

ORDINANCE NO.: 2017-27
INTRODUCED BY: MAYOR AND COUNCIL

4015

AN ORDINANCE

PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF CHAGRIN FALLS A PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO LENGTHEN THE PERIOD OF TIME WHEN A SPECIAL RECALL ELECTION WOULD BE HELD, IN ORDER TO COMPLY WITH THE OHIO REVISED CODE AND TIME LIMITATIONS IMPOSED ON THE CUYAHOGA COUNTY BOARD OF ELECTIONS AND TO PROVIDE THAT SPECIAL RECALL ELECTIONS WOULD BE HELD NOT LESS THAN SIXTY (60) NOR MORE THAN NINETY (90) DAYS AFTER THE DATE OF DELIVERY OF A PETITION FOR RECALL AS SET FORTH IN CHARTER SECTION X-2.

WHEREAS, Article X, Section 2 of the Charter provides for recall of elected officials of the Village; and

WHEREAS, the Cuyahoga County Board of Elections has requested that the Village amend its Charter regarding recall elections to lengthen the period of time within which a special recall election must be held in order for the Board of Elections to be able to prepare ballots and in order to conform to the Ohio Revised Code; and

WHEREAS, the Council for the Village of Chagrin Falls has determined that such amendment will allow for such elections to occur in an orderly fashion, and to give the voters time to be able to obtain information to make an informed decision; 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' Council has the right, by a two-thirds majority affirmative vote, to submit to 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 a proposed amendment to the Charter, which would provide that special recall elections shall be held not less than sixty (60) more nor more than ninety (90) days after the date of delivery of a recall petition; and

WHEREAS, this Council chooses the date of November 7, 2017, for the election on the Charter amendment proposal hereinafter set forth, which election is not less than sixty (60) days nor more than one hundred twenty (120) days from the 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 OF THE MEMBERS OF CONCIL 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

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Village, on Tuesday, November 7, 2017, of the following proposal to amend the Charter of the Village as further provided below:

That the eighth sentence of existing Article X, Section 2 of the Charter of the Village of Chagrin Falls be amended to read and provide, in its entirety as follows:

If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a special recall election, not less than sixty (60) nor more than ninety (90) days after the date of such delivery.

The majority affirmative vote of 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 amendment contained in Section 1 shall read and provide as follows:

“PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

Shall Article X, Section 2, Recall, of the Charter of the Village of Chagrin Falls be amended to provide that any special recall election of any elected official of the Village shall be held not less than sixty (60) nor more than ninety (90) days after the date of delivery of a recall petition?

SECTION 3. That if such amendment is approved by a majority of the electors voting thereon at such election, such amendment so approved shall become effective from and after January 1, 2018.

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 a 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

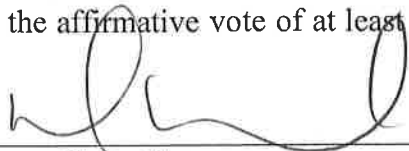
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legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements, including Chapter 114 of the Codified 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; wherefore provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council.

PASSED: July 24, 2017



Council President

Submitted to the Mayor for
approval on this 25 day of July, 2017

Approved by the Mayor this
25 day of July, 2017



Mayor

I hereby certify that Ordinance No. 2017-27 was duly enacted on the 24 day of July 2017, 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.



Clerk of Council