

**ORDINANCE 2021-37
INTRODUCED BY: GRUBE**

4327

**AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORS
OF THE VILLAGE OF CHAGRIN FALLS PROPOSED
AMENDMENTS TO THE VILLAGE CHARTER TO
PROVIDE FOR THAT COUNCIL MEETINGS CAN BE
HELD LIVE OR BY TELECONFERENCE,
VIDEOCONFERENCE OR SIMILAR TECHNOLOGIES,
AND PROVIDING FOR EXECUTIVE SESSIONS WITH
LEGAL COUNSEL,**

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, the Charter Review Commission recommended certain numerical references have been recommended to be added to the Charter along with creating gender neutral Charter references and other grammatical non-substantive changes, found in Articles III-Sections 1, 2, 3, 5(a) (9), 5(c), Article IV-Sections 2, 3, 4, 6, 7, 9, Article V-Sections 1 and 3, Article VII-Sections 1, 4, 6, and 9, Article X-Sections 1, 2, Article XI-Sections 1 and 2, and Article XII-Sections 5 and 8, to add an Oath or Affirmation provision in Article II-Section 3, to provide in Article IV-Section 7, that Council Meetings can be live or by teleconference, videoconference or similar technology, to provide in Article V-Section 3 for the Director of Finance to certify the availability of funds and sign contracts with the Mayor when required by law and in Article VII-Section 1 to eliminate the remaining reference to the Cemetery Board of Trustees which no longer is an existing Board as a result of prior changes to the Charter; and

WHEREAS, this Council finds that the recommendations made by the Charter Review Commission as outlined may be appropriate, but contains more proposed Charter changes than this Council finds desirable for any one ordinance, and therefore, limits this Ordinance to provide for meetings to be held virtually, when necessary for health or safety reasons, and also this Council

ORDINANCE 2021-37
INTRODUCED BY: GRUBE

finds that the Charter should be amended to provide for executive sessions with legal counsel in Article IV, Sections 7 and 8.

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

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 proposed amendments to the Charter as herein above summarized; 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 IV-Sections 7 and 8, be amended, in their entirety, as follows:

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 yea 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.

ORDINANCE 2021-37
INTRODUCED BY: GRUBE

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.

Further, if these amendments are adopted, existing Article IV-Sections 7 and 8, shall be repealed.

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

ORDINANCE 2021-37
INTRODUCED BY: GRUBE

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/>
--

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 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.

ORDINANCE 2021-37
INTRODUCED BY: GRUBE

PASSED: August 9, 2021

Erinn W Grube

Erinn Grube, Council President

Submitted to the Mayor for
his approval on this

11th day of August, 2021

Approved by the Mayor

08/11/2021

William A. Tomko

Mayor William Tomko

I hereby certify that Ordinance No. 2021-37 was duly enacted on the 9th day of August, 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 B. Bloom

David Bloom, Clerk of Council