

# CHARTER AMENDMENTS, 2021

CHARTER AMENDMENTS BEING PLACED ON THE NOVEMBER 2, 2021 BALLOT. FILED WITH THE BOARD OF ELECTIONS.

## TABLE OF CONTENTS

Ordinance no. 2021-29 ..... 1

Ordinance no. 2021-30 ..... 1

Ordinance no. 2021-35 ..... 3

Ordinance no. 2021-36 ..... 4

Ordinance no. 2021-37 ..... 5

## LEGAL REQUIREMENTS

Legally required to post charter changes in newspaper for 2 consecutive weeks, more than 15 days before the election.      Dates: 09/02/2021, 09/09/2021      Election: 11/2/2021      = 54 days difference

### NOTICE

Electors of the Village of Chagrin Falls should take notice that the following proposed changes to the Charter of the Village of Chagrin Falls will be on the November 8, 2021 ballot, as separate issues:

### ORDINANCE NO. 2021-29

#### “PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage

Shall Article IV, Section 1, Number and Term, of the Charter of the Village of Chagrin Falls be amended to provide that all Council members are elected for a term of four (4) years and to stagger the terms so that not all members are elected in the same year?”

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 IV-1. NUMBER AND TERM.**

Council shall consist of seven (7) Council members elected at large for terms of four (4) 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. At the general election in calendar year 2023, three (3) members of Council shall be elected to a term of four (4) years and four (4) members of Council shall be elected to a term of two (2) years. Thereafter, all Council terms shall be for a period of four (4) years, with four (4) members of Council being first elected in calendar year 2025 to four (4) year terms.

### ORDINANCE NO. 2021-30

**“PROPOSED CHARTER AMENDMENT**

A majority affirmative vote is necessary for passage

---

Shall Article III, Sections 4(a) and (b), Absence and Vacancy, of the Charter of the Village of Chagrin Falls be amended to provide that the absence of the Mayor includes when a Mayor is for any reason unable to perform Mayoral duties and to provide if the Office of the Mayor becomes vacant, the President of Council shall forthwith become the Mayor, except as further provided in Subsection (b) and provides for a date upon which an election will be held to determine the successor to the Office of Mayor for the balance of the current term, to provide for replacement of the Mayor when the President of Council declines to serve as Mayor and provides for an earlier election for Mayor for the balance of the remaining term when the Office of the Mayor becomes vacant?”

**SECTION III-4. ABSENCE AND VACANCY.**

(a) Absence. When the Mayor is for any reason unable to perform Mayoral duties, the President of Council shall become the acting Mayor, and while so acting shall have and exercise all of the powers of the Mayor, but shall not thereby cease to be the President of Council. In the event the President of Council is absent from the Municipality, or for any reason is unable to perform the duties of acting Mayor, when the Mayor is for any reason unable to perform Mayoral duties, the President pro tem of Council shall become the acting Mayor, and while so acting shall have all the powers and duties of the Mayor, but shall not thereby cease to be President pro tem of Council.

(Amended 11-4-86)

(b) Vacancy. If the office of Mayor becomes vacant, the President of Council shall forthwith become Mayor, except as herein after set forth, and shall serve through the end of the calendar year of the next general election at which the office of Mayor can be determined by the electors of the Municipality, for the unexpired term and the President pro tem shall become the President of Council. Thereupon, the vacancy in Council shall first be filled in the manner provided in Section 6 of Article IV, and then a new President pro tem shall be chosen by Council. If the President of Council declines to serve as Mayor, Council shall then appoint by majority vote one (1) Council member as Mayor to serve until the end of the calendar year in which the next general election will be held and the election of Mayor for the balance of the unexpired term can be decided by the electors of the Municipality. If a Mayor-elect fails to qualify for office, a vacancy shall be deemed to exist and the President of Council elected at the organization meeting following such regular Municipal election shall become Mayor for that portion of the term as provided above. The election for Mayor for the balance of the remaining term, when the office of Mayor becomes vacant, shall be held at the next general election which is more than one hundred twenty (120) days after the office of Mayor becomes vacant.

“PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage

---

Shall Article X, Section 3, Petitions, of the Charter of the Village of Chagrin Falls be amended to provide for submission of referendum petitions, legislation not subject to referendum, provide for initiative petitions, for the Charter to prevail in the event of conflicts with the Ohio Revised Code, and provide for public hearings of initiative petitions?”

**SECTION X-3. PETITIONS.**

(a) Any initiative, referendum or recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain in the case of the initiative or referendum, a full and correct copy of the title and text of the proposed or referred ordinance or resolution, and in the case of the recall, the name and office of the person whose removal is sought and a statement in not more than 200 words of the grounds for the proposed removal. The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the general laws of the State of Ohio regulating initiative and referendum petitions, shall apply in the case of initiative, referendum and recall in this Municipality, except as otherwise provided in this Charter.

