

**AN ORDINANCE**  
**PROVIDING FOR THE SUBMISSION TO THE ELECTORS**  
**OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED**  
**AMENDMENT TO THE VILLAGE CHARTER TO REMOVE**  
**EMPLOYEES OF THE BOARD OF CEMETERY TRUSTEES**  
**FROM THE CATEGORY OF VILLAGE OFFICIALS AND**  
**EMPLOYEES NOT SUBJECT TO THE MAYOR'S**  
**EMPLOYMENT POWERS, AND DECLARING AN**  
**EMERGENCY.**

WHEREAS, the Mayor, in accordance with Article XI, Section 2, of the Charter of the Village of Chagrin Falls appointed five (5) electors of the Village to serve as members of the Charter Review Commission; and

WHEREAS, Article XI, Section 2, of the Charter requires the Charter Review Commission to review the Charter and recommend any desirable Charter amendments to Council; and

WHEREAS, the Charter Review Commission, in a report dated August 2, 2011, submitted its recommendations to this Council; and

WHEREAS, Article III, Section 5, subsection(a) of the Charter authorizes the Mayor to appoint, promote, discipline, transfer, reduce or remove any officer or employee of the Village except those officers or employees of the Village required by the Charter to be elected, those officers or employees whose terms of office may be fixed by the Charter, employees of the Council, and employees of the Board of Cemetery Trustees; and

WHEREAS, the Charter Review Commission recommends amending Article III, Section 5, subsection (a), of the Charter to remove certain language prohibiting the Mayor from having the power to appoint, promote, discipline, transfer, reduce, or remove employees of the Board of Cemetery Trustees; and

WHEREAS, pursuant to Article XVIII, Section 9, of the Constitution of the State of Ohio this Council has the authority, by a two-thirds majority affirmative vote, to submit to the voters of the Village of Chagrin Falls proposed amendments to the Charter of the Village of Chagrin Falls; and

WHEREAS, this Council finds and determines that it is in the Village's best interest to submit to the electors of the Village of Chagrin Falls the proposed amendment to the Charter recommended by the Charter Review Commission; and

WHEREAS, this Council chooses the date of November 8, 2011, for the election on the charter amendment proposal hereinafter set forth, which election is not less than sixty (60) days nor

more than one hundred twenty (120) days from the date of passage of this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CHAGRIN FALLS, CUYAHOGA COUNTY, OHIO, AT LEAST TWO-THIRDS (2/3) OF THE MEMBERS OF COUNCIL CONCURRING:**

SECTION 1. That this Council hereby authorizes and directs the submission to the electors of the Village of Chagrin Falls, at an election to be held at the usual places of voting in said Village, on Tuesday, November 8, 2011, of the following proposal to amend the Charter of the Village as further provided below:

That existing Article III, Section 5, of the Charter of the Village of Chagrin Falls be amended to read and provide, in its entirety, as follows:

**"SECTION 5. DUTIES AND POWERS.**

(a) Executive Powers. The Mayor shall be the chief executive officer of the Municipality, and shall:

- (1) Supervise the administration of the Municipality's affairs;
- (2) Exercise control over all departments and divisions thereof, except Council;
- (3) Be the chief conservator of the peace within the Municipality and shall cause all laws and ordinances to be enforced therein;
- (4) See that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which the Municipality is a party are faithfully kept and performed;
- (5) Recommend to Council such measures as are deemed necessary or expedient for the welfare of the Municipality and shall keep Council advised of the condition and future of the Municipality;
- (6) Act as the official and ceremonial head of the Municipal government;
- (7) Together with the Director of Finance, when public funds are involved, execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness, and all other instruments to which the Municipality is a party;
- (8) Shall have custody of the seal of the Municipality and may affix it to all of the aforesaid documents, but the absence of the seal shall not affect the validity of any such instrument; and
- (9) Perform such other duties as are conferred or required by this Charter, or by any ordinance or resolution of the Council or by the laws of the State of Ohio.

Subject to the provisions of this Charter and the provisions of the civil service regulations when they are promulgated as provided in this Charter, the Mayor shall have the power to appoint, promote, discipline, transfer, reduce, or remove any officer or employee of the Municipality except those required by this Charter to be elected, those whose terms of office may be fixed by this Charter, ~~and employees of Council, and employees of the Board of Cemetery Trustees.~~

(b) Legislative Powers. The Mayor shall attend Council meetings but shall have no vote therein. The Mayor shall have the right to recommend and introduce legislation and to take part in the discussion of all matters coming before Council.

