

**ORDINANCE 2021-31
INTRODUCED BY: GRUBE**

4321

**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 APPOINTMENT OF
ASSISTANT LAW DIRECTORS, LAW DIRECTOR
QUALIFICATIONS, AND TO MAKE GENDER NEUTRAL
AND OTHER GRAMMATICAL CHANGES**

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 VII, Section 3 of the Charter provides for the Director of Law to be the Chief Legal Officer of the Municipality and specify duties of the Director of Law; and

WHEREAS, the Charter Review Commission recommends amending Article VII, Section 3, to provide for the appointment of Assistant Law Directors, qualifications to be the Director of Law, and to make gender neutral and grammatical changes to such Section; and

WHEREAS, this Council finds that such recommendations are appropriate and will be helpful to set forth a procedure for appointment of Assistant Law Directors, qualifications to be the Director of Law, and to make grammatical and gender neutral changes; 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 for appointment of the Assistant Directors of Law, qualifications to be the Director of Law, and to make grammatical and gender neutral changes to such provisions; 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 VII, Section 3 of the Charter of the Village of Chagrin Falls be amended, to read and provide, in their entirety, as follows:

ARTICLE VII
ADMINISTRATIVE OFFICERS, DEPARTMENTS, BOARDS AND COMMISSIONS.

SECTION VII-3. DIRECTOR OF LAW.

The Director of Law shall be chief legal officer of the Municipality and shall be appointed by the Mayor, subject to confirmation by a majority vote of Councilpersons. The Director of Law may be removed by the Mayor, but such removal shall not take place without the concurrence of a majority of all Councilpersons. The Director of Law, and any assistants to the Director of Law, who shall first be approved by the Mayor and Council before serving as Assistant Law Directors, shall serve the Mayor, Council, and the administrative departments and the officers, boards and commissions of the Municipality as legal counsel in connection with Municipal affairs; and shall represent the Municipality in all proceedings in court or before any administrative board; and shall perform such other duties, consistent with the office, as may be required by this Charter, by ordinance of Council, or as directed by the Mayor. No person shall act as Director of Law unless duly admitted to practice law in the State of Ohio, and in good standing with the Ohio Supreme Court.

Further, if these amendments are adopted, existing Article VII Section 3 shall be repealed.

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

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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:

“PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage

Shall Article VII, Section 3, Director of Law, of the Charter of the Village of Chagrin Falls be amended to provide for the appointment of Assistant Law Directors, qualifications to be the Director of Law, and to make grammatical and gender neutral changes to such provisions?”

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.

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.

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PASSED: _____, 2021

Erinn Grube, Council President

Submitted to the Mayor for
his approval on this

_____ day of _____, 2021

Approved by the Mayor

_____, 2021

Mayor William Tomko

I hereby certify that Ordinance No. 2021-31 was duly enacted on the ____ day of _____, 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