(b) Within thirty (30) days after the final passage by Council and approval by the Mayor of an Ordinance or Resolution, that was not adopted as an emergency ordinance, a referendum petition signed by at least that number of electors which equals ten percent (10%) of the electors voting at the last preceding general municipal election, may be filed with the Clerk of Council, requesting that such ordinance or resolution be either repealed or submitted to a vote of electors. If the referendum petition is filed, the Clerk of Council shall first ascertain the sufficiency of the petition, and if found sufficient, the Council shall thereupon, within thirty (30) days of the filing of such petition, reconsider such ordinance or resolution. If, upon such reconsideration, the ordinance or resolution is not repealed, the Council shall submit it to a vote of the electors at the first primary or general election in any year occurring more than ninety (90) days after the Council determines that it will not repeal the ordinance or resolution. No such ordinance or resolution shall go into effect until approved by a majority of those voting thereon.

(c) Ordinances and resolutions providing for a tax levy or for improvements petitioned for by the owners of a majority of the front footage of the property benefited and to be specially assessed therefor, and appropriation ordinances and resolutions, limited to the subject of appropriations, shall not be subject to referendum. Further, whenever the Council is required to pass more than one ordinance, resolution or other action to complete the financing and assessment of the cost of any public improvement previously finally approved, only the first resolution, ordinance or other action relating to said financing and assessment shall be subject to referendum, and any subsequent resolution, ordinance or other action relating to the financing and assessment of the cost of said public improvement, as previously finally approved, shall not be subject to referendum.

(d) Any Ordinance adopted to certify an initiative to the Board of Elections to be considered by the electors shall not be subject to referendum.

(e) Ordinances and other measures may be proposed by initiative petition and adopted by election, in the manner now or hereinafter provided by the Constitution or the laws of Ohio, except that ordinances proposed by initiative petition to amend the Planning and Zoning Code and/or the Zoning Map of the Municipality shall be subject to the procedures, process, review certification of the Board of Elections and other requirements contained in Section X of this Charter, and only in the event that this

Charter is silent on a matter, or there is no conflict with this Charter, in accordance with the laws of Ohio. It is hereby declared that in the event of a conflict between the Charter and the Ohio Revised Code, and as permitted by the home rule powers granted to municipalities, and the Ohio Revised Code and in particular Ohio Revised Code Section 731.41, the manner, means, method, consideration and placement on the ballot of initiatives shall be governed by this Charter.

(f) This section shall be severable and if any subsection, paragraph, part, word or application thereof is held invalid for any reason, such holding shall not invalidate or affect the force and effect of any other subsection, paragraph, part, word or application thereof.

(g) After the petitioners have submitted their initiative petitions to the Clerk of Council, and upon completion of circulation within the Municipality, the Clerk of Council shall submit such petitions to the Board of Elections to determine if there are sufficient valid signatures of electors of the Municipality. The Board of Elections shall certify whether such petitions contain the signatures of not less than ten (10%) of the number of electors who voted at the last preceding general municipal election in the Municipality. In the event such initiative petitions do not contain sufficient signatures to meet or exceed ten percent (10%) of the number of electors that voted in the last preceding general municipal election, the petitioners may seek additional signatures of electors of the Municipality.

(h) Once the initiative petitions are certified by the Board of Elections to have not less than ten percent (10%) of the number of electors voting at the last preceding general municipal election, the initiative shall be placed on the agenda for the next regular Council meeting. At the first regular Council meeting at which the initiative is considered, a public hearing before Council shall be set with at least ten (10) days advance notice. The notice shall conform to the requirements for notification of public hearings whenever any amendment to the Planning and Zoning Code and/or Zoning Map of the municipality is being proposed as provided in the Planning and Zoning Code of the Municipality. Public hearings shall be held at a regular Council meeting.

ORDINANCE NO. 2021-36

“PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage

---

Shall Article IV, Section 8, Powers and Duties, of the Charter of the Village of Chagrin Falls be amended to provide that in the case of an initiative to amend the Planning and Zoning Code and/or Zoning Map of the Village be read by title at three (3) consecutive meetings of Council and to make grammatical and numerical revisions?”

**SECTION IV-8. POWER AND DUTIES.**

The legislative powers of the Municipality, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in Council. Council shall by ordinance make provision for:

- (a) The time and place of regular meetings of Council;
- (b) The method of calling special meetings of Council;
- (c) The method of giving public notice of the enactment of its ordinances and resolutions and of any other of its acts or proceedings which it deems proper to publish.

