

AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORS
OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED
AMENDMENT TO THE VILLAGE CHARTER TO CLARIFY
THAT MEMBERS OF COUNCIL SERVE UNTIL THEIR
SUCCESSOR IS CHOSEN AND QUALIFIED, 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 IV, Section 1, provides for a Council of seven (7) members elected at large for terms of two years; and

WHEREAS, the Charter Review Commission recommends amending Article IV, Section 1, to include language clarifying that members serve until their successors are chosen and qualified; and

WHEREAS, such amendment will ensure, in the event of circumstances that prohibit or delay the selection and qualification of a new member, that the number of Council members will not be decreased; and

WHEREAS, this Council finds that such recommendation is appropriate and would be helpful in ensuring that Council, in the event of unforeseen selection and qualification circumstances, remains at seven (7) members; and

WHEREAS, pursuant to Article XVIII, Section 9, of the Constitution of the State of Ohio this Council has the right, 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 a proposed amendment to the Charter, which would clarify that Council members serve until their successors are chosen and qualified; 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 IV, Section 1, of the Charter of the Village of Chagrin Falls be amended to read and provide, in its entirety, as follows:

"SECTION 1. NUMBER AND TERM.

The Council shall consist of seven members elected at large for terms of two years, except as herein provided, commencing on the first day of January next following their elections **and to serve until their successors are chosen and qualified."**

Further, if this amendment is adopted, existing Article IV, Section 1, Number and Term, 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:

"PROPOSED CHARTER AMENDMENT
A majority affirmative vote is necessary for passage

Shall Article IV, Section 1, Number and Term, of the Charter of Village of Chagrin Falls be amended so as to clarify that members of Council serve until their successors are chosen and qualified?"

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.

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.

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INTRODUCED BY: MR. PATTON

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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



Council President

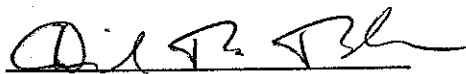
Submitted to the Mayor for
his approval on this
9 day of August, 2011

Approved by the Mayor
August 9, 2011



Mayor

I hereby certify that Ordinance No. 2011-54 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