

**ORDINANCE 2021-30
INTRODUCED BY: GRUBE**

4320

**AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE
ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A
PROPOSED AMENDMENT TO THE VILLAGE
CHARTER TO PROVIDE FOR THE ABSENCE AND
VACANCY OF THE OFFICE OF MAYOR AND TO
GOVERN THE ELECTION OF THE SUCCESSOR**

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 May 10, 2021, submitted its recommendations to this Council; and

WHEREAS, Article III, Section 4 of the Charter provides for the President of Council to become the Acting Mayor in absence of the Mayor and if the Office of Mayor becomes vacant, the President of Council becomes the Mayor for the unexpired term and the President Pro Tem of Council becomes the Council President; and

WHEREAS, the Charter Review Commission recommends amending Article III, Section 4(a) and (b) to clarify when the Mayor is considered absent and to provide for election of the successor when the Office of Mayor becomes vacant and when the election occurs, for the balance of the remaining term of the Mayor; and

WHEREAS, this Council finds that such recommendations are appropriate and will be helpful in clarifying when an absence by the Mayor occurs and allows the voters to elect a Mayor, in certain cases, earlier than otherwise currently provided in the Charter; and

WHEREAS, pursuant to Article XVIII, Section 9 of the Constitution of the State of Ohio and the Charter of the Village of Chagrin Falls, this Council has the right, by a two-thirds (2/3) 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

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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 provide clarity when the Mayor is considered absent and for early elections for the Office of Mayor when it becomes vacant; and

WHEREAS, this Council chooses the date of November 2, 2021 for the election on the Charter amendment proposals hereinafter set forth, which election is not less than sixty (60) nor more than one hundred twenty (120) days from date of passage of this Ordinance.

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

Section 1. This Council hereby authorizes and directs the submission to the electors of the Village of Chagrin Falls, in an election to be held at the usual places of voting in said Village, on Tuesday, November 2, 2021, of the following proposals to amend the Charter of the Village as further provided below.

That existing Article III, Section 4(a)(b) of the Charter of the Village of Chagrin Falls be amended, to read and provide, in their entirety, as follows:

ARTICLE III
MAYOR

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

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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.

Further, if these amendments are adopted, Article VIII Section 4(a) and (b) shall be repealed.

The majority affirmative vote of the those voting on the issue shall be necessary to adopt this amendment.

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

<p>“PROPOSED CHARTER AMENDMENT</p> <p>A majority affirmative vote is necessary for passage</p> <hr/>
<p>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?”</p>

Section 3. That if such amendments are approved by a majority of the electors voting thereon at such election, such amendment so approved shall become effective from and after January 1, 2022.

Section 4. That the Clerk of Council is hereby authorized and directed to cause copies of the proposed Charter Amendment to be published in such manner as may be authorized by law, and as required by Article XVIII, Section 9 of the Ohio Constitution.

Section 5. That the Clerk of Council be and hereby is, authorized and directed to forward certified copy of this Ordinance to the Board of Election of Cuyahoga County.

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

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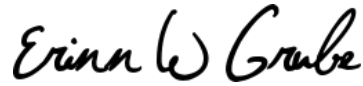
Section 7. That there is hereby appropriated from the general fund of the Village, an amount sufficient to pay the cost of carrying out the directions of this Ordinance, including the cost of publishing notice of such election.

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 shall take effect and be in force after the earliest period allowed by law.

PASSED: July 26, 2021



Erinn Grube, Council President

Submitted to the Mayor for
his approval on this

28th day of July, 2021

Approved by the Mayor

07/28/2021, 2021



Mayor William Tomko

I hereby certify that Ordinance No. 2021-30 was duly enacted on the 26th day of July, 2021, 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.



David Bloom, Clerk of Council