Council may by ordinance make provision for:

- (d) The form and method of enactment of its ordinances and resolutions, provided that no ordinance or resolution shall contain more than one (1) subject which shall be clearly expressed in its title, and provided further that no ordinance or resolution of a general or permanent nature or granting a franchise, creating a right, involving the expenditure of money or the levying of a tax other than a resolution providing for an election on the

question of issuing bonds or levying a tax, or for the purchase, lease, sale or transfer of property shall be passed unless it has been read in full or by caption on three (3) different days unless the requirement for such reading be dispensed with by the affirmative vote of two-thirds (2/3rds) of the Council members and in the case of an ordinance being considered for certification to the Board of Elections to place an initiative on the ballot regarding any amendment to the Planning and Zoning Code and/or Zoning Map of the Municipality shall, without exception, be read by title at three (3) consecutive meetings of Council;

- (e) The procedure for making public improvements and levying assessments, including the procedure for combining two (2) or more public improvements, and the levying of assessments therefor, in one (1) proceeding if Council finds that it will be economical and practical to undertake such improvements jointly;
- (f) The advertising and awarding of contracts;
- (g) Such other general regulations as Council may deem necessary.
- (h) The affirmative vote of at least five (5) Council members shall be required, whenever Council determines that the predetermined purpose, by existing Ordinance, to which portions of income tax revenues are to be allocated, must be reallocated for any one (1) budget year appropriation, due to exigent circumstances existing at the time such reallocation action is taken.

ORDINANCE NO. 2021-37

**“PROPOSED CHARTER AMENDMENT**

A majority affirmative vote is necessary for passage

---

Shall Article IV Sections 7 and 8, be amended to provide Council, Council committee, boards, commissions and other administrative bodies meetings may be held live, and/or by teleconference, videoconference or similar technologies and provide for executive sessions with legal counsel?

**SECTION IV-7. COUNCIL MEETINGS.**

Council shall hold at least one (1) regular meeting in each calendar month. A majority of the Council members shall constitute a quorum for the transaction of business at any meeting of Council, but a lesser number may adjourn the meeting from time to time. At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted, or any other action may be taken, by the affirmative vote of four (4) Council members unless a larger number be required by the provisions of this Charter. The Clerk of Council shall keep a record of its proceedings in a journal in which the ye or nay vote of each Council member voting on every ordinance or resolution or the reconsideration of legislation vetoed by the Mayor, and the action of Council on other measures shall be recorded. All meetings of Council called for the purpose of transacting public business, where a majority of the Council members elected are present, shall be open to the public, which may be by live attendance or, when permitted by law, by means of teleconference, video conference, or any other similar electronic technology, unless a private executive session is called pursuant to the Ohio Revised Code, or a private executive session is held with the Director of Law or an Assistant Director of Law.

**SECTION IV-8. POWERS AND DUTIES.**

The legislative powers of the Municipality, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in the Council. The Council shall by ordinance make provision for:

- (a) The time and place of regular meetings of the Council;
- (b) The method of calling special meetings of the Council;
- (c) The method of giving public notice of the enactment of its ordinances and resolutions and of any other of its acts or proceedings which it deems proper to publish.

The Council may by ordinance make provision for:

- (d) The form and method of enactment of its ordinances and resolutions, provided that no ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title, and provided further that no ordinance or resolution of a general or permanent nature or granting a franchise, creating a right, involving the expenditure of money or the levying of a tax other than a resolution providing for an election on the question of issuing bonds or levying a tax, or for the purchase, lease, sale or transfer of property shall be passed unless it has been read in full or by caption on three different days unless the requirement for such reading be dispensed with by the affirmative vote of two-thirds of the members of Council;

(Amended 11-7-06)

- (e) The procedure for making public improvements and levying assessments, including the procedure for combining two or more public improvements, and the levying of assessments therefor, in one proceeding if the Council finds that it will be economical and practical to undertake such improvements jointly;
- (f) The advertising and awarding of contracts;
- (g) Such other general regulations as the Council may deem necessary including, but not limited to adopting one or more ordinances to provide that all meetings of Council and its committees, and any board, commission and other administrative body of the Village shall be open to the public which may be by live attendance, and/or by means of teleconference, videoconference, or any other similar electronic technology, unless a private executive session is called pursuant to the Ohio Revised Code or to meet with the Director of Law or any Assistant Director of Law.
- (h) The affirmative vote of at least five (5) members of Council shall be required, whenever Council determines that the predetermined purpose, by existing Ordinance, to which portions of income tax revenues are to be allocated, must be reallocated for any one budget year appropriation, due to exigent circumstances existing at the time such reallocation action is taken.