

**ORDINANCE 2021-34  
INTRODUCED BY: GRUBE**

**4324**

**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 AN EXCEPTION TO  
CONFLICTS OF INTEREST WHEN LAND IS NEEDED FOR  
MUNICIPAL PURPOSES AND ACQUISITIONS ARE APPROVED BY A  
MAJORITY OF DISINTERESTED COUNCILPERSONS AND TO MAKE  
GENDER NEUTRAL REVISIONS**

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 XII, Section 6 of the Charter provides that no Councilperson shall have any financial interest in contracts with or sell to the Municipality materials, supplies or services or any land or interest in land; and

WHEREAS, the Charter Review Commission recommends amending Article XII, Section 6 to provide for gender neutral changes and to provide an exception to Councilperson conflicts of interest when land is needed for Village purposes and could otherwise be taken by eminent domain and acquisition is approved by a majority of disinterested Councilpersons; and

WHEREAS, this Council finds that such recommendations are appropriate and that it would clarify when land can be acquired from a Councilperson and to also generate gender neutral language in such Section; 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 land to be sold by a Councilperson to the Village when it is needed for Village purposes and could otherwise be taken by eminent domain and the acquisition is approved by a majority of disinterested Councilpersons; 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 XII, Section 6 of the Charter of the Village of Chagrin Falls be amended, to read and provide, in its entirety, as follows:

ARTICLE XII  
GENERAL PROVISIONS

SECTION XII-6. CONFLICT OF INTEREST.

No Councilperson or any officer or employee of the Municipality shall have any financial interest, direct or indirect, in any contract with or sale to the Municipality of any materials, supplies or services, or any land or interest in land, unless such land is needed for Municipality purposes, and could otherwise be taken by eminent domain, and such acquisition is approved by at least a majority of the disinterested Councilpersons. Any such person violating the provisions hereof shall forfeit his office and any such contract will be voidable at the option of Council.

Further, if these amendments are adopted, existing first sentence of Article XII, Section 6, 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:

“PROPOSED CHARTER AMENDMENT

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A majority affirmative vote is necessary for passage

Shall Article XII, Section 6, Conflict of Interest, of the Charter of the Village of Chagrin Falls be amended to provide that land needed for Municipality purposes, that could otherwise be taken by eminent domain, once said acquisition is approved by at least a majority of the disinterested Councilpersons, such land may be sold by a Councilperson to the Municipality and to make gender neutral changes?"

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. 2021-34 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