

**ORDINANCE 2021-38  
INTRODUCED BY: GRUBE**

**4328**

**AN ORDINANCE  
PROVIDING FOR THE SUBMISSION TO THE  
ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A  
PROPOSED AMENDMENT TO THE VILLAGE  
CHARTER TO MAKE GENDER NEUTRAL CHANGES,  
ADD NUMERICAL REFERENCES AND PROVIDE  
ADDITIONAL GROUNDS FOR REMOVAL OF  
COUNCILPERSONS**

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 IV, Section 5 of the Charter provides for removal of Councilpersons for certain conduct or if certain events occur; and

WHEREAS, the Charter Review Commission recommends amending Article IV, Section 5 to provide that Councilpersons may also be removed for misfeasance or nonfeasance, to clarify that the Councilperson to be removed is given a hearing and to make certain numerical and gender neutral non-substantive changes; and

WHEREAS, this Council finds that such recommendations are appropriate and will provide additional grounds to remove Councilpersons who should not be permitted to hold office, and to clarify when a Councilperson is entitled to be heard and to make gender neutral and numerical reference 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 additional grounds to remove a Councilperson, to clarify when the Councilperson is to be heard, present evidence or examine witnesses and to make numerical and gender neutral changes; 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 from 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 proposal to amend the Charter of the Village as further provided below.

That existing Article IV, Section 5 of the Charter of the Village of Chagrin Falls be amended, to read and provide, in its entirety, as follows:

ARTICLE IV  
COUNCIL

SECTION IV-5. REMOVAL.

Council shall be the judge of the election and qualifications of its own Councilpersons. It may remove any Councilperson for gross misconduct, malfeasance, misfeasance, or nonfeasance, in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of the oath of office, or persistent failure to abide by the rules of Council; provided, however, that such removal shall not take place without the affirmative vote of three-fourths (3/4ths) of the remaining Councilpersons nor until the accused Councilperson shall have been notified in writing of the charge at least ten (10) days in advance of a public hearing upon such charge, and the Councilperson or the Councilperson's counsel has been given an opportunity at such hearing to be heard, present evidence, or examine any witness appearing in support of the charge. The accused Councilperson shall not vote on the question of removal.

Further, if this amendment is adopted, existing Article IV, Section 5 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

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Shall Article IV, Section 5, Removal, of the Charter of the Village of Chagrin Falls be amended to provide additional grounds to remove Councilpersons, to clarify that a Councilperson or their counsel is given an opportunity at a public hearing to be heard, present evidence or examine any witness appearing in support of a charge?”

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. 2021-38 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