(c) Veto Powers. Every ordinance or resolution adopted by Council shall be signed by the President of Council or other presiding officer, attested by the Clerk of Council and presented promptly to the Mayor. If the Mayor approves such ordinance or resolution, it shall be signed and returned to the Clerk of Council within ten days after its adoption by Council, but if the Mayor does not approve it, it shall be returned to Council within said ten days with the Mayor's written objections by delivery to the Clerk of Council, which objections shall be entered in full on the journal of the Council. If the Mayor does not sign or so return an ordinance or resolution within said ten-day period, it shall take effect in the same manner as if the Mayor had signed it. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but otherwise the Mayor's approval or disapproval shall be addressed to the entire ordinance or resolution. When the Mayor has disapproved an ordinance or resolution, or a part or item thereof as herein provided, the Council shall not later than its next regular meeting, proceed to reconsider it, and if upon reconsideration the ordinance or resolution or part or item thereof disapproved by the Mayor be approved by the affirmative vote of at least two-thirds of the members of Council, it shall then take effect without the signature of the Mayor in the same manner as if the Mayor had signed it. In all such cases, the votes shall be taken by yeas and nays and entered upon the journal.

(d) Judicial Powers. The Mayor shall have all the judicial powers granted from time to time by the general laws of the State of Ohio to mayors or municipalities of the class of this Municipality."

Further, if this amendment is adopted, existing Article III, Section 5, Duties and Powers, shall be repealed. A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

SECTION 2. That the form of ballot to be cast at the election for the proposed charter amendment contained in Section 1 shall read and provide as follows:

<p style="text-align: center;"><b>"PROPOSED CHARTER AMENDMENT</b> A majority affirmative vote is necessary for passage</p> <hr/> <p>Shall Article III, Section 5, Duties and Powers, of the Charter of Village of Chagrin Falls be amended so as to remove Board of Cemetery employees from the category of Village officials and employees not subject to the Mayor's employment powers?"</p>
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SECTION 3. That if such amendments are approved by a majority of the electors voting thereon at such election, such amendments so approved shall become effective from and after January 1, 2012.

**ORDINANCE NO. 2011- 53**  
**INTRODUCED BY: MR. PATTON**

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SECTION 4. That the Clerk of Council is hereby authorized and directed to cause copies of said proposed charter amendment to be mailed at least thirty (30) days prior to said election, to each elector in this Village whose name appears upon the registration book of the last regular or general elections held in the Village; provided, however, that in lieu of such mailing and to the extent provided by law, the Clerk of Council is hereby authorized to cause a copy of the proposed charter amendment to be published in such manner as may be authorized by law.

SECTION 5. That the Clerk of Council be and hereby is, authorized and directed to forward a certified copy of this ordinance to the Boards of Elections of Cuyahoga County.

SECTION 6. That the Boards of Elections of Cuyahoga County is hereby requested to cause appropriate notice of such election to be duly given in accordance with law.

SECTION 7. That there is hereby appropriated from the General Fund of the Village, an amount sufficient to pay the cost of carrying out the directions of this ordinance, including the cost of printing or otherwise preparing and mailing or publishing said copies of said proposed charter amendments and of publishing notice of such election.

SECTION 8. 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 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 9. 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.

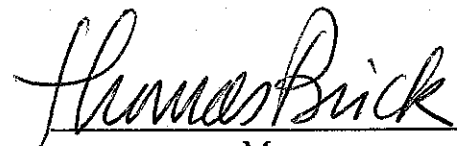
SECTION 10. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Chagrin Falls and, further, for the reason that this ordinance must be immediately effective in order to permit necessary arrangements to be made in sufficient time or said election; wherefore, this ordinance shall be in full force and effect from and after its adoption.

PASSED: August 8, 2011

  
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Council President

Submitted to the Mayor for  
his approval on this  
9 day of August, 2011

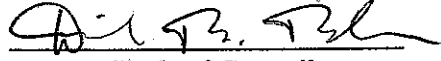
Approved by the Mayor  
August 9, 2011

  
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Mayor

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**INTRODUCED BY: MR. PATTON**

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I hereby certify that Ordinance No. 2011- 53 was duly enacted on the 8 day of August, 2011, 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