trustees shall consist of six trustees; each of the participating political subdivisions having two representatives. Each participating political subdivision herein shall choose its respective representatives to the Chagrin Valley Joint Recreation District Board of Trustees within forty-five (45) days of the last date of passage of this resolution by

the political subdivisions establishing the Chagrin Valley Joint Recreation District.

Section 4: Each Trustee on the Board of Trustees of the Joint Recreation District shall serve a three year term, with the exception that the initial terms, in order to stagger the respective terms, shall be as follows: the initial term for one Trustee appointed by each political subdivision shall be two years and the initial term for the second Trustee appointed by each political subdivision shall be three years.

Section 5: In the event that a vacancy occurs on the Board of Trustees of the Chagrin Valley Joint Recreation District, the entity that appointed the individual vacating his or her position shall be entitled to designate an individual to serve as a successor Trustee. If any entity with discretion to designate an individual to serve as a Trustee fails to do so within sixty (60) days of being notified in writing of a vacancy, the vacancy shall be filled by majority vote of the remaining Trustees on the Board of Trustees. In voting to fill a vacancy, the Board of Trustees shall endeavor to fill the vacancy with a resident under the jurisdiction of the body failing to make such designation, but the Board of Trustees is not obligated to do so.

Section 6: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, in compliance with Ohio Revised Code § 121.22.

Section 7: This resolution shall take effect upon the earliest date permitted under applicable law.”

SECTION 2. That the Clerk be, and hereby is, authorized and directed to submit a certified copy of this Ordinance to the Cuyahoga County Board of Elections forthwith, along with the Petition which is valid and sufficient, and a certified copy of the Resolution.

SECTION 3. That the ballot language for said issue shall read substantially as follows:

“VILLAGE OF CHAGRIN FALLS
PROPOSED JOINT RECREATION DISTRICT

Shall the proposed Resolution Indicating Intent to Join the Chagrin Valley Joint Recreation District be adopted?”

YES

NO”

SECTION 5. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council

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INTRODUCED BY: MAYOR & COUNCIL


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and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 6. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 7. That this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of this Village and for the further reason that this Ordinance must be immediately effective so that the Clerk of Council may deliver the certification authorized herein to the Cuyahoga County Board of Elections at the earliest possible time; wherefore, provided it receives the requisite number of affirmative votes of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor; otherwise, it shall take effect and be in force after the earliest period allowed by law.

PASSED: August 26, 2013



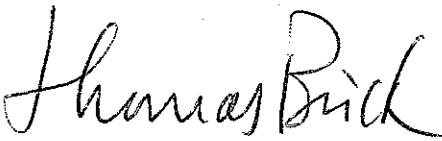
Council President

Submitted to the Mayor for
his approval on this

27 day of August, 2013

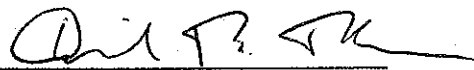
Approved by the Mayor

August 27, 2013



Mayor

I hereby certify that Ordinance No. 2013- 53 was duly enacted on the 26 day of August, 2013